ACTS, RESOLUTIONS AND MEMORIALS

OF THE

REGULAR SESSION

FIRST LEGISLATURE

OF THE

STATE OF ARIZONA

SESSION BEGUN ON THE EIGHTEENTH DAY OF MARCH, A. D. 1912, AND ENDED ON THE EIGHTEENTH DAY OF MAY, A. D. 1912

PHOENIX, ARIZONA

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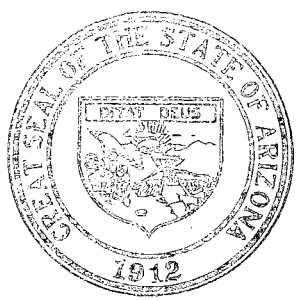
1912

CERTIFICATE

STATE OF ARIZONA. }
Office of the Secretary. } ss.

I, Sidney P. Osborn, Secretary of the State of Arizona, do hereby certify that the Acts, Resolutions and Memorials herein contained are printed as passed by the Regular Session First Legislature of the State of Arizona according to the enrolled and engrossed copies on file in my office



Witness, my hand and seal of the State of Arizona, given at Phoenix this 8th day of July, A. D., 1912.

SIDNEY P. OSBORN,
Secretary of Arizona

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ACTS

ACTS

CHAPTER 1.

AN ACT

Making Appropriations for the Current and Contingent Expense of Carrying on and Conducting and Defraying the Expenses of the State Legislature of the State of Arizona for the Session 1912.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That the sum of Fifty Thousand ($50,000.00) Dollars is hereby appropriated out of the General Fund now in the hands of the State Treasurer of the State of Arizona, or as much thereof as may be necessary, for the several objects and purposes hereinafter named.

(1) That the sum of Twenty-two Thousand Six Hundred and Eighty ($22,680.00) Dollars is hereby appropriated for the payment of the salaries of the members of the Legislature of the State of Arizona for the year 1912.

(2) That the sum of Thirteen Thousand Three Hundred and Twenty ($13,320.00) Dollars is hereby appropriated for the payment of the employees of the Legislature of the State of Arizona for the year 1912, or as much thereof as may be needed.

(3) That the sum of Two Thousand Three Hundred ($2,300.00) Dollars is hereby appropriated for the payment of the mileage of the Members of said Legislature, or as much thereof as may be needed.

(4) That the sum of Eleven Thousand and Seven Hundred ($11,700.00) Dollars is hereby appropriated for the payment of contingent expenses of said Legislature, or as much thereof as may be needed.

Section 2. All claims for salaries and mileage for the members of the respective houses of the Legislature shall be honored by the State Auditor upon the presentation of a certificate signed by the presiding officers of the respective houses of the said Legislature, whereupon the State Auditor shall issue his warrant upon the State Treasurer for the payment of the same, and the State Treasurer upon presentation shall pay the same out of the general fund herein provided for.

Section 3. That all salaries of clerks and employees of the respective houses of the Legislature shall be paid in like manner as provided for in Section 2 of this Act.

Section 4. It is provided that said salaries of the said members of the Legislature, and the salaries of the said employees, shall be payable on Monday of each and every week during the session of said Legislature, and that the incidental expenses shall be payable whenever the proper vouchers shall be presented.

Section 5. Whereas an urgent necessity exists for the appropriation of funds to pay the salary and mileage of the members of the Legislature and the salaries of the various employees of the Legislature, and to provide funds for the contingent expenses of the Legislature and the provisions of this Act are necessary for the support and maintenance of the Legislature to keep it intact and to preserve the public peace and health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the provisions of the referendum provided for in the State Constitution.

Approved March 29, 1912.

CHAPTER 2.

AN ACT

To Prohibit the Sale of Spirituous, Malt and Vinous Liquors Near Public Works and Grading Camps of Railroads.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. It shall be unlawful for the Board of Supervisors, Sheriff, or other officers of any county in this State to grant or issue a license to any person, firm, association or corporation to sell, barter, exchange or otherwise dispose of spirituous, malt or vinous liquors, in quantities of less than five (5) gallons, within six (6) Miles of any camp, or assembly, of men engaged in the construction or repair of any railroad, canal, reservoir, public work or other kindred enterprise where twenty-five (25) or more men are employed.

Section 2. Any person who shall sell, or offer for sale, barter, exchange, barter or otherwise dispose of, any spirituous, malt or vinous liquors in less quantities than five (5) gallons, within six (6) miles of any camp or assembly of twenty-five or more men engaged in the construtcion or repair of any railroad, canal, reservoir or public work or kindred enterprise, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00), or be imprisoned in the County Jail not exceeding thirty (30) days, or both such fine and imprisonment.

Section 3. This act shall not apply to any incorporated city or town, or to sales made within the corporate limits of any city or town, nor to any saloon or place of business outside of any incorporated city or town which has been in existence and where such liquors have been sold continuously under license issued by the proper authorities of any county, for six (6) months, or more prior to the beginning of such work within said six mile limit.

Section 4. Act No. 80 of the Acts of the Twenty-second Legislative Assembly of the Territory of Arizona, and all Acts and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

Section 5. Whereas an urgent necessity exists for the provisions of this Act, in this, that the laws of Arizona prohibiting the sale of spirituous, malt, and vinous liquors in quantities in an amount less than five (5) gallons at one time within six miles of any railroad or grading camp, has been construed to forbid such sale in incorporated cities and towns, contrary to the intent of the said laws, and that an urgent necessity exists to cure this defect, and,

WHEREAS the City of Benson, Cochise County, Tucson and Vail Station in Pima County are unable to secure on April 1st, 1912, because of these laws, revenue needed for the support of these subdivisions of the State required for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor of the State of Arizona, and is hereby exempt from the provisions of the Referendum provided for in the State Constitution of the State of Arizona.

This Bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed both Houses by two-thirds vote of each House, has become a law this the 2nd day of April, A. D. 1912, the Governor's veto to the contrary notwithstanding.

M. G. CUNNIFF,
President of the Senate.

SAM B. BRADNER,
Speaker of the House of Representatives.

CHAPTER 3.

AN ACT

To Amend Paragraphs 2787, 2788, 2790, 2791, 2792, 2793, 2795, 2796, 2797, 2798, 2799, 2800, 2802, 2803, 2805, 2806, 2807, and 2814 of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, Concerning Juries, and to Amend Chapter 24, Session Laws of the Territory of Arizona, 1905, Entitled, An Act to Amend Paragraph 2795, Section 21 and Paragraph 2809, Section 34, Chapter III, Title 38, Revised Statutes of Arizona, 1901, Concerning Juries.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 2787, (Sec. 13.), of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2787. (Sec. 13.) The boards of supervisors of the several counties of this State, at their first regular meeting after the first meeting in January in each year, or thereafter at any special meeting called for that purpose, shall cause to be made a list of all persons within their respective counties qualified and liable to serve as jurors, and shall from time to time revise the same so as to keep such list as complete as practicable, and such boards shall cause certified copies of such original and revised lists to be filed in the office of the clerk of the superior courts in their several counties.

Sec. 2. That Paragraph 2788 (Sec. 14.), of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2788. (Sec. 14.) If from any cause in any county such lists shall not have been made, and certified copies thereof filed with the clerk of the superior court prior to the twentieth

day of January in any year, the superior court of such county, or the judge thereof at chambers, upon the petition, in writing, of any person possessing the qualifications of a juror in said county, verified by the oath of the petitioner, setting forth the failure to make such lists, or to file certified copies thereof in the office of the clerk of said court, shall cause to be issued from the said superior court a peremptory writ of MANDAMUS, commanding the board of supervisors of said county to cause such lists to be made, and certified copies thereof to be filed with the clerk of said court, within ten days after the service upon the said board of supervisors of such writ.

Sec. 3. That Paragraph 2790 (Sec. 16.) of Chapter III, Title 38 of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2790. (Sec. 16.) Upon receiving and filing the certified copy of the list of persons qualified to serve as jurors, the clerk of the superior court shall immediately give written notice thereof to the county recorder and to the chairman of the board of supervisors of said county, and in said notice shall require them to attend at the court-house of said county, at a time to be specified in said notice, which said time shall not be less than three or more than five days after the receipt of such notice by said officers, for the purpose of selecting the names of persons to serve as grand and trial jurors.

Sec. 4. That Paragraph 2791 (Sec. 17.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as folows:

2791. (Sec. 17.) If there be no court-house in the county, the notice shall designate some public place in which said selection will be made. At the time and place designated, the clerk of the superior court (or, in case of his absence, his deputy,) the chairman of the board of supervisors, and the county recorder, or, if only two attend such meeting, then two

of said officers shall proceed to select from the list of persons qualified and liable to serve as jurors, the names of one hundred persons in counties of the first class and fifty persons in all other counties.

Sec. 5. That Paragraph 2792 (Sec. 18.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2792. (Sec. 18.) As the said names are selected, the clerk of the superior court shall make a list thereof, and when it shall be completed, shall append thereto a certificate setting forth the time and place of such meeting; what officers were in attendance and took part therein; what proceedings were had; and that the names of said list are those selected by the said officers from which to draw grand jurors. Said certificate shall be signed by each of the officers present at and assisting in making such selection, and shall then be known as the grand jury list.

Sec. 6. That paragraph 2793 (Sec. 19.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2793. (Sec. 19.) The said officers shall next select from said list the names of one hundred other persons in counties of the first class, and one hundred persons in all other counties, and the clerk of the superior court shall make a list thereof as the names are selected, and shall append them to a certificate in all respects similar to that prescribed by the preceding section of this Act, except that it shall be therein stated that the names are those selected from which to draw trial jurors. Said certificate shall be signed by each of said officers as in the preceding section, and shall then be known as the trial jury list. Both of said lists shall be forthwith filed in the office of the clerk of the superior court, and the county recorder shall immediately thereafter give notice in writing to the judge of the superior court of the said selections of names and the filing of said lists.

Sec. 7. That Section 1 of Chapter 24 of the Session Laws of the Territory of Arizona, 1905, entitled, An Act to Amend Paragraph 2795, Section 21 and Paragraph 2809 Section 4, Chapter III of Title 38, Revised Statutes of Arizona, 1901, concerning juries be and the same is hereby amended to read as follows:

Sec. 1. That Paragraph 2795 (Sec. 21.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2795. (Sec. 21.) Not less than ten nor more than twenty days before the time at which either a grand or trial jury shall be required to be in attendance upon the superior court, the judge thereof may in his discretion make and file with the clerk of the superior court an order that the jury be drawn. The number to be drawn shall be fixed in the order; if to form a grand jury it must not be greater than 21 nor less than 16, and if to form a trial jury, such number as the judge may direct not exceeding 50; and such order shall also state the time at which jurors, grand or trial, shall be in attendance.

Sec. 8. That Paragraph 2796 (Sec.22.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2796. (Sec. 22.) At least one day before the drawing, the clerk of the superior court must notify the sheriff and the county recorder of the time when such drawing will take place, which time must not be more than three days after the receipt by him of the order for such drawing.

Sec. 9. That Paragraph 2797 (Sec. 23.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as folows:

2797. (Sec. 23.) At the time so appointed, the sheriff in person or by his deputy, and the county recorder must at-

tend at the office of the clerk of the superior court to witness such drawing, and if they do so, the clerk must, in their presence, proceed to draw the jurors.

Sec. 10. That Paragraph 2798 (Sec. 24.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2798. (Sec. 24.) If the officers so notified do not appear, the clerk of the superior court must adjourn the drawing until the next day, and, by written notice, require two electors of the county to attend such drawing on the adjourned day.

Sec. 11. That Paragraph 2799 (Sec. 25.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2799. (Sec. 25.) If at the adjourned day, the sheriff, county recorder, and electors, or any two of such persons appear, the clerk of the superior court shall, in their presence, write down all the names contained in the grand jury list, on separate pieces of paper of the same size and appearance, and fold each piece so as to conceal the name thereon, and deposit them in a box to be prepared for that purpose, to be called the "grand jury box," and proceed to draw the jurors.

Sec. 12. That Paragraph 2800 (Sec. 26.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2800. (Sec. 26.) The clerk of the superior court must conduct such drawings as follows; if for grand jury:

1. He must shake the box containing the names of the jurors selected from the list from which the grand jurors are required to be drawn, so as to mix as much as possible the slips of paper upon which such names were written.

2. He must publicly draw out of the box such a number of said slips of paper as shall equal the number fixed in the order as provided in Sec. 21 of this chapter.

3. A minute of the drawing must be kept by one of the attending officers, in which must be entered the names contained on every slip of paper so drawn, before any other slip is drawn.

4. If, after drawing the whole number required, the name of any person who is dead or insane, or who has permanently removed from the county to the knowledge of the clerk or any other attending officer, has been drawn, an entry of such fact must be made in the minute of the drawing, and the slip of paper containing such name must be destroyed.

5. Another name must then be drawn in place of that contained on the slip of paper destroyed, which must in like manner be entered in the minutes of the drawing.

6. The same proceedings must be had as often as may be necessary, until the whole number of grand jurors required are drawn.

7. The minutes of the drawing must then be signed by the clerk and the attending officers or persons, and filed in the office of the clerk of the superior court.

Sec. 13. That Paragraph 2802 (Sec. 28.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2802. (Sec. 28) The minutes of the drawing prescribed by subdivision three of section twenty-six of this title, must as soon as the drawing is completed, be filed in the office of the clerk of the superior court, who shall on the same day deliver to the sheriff of the county a list of such names with his certificate attached thereto, that the names thereon were duly drawn as grand or trial jurors, as the case may be, and stating the time and place at which such drawing was had and the officers or electors who were present at and taking part therein; and he shall also attach thereto and deliver to the said sheriff a

certified copy of the order for the jury, grand or trial, as the case may be, and the same shall be the order and authority to the sheriff to summon said jurors.

Sec. 14. That Paragraph 2803 (Sec. 29.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2803. (Sec. 29.) After the adjournment of any superior court at which jurors have been returned, as herein provided, the clerk shall inclose the ballots, containing the names of those who attended and served as grand jurors, in an envelope under seal, and in like manner shall inclose in a separate envelope under seal the ballots of those who attended and served as trial jurors; and the ballots of those whose names were drawn either as grand or trial jurors, but who did not attend and serve must be returned to the "grand jury box" or the "trial jury box", as the case may be. The ballots sealed in envelopes must be returned to the respective jury boxes when all the others shall have been exhausted, and not until then.

Sec. 15. That Paragraph 2805 (Sec. 31.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2805. (Sec. 31.) The clerk of the superior court must furnish any person applying therefor, and paying the fees allowed by law for the same, a copy of the list of jurors drawn to attend any superior court.

Sec. 16. That Paragraph 2806 (Sec. 32.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2806. (Sec. 32.) As soon as he receives the copy of the list of grand jorors, and a copy of the order prescribed in section twenty-eight of this chapter, the sheriff shall summon the persons named therein to attend, by giving personal notice to each, or by leaving a written notice at his place of residence,

with some person of over sixteen years of age, and shall return the list to the superior court at the opening thereof, specifying the names of those who were summoned and the manner in which each person was notified. Trial jurors shall be summoned in the same manner as is herein provided for summoning grand jurors.

Sec. 17. That Paragraph 2805 (Sec. 31.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2807. (Sec. 33.) Where jurors are not drawn and summoned in the manner hereinbefore prescribed to attend any superior court, or a sufficient number of jurors failed to appear, such court may in its discretion order a sufficient number to be drawn forthwith and summoned to attend such court, or it may, by an order entered on its minutes, direct the sheriff of the county forthwith to summon so many good and lawful men of his county to serve as grand or trial jurors as the case may require, and in either case such jurors shall be summoned in the manner provided by the preceding section.

Sec. 18. That Paragraph 2814 (Sec. 40.) of Chapter III, Title 38, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2814. (Sec. 40.) As often as the judge of the superior court may deem proper and upon his order a grand jury may be impaneled.

Sec. 19. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 20. Whereas, under the laws of the Territory of Arizona it was necessary for the probate judge of a county to participate in and assist in the drawing and selection of grand and trial jurors, and

Whereas, on the adoption of the Constitution of the State of Arizona, the office of probate judge was abolished, and

Whereas, there are confined in the various county jails over the State large numbers of prisoners awaiting trial and the presentation of their cases before grand and trial jurors, and

Whereas, the validity of the drawing and selection of grand and trial jurors under the Territorial laws is open to attack because of the abolition of the office of probate judge, and

Whereas, it is necessary that grand and trial jurors be speedily selected and summoned for the purpose of giving a speedy trial to those charged with crime, and the provisions of this act are necessary to the public peace, health, and safety, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and its approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved April 6, 1912.

CHAPTER 4.

AN ACT

Being an Act to Repeal Section 66 and Section 67 of Chapter 51, of the Session Laws of the Territory of Arizona, 1905, Entitled, An Act to Revise and Amend Title XLII, Revised Statutes, 1901, and Acts Amendatory Thereof.

Be it Enacted by the Legislature of the State of Arizona:

That Section 66 and Section 67 of Chapter 51, of the Session Laws of the Twenty-third Legislative Assembly of the Territory of Arizona, 1905, be and the same are hereby repealed.

Approved April 9, 1912.

CHAPTER 5.

AN ACT

Authorizing and Empowering the Common Council of the City of Phoenix to Purchase a Sewer System in and Near Said City and to Pay Therefor From the Proceeds of Bonds Issued for the Purpose of Building a Sewer System for said City.

WHEREAS, the City of Phoenix has heretofore, as authorized by the electors of said city and by an act of Congress, issued and sold its bonds to the amount of $400,000.00 for the purpose of building a sewer system for said city; and whereas thereafter the electors of said city at an election called and held for the purpose authorized the Common Council of said city to purchase the Phoenix Sewer and Drainage Company's sewer system in and near said city for the sum of $60,000.00 and to pay therefor from the proceeds of said bonds; and whereas said city by its Common Council did thereafter enter into contract to purchase said system, and is now using and operating said system under its agreement to so purchase the same, now therefore,

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Common Council of the City of Phoenix be and is hereby authorized and empowered to pay the Phoenix Sewer and Drainage Company or its assigns the sum of $60,000.00 out of and from the proceeds of the sales of bonds of said city issued for the purpose of building a sewer system for said city for and on account of the purchase of said Phoenix Sewer and Drainage Company's sewer system in and near said city.

Sec. 2. WHEREAS, an urgent necessity exists to authorize the Common Council of the City of Phoenix to dis-

charge the contract as aforesaid, and the provisions of this Act are necessary for the consummation of said contract, to protect said city of Phoenix from possible damage and loss, and to preserve the public peace, health, and safety an emergency is hereby declared to exist; and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

"This bill having remained with the Governor five days, Snudays excluded, and the Legislature being in session, it has become a law this thirteenth day of April, A. D. 1912."

SIDNEY P. OSBORN,
Secretary of Arizona.

CHAPTER 6.

AN ACT.

Entitled, An Act to Provide for the Official Expenses and the Maintenance of the Office of the Attorney General of the State of Arizona; to Make Provision for the Employment of Help and Assistants for the Attorney General of the State of Arizona; to Provide for the Purchase of Certain Supplies for Said Office; and Making Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. From and after the passage of this Act, the Attorney General of the State of Arizona is hereby authorized and empowered to employ a law clerk for his office, who shall receive a salary of One Hundred and Fifty Dollars ($150.00) per month.

Sec. 2. From and after the passage of this Act, the Attorney General is further authorized to expend an amount not to exceed Twenty Five Hundred Dollars ($2500.00) per year for the employment of additional legal counsel to aid him in conducting the prosecution of the legal business of the Corporation Commission. Any attorney so employed shall be at all times subject to the control and under the direction of the Attorney General.

Sec. 3. From and after the passage of this Act, the Attorney General is hereby authorized and empowered to employ a stenographer for his office, who shall receive a salary of not to exceed One Hundred Dollars ($100.00) per month.

Sec. 4. From and after the passage of this Act, there shall be allowed to the Attorney General to defray other necessary expenses of his office, including the printing of briefs, traveling expenses, stationery, and office rent Eighteen Hundred Dollars (1800.00) annually.

Sec. 5. A sum of money sufficient to carry out the provisions of Sections 1, 2, 3 and 4 of this Act, is hereby annually appropriated out of the general fund.

Sec. 6. At the end of each month the Attorney General shall file with the State Auditor his claim for expenses accompanied by proper vouchers; and such claims shall be audited and allowed by said Auditor, who shall have the right to reject any voucher or claim which, in his judgment, does not constitute a proper or legal charge against the State; and all of said accounts shall be verified. The form of said accounts and the verification thereof may be as prescribed by the State Auditor.

Sec. 7. There is hereby appropriated the sum of One Hundred and Eighty Three Dollars ($183.00), or as much thereof as may be necessary, to pay for a steel filing case for the preservation of State papers, and for a typewriter for the office of the Attorney General.

Sec. 8. The State Auditor is hereby authorized and directed to draw upon the general fund his warrants in the payment of the expense account and salaries for help in the Attorney General's office, and for the supplies herein provided for; and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 9. All laws or parts of laws in conflict with this Act, are hereby repealed.

Sec. 10. WHEREAS, since the admission of Arizona as a State into the Union the legal business of the State has increased to such an extent as to necessitate the employment of additional legal help and subordinates in the office of the Attorney General, and to further necessitate an increase in the office expenses of the Attorney General, and the provisions of this Act are necessary for the proper support and maintenance of the office of the Attorney General, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved April 15, 1912.

CHAPTER 7.

AN ACT.

Entitled, An Act Providing for the Appointment of a Commission to Select a Proper Site for the Location of the State Industrial School, and Providing for Compensation of the Commission.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Governor of Arizona be and he is hereby empowered and directed immediately to appoint a Commis-

sion consisting to three resident citizens of the State of Arizona, whose duty it shall be to select a proper site or location for the State Industrial School.

Sec. 2. That the said Commission, when so appointed by the Governor, shall, within ten days after receiving notice of their appointment, meet at the office of the State Auditor, and shall organize by appointing one of their number as chairman and another as secretary. They shall then proceed, as soon as practicable after their organization, to the selection of a site for the location of the State Industrial School.

Sec. 3. That they shall as nearly as practicable make such selection or location, so that a school may be built on the cottage plan, where the sexes may be separated and housed in a manner approximating the fashion and comforts of a home; that the children of varying ages and dispositions may be properly classified and controlled; that the site selected shall be located not less than three miles away from some large city or center of population, and shall be such as to have, for the purpose of said school, a tract of fertile land, which shall consist of not more than one section, and which shall be supplied with water and connected with some permanent means of irrigation.

Sec. 4. Said Commission shall, if possible, select for the site herein provided for, school land belonging to the State, subject to lease, in a farming community, and so located and situated that it may be provided with water at a reasonable cost.

Sec. 5. The members of said Commission shall receive as compensation for their services a salary of five dollars ($5.00) per day, together with all necessary traveling expenses incurred by them in making the selection, for not to exceed twenty days.

Sec. 6. All claims for compensation and expenses of said Commission shall be itemized and presented to the State Auditor, who shall audit the same, and draw his warrants in payments thereof, if the same shall be in compliance with the provisions of this Act, upon the general fund; and the State Treasurer is hereby directed to pay said warrants.

Sec. 7. Whereas, the Governor in his message has requested that a Commission be immediately provided for, to select a site for the State Industrial School, and

Whereas, the present site is inappropriate and inadequate for the purposes of the Industrial School; and

Whereas, it is essential that said site be chosen by said Commission, and a report made to the Legislature, during the present session of the Legislature; and

Whereas, this Act requires early operation to preserve the public peace, health, and safety, and the maintenance of a State Institution, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Section 8. All laws or parts of laws in conflict with this Act are hereby repealed.

Approved April 17, 1912.

CHAPTER 8.

AN ACT

Entitled, An Act to Prohibit Railway Companies or Corporations from Employing any Person Under the Age of Eighteen Years, Who Has Not Had at Least One Year's Experience as a Telegraph Operator, to Receive or Transmit Any Telegraph or Telephone Message, or Order, for the Movement of Any Train.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No Railway Company, or corporation operating a line or lines of railway within this State, shall hire, employ, or permit any person to act as a telegraph or telephone operator for the purpose of receiving or transmitting messages, orders, or other instructions, governing or affecting the movement of any train or trains, unless said person shall be at least eighteen years of age and have had not less than one year's experience as a telegraph operator.

Sec. 2. Any such company or corporation, its officers or agents, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1000.00) for each and every offense.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved April 22, 1912.

CHAPTER 9.

AN ACT

Entitled, An Act to Amend Section One of Article VIII of the Constitution of the State of Arizona, and to Provide for the Submission of Such Proposed Amendment to the People of the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That it is hereby proposed that Sec. 1 of Article VIII of the Constitution of the State of Arizona shall be amended so as to read as follows:

"ARTICLE VIII.

REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

Sec. 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall."

Sec. 2. The said proposed amendment as set forth in Sec. 1 of this Act is hereby approved, in accordance with the provisions of Sec. 1 of Article XXI of the Constitution of Arizona.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, togther with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election, provided that if there be no regular or general election on the first Tuesday after the first Monday in November of the year 1912, then the Secretary of State shall submit said proposed amendment to the qualified electors of the State at a special election, in lieu thereof, which is hereby called to take place upon said date for the purpose of having said proposed amendment voted upon.

Adopted by Senate April 26, 1912.

M. G. CUNNIFF,
President of the Senate.

Adopted by House April 26, 1912.

SAM B. BRADNER,
Speaker of the House of Representatives.

CHAPTER 10.

AN ACT

To Amend Section 1 of Paragraph 2709, Title XXXI of the Revised Statutes of Arizona, 1901, Relating to Holidays, as Amended by Chapter 15 of the Acts of the Twenty-third Legislative Assembly of the Territory of Arizona, Relating to Holidays.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 2709, Title XXXI, of the Revised Statutes of Arizona, 1901, as amended by Chapter 15 of the

Acts of the Twenty-third Legislative Assembly of the Territory of Arizona, be and the same is hereby amended so as to read as follows:

2709. (Sec. 1.) Sunday, the first day of January, the fourteenth day of February to be known as "Admission Day," the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, the day upon which the general election is held, Thanksgiving Day, Arbor Day, the first Monday in September to be known as "Labor Day" and the twelfth of October to be known as "Columbus Day," shall each and all be holidays. When such first day of January, fourteenth day of February, twenty-second day of February, thirtieth day of May, fourth day of July, twelfth day of October, twenty-fifth day of December, and Arbor Day, shall fall on Sunday, the following Monday shall be a holiday.

Sec. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force and operative ninety days after the close of this session of the Legislature.

Approved April 29, 1912.

CHAPTER 11.

AN ACT

Entitled, An Act to Repeal Chapter XX of the Session Laws of the Twenty-fourth Legislative Assembly of the Territory of Arizona, Entitled "An Act to Provide for the Taxation of Mines and Mining Claims and the Ores or Mineral Products from the Same, Approved March 11th, 1907."

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Chapter XX of the Sesson Laws of the Twenty-fourth Legislative Assembly of the Territory of Arizona, entitled "an Act to provide for the taxation of mines and mineral claims and the ores or mineral products from the same, approved March 11th, 1907," be, and the same is hereby repealed.

Sec. 2. Whereas, the Legislature is by law providing for a system of taxation by which the assessment of all property in the State shall be on an ad valorem basis, and at its full cash value, and

Whereas, Chapter XX of the Session Laws of the Twenty-fourth Legislative Assembly of the Territory of Arizona, entitled, an Act to provide for the taxation of mines and mining claims, and the ore and mineral product from the same, approved March 11, 1907, hereby repealed, provided a different basis for making assessments on a certain class or classes of property, and

Whereas, this law is of immediate necessity in order to effect the full purpose of the said Legislature, and

Whereas, for this reason an early operation of this law is necessary to provide funds for appropriations for the support and maintenance of the departments of State and all State insti-

tutions, and to preserve the public peace and safety, an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the Referendum provision of the State Constitution.

Approved April 30, 1912.

CHAPTER 12.

AN ACT

Entitled, An Act to Provide for the Revision and Compilation of the Laws of the State of Arizona, and the Appointment of a Code Commissioner.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Governor of the State of Arizona, by and with the advice and consent of the Senate, be and is hereby authorized and directed, within five (5) days after the passage of this Act to appoint a Code Commissioner who shall be a competent lawyer, and who shall be a resident of the State of Arizona, and such Commissioner when so appointed shall be vested with power, authority, and discretion, and it shall be his duty to compile, revise, and codify the laws of the State of Arizona.

Sec. 2. The said Code Commissioner shall be appointed by the Governor and shall begin work on said revision, compilation, and codification at the capital of the State within ten days after his appointment, and continue said work until it is completed, which time shall and must be before the last day of the next regular session of the Legislature of the State of Arizona. And the said Code Commissioner shall have the

power and authority to employ two competent lawyers as assistants who shall perform the duties assigned them by the Code Commissioner, and also not more than two stenographers whenever in his judgment the same are necessary, provided, said assistant lawyers shall be limited to seventy-five (75) days employment each.

Sec. 3. The compensation of the said Code Commissioner is hereby fixed at Fifteen Dollars ($15.00) per diem, and Ten Dollars ($10.00) per diem each for the assistants of said Commissioner, while they are actually engaged in the specific and actual work of such revision and compilation, and their necessary traveling expenses while specifically engaged in such work while away from the county of their residence. The compensation of the said stenographers is hereby fixed at the rate of One Hundred Dollars ($100.00) per month. Upon furnishing the State Auditor with monthly statements, verified by the claimant certified by the Code Commissioner, of the respective amounts due the said Commissioner, his assistants, and stenographers, the State Auditor shall draw his warrant on the State Treasurer in payment of the same.

The sum of Seven Thousand Dollars ($7,000.00) is hereby appropriated out of the general fund of the State, for the purpose of paying the salaries and expenses of said Commissioner, his assistants, and stenographers, and incidental expenses connected therewith, or as much thereof as may be needed.

Sec. 4. It shall be the duty of the Secretary of State to furnish all necessary stationery and supplies which may be required by the said Commissioner in the performance of said work.

Sec. 5. In case of the resignation, disability, or decease of the said Code Commissioner, the Governor is hereby empowered to appoint another Code Commissioner.

Sec. 6. Whereas, an urgent necessity exists for the revision, compilation, and codification of the laws of the State of Arizona and the appropriation of funds to defray the expense of the same, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the Constitution of the State of Arizona.

Approved May 2, 1912.

CHAPTER 13.

AN ACT

Entitled, An Act to Regulate Relief Associations Which Are or May be Hereafter in Operation on Railroads in the State of Arizona, and to Provide that Agreements or Contracts Waiving Rights of Damages Against Railroad Companies for Injuries or Death shall be Null and Void.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That no railroad company now existing or hereafter created under and by virtue of the laws of this State, or any other State or country, and having and operating a line of railway in this State, may establish or maintain, or assist in establishing or maintaining, any relief association or society, the rules or by-laws of which shall require of any person or employee becoming a member thereof, to enter into a contract agreement, or stipulation, directly or indirectly, whereby such person or employee shall stipulate or agree to surrender or waive any right of damage against any railroad company for personal injuries, or death, or whereby such person or em-

ployee agrees to surrender or waive, in case he asserts such claim for damages, any right whatever, and any such agreement or contract so signed by such person shall be null and void.

Sec. 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved May 2, 1912.

CHAPTER 14.

AN ACT

Entitled, An Act regulating contracts of surety between common carriers and their employes and sureties upon such contracts.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No common carrier authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatsover, shall require such employee to have such bond or undertaking executed as surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations, or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

Sec. 2. No common carrier authorized to do business in this State, when requiring of any employee that he give it a bond or undertaking of any nature whatsoever, shall require as surety thereon any person not a resident of this State; nor

shall any such common carrier accept as such surety any company, corporation, or association, unless the same is a corporation duly organized under the laws of the State of Arizona, or shall have designated an agent residing within this State upon whom service of legal process against it may be had as provided by law for foreign corporations doing business in this State, and shall also have in this State a general office; every such common carrier shall require that every such bond or undertaking shall be approved, if approved, and cancelled, if cancelled, at such State office, where a complete record thereof shall be kept.

Sec. 3. Every bond or undertaking of any nature whatsoever, given by an employee of any common carrier authorized to do business in this State, shall be made to cover a definite term; and no such bond or undertaking shall be cancelled without the consent of all parties thereto, except for a breach of one or more of the conditions thereof. Any such employee, who shall have given any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon, and the common carrier for the benefit of whom the same shall have been made, at least ten days' notice in writing, setting out in full the reason for cancelling the same, said notice to be signed by such employee and sworn to by him in this State before any officer authorized to administer oaths. Any such notice to a company, corporation, or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation, or association may be had. Any surety on any such bond or undertaking, shall, upon the breach of any of the conditions thereof by the common carrier employee, for whom the same shall have been made, have power to cancell the same by giving such employee at least ten days' notice in writing, setting out in full the reasons for cancelling the same, the said notice to be signed by an agent

or manager of such surety, then a resident of this State and then authorized to approve or disapprove similar bonds or undertakings for such surety, and to be sworn to by the person signing the same in this State before an officer authorized to administer oaths. Provided that nothing therein shall effect any right of action accruing to any person upon the breach of a contract.

Sec. 4. Any person, officer or manager, company, corporation, association, or firm who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1000.00), or by imprisonment in the county jail for a period of not less than Thirty Days (30), nor more than One Year (1), or by both such fine and imprisonment at the discretion of the court. Any bond, contract or undertaking made in violation of the provisions of this Act shall be void.

Sec. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved May 7, 1912.

CHAPTER 15.

AN ACT

Entitled, An Act Providing Conditions Under Which Foreign Corporations Shall Forfeit Their Rights to Transact or Carry on Any Business in the State of Arizona, and Prescribing Penalties for the Violation of the Provisions of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. If any foreign corporation shall, without the consent of the adverse party, remove to a Federal Court any

action pending against it in any court of this State, or institute an action against a citizen of this State in a Federal Court of this State, such action on the part of the corporation shall forfeit its right to transact or carry on any business in this State; and such corporation, and any officer, agent, or employee thereof, who shall thereafter transact or engage in any business or employment for such corporation in this State, shall be severally guilty of a misdemeanor, and, upon indictment or information and conviction therefor in the Superior Court of any county in which such corporation, or any officer, agent or employee thereof, transacts or engages in any business, be fined for each offense not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00).

Sec. 2. Every act done by a foreign corporation subsequent to its forfeiting its right to transact or carry on any business in this State, as prescribed in Sec. 1, of this Act, shall be utterly void.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 7, 1912.

CHAPTER 16.

AN ACT

Regulating the Number of Men to be Employed on Trains and Engines.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. A single locomotive, or a single locomotive with its accompanying tender, when operated outside of the yard

limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, and one conductor or flagman; Provided, however, that this Section shall not apply to helper locomotives going or returning a distance of twenty-five (25) miles.

Sec. 2. A passenger, mail, or express train, composed of less than six cars, when operated outside of the yard limits. shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, and one flagman; Provided, however, that this Section shall not apply to gasoline motor cars.

Sec. 3. A passenger, mail, or express train composed of six or more cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one baggage-master, one flagman, and one brakeman.

Sec. 4. A freight train composed of less than forty cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

Sec. 5. A freight train composed of forty or more cars, when operated outside of the yard limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and two brakemen.

Sec. 6. All local freight trains, doing any switching, or unloading any freight of whatever nature, shall be equipped with, and shall carry, a crew consisting of six persons, to-wit: one conductor, one engineer, one fireman, two brakemen, and one flagman.

Sec. 7. All trains other than those described in the preceding portions of this Act, when operated outside of the yard

limits, shall be equipped with, and shall carry, a crew consisting of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

Sec. 8. That all flagmen mentioned in the preceding sections shall have had at least one year's experience as brakemen.

Sec. 9. All engines used in switching or placing cars within the limits of any railroad yard shall be equipped with and shall carry a crew of not less than one engineer and one fireman.

Sec. 10. That from and after the taking effect of this Act, it shall be unlawful for any railroad company, or for the receiver of any such company, to run upon or over any line of railroad, or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with, or does not carry, for use in its operation, a full crew as herein fixed and prescribed; and each and every railroad company or receiver that, after the taking effect of this Act, shall run upon or over any line of railroad or any part thereof, within the State of Arizona, any train, locomotive, or engine, which is not equipped with, or does not carry, for use in its operation a full crew as herein fixed and prescribed, shall be liable to the State of Arizona for a penalty of not less than One Hundred Dollars ($100.00) for every such offense.

Sec. 11. All suits for penalties under this Act shall be brought and prosecuted to judgment in the name of the State of Arizona, as plaintiff, in a court of competent jurisdiction in the county of Maricopa, or in any county in said State into or through which the defendant's line or railroad may be operated; and such suits shall be brought and prosecuted by the Attorney General, or under his direction, or by the County Attorney of such county.

Sec. 12. Nothing contained in this Act shall apply to relief or wrecking trains in any case where a sufficient number

of men are not immediately available to comply with the provisions of this Act; or to any railroad less than forty miles long, including all of its operated lines; or to cases where trains have been sent out or started at the last division point with the requisite number of employees, but, owing solely to the disability or the refusal further to act of some one or more of such employees, the train is left with less than a full crew. Provided, also, that no baggagemaster shall be required in the operation of a train upon which baggage is not carried.

Sec. 13. All Acts and parts of Acts in conflict with the porvisions of this Act are hereby repealed.

Approved May 7, 1912.

CHAPTER 17.

AN ACT

Entitled, An Act Continuing in Force for Four Years from Date of Appointment the Commissions of All Persons Appointed as Notaries Public by the Governor of the Territory of Arizona within the Four Years Immediately Preceding February 14, 1912, Who Have Not Been Removed From Office by the Governor of Arizona, and Validating the Official Acts Done Within the Life of Their Respective Commissions by Such Notaries Public.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That all commissions issued to persons appointed as Notaries Public by the Governor of the Territory of Arizona within the four years immediately preceding February 14th, 1912, who duly qualified as such Notaries Public, shall be in full force and effect for the period of four years from and after date of such appointment; and shall be deemed and held

to have been in full force and effect for the full period of four years from and after the date of appointment of such persons; and all persons so appointed and qualified shall (notwithstanding the change from the Territorial to the State form of government) be deemed and held to be, and to have been, duly qualified Notaries Public during all of the life of their respective commissions, unless sooner removed from office by the Governor of Arizona.

Sec. 2. That all the official acts of such persons so appointed and qualified as Notaries Public heretofore done or performed within the life of their respective commissions, and since Arizona became a State, are hereby declared, and shall be held, to be valid and binding as if done under commissions issued by the Governor of the State of Arizona.

Sec. 3. Whereas, an urgent necessity exists for the validating of the official acts of Notaries Public performed during and after the transition from the Territorial to the State form of Government, and, whereas, some doubt is held as to the validity of their acts, and, whereas, many and various interests are in jeopardy from the doubt so existing, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage, and its approval by the Governor, and is hereby exempt from the operation of the Referendum provided by the State Constitution.

Approved May 7, 1912.

CHAPTER 18.

AN ACT

Entitled, An Act Prohibiting the Exaction or Receiving of Fees, Commissions, or Gratuities from Employees and Laborers as the Price or Condition of Employment or Continuance in Employment, and Prescribing Penalties for Violation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That it shall be and is hereby made unlawful for any manager, superintendent, officer, agent, servant, foreman, shift-boss, or other employee of any person or corporation, charged or entrusted with the employment of any workmen or laborers, or with the continuance of workmen or laborers in employment, to demand or receive, either directly or indirectly, from any workman or laborer, employed through his agency, or worked or continued in employment under his direction or control, any fee, commission, or gratuity of any kind or nature as the price or condition of the employment of any such workman or laborer, or as the price or condition of his continuance in such employment; and any such manager, superintendent, officer, agent, servant, foreman, shift-boss, or other employee of any person or corporation, charged or entrusted with the employment of laborers or workmen for his principal, or under whose direction or control such workmen and laborers are engaged in work and labor for such principal, who shall demand or receive, either directly or indirectly, any fee, commission, or gratuity of any kind or nature, from any workman or laborer employed by him or through his agency, or worked under his direction and control, either as the price and condition of the employment of such workman or laborer or as the price and condition of the continuance of such workman or laborer in such employment, shall be guilty of a mis-

demeanor, and upon conviction therefor, shall be punished by a fine of not less than Fifty Dollars ($50.00) and not exceeding Three Hundred Dollars ($300.00), or by imprisonment not exceeding Six (6) Months, or both such fine and imprisonment, in the discretion of the court trying the charge.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 8, 1912.

CHAPTER 19.

AN ACT

Providing for the Continuation and Maintenance of Dry Farming Experiments by the Arizona Agricultural Experiment Station Near Prescott, Snowflake, and in Sulphur Springs Valley; for Agricultural and Horticultural Experiments Near Yuma, and in Salt River Valley; for Printing Experiment Station Publications; for Farmers' Institutes Throughout the State; for Farmers' Demonstration Trains; and for Assistance and Repairs.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Eighteen Thousand Dollars ($18,000.00) is hereby appropriated to pay for the following required expenditures, for the use and benefit of the Arizona Agricultural Experiment Station:

1. For the continuation of dry farming experiments near Prescott and Snowflake, and in Sulphur Springs Valley, Arizona, Six Thousand Five Hundred Dollars ($6,500.00); provided, that, in order to conserve expenditures under this provision, such experiments shall be conducted at not more than

three locations, to be chosen by the officers of the Experiment Station, with due regard (a) to conditions favorable to the growth of crops by scant rainfall, and (b) to the accessibility of such experiments to those interested in results obtained;

2. For the continuation of experiments in date palm culture and the further study of profitable varieties of date palms for Arizona, at Tempe, and of intensive farming experiments at Yuma, Three Thousand Dollars ($3,000.00);

3. For printing, binding, and distribution to the public, of bulletins and reports of the Arizona Agricultural Experiment Station, Two Thousand Dollars ($2,000.00);

4. For the continuation of Farmers' Institutes throughout the State, Two Thousand Dollars ($2,000.00); and for the expense of Farmers' Demonstration Trains, Five Hundred Dollars ($500.00);

5. For horticultural service and experiments, especially in connection with citrus and apple growing sections of the State, Two Thousand Five Hundred Dollars ($2,500.00);

6. For office assistance, for greenhouse repairs, and for miscellaneous exigencies, One Thousand Five Hundred Dollars ($1,500.00).

Sec. 2. All claims for moneys appropriated, or the disposition of which is provided for, by the provisions of this Act, shall be itemized and accompanied by proper vouchers, and each claim shall be audited by the State Auditor, who shall have the right to reject any voucher or claim, or any part thereof, which, in his judgment, does not constitute a proper or legal charge against the State. All said claims shall be verified, and the form of said claims, and the verification thereof, shall be as prescribed by the State Auditor.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 8th, 1912.

CHAPTER 20.

AN ACT

Defining the Right of the Producers of Farm, Garden, and Agricultural Food Products to Sell and Dispose of the Same, Making Regulations for the Slaughtering of Animals by the Producer Thereof, and Providing Penalties for the Violation of said Regulations.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the producers of food products on agricultural lands, farms, and gardens in this State, shall never under any pretext be denied or restricted in the right to sell and dispose of the same, except in the manner and to the extent expressly provided by this Act.

Sec. 2. That "producers", within the meaning of this Act, shall be taken to include the owners, proprietors, and tenants of the agricultural lands, orchards, farms and gardens, whereon or whereby such food products are grown, raised, or prepared for market.

Sec. 3. That "food products", within the meaning of this Act, shall be taken to include every product of the soil in its natural or manufactured state, and all fowls and animals fit for food, eggs, and milk, and all products arising therefrom; Provided, however, that this Act shall not apply to wines or other intoxicating liquors.

Sec. 4. That the right to sell and dispose of such products shall extend to the producer in person, member of his family, his agents, and all persons in his service, as long as such products are sold or disposed of on his behalf and for his benefit.

Sec. 5. That nothing in this Act shall be so construed as to prevent the inspection of any food product by lawful authority, so long as such inspection is uniform as to the same

product, and without cost to the producer thereof, and does not hinder or harass him in the sale of any wholesome product.

Sec. 6. That no law relating to the inspection of animals, made applicable to persons engaged in slaughtering animals produced by others, shall be applied to producers within the meaning of this Act, provided that no such producer shall under the provisions of this Act slaughter and offer for sale exceeding five head of neat or horned cattle or twenty sheep or goats in any one calendar year, but all animals slaughtered by the producer thereof for food shall be inspected as herein provided before killing.

Sec. 7. That before any producer shall slaughter any domestic animal intended for food, he shall cause the same to be inspected; the inspection shall be made at the place where such animal is to be slaughtered; such slaughter shall take place within three days after the inspection; the inspection may be made by a live-stock inspector, or by two disinterested land owners able to speak, read, and write the English language, and who are in no way related to the owner of such animal.

Sec. 8. The inspector or inspectors shall examine, by daylight, the animal to be slaughtered, and shall make and sign a statement showing when and where the examination is made, the name of the owner, and the character of the animal, giving a full description of it, including color and brand, if any brand; and if it is well, sound, and fit for food, they shall so state: and the owner, within ten days after such inspection, shall deposit such statement with the county recorder of the county wherein such inspection is made, and shall preserve the hide of such animal for inspection as provided by law. The recorder shall be entitled to no fee, but shall preserve such statement for public inspection for a period of six months.

Sec. 9. That if any producer shall slaughter for food any domestic animal, or sell or offer for sale any such slaughtered

animal or any part thereof, that has not been inspected and found to be well, sound, and fit for food, or shall fail to deposit the statement made by the inspector or inspectors, or fail to keep the hide of any animal slaughtered by him, for inspection as provided by law, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment for a term not exceeding Six Months, or by both such fine and imprisonment.

Sec. 10. That no tax, license, or other burden or fee shall ever be imposed or levied upon or demanded or collected from any producer, as herein defined, because of any sale or sales of any such products; nor shall any penalty or punishment ever be imposed upon him on account of any such sale; nor shall any municipal ordinance which in any manner or under any guise seeks to impose or subject him to any such tax, fee, or penalty, have any force or effect, save and except that all such products shall, in common with similar products offered for sale by persons who are not the producers thereof, be subject to inspection; but no municipal ordinance providing for such inspection shall be valid unless it applies, in precisely the same manner and on precisely the same terms, to others offering similar products for sale.

Sec. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 8, 1912.

CHAPTER 21.

AN ACT

ENTITLED, An Act to Amend Paragraphs 1478 (Sec. 269) and 1479 (Sec. 270) of Chapter XVIII, Title XVII, Relating to New Trials and Arrest of Judgment, and Paragraph 1496 (Sec. 287) of Chapter XX, Title XVII, Relating to Appeals and Writs of Error, Revised Statutes of Arizona, 1901.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 1478 of Chapter XVIII, Title XVII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1478. (Sec. 269.) All motions for new trials, in arrest of judgment, or to set aside a judgment, shall be made within ten days after the rendition of judgment.

Sec. 2. That Paragraph 1479 of Chapter XVIII, Title XVII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1479. (Sec. 270.) All motions for new trials in arrest of judgment, or to set aside a judgment shall be determined within twenty days after the rendition of judgment, and if not so determined shall be deemed denied, unless continued by order of the Court, or by stipulation.

Sec. 3. That Paragraph 1496 of Chapter XX, Title XVII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1496. (Sec. 287.) An appeal, in cases where an appeal is allowed, may be taken within sixty days after the denial of any motion for new trial, in arrest of judgment, or to set aside

the judgment, or other final order, by the appellant giving notice of appeal in open court, which shall be noted on the docket and entered on record, and within twenty days after the giving of such notice by filing with the clerk an appeal bond, or the affidavit in lieu thereof provided for hereinafter; provided, that in all cases where judgment has been rendered in any of the Superior Courts of this State prior to the date of the passage of this Act, the time within which any motions or determinations thereon shall be made as required in Sec. 1 and Sec. 2 of this Act, and the time within which an appeal may be taken from the said judgment of said Superior Courts, shall begin with the date of the passage and approval of this Act, and not from the date of the rendition of such judgment, determinations, or orders.

Sec. 4. All Acts, or parts of Acts, in conflict herewith, are hereby repealed.

Sec. 5. That an emergency exists which requires that this Act should immediately go into effect, in that "terms of court" have been abolished by the State Constitution, and the Statutes which have been herein amended are adapted only to a court system under which "terms of court" are held. Therefore this Act is necessary for the orderly conduct of proceedings pertaining to appeals and motions for new trials, in arrest of judgment, or to set aside a judgment, and, for that reason, necessary for the public good and safety.

Sec. 6. This Act shall take effect and be in force from and after its passage and its approval by the Governor.

Approved May 8, 1912.

CHAPTER 22.

AN ACT

Entitled, An Act to Amend Paragraph 964 of the Revised Statutes of Arizona, 1901, Being (Sec. 37) of Chapter II of Title XIV, Relating to County Government—Board of Supervisors.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 964 of the Revised Statutes of Arizona, 1901, being (Sec. 37) of Chapter II of Title XIV, be and the same is hereby amended to read as follows:

964. (Sec. 37.) Whenever a vacancy occurs in the office of supervisor, the remaining supervisors, together with the superior judge, shall fill the vacancy from the qualified residents of the proper districts. If there be no supervisors, the superior judge, treasurer, and recorder shall fill the vacancies.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. Whereas, the present State laws require a vacancy in the office of supervisor to be filled by the remaining supervisors and by the probate judge; and

Whereas, there is no such office as that of probate judge under the State Constitution; and

Whereas, there is no legal method of filling a vacancy in the office of supervisor in any county of the State of Arizona under the present existing law, and this Act requires an early operation in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 8, 1912.

CHAPTER 23.

AN ACT.

Creating a State Board to be Known as the State Tax Commission and Prescribing the Powers and Duties of Said Commission and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby created a State Board to be known and designated as the State Tax Commission, with such powers and duties as hereinafter provided, and composed of three members. The members of said Commission shall be such as are known to possess knowledge and experience in the subject of taxation and skill in matters pertaining thereto, and who shall have been residents of Arizona for not less than five years prior to their election or appointment.

Sec. 2. The three persons first to compose said Commission shall be appointed by the Governor, by and with the advice and consent of the Senate, before the adjournment of the first session of the first State Legislature.

They shall be so appointed that the term of one member shall expire January the first, 1913, one January the first, 1915, and one January the first, 1917, or until their successors are elected and qualified.

The successor of the first appointed member of the Commission whose term expires January the first, 1913, and all subsequent incumbants of said office, shall be elected at general elections, and shall serve for six years.

The members of the State Tax Commission to be elected shall be elected by the qualified electors of the State at large. The names of all candidates for the office of member of the State Tax Commission shall be placed on the regular ballot without partisan or other designation except the title of the office.

The member of the Commission having the shortest time to serve, and not holding his office by appointment or by election to fill a vacancy, shall be chairman of said commission.

Sec. 3. No member shall hold any office under the Government of the United States, or of any other State. Each of said members of the said Commission shall devote his entire time to the duties of the office and shall not hold any other position of trust or profit, engage in any other occupation or business interfering with, or inconsistent with his duties, or serve on or under any committee of any political party.

Sec. 4. The members of the said Commission shall each receive an annual salary of Three Thousand Dollars ($3000.00), payable in the same manner as the salaries of other State officers are paid. They shall qualify by taking the oath as other State officers, and by giving bond to the State of Arizona in the sum of Five Thousand Dollars ($5000.00) each, conditioned that they will well and truly perform the duties to the best of their knowledge as such members of the said Commission, and will faithfully observe the laws regarding the assessment and equalization of property. The first members of the said Commission under this Act, after having qualified, shall within thirty days, meet at the Capitol in Phoenix and shall thereupon organize and elect one of their members as Chairman. The majority of the members of the said Commission shall constitute a quorum for the transaction of business and the performance of the duties of the said Commission. The said Commission shall be in continuous session and open for the transaction of business every day except Sunday and legal holidays; and the session of the said Commission shall stand and be deemed adjourned from day to day without formal entry thereof upon its record. One member shall constitute a quorum for conducting an investigation at any place within the State other than at the Capitol when ordered by the Commission when deemed necessary to facilitate the performance of its duties.

Sec. 5. Said Commission shall keep an accurate record of all its official proceedings, and shall keep a seal on which shall be the impression "State Tax Commission of Arizona" (with the design of a pair of scales, representing equality). All processes or certificates issued or given by the said Commission shall be attested by said seal. Copies of the records of the said Commission, certified by the Secretary and attested with the seal of said Commission, shall be received in evidence with like effect as copies of other public records. The Secretary of the said Commission shall be the custodian of the seal and record and be authorized to affix said seal in all proper cases. The Secretary or any member of the said Commission shall have the power to administer oaths in all matters pertaining to, or concerning, the proceedings of the State Tax Commission, or its official duties.

Sec. 6. The said Commission shall keep its office at the Capitol, and shall be provided with suitable rooms, necessary office furniture, supplies, stationery, books, copies of conveyances of titles, periodicals, and maps; and all necessary expenses shall be audited and paid as other State expenses are audited and paid. The members of the said Commission, the Secretary and clerks and such experts and assistants as may be employed by the said Commission, shall be entitled to receive from the State their actual necessary expenses while traveling on the business of the said Commission; such expenditures to be sworn to by the party who incurred the expense, and approved by the Chairman of the said Commission, or by a majority of the members of said Commission.

Sec. 7. Said Commission may appoint a Secretary at a salary of not more than Twenty-four Hundred Dollars ($2400.00) per annum, and one clerk at a salary of not more than Twelve Hundred Dollars ($1200.00) per annum, who shall be a stenographer. The Commission may employ such other persons as expert and assistants, as may be necessary to perform the duties that may be required of the Commission, and

fix their compensation; Provided, however, that the total e. pense for such experts and assistants shall not be more than Three Thousand Dollars ($3000.00) in any one year. The Secretary shall keep full and correct minutes of all hearings, transactions, and proceedings of said Commission, and shall perform such other duties as may be required by the said Commission.

Sec. 8. The Commissioners shall have the power and it shall be their duty:

First.—To have and exercise general supervision of the system of taxation throughout the State.

Second.—To exercise general supervision over Assessors and County Boards of Equalization and the determination and assessment of the taxable property of the several counties, cities, and towns of the State, to the end that all assessments of property of every class, kind, and character, real, personal, and mixed, be made relatively just and uniform, and at its full cash value, and that all taxable property in this State shall be placed upon the assessment rolls and equalized between persons, corporations and companies in the several counties of this State, and between the different municipalities and counties therein, so that equality of taxation shall be secured according to the provisions of law.

Third.—To take charge of and superintend the enforcement of direct and collateral inheritance laws, and the collection of taxes provided for therein.

Fourth.—To confer with, advise, and direct Assessors, and advise Boards of Equalization, and County Boards of Supervisors as to their duties under the law and statutes of the State, and to direct what proceedings, actions, or prosecutions shall be instituted to support the law relating to the penalties, liabilities, and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to

comply with the provisions of the statutes governing the return, assessment, and taxation of property, and cause complaint to be made against Assessors in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties, the said Commission, or any member thereof, may call upon County Attorneys or the Attorney-General, who shall assist in the commencement and prosecution of actions for penalties and forfeiture, liabilities and punishments, for violation of the laws of the State in respect to the assessment and taxation of property.

Fifth.—To prescribe all forms of books and blanks to be used in the assessment and collection of taxes.

Sixth.—To require county, city, and town officers to report information as to assessments of property, equalization of taxes, the expenditure of the public funds for all purposes, and such other information as said Commission may request.

Seventh.—To require individuals, partnerships, companies, associations, joint stock companies, and corporations to furnish information concerning their capital, funded or other debts, current assets, liabilities, value of property, earnings, operating and other expenses, taxes and other charges, and all other facts which may be needful or desirable to enable the Commission to ascertain the value and relative burdens borne by all kinds and classes of property in the State.

Eighth.—To summon witnesses from any part of the State to appear and give testimony, and to compel said witnesses to produce records, books, papers, maps and documents, relating to any subject or matter which the Commission shall have the authority to investigate or determine.

Ninth.—To cause the deposition of witnesses residing within or without the State, or absent therefrom, to be taken upon notice to the interested parties, if any, in like manner

that depositions of witnesses are taken in civil actions pending in the Superior Court, in any manner which the Commission shall have authority to investigate or determine.

Tenth.—To visit the counties in the State, unless prevented by the necessary official duties, for the investigation of the method adopted by the County Assessors and County Boards of Supervisors in the assessment and equalization of taxation of real and personal property; to carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

Eleventh.—To administer (and any member of said Commission may administer) oaths to witnesses. In case any witness shall fail to obey the summons to appear, or refuse to testify, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Fifty Dollars ($50.00), nor more than One Thousand Dollars ($1000.00). Any person who shall testify falsely shall be guilty of and punished for perjury.

Twelfth.—To investigate (and the said Commission shall thoroughly investigate) all complaints which may be made to it of illegal, unjust, or excessive taxation, and said Commission shall endeavor to ascertain to what extent and in what manner, if at all, the present system is unequal or oppressive.

Sec. 9. It shall be the duty of the County Assessor, on the completion of his assessment rolls each year, to furnish said Tax Commission a list of corporations, companies, associations, banks, and individuals, doing business of a public character, whose assessed valuation is Three Thousand Dollars ($3000.00) or more, together with a statement of the property thereof, the class of said property, and the valuation placed on same for assessment purposes, or any other entry upon his assessment roll that the State Tax Commission may call for.

Sec. 10. The Commission, or any member thereof, shall examine and test work of County Assessors, during progress of the assessment or at any time when it is deemed necessary and convenient. Said Commission, or any member thereof, shall have the rights and powers of the Assessor for the examination of persons and property and for the discovery of property subject to taxation. If, in the judgment of the Commission, said Assessor shall have omitted any property, or shall not have assessed any property according to law, or the Assessor has failed to assess any property at full cash value, then, in that case, the Commission may, by order in writing, direct said Assessor to correct said assessments; raise or lower the valuation on said property; and upon receipt of said order, it shall be the duty of said Assessor to correct the assessment roll to conform with the order of the said State Tax Commission.

Sec. 11. Any Assessor who shall wilfully neglect or refuse to obey any order of the State Tax Comimssion provided for in Sec. 10 of this Act, shall be guilty of a misdemeanor in office, and on conviction thereof, shall be punished by imprisonment in the County Jail, not more than six months, or by fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00), or by both such fine and imprisonment, and shall be forthwith removed from office.

Sec. 12. If such Commission shall ascertain that any property is omitted or not assessed according to law, or not assessed at its true value, the said Commission shall report the fact in writing to the Clerk of any County Board of Supervisors, who shall lay the same before the County Board of Supervisors for review and examination in said county at a meeting of the said Board held for the equalization of taxes.

Sec. 13. The members of the State Tax Commission shall be ex-officio members of the State Board of Equalization,

and the Secretary of the Tax Commission shall be Secretary of the State Board of Equalization.

Sec. 14. The State Tax Commissioners shall make diligent investigation concerning the revenue laws and systems of other States and countries, so far as the same may be known by reports and statistics, and can be ascertained by correspondence, and with the aid of information thus obtained, together with the experience and observation of the laws of Arizona and the operation thereof, recommend to the Governor, in a biennial report at least sixty days before the meeting of the Legislature, such amendments, changes, and modifications of our revenue laws as seems proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenue in the most economical manner. All such recommendations shall be accompanied by a suitable bill or bills necessary to carry into effect such recommendations. This report shall also show in tabulated form the whole amount of taxes collected in the State, for all purposes, classified as State, County and municipal, with the sources thereof, the amount lost, the cause of the loss, and such other pertinent statistics, matter, and information, concerning revenue and taxation, as may be deemed of public interest.

Sec. 15. There shall be printed copies of said report, one copy of which shall be sent to each member of the Legislature at least twenty days prior to the assembling thereof.

Sec. 16. The State Tax Commission shall exercise and perform such further powers and duties as may be granted to, or imposed upon, the Commission by law.

Sec. 17. Said State Tax Commission shall have original power of appraisement and assessment of all express companies, sleeping car companies, and private car lines, doing business in the State of Arizona, in the manner and method as may be prescribed by law.

Sec. 18. There is hereby annually appropriated, out of the general fund in the State Treasury a sum sufficient to carry out the provisions of this Act.

Sec. 19. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 20. Whereas, it is advisable and essential to create a State Tax Commission for the purpose of obtaining a more uniform method of the assesment and equalization of taxes in the State of Arizona; and, whereas, this Act requires an early operation in order to preserve the public peace, health, and safety, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the provisions of the Referendum Clause of the State Constitution.

Approved May 9, 1912.

CHAPTER 24.

AN ACT

To Provide for Each County of the State a Scholarship At the University of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. In order to facilitate the use of the educational advantages of the University of Arizona, and to equalize the educational opportunities of the students of this State, there shall be awarded annually, to each county in the State, one scholarship of One Hundred and Fifty Dollars ($150.00), which shall be used by the holder for tuition, room, and board, at the said University during the academic year following the award; provided that no county shall, during any one acade-

mic year, receive more than One Hundred and Fifty Dollars ($150.00).

Sec. 2. Each scholarship, when awarded, shall bear the name of the county to which it has been awarded; and the expenses of the holder thereof shall be paid to the president of the University out of the general fund of the State; such payment to be made monthly, upon the receipt by the State Auditor, of the certificate of the President of the University, that the holder has done his work in a satisfactory manner for the preceding month.

Sec. 3. The method of award shall be as follows: The County School Superintendent of each county, whenever in his county there is no holder of a scholarship for the ensuing academic year, shall receive and register the names of all applicants for such scholarship. On the last Saturday in August of the year 1912, and on the last Saturday in June of each succeeding year, he shall hold an examination according to the rules and regulations prescribed by the President of the University, said examination to be open only to persons between the ages of sixteen and twenty-two years, who are graduates of one of the four year high schools of the county, and who, if there be no four year high school in the county, are residents of the county, and have completed elsewhere a course equivalent to such four year course. The County School Superintendent shall send to the President of the University within one day after the completion of the examination, the papers of all applicants, together with a certificate stating that the perscribed regulations have been fully complied with. On receipt thereof, the President shall cause the papers to be graded by the members of the faculty of the University, and issue to the person passing with the highest record, a certificate of scholarship, which shall entitle the holder to the advantages specified in Sec. 1, for the following year. Should such holder fail to accept the scholarship, others passing the examination may be appointed in the order of excellence.

Sec. 4. In all respects such holders of scholarships shall be subject to all rules, requirements, and examinations, as may be prescribed by the regents and faculty for other students of the University.

Sec. 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 10, 1912.

CHAPTER 25.

AN ACT

Entitled, An Act Amending Paragraph 265, Section 265 of Chapter XX Title I, Revised Statutes of Arizona, 1901, Relating to Resignations and Vacancies in Office.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 265, Section 265 of Chapter XX Title I, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

265. (Sec. 265.) An office shall be deemed vacant from and after the happening of either of the following events before the expiration of the term:

a. Death of the incumbent.

b. His insanity, founded upon a commission of lunacy issued to determine the fact.

c. His resignation, and the lawful acceptance thereof.

d. His removal from office.

e. His ceasing to be an inhabitant of the State or, if the office be local, of the district, county, city, or precinct for which he was chosen or appointed, or within which the duties of his office are required to be discharged.

f. His absence from the State, without permission of the Legislature, beyond the period allowed by law.

g. His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the State by permission of the Legislature.

h. His conviction of a felony, or of any offense involving a violation of his official duties.

i. The failure, refusal, or neglect, of the person elected or appointed to such office, to file his official oath or bond within the time prescribed by law, whether such failure, refusal, or neglect shall have been caused by his death or from any other cause.

j. The decision of a competent tribunal declaring void his election or appointment.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 10, 1912.

CHAPTER 26.

AN ACT

To Amend Chapter 18 of the Session Laws of the Twenty-Fifth Legislative Assembly of the Territory of Arizona, Entitled "An Act Regulating the Hours of Labor of Hoisting Engineers and Furnace Men."

Be it Enacted by the Legislature of the State of Arizona:

That Chapter 18 of the Session Laws of the Twenty-fifth Legislative Assembly of the Territory of Arizona, entitled "An Act regulating the Hours of Labor of Hoisting Engineers and Furnace Men," approved March 10, 1909, be and the same is hereby amended to read as follows:

Sec. 1. The period of employment of hoisting engineers at the mines in this State, and furnace men at the smelters in said State, shall be eight (8) hours per day except in cases of emergency where life or property is in imminent danger.

Sec. 2. That any person, body corporate, agent, manager, or employee who shall violate any of the provisions of Sec. 1 of this Act shall be guilty of misdemeanor and on conviction therefor shall be fined in the sum of not less than One Hundred Dollars ($100.00), nor more than Three Hundred Dollars ($300.00), for each offense, the same to be collected as in other cases where fines are imposed.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 10, 1912.

CHAPTER 27.

AN ACT

Regulating Head Lights on All Locomotives; and Providing a Penalty for Violation of the Provisions of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. It shall be the duty of every railroad corporation, or receiver or lessee thereof, operating any line of raiload in this State, within six months after the passage of this Act, or within such additional time as may be prescribed by order of the Corporation Commission of Arizona, after such railroad has made a proper showing of its inability to comply, to equip all locomotive engines, used in the transportation of trains over said railroad, with electric head lights of not less than fifteen hundred candle power, measured without the aid of a reflector; provided, that this Act shall not apply to locomotive engines regularly used in the switching of cars or trains.

Sec. 2. Any railroad company, or receiver or lessee thereof, doing business in the State of Arizona, which shall violate the provisions of this Act, shall be liable to the State of Arizona for a penalty of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1000.00), for each offense; and suit shall be brought to recover such penalty, in a court of competent jurisdiction, in the name of the State of Arizona, by the Attorney General or by the County Attorney of any county in or through which said railroad may be operated.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 10, 1912.

CHAPTER 28.

AN ACT

Entitled, An Act to Declare Employment in All Underground Mines, Underground Workings, Open Cut Workings, Open Pit Workings, in or About, and in Connection with, the Operation of Smelters, Reduction Works, Stamp Mills, Concentrating Mills, Chlorinating Processes, Cyanide Processes, Cement Works, Rolling Mills, Rod Mills and at Coke Ovens and Blast Furnaces, to be Injurious to Health and Dangerous to Life and Limb; To Regulate and Limit the Hours of Employment in Said Occupations To Declare the Violation of the Provisions of this Act a Misdemeanor, and to Provide a Penalty Therefor; and to Repeal All Acts and Parts of Acts in Conflict with this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Employment in all underground mines, underground workings, open cut workings, open pit workings, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes, cement works, rolling mills, rod mills and at coke ovens and blast furnaces, is hereby declared to be injurious to health and dangerous to life and limb.

Sec. 2. That the period of employment for all persons who are employed, occupied, or engaged, in work or labor, of any kind or nature, in underground mines, underground workings, open cut workings or open pit workings, in search for, or in the extraction of, minerals, whether base or precious, or who are engaged in such underground mines, underground workings, open cut workings, or open pit workings, for other purposes, or who are employed, engaged, or occupied, in other underground workings of any kind or nature, open cut work-

ings or open pit workings, for the purpose of tunneling, making excavations, or to accomplish any other purpose or design, or who are employed, engaged, or who work, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes, cement works, rolling mills, rod mills, and at coke ovens and blast furnaces, shall not exceed eight (8) hours within any twenty-four (24) hours, and the said eight (8) hours shall include the time employed, occupied, or consumed, in descending to and ascending from the point or place of work in any underground mine or underground workings, or the time employed, occupied or consumed in leaving the surface of any tunnel, open cut, or open pit workings, for the point or place of work therein, and in returning thereto from said point or place of work, and that it is the purpose and intent of this Act that the period of time between leaving the surface of underground mines, underground workings, open cut workings, open pit workings, and tunnels, for the point or place of work and in returning thereto from said point or place of work, shall not exceed eight (8) hours within any twenty-four (24) hours; provided, that in the case of emergency, where life or property is in imminent danger, the period may be prolonged during the continuance of such emergency.

Sec. 3. That any person or persons, body corporate, general manager, superintendent, or employer, who shall violate any provision of this Act, and any person, who, as foreman, manager, superintendent, director, or officer of a corporation, or as employer or superior officer of any person, shall command, persuade, or allow any person to violate any provision of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Two Hundred and Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment not less than Three (3) Months nor more than Six (6) Months. It shall be the duty of the jury in each trial for a violation of the provisions of this Act in case of jury trial, to decide whether the

punishment shall be by fine or imprisonment, or by both fine and imprisonment, and each day's violation shall be a separate offense.

Sec. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 11, 1912.

CHAPTER 29.

AN ACT

Enabling Counties, School Districts, Cities, Towns, and Other Municipal Corporations to Become Indebted in an Amount Exceeding Four Per Centum of the Taxable Property Therein; To Provide for Elections Therefor; To Permit Counties, School Districts, Cities, Towns, and Other Municipal Corporations to Issue Bonds for Such Indebtedness, and to Provide for the Manner of the Expenditure of the Proceeds of Such Bonds, the Payment of Interest Thereon, and the Redemption Thereof; To Provide for the Creation of Indebtedness by Incorporated Cities and Towns for Supplying Water, Artificial Light, and Sewers when the Works for such Water, Artificial Light and Sewers are or Shall be Owned or Controlled by the Municipality, and for the Repeal of all Acts or Parts of Acts in Conflict Herewith.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Whenever it is attempted to increase the aggregate amount of the indebtedness of any county, school district, city, town, or other municipal corporation, so as to exceed four per centum of the value of the taxable property in such county, school district, city, town, or other municipal corpo-

ration, such value of taxable property therein to be ascertained by the last assessment for State and county purposes previous to such proposed incurring of such indebtedness, such county, school district, city, town, or other municipal corporation may become indebted in an amount exceeding four per centum of the value of such taxable property in the manner and by compliance with the provisions of this Act.

Sec. 2. Any county, school district, city, town, or other municipal corporation, acting through its board of supervisors, board of school trustees, city or town council, or the governing body of any other municipal corporation, may, of its own volition, and must upon petition signed by fifteen per centum of the property tax-payers, who shall in all other respects be qualified electors, in said county, school district, city, town, or other municipal corporation, order an election by the property tax-payers, who in all other respects shall be qualified electors, in such county, school district, city, town, or other municipal corporation, for the purpose of determining whether such indebtedness shall be authorized; Provided that the order for the election in any school district shall be made by the board of supervisors of the county where such election shall be held, either upon such petition, or upon request of the board of school trustees.

Sec. 3. At any election so held, if a majority of the property tax payers, who must also, in all respects, be qualified electors, therein voting at said election, in such county, school district, city, town, or other municipal corporation, shall vote in favor of the creation of an indebtedness in an amount exceeding four per centum of the value of the taxable property in such county, school district, city, town, or other municipal corporation, such value to be ascertained as provided in Sec. 1 of this Act, such county, school district, city, town, or other municipal corporation shall be permitted to become indebted in an amount exceeding four per centum of the value of taxable property therein; provided, that in incorporated cities and

towns the value of taxable property herein mentioned shall be taken from the last assessment for city or town purposes made previous to incurring such indebtedness; and, provided, further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality.

Sec. 4. Whenever the board of supervisors, board of school trustees, city or town council, or the governing body of any other municipal corporation, shall order an election for the purpose herein provided, it shall be the duty of said board of supervisors, board of school trustees, city or town council, or the governing body of any other municipal corporation, to order such election to be held at the regular voting place, or places, within the limits of said county, school district, city, town, or other municipal corporation, wherein such indebtedness is attempted to be created, not less than 30 nor more than 60 days from the date of said order; provided, whenever an election shall be held for the purpose of creating an indebtedness by a county, or school district, such order shall be made by the board of supervisors of the county wherein such election shall be held.

The order thus made shall prescribe the object of such election as prescribed in Sec. 8 of this Act, and shall be held to be prima facie evidence that all of the provisions necessary to give it validity or qualify such board of supervisors, city or town council, or the governing body of any other municipal corporation, to make such order have been fully complied with.

Sec. 5. Said board of supervisors, city or town council, or the governing body of any other municipal corporation shall cause to be posted at least five (5) copies of such order in public places within the county, school district, city, town, or other municipal corporation wherein such election is to be

held, at least twelve (12) days prior to the date of the election, and shall post a copy of said notice at each polling place within the county, school district, city, town, or other municipal corporation; provided, that in addition to the posting of such notice, publication of a copy thereof shall be made in some newspaper designated by said board of supervisors, mayor of said city or town, or the executive officer of any other municipal corporation, for at least 30 days prior to the date of such election.

Such election shall be held in conformity with the provisions of the general election laws of the State and by the officers of election provided to be appointed by, and who shall qualify, under such laws; the return of said election in the case of a county, or school district, shall be made to the board of supervisors of the county wherein such election is held, and, in any other case, to the city or town council or other governing body of any other municipal corporation within twelve (12) days from the date of such election; whereupon, the board of supervisors, city or town council, or the governing body of any other municipal corporation shall hold a special meeting on the first Monday succeeding said twelfth day for the purpose of canvassing the vote cast at said election; and they shall immediately thereafter by the certificate hereinafter in Sec. 6. provided, declare the result of said election.

Said certificate of the result of election, so made, shall be prima facie evidence of the complete performance of all of the conditions and requirements precedent to the holding of such election.

Sec. 6. At any election so held, if a majority of the property tax-payers, who must also in all respects be qualified electors, therein voting at said election, in such county, school district, city, town or other municipal corporation, shall vote in favor of the creation of an indebtedness in excess of four per centum of taxable property, the value of such taxable

property to be ascertained as herein prescribed, it shall be the duty of the board of supervisors, city or town council, or the governing body of any other municipal corporation (at the time prescribed in section five hereof) to file and record in the office of the county recorder of such county wherein such election is held, a certificate showing the object of such election, the total number of votes cast at such election, the total number of votes cast in favor of the creation of such indebtedness and the total number of votes cast against the creation of such indebtedness; and such certificate shall contain a further statement that the creation of such indebtedness is ordered; and thereupon it shall immediately become the duty of such board of supervisors, board of school trustees, city or town council, or the governing body of any other municipal corporation to take such steps as are in this Act required to carry out the object of such election.

Sec. 7. No political subdivision or municipal corporations other than the subdivision or municipal corporation wherein the **ELCTION** shall be held as above prescribed, for the creation of any indebtedness herein provided for, shall in any manner be responsible for, or charged with, the payment of any of the principal sum or interest thereon evidenced by such indebtedness.

Sec. 8. Whenever any county, school district, city, town, or other municipal corporation shall desire under the provisions of this Act to issue bonds or other evidences of indebtedness of said county, school district, city, town, or other municipal corporation, the board of supervisors, board of school trustees, city or town council or the governing body of any other municipal corporation may, with the assent of a majority of the property tax-payers, therein voting at said election, in such county, school district, city, town or other municipal corporation, given in the manner herein provided, issue and sell bonds of said county, city, school district, town, or other municipal corporation, as herein provided, in the

amount of indebtedness authorized at said election to be created; provided that in the call for said election hereinbefore in Sec. 2 required to be made, there shall be set forth the aggregate amount of said bonds, the term thereof, the rate of interest to be paid thereon, when such interest shall be paid, the date of maturity of said bonds or other evidences of indebtedness, and the purposes for which the money derived from the sale of such bonds or other evidences of indebtedness shall be expended.

No bonds or other evidences of indebtedness authorized to be issued shall bear interest at a rate exceeding six per centum per annum.

Sec. 9. Whenever an issuance of bonds or other evidence of indebtedness shall have been authorized under the provisions of this Act, it shall become the duty of the county board of supervisors in behalf of the county or board of school trustees, city or town council or the governing body of any other municipal corporation issuing said bonds or other evidences of indebtedness, to cause said bonds to be prepared in the amount and of the denominations so authorized, which bonds, or other evidences of indebtedness shall bear the date of their issuance, shall be numbered consecutively from one upwards, and shall be signed and attested by the following persons, to-wit: when issued by the county, by the chairman and the clerk of the board of supervisors; when issued by a school district, by the chairman and clerk of the board of school trustees, countersigned by the chairman of the board of supervisors of the county wherein such school district is situated; when issued by a city or town, by the mayor and the city clerk of such city or town; and when issued by any other municipal corporation by the executive officer and clerk of the governing body of such other municipal corporation, with the carporate seal of any such political sub-division or municipal corporation, if there be one, affixed thereto; and said bonds shall be payable at a date not to exceed forty (40) years from the date of their issuance.

Sec. 10. Said bonds shall be payable to bearer, and coupons for the interest shall be attached to each of said bonds so that the same may be removed therefrom without mutilating the bonds, and each of said coupons shall bear a fac simile of the signature of the officers in Sec. 9 hereof mentioned as said signatures appear upon said bonds; provided that it shall not be necessary to impress upon any such coupon the seal hereinbefore mentioned.

Sec. 11. Before the sale of any of such bonds or other evidences of indebtedness, the board of supervisors, in behalf of the county or of the board of school trustees, or the city or town council, or the governing body of any other municipal corporation, as the case may be, shall at a regular meeting, or at a special meeting called for that purpose, cause to be entered upon the record of said body an order directing the sale of said bonds or other evidences of indebtedness, and the date and hour of said sale, and shall cause a copy of said order to be published for at least four (4) consecutive weeks before said sale in such daily or weekly newspaper or newspapers as may be designated by said body, together with a notice that sealed proposals will be received by them for the purchase of said bonds, or other evidences of indebtedness, on the date and hour named in said order.

Said governing body shall, at said time, and at a meeting to be held for such purpose, open all sealed proposals received by them, and shall award the purchase of said bonds to the highest and best responsible bidder; provided, that none of said bonds or other evidences of indebtedness shall be sold for a less amount than par with accrued interest. All bids or proposals received for the purchase of said bonds, or other evidences of indebtedness, shall be accompanied by a certified check for a sum not less than five per cent (5 per cent) of the total amount of such bid, and such governing body shall have the right to reject any and all bids, and all such certified checks accompanying bids which are not ac-

cepted, and which are rejected, shall be returned to the party tendering the same.

The certified check so deposited by the successful bidder shall be retained by said board of supervisors, or city or town council, and shall be forfeited in the event that such bidder shall not carry out the terms of the contract provided herein to be entered into; provided, however, that such forfeiture shall not be deemed or taken as stipulated or liquidated damages for a breach of said contract and shall not prevent such board of supervisors, or city or town council, from recovering damages under said contract.

Sec. 12. The amount of bonds sold, their numbers and dates shall be entered upon the record of the proceedings of the governing body of the county, school district, city, town or other municipal corporation disposing of the same.

Sec. 13. After said bonds or other evidences of indebtedness are issued, if such indebtedness is created by a county, or a school district situated therein, and until all of said bonds or other evidences of indebtedness of such county are redeemed, the board of supervisors of such county where such indebtedness is created under the provisions of this Act, and the city or town council, or the governing body of any other municipal corporation, creating such indebtedness under the provisions of this Act, if such bonds or other evidences of indebtedness are issued by such city or town, is authorized and it shall be its duty, to levy and cause to be collected a tax in addition to the amount of taxes which now or may hereafter be authorized by law for State and county purposes, at the same time and in the same manner as other taxes are levied and collected by such county, city, or town upon all taxable property in such county, school district, or city, town, or other municipal corporation, sufficient to pay the interest on all bonds issued when such interest shall become due, and said tax when collected shall constitute a fund for the payment

of the interest on said bonds or other evidences of indebtedness and shall be called "Interest Fund."

Sec. 14. The board of supervisors of any county wherein any indebtedness shall be created under the provisions of this Act, either by the county or by any school district situated therein, and the council of any incorporated city or town, shall also and in addition to the taxes for State and county purposes, or the taxes for city and town purposes, as the case may be, and the tax hereinabove provided to be levied for the payment of interest on such bonds or other evidences of indebtedness, levy a tax for the purpose of redeeming said bonds or other evidences of indebtedness when the same shall mature, as specified in the order and call for election hereinbefore in this Act provided to be made, and all money derived from the levy of the tax in this Section provided for, when collected, shall constitute a fund and shall be called the "Redemption Fund," and shall be used for the redemption of said bonds or other evidences of indebtedness according to the number of their issue. The tax in this section provided to be levied, shall be levied annually so as to provide a fund for the redemption of such bonds or other evidences of indebtedness when the same shall mature.

Sec. 15. When any bonds or other evidences of indebtedness created under the provisions of this Act shall mature, it shall be the duty of the county treasurer, when such bonds shall have been issued by the county or any school district, and of the city or town treasurer, as the case may be, when any such bonds shall have been issued by any incorporated city or town, to give notice for four (4) weeks in some newspaper published in the county in which such bonds or other evidences of indebtedness shall have been issued, of the intention of such county, school district, city, or town to redeem such bonds, stating the amount thereof, and such redemption shall be made by the county, city, or town, as the case may be, and all said bonds or other evidences of indebtedness shall

cease to draw interest at the expiration of four weeks after the date of said notice, and if such bonds so noticed for redemption shall not be presented for redemption within three (3) months from the date of such notice, said county treasurer, or city or town treasurer, as the case may be, shall apply said money to the redemption of the bonds next in the order of the number of their issue.

When any interest shall be due upon any of said bonds or other evidences of indebtedness under the provisions of this Act, the coupons due and payable shall be delivered to the county, city, or town treasurer, as the case may be, who shall pay the same and write the word "Cancelled" across the face thereof, and said coupons so paid and cancelled shall be said treasurer's receipt for the payment of the same, and when any of said bonds or other evidences of indebtedness shall be paid and redeemed, said treasurer shall in like manner mark them "Cancelled" on the face thereof over his signature, and immediately deliver the same to the clerk of the said board of supervisors, or city or town council, as the case may be, taking his receipt therefor, and said clerk upon receipt of said cancelled bonds or other evidences of indebtedness shall file the same in his office and report the same to the board of supervisors or city or town council as the case may be.

The board of supervisors, city or town council, as the case may be, of any county, school distirct, city or town, issuing bonds or other evidences of indebtedness under the provisions of this Act, shall, by resolution entered upon its minutes, prior to the offering for sale of said bonds or other evidences of indebtedness, and within a period of 15 days from the canvassing of the vote of the election herein provided for, prepare a form of bond, which shall substantially conform to the description of said bonds mentioned in the order required by this Act to be published and recorded.

Sec. 16. If any bonds or other evidences of indebtedness shall be issued and sold by any county, school district, city,

town, or other municipal corporation, under the provisions of this Act, for the purpose of erecting and furnishing any public building within such county, school district, city, town, or other municipal corporation, the board of supervisors, in the event such public building shall be erected and furnished by the county or school district, and the city or town council in the event such public building is to be erected and furnished by a city, town, or other municipal corporation, shall, within the period which it is required under the provisions of Sec. 15 of this Act to prepare and adopt a form of bond or other evidence of indebtedness, adopt plans and specifications for such building, and said board of supervisors, city or town council, as the case may be, shall, as soon as may be practicable after the adoption of such plans and specifications, advertise for bids for the erection and furnishing of said building.

The notice of advertisement for such bids shall set a day and hour, not less than forty days from the date of such notice, when said bids shall be received and opened, and said board of supervisors, city or town council, as the case may be, shall award the contract for the erection and furnishing, or the erection or furnishing of said building to the lowest and best responsible bidder, provided that any and all bids so submitted may be rejected. In the event any bid shall be accepted, said board of supervisors, city or town council, as the case may be, shall require the person or persons to whom such award or contract has been let, to enter into a written contract with said board of supervisors, city or town council, as the case may be, for the erection and completion of said building and the furnishing thereof, and shall require such person or persons entering into such contract to give bonds to said county, city, or town, for the amount of the contract, with two or more sufficient sureties, or give a surety company bond in a like manner, conditioned upon the faithful performance of the contract, such bond to be approved by the board of supervisors, city or town council, as the case may be.

Such board of supervisors, city or town council, as the case may be, may agree to pay and pay upon such contract as follows: Upon the completion of one-third of the work, one-fifth of the contract price; upon completion of two-thirds of the work, an amount sufficient with the prior payment to make one-half of the contract price; and the balance of the contract price shall be paid upon the completion and acceptance of the buildings and the furnishing thereof under said contract by said board of supervisors, city or town council.

In the event that it shall be deemed necessary in conjunction with the erection of the buildings herein mentioned to purchase a building site or sites, the call for the election shall state the proportion of the total amount of the fund to be derived from the issuance and sale of bonds or other evidences of indebtedness which shall be expended in the purchase of such building site or sites.

Sec. 17. Any incorporated city or town, with the assent of the qualified voters, as provided in Sec. 3 of this Act, may be allowed to issue bonds or other evidences of indebtedness not exceeding five per cent additional, for supplying such city or town with water, artificial lights, or sewers, when the works for supplying such water, artificial lights, or sewers are or shall be owned or controlled by the municipality.

Sec. 18. The expenses of all proceedings had under this Act shall be borne by the county, school district, city, town, or other municipal corporation instituting the proceedings necessary and required hereunder; provided, however, that in the event the bonds or other evidences of indebtedness herein authorized shall be sold, such expenses shall be deducted from the proceeds of the sale of such bonds or other evidences of indebtedness.

Sec. 19. Nothing in this Act contained shall be construed to prevent any county, school district, city, town, or other municipal corporation from creating an indebtedness

not exceeding four per centum of the value of the taxable property in such county, school district, city, town, or other municipal corporation; provided, that if such county, school district, city, town, or other municipal corporation shall desire to fund such indebtedness by the issuance of bonds therefor, said bonds shall be issued in all respects in conformity with the provisons of this Act; and, provided, further, that it will not be necessary to hold the election required to be held herein.

Sec. 20. All Acts, or parts of Acts, in conflict with this Act, are hereby repealed.

Approved May 11, 1912.

CHAPTER 30.

AN ACT

Entitled, an Act prohibiting the use of locomotives from which steam escapes to such an extent as to obstruct the view of the men operating them.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That no locomotive, from which steam escapes to such an extent as to obstruct the view of the men operating such locomotive, shall be used or permitted to be used in any yard or over any railroad or portion of a railroad, in this state; provided, that this Act shall not apply to the result of accident between terminals, until the engine reaches its destination.

Sec. 2. Any person, firm, company, or corporation violating any of the provisions of this Act shall be deemed guilty

of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars, ($1000.00).

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 13, 1912.

CHAPTER 31.

AN ACT

Entitled, An Act Creating a State Board of Equalization, Prescribing Its Powers and Duties, and Making an Appropriation to Carry Out the Provisions of this Act, and Repealing Chapter IV, Title LXII of the Revised Statutes of Arizona, 1901, Relating to Territorial Board of Equalization and Duties.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The State Board of Equalization shall consist of the State Auditor, the chairman of the Corporation Commission, and the State Tax Commission; the State Auditor shall be president of said board, and the secretary of the Tax Commission shall be secretary of said board. It shall sit at the office of the State Auditor on the second Monday in August of each year for the purpose of examining (and it is hereby authorized and required to examine), the various assessments so far as regards the State tax and of equalizing, (and it is hereby authorized and required to equalize) the rate of assessment in the various counties whenever it is satisfied that the scale of valuation has not been adjusted with reasonable uniformity by the different assessors and boards of equalization.

The said board shall continue in session until the business before it shall be disposed of, and shall have access to and make use of all public records which will aid it in the disposition of such business. The State Board shall keep a record of the business transacted by it. A sum not exceeding Two Hundred Dollars ($200.00) per year is hereby annually appropriated from the general fund of the State for the purchase of necessary supplies and for the payment of incidental office expenses of the said board, and the said Auditor shall draw his warrants in payment of the same on the order of the board, and the State Treasurer is hereby directed to pay said warrants as other warrants are paid.

Sec. 2. The said board shall ascertain whether the valuation of property in each county bears a fair relation or proportion to the valuation in all other counties in the State, and on such examination it may increase or diminish the valuation of property in any county, as much as in its judgment, may be necessary to produce a just relation between all the valuations of property in the State; but in no instance shall it reduce the aggregate valuation of all the counties below the aggregate valuation as returned by the boards of supervisors of the several counties. And said board shall at the same time fix the rate of taxes for State purposes which is to be levied and collected in each county.

Sec. 3. On or before the fourth Monday in August in each year, the State Auditor shall transmit to the board of supervisors of each county a statement of the changes, if any, which have been made in the assessment by the State Board of Equalization, and the rate of taxes which is to be levied and collected within said county for State purposes, but if, for any reason, the said board fails to sit, or the board of supervisors fails to receive the statement of the rate of tax ordered by said Board of Equalization, the rate of fifty cents shall be deemed to be levied, and the board of supervisors of

each county, in making up the tax list required by law, shall compute and carry out in the proper columns a State tax at the rate aforesaid.

Sec. 4. The State Board of Equalization herein provided for shall take the place and become successor in office to the present State Board of Equalization named in the State Constitution, to act as a State Board of Equalization until otherwise provided by law, and thereupon all power and authority vested in, or conferred upon, said board or upon the Territorial Board of Equalization under and by virtue of the provisions of the existing laws, and all duties imposed upon them, or any of them, by any Act or statute now in force, or by any Act thereafter taking effect, passed by the Legislature at this legislative session, shall devolve upon and henceforth be exercised and performed by said State Board of Equalization.

Sec. 5. The State Board of Equalization shall make appraisement and assessment of all railroads and the property, franchises, and all intangible values thereof, of railroad corporations, excepting such real estate as is not used in the daily operation of its railroad, of all telegraph lines, property, franchises, and all intangible values thereof, of telegraph companies, of all telephone lines, property, franchises, and all intangible values thereof, of telephone companies, doing business in the State of Arizona, where their lines extend into two or more counties, in the manner and method as may now or hereafter be prescribed by law.

Sec. 6. Chapter IV, Title LXII of the Revised Statutes of Arizona, 1901, relating to Territorial Board of Equalization and Duties, and all Acts amendatory thereof, are hereby repealed.

Sec. 7. Whereas, the Constitution of the State of Arizona prescribe who shall be members of the State Board of Equalization until otherwise provided by law; and, whereas, it is deemed essential and expedient to prescribe other persons

and officers than those named in the Constitution to constitute said Board of Equalization; and, whereas, to make said change effective, it is essential that this Act have an early operation; and, whereas, this Act requires an early operation in order to preserve the public peace, health and safety, and for the maintenance of the departments of the State government and State institutions, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 15, 1912.

CHAPTER 32.

AN ACT

Entitled, An Act Regulating the Employment of Women and Minors, and Providing Penalties for Violations of the Provisions of Said Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No child under fourteen (14) years of age shall be employed, permitted, or suffered, to work in, about, or in connection with, any mill, factory, workshop, mercantile establishment, tenement-house manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transportation of merchandise or messages.

Sec. 2. It shall be unlawful for any person, firm or corporation to employ any child under fourteen (14) years of

age in any business or service whatever during the hours in which the public schools of the district in which the child resides are in session.

Sec. 3. No child under the age of sixteen (16) years shall be employed, permitted, or suffered, to work at any of the following occupations or in any of the following positions: Sewing machine belts in any workshop or factory, or assisting in any capacity whatever; adjusting any belt to any machinery; oiling, wiping, or cleaning machinery, or assisting therein; operating or assisting in operating circular or band saws, wood shapers, wood jointers, planers, sandpaper or wood polishing machinery, picker machines, machines used in picking wool, machines used in picking cotton, machines used in picking hair, machines used in picking any upholstering material, paper lacing machines, leather burnishing machines, burnishing machines in any tannery or leather manufactory, job or cylinder printing presses operated by power other than foot power, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines used in sheet-metal and tin-ware manufacturing, stamping machines in washer and nut factories, corrugating rolls such as are used in roofing and wash board factories; steam boilers, steam machinery or other steam-generating apparatus, dough brakes or cracker machinery of any description, wire or iron straightening machinery, rolling mill machinery, punches, or shears; washing, grinding or mixing mills; calendar rolls in rubber manufacturing, laundering machinery.

Sec. 4. No child under the age of sixteen (16) years shall be employed, permitted, or suffered to work in any capacity in, about, or in connection with, the preparing of any composition in which dangerous or poisonous acids are used, manufacture of paints, colors, or white lead; dipping, drying, or packing matches; manufacture of goods for immoral purposes; nor in, about, or in connection with any mine, coal breaker, quarry, smelter, ore reduction works, laundry, tobacco

warehouse, cigar factory, or other factory where tobacco is manufactured or prepared, distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; hotel, theater, concert hall, drug store, saloon, or place of amusement, nor in opeating any automobile, motor car or truck; nor in a bowling alley, nor in any other employment declared by the State Board of Health to be dangerous to lives or limbs, or injurious to the health or morals of children under the age of sixteen (16).

Sec. 5. The State Board of Health may from time to time determine whether or not any particular trade, process of manufacture, or occupation, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs, or injurious to the health or morals, of minors under sixteen (16) years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Sec. 6. Females shall not be employed, permitted, or suffered to work in any capacity where such employment compels them to remain standing constantly. Every person who shall employ any female in any place or establishment mentioned in Sec. 1 shall provide suitable seats, chairs, or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs, or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least two chairs to every three (3) females.

Sec. 7. No child under sixteen (16) years of age shall be employed, permitted, or suffered, to work in, about, or in connection with, any place or establishment named in Sec. 1 unless the person, firm, or corporation employing such child procures and keeps on file, and accessible to any school attendant officer or inspector of factories, mercantile establishments,

or mines, or other authorized inspector, an employment certificate as hereinafter prescribed; and keep two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Sec. 8. Inspectors of factories, mercantile establishments, or mines, and other authorized inspectors and school attendance officers, may require that the employment certificates and lists provided for in this Act shall be produced for their inspection.

Sec. 9. On termination of employment of a child whose employment certificate is on file, such certificate shall be forthwith surrendered by the employer to the person who issued the same.

Sec. 10. An employment certificate shall be issued only by the county, city, or town, superintendent of schools of the county, city, or town, wherein the applicant for such certificate resides, or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school board;

Provided, that no member of a school board or other person authorized as aforesaid shall have authority to issue such certificate for any child then in, or about to enter, such person's own employment or the employment of a firm or corporation of which he is a member, officer, or employee.

Sec. 11. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers, duly executed.

(1.) The school record of such child properly filled out and signed, as provided in this Act.

(2.) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child, or

(3.) The affidavit of the parent or guardian or custodian of a child (which shall be required and valid, however, only in case no one of the above-mentioned proofs is obtainable), showing the place and date of birth of such child. Said affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath without demanding or receiving any fee therefor.

Sec. 12. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, shall be PRIMA FACIE evidence of the age of such child for the purposes of this Act.

Sec. 13. No employment certificate shall be issued until the child in question has personally appeared before and had been examined by the officer issuing the certificate, nor until such officer, after making such examination, has signed and filed in his office a statement that the child can read and legibly write simple sentences in the English language, and that in his opinion the child is fourteen (14) years of age or upwards and has reached normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work which it intends to do, which shall be stated.

In all cases such normal development, sound health, and physical fitness shall be determined by a medical officer of the Board or Department of Health or by a physician appointed by the school committee.

Sec. 14. Every such employment certificate shall state the name, sex, the date and place of birth, of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved, and filed, and that the child named in such certificate has appeared before the officer signing the certificate and has been examined.

Every such certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. It shall show the date of its issue.

Sec. 15. The school record required by this Act shall be signed by the principal or chief executive officer of the school which such child has attended, and shall be furnished on demand to a child entitled thereto.

It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or a parochial or private school or schools, for not less than one hundred and sixty (160) days during the year previous to his arriving at the age of fourteen (14) years, or during the year pervious to applying for such school record, and is able to read and legibly write **SIMPLY** sentences in the English language, and has received instruction equivalent to five yearly grades in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions.

Such school record shall also give the date of birth, the age, and the residence of the child as shown on the records of the school, and the name of its parent or guardian or custodian.

Sec. 16. The superintendent of schools or other person authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the State Superintendent of Public Instruction, upon blanks to be furnished by him, a list of the names of the children to whom certificates have been issued, and also a list of the names of the children to whom certificates have been refused, together with the ground for refusal. Such lists shall give the name of the prospective employer and the nature of the occupation the child intends to engage in.

Sec. 17. The State Superintendent or other authorized inspector or school attendance officer shall make demand on any employer in or about whose place or establishment a child

apparently under the age of sixteen (16) years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this Act, that such employer shall either furnish him, within ten (10) days, satisfactory evidence that such child is in fact over sixteen (16) years of age, or shall cease to employ, or permit or suffer such child to work in such factory.

The inspector of factories or other authorized inspector, or the school attendance officer, shall require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Sec. 18. No child under the age of eighteen (18) years shall be employed, permitted or suffered to work in, about, or in connection with, blast furnaces, smelters, or ore reduction works, in the outside erection and repair of electric wires, in the running or management of elevators, lifts, or hoisting machines; in oiling hazardous and dangerous machinery in motion, at switch tending, gate tending, track repairing, as brakeman, fireman, engineer, motorman, conductor upon any railroads, in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored; nor in any other employment declared by the State Board of Health to be dangerous to the lives or limbs or injurious to the health or morals of children under the age of eighteen (18).

Sec. 19. The State Board of Health may from time to time determine whether or not any particular trade, process of manufacture, or occupation, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently injurious to the lives or limbs or injurious to the health or morals of minors under eighteen (18) years of age employed therein to justify their exclusion therefrom, and may prohibit their employment therein.

Sec. 20. No female shall be employed, permitted or suffered to work in or about any mine, quarry or coal breaker.

Sec. 21. In incorporated cities and towns no person under the age of twenty-one (21) years shall be employed, or permitted to work, as a messenger, for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 5 o'clock in the morning or after 10 o'clock in the evening of any day.

Sec. 22. No boy under the age of sixteen (16) years and no girl under the age of eighteen (18) years shall be employed, permitted, or suffered, to work at any gainful occupation other than domestic service or work on a farm more than forty-eight (48) hours in any one (1) week, nor more than eight (8) hours in any one (1) day; or before the hour of 7 o'clock in the morning or after the hour of 7 o'clock in the evening. The presence of a child in any establishment during working hours shall be PRIMA FACIE evidence of its employment therein.

Sec. 23. Every employer shall post in a conspicuous place in every room where any boy under the age of sixteen (16) years or any girl under the age of eighteen (18) years is employed, permitted, or suffered, to work, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the inspector of factories or other authorized inspector, and the employment of any minor for a longer time in any day so stated or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this Act.

Sec. 24. No male child under ten (10) and no female child under sixteen (16) years of age shall in any city of the first or second class, sell or expose or offer for sale newspapers, magazines, periodicals, or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten (10) years of age.

Sec. 25. Inspectors of factories and other authorized inspectors and school attendance officers may visit any place of employment mentioned in either Sec. 1, 3, 4, 18, 20, or 22, and ascertain whether any minors are employed therein contrary to the provisions of this Act; and they shall report to the school authorities any cases of children under sixteen years of age discharged for illegal employment; and school attendance officers shall also report the same to the inspector of factories or other authorized inspector.

It shall be the duty of factory and other duly authorized inspectors and school attendance officers to make complaints for offenses under this Act and prosecute the same.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

Sec. 26. Whoever employs any child, and whoever having under his control as parent, guardian, or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this Act, shall for such offense be fined not less than Five Dollars ($5.00) nor more than Two Hundred Dollars ($200.00), or be imprisoned for not less than ten (10) Days nor more than Thirty (30) Days, or both, in the discretion of the court.

Sec. 27. Whoever continues to employ any child in violation of any of the provisions of this Act, after being notified thereof by a school attendance officer, or an inspector of factories, or other authorized inspector, shall for every day thereafter that such employment continues be fined not less than Five Dollars ($5.00) nor more than Twenty Dollars ($20.00).

Sec. 28. Any person, firm or corporation retaining an employment certificate in violation of Sec. 9 of this Act shall be fined not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00).

Sec. 29. Any person authorized to sign any certificate, affidavit, or paper called for by this Act, who knowingly certifies to any materially false statement therein, shall be fined not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00).

Sec. 30. A failure by an employer to produce to a school attendance or factory officer or authorized inspector any employment certificate or list required by this Act shall be PRIMA FACIE evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.

Sec. 31. In case any employer shall fail to produce and deliver to a factory inspector or other authorized inspector or school attendance officer, within ten (10) days after demand made pursuant to Sec. 17 of this Act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be PRIMA FACIE evidence of the illegal employment of such child in any prosecution brought therefor.

Sec. 32. Any child working in or in connection with any of the establishments or places or in any of the occupations mentioned in either Sec. 1, 3, 4, 18, 20, or 22, who refuses to give to the factory inspector or other authorized inspector or the school attendance officer his or her name, age, and place of residence, shall be forthwith conducted by the inspector or school attendance officer before the judge of the juvenile court, or other proper municipal or police authority, for examination and to be dealt with according to law.

Sec. 33. Any employer who fails to post the printed notice required by Sec. 23 of this Act in the manner herein specified shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dolars ($50.00).

Sec. 34. Any superintendent of schools or other person issuing employment certificates who fails to comply with the provisions of this Act shall be fined not less than Five Dollars ($5.00) nor more than twenty-five Dollars ($25.00).

Sec. 35. Every employer who fails to provide suitable seats, chairs or benches, as provided in Sec. 6 of this Act, shall be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00).

Sec. 36. Every employer who fails to procure and keep or file employment certificates or who fails to keep and post list, as provided in Sec. 7 of this Act, shall be fined not less Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00).

Sec. 37. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 13, 1912.

CHAPTER 33.

AN ACT

Relating to the Office of Mine Inspector; Prescribing the Duties, Powers, Qualifications and Compensation of Mine Inspector, and Deputy Mine Inspectors; Regulating the Operation and Equipment of all Mines in the State of Arizona; Providing Regulations, Securing the Health and Safety of Workers Therein; and Providing Penalties for Violation of the Provisions of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The terms of this Act shall apply to all mines in the State of Arizona.

Mine.—The term "Mine" when used in this Act shall include any and all parts of any mine within the State, and any mining plant or equipment connected therewith, underground or on the surface, which contributes, or may contribute, to the mining or handling of ore, coal, or other metalliferous or non-metalliferous mineral product.

Operator.—The term "Operator" when used in this Act shall mean the person, firm, association, company, or corporation in immediate possession of any mine, or mining claim, or accessories thereof, as owner or lessee thereof, and as such, responsible for the management and condition thereof.

Inspector and Deputies.—The term "Inspector" when used in this Act, signifies the State Mine Inspector; and the terms "Deputy" and "Deputy Inspector" mean a State Deputy Mine Inspector.

Excavations or workings.—The words "Excavations" and "Workings," when used in this Act, signify any or all parts of a mine excavated, or being excavated, including shafts, tunnels, entries, winzes, raises, stopes, open cuts, and all working places, whether abandoned or in use.

Sec. 2. The office of State Mine Inspector for the State of Arizona is hereby created, in accordance with Article XIX of the Constitution of the State of Arizona, the office to be filled biennially at the general election by the qualified electors of the State, except as to the first State Mine Inspector, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall serve until his successor shall have been elected at the first general election thereafter, and shall qualify. Said Mine Inspector so elected, and all subsequent incumbents of said office, shall be elected at general elections, and shall serve for two years. The office of the Mine Inspector shall be at the State Capital.

Sec. 3. The State Mine Inspector shall be a qualified elector of the State and a resident thereof at least two years prior to his appointment or election, and not under thirty (30)

years of age, and shall have been practically engaged in, and acquainted with, mines and mining in this State, and shall have had at least seven (7) years' experience in underground mining.

No person shall be appointed to the office of Inspector or Deputy Inspector, nor be qualified to hold the office of Inspector, or Deputy Inspector, while an employee, director, or officer, of any mining, milling, or smelting company. The Inspector and each Deputy must devote his entire time to the duties of his office; and it shall be unlawful for the Inspector, or any Deputy, to be otherwise employed by the State of Arizona, or to act directly or indirectly for or on behalf of any candidate for public office, or receive compensation either directly or indirectly from any candidate for public office, or from any political party in the State, during the term of office of such Inspector, or Deputy Inspector.

Sec. 4. Failure to observe the provisions of this Act shall render the Inspector liable to immediate removal from office without further cause shown; and such failure shall render any Deputy Inspector liable to immediate removal by the Mine Inspector, or as provided by law, without further cause shown.

Sec. 5. The State Mine Inspector shall receive, as full compensation for his services, a salary payable at the rate of Three Thousand Dollars ($3,000.00) per annum, and his necessary traveling expenses when traveling in the DIS-CHAGE of official duties,not to exceed Fourteen Hundred Dollars ($1,400.00) per annum, and all necessary expenses for clerk hire, postage, stationery, printing, and office expenses, not to exceed Fourteen Hundred Dollars ($1,400.00) per annum, and such compensation and expenses shall be paid as the salary and expenses of other State officers are paid.

The Mine Inspector, before entering upon the discharge of his duties, shall file an official bond in the sum of Five

Thousand Dollars ($5,000.00), conditioned for the faihtful performance of the duties of his office, in form and manner as other official bonds of State officers.

Sec. 6. The State Mine Inspector is hereby authorized and directed, forthwith, after entering upon the duties of his office, to appoint three Deputy Mine Inspectors. They shall hold office during the term of the State Mine Inspector appointing them, unless sooner removed by him, or as provided in this Act, or otherwise by law.

Deputy Mine Inspectors shall have the same qualifications as the Mine Inspector, and shall be subject to the same penalties for violation of their duties, and the provisions of this Act, as the State Mine Inspector.

Sec. 7. Each Deputy Inspector shall receive a salary payable at the rate of Eighteen Hundred Dollars ($1.800.00) per annum, which shall be compensation in full, for all services, and his necessary traveling expenses, not to exceed Fourteen Hundred Dollars ($1,400.00) per annum, to be audited and allowed as other expenses of State officers.

Before entering upon his duties as such Deputy he shall file an official bond in the sum of Twenty-five Hundred Dollars ($2,500.00), conditioned the same as the bond of the Mine Inspector.

Sec. 8. No Inspector, or his Deputy, or any employee thereof, shall, for any purpose whatever, make a report on any mine or mining property or prospect, except an official report to his superior officer, or to the Governor; nor shall he make public or reveal to any person any knowledge or information obtained by him in the exercise of his official duties concerning ore, ore bodies, or values, of any mine or part thereof.

An Inspector, or his Deputy, or any employee thereof, who violates any of the provisions of this section, or of his oath, shall be dismissed from his office.

Sec. 9. The Mine Inspector shall have a seal bearing the words: "Mine Inspector, State of Arizona," which shall be kept by him exclusively for the use of his office, and said seal shall be affixed to official documents only.

Sec. 10. It shall be the duty of the Mine Inspector, by himself or by deputy, to visit, at least once every three months, every mine in this State employing fifty or more men underground, and every other working mine employing six or more men, at least once every year, and oftener, if in his opinion the safety of the men employed in the mine so require; and to inspect, investigate, inquire, and examine into, the operation, workings, timbering, safety appliances, machinery, sanitation, ventilation, means of ingress and egress, means taken to protect the lives and insure the safety of the miners, together with the cause of accidents and accidental deaths therein, and in general to inspect and ascertain what means are taken to comply with the provisions of this Act. For the purpose of making such inspection and ascertaining facts in connection with such investigation, examination, and inquiry, the Inspector, or his Deputy, shall have full power and authority, upon exhibition of his certificate of appointment or election, at all hours to enter and examine any part of any mine, and to visit, investigate, and examine any plant or equipment connected therewith, within this State, or any part of the workings thereof. All operators and their employees shall render to the Inspector, or his Deputy, such assistance as may be necessary to enable the Inspector, or his Deputy, to make such examination.

Sec. 11. If upon examination or inspection it shall appear to the Mine Inspector, or a deputy thereof, that a mine, or part thereof, is, from any cause, in a dangerous condition, or fails to comply with the provisions of this Act, he shall at once notify the operator, or his agent in charge thereof, such notice to be in writing and to be served by copy upon the operator, or his agent in charge. Said notice shall state in

detail in what particular said mine or part thereof is deemed dangerous, insecure, or not in compliance with the provisions of this Act, and shall state what necessary changes should be made to provide safety for employees, or other compliance to be made, and provide reasonable specified time within which to make same; and the operator of said mine shall forthwith make such change or compliance in accordance with said Mine Inspectors or Deputy's requirements.

In case of any civil or criminal procedure at law against the party or parties so notified, on account of loss of life or bodily injuries sustained by **AM** employee subsequent to such notice, and in consequence of said dangerous condition, a certified copy of the notice served by the Inspector shall be prima facie evidence of the negligence of said party or parties.

If it appears from a re-examination of the mine by the Inspector, or a Deputy Inspector, that such changes or compliances have not been made within the time specified in such notice, and that the mine or part of such mine is still in a condition dangerous to the life or health, and in the opinion of the Inspector it is necessary for the safety of the life or health of the employees in such mine or a part of the mine, that the same be vacated, it shall be the duty of the Inspector forthwith to order the cessation of the operation and working of said mine or part of mine, and to order that the employees shall not be permitted therein for purposes other than to remedy the defects complained of, until the provisions of this Act are complied with to the satisfaction of the Mine Inspector or his Deputy, and the said mine, or part of the mine, made safe for the employees therein. The operator of said mine shall forthwith obey said order.

Sec. 12. Whenever the Inspector receives a complaint in writing, signed by one or more persons employed in a mine, setting forth that the mine or part thereof in which he or they are working is being operated contrary to law, or is dangerous in any respect to the health or lives of those employed therein,

the Inspector must in person, or by Deputy, examine such mine as soon as possible. The names of the persons making such complaint shall be kept secret by the Inspector, unless permission to disclose them be expressly granted by the persons making the complaint. Such complaint shall, in all cases, set forth the nature of the danger existing at the mine, and the time when such danger was first observed. If after such inspection, the Inspector finds the conditions, in his opinion, dangerous to the health or lives of those employed therein, he forth fully the facts, upon the operator or any person having charge of such mine, and shall order the operator of said mine or mine to remove such dangerous or harmful conditions; and the operator of said mine shall obey such order.

It shall be the duty of the Inspector or any Deputy to forward every such original complaint, so received, to the office of the Mine Inspector, where it shall be indexed and filed among the official papers of the Mine Inspector.

Sec. 13. Whenever loss of life or serious accident shall occur in any mine within this State, the owner, agent, manager, or operator, having charge of operating such mine, shall give notice immediately, in the quickest possible manner, and report the facts thereof in writing to the office of the Mine Inspector. The refusal or failure of said owner, agent, manager, or operator to so report shall be deemed a misdemeanor. The Mine Inspector, upon receipt of notice of such accident, shall investigate the same and make, or cause to be made, a report which shall be filed in his office for future reference. In case of loss of life, said Mine Inspector shall, personally or by regularly appointed or Special Deputy, appear at the coroner's inquest held respecting such accident, and may examine or cross examine witnesses relative to the same, for the purpose of ascertaining the cause of such accident, and for his information in filing report concerning the same. If after making such investigation the Inspector considers the facts warrant it, it shall be the duty of such Inspector to cause a copy of

the report of such accident, or a copy of the testimony taken at the coroner's inquest, together with the verdict of the coroner's jury, and all papers in his hands relating thereto, to be forwarded to the prosecuting officer of the county in which the accident or loss of life occurred, together with an accompanying statement of the Inspector, showing in what particular or particulars he believes the law to have been violated, and if upon the receipt thereof, the prosecuting officer of the said county deems the facts sufficient to make a prima facie case of criminal action against any person or persons, he shall present such evidence to the grand jury, or take such steps, for the criminal prosecution of such operator, employees, or other persons, as may seem advisable.

Sec. 14. If any operator shall violate any of the provisions of Secs. 10, 11, or 12 of this Act, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not to exceed Five Hundred Dollars ($500.00), or imprisonment in the county jail not to exceed one year, or both such fine and imprisonment.

Sec. 15. It shall be the duty of the Inspector, or any Deputy, after every inspection made of any mine or part of any mine, as provided in this Act, to enter forthwith in a book to be kept at the mine, and designated as the "Record of Inspection", the portion of the mine so inspected, the nature of such inspection, and every dangerous defect observed in the state and conditions of the mine, machinery, and appliances; but nothing contained in or omitted form such entry shall limit or affect the duty and obligation of the owner or operator of such mine under this Act. Such "Record of Inspection" shall be open at all reasonable times to the examination of the Inspector, or any of his Deputies, and to the examination of any operator or person following the occupation of mining.

Sec. 16. It shall be the duty of the Mine Inspector on the 31st day of December in each year to make and file with

the Governor a report giving a statistical summary and report of the work of the Mine Inspector and Deputy Mine Inspectors during the year ending November 30th. Such report shall contain a statement showing the number of men employed in each mine in the State, and, separately, the number of men employed above ground and under ground, the number and nature of fatal and serious accidents occurring in each mine, the number of inspections made, complaints filed, inquests attended, mines or mine workings ordered to be vacated, violations found, and any other information of law deemed important and revelant by the Mine Inspector, together with such recommendations as in the judgment of the Mine Inspector are necessary or desirable to the carrying out of this Act and to insure the safety of the workmen employed in mines. Copies of such reports shall be published and distributed by and at the expense of the State as a public document.

Sec. 17. It shall be the duty of the mine operator, superintendent, or any one in charge of a mine, where ten or more men are employed, to keep at the mouth of the tunnel, shaft, or stope, or at such other place about the mine as may be designated by the Mine Inspector, a stretcher and a woolen and water-proof blanket, in good condition, for use in carrying any person who may be injured at the mine. Where more than one hundred (100) persons are employed two or more stretchers with woolen and water-proof blankets shall be kept, and at all mines a supply of First Aid remedies shall be kept readily accessible for the treatment of any one injured. Provided, that in all mines where three hundred (300) or more men are employed, a First Aid Corps must be organized, consisting of the foreman or foremen, shift bosses, timekeepers, and other employees, designated by the operator or superintendent of the mine to cause the organization of such; and to procure the services of a competent surgeon and physician to instruct the members of such First Aid Corps from time to time, not less than once in each calendar month, in the proper

handling and treatment of injured persons before the arrival of a physician.

Sec. 18. When considered necessary by the Mine Inspector, and so ordered by him, the operator of every mine, employing ten or more men under ground, shall make and maintain, or cause to be made and maintained, a reasonably accurate map of the workings of such mine. At least once in every six months, or oftener, if necessary, the operator or engineer of such mine shall cause to be shown with reasonable accuracy on the map of said mine, all the excavations made therein during the time elapsed since such excavations were last shown on said map, and all parts of said mine, which were worked or abandoned during said elapsed period of time, shall be clearly indicated on said map, and all under ground workings shall be surveyed and mapped before they are allowed to become inaccessible. Such maps shall, at all times, be open to the examination of the Mine Inspector or of his Deputies.

Sec. 19. (a) All explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the working shaft, tunnel, or incline to insure the same remaining intact in the event the entire stock of explosives in said magazine be exploded; no powder or other explosives shall be stored in under ground workings where men are employed; all explosives in excess of the amount required for twenty-four hours work must be kept in said magazine; and provided, further, that such temporary supply shall not be kept at any place within such mine where its accidental discharge would cut off the escape of miners working therein. Each mine or operator shall provide a sutiable device for thawing or warming powder and keeping the same in condition for use, and no powder shall be thawed except in such device; oils or other combustible substances or blasting caps shall not be kept or stored in the same magazine with explosives. All nitroglycerine, nitro or blasting powder, or other high explosives sold in the State of Arizona, shall be properly

marked with the date of manufacture on each stick of powder, and no nitroglycerine, nitro or blasting powder, or other high explosives shall be sold or used after twelve months from date of manufacture.

(b) The Mine Inspector shall have the authority to regulate and limit the amount of blasting or nitro powder or other high explosives stored or kept in general supply stores in mining camps or mining towns where there is no law governing the storage of same.

(c) No person shall, whether working for himself or in the employ of any person, company, or corporation, while loading or charging a hole with any blasting powder or other high explosive, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman, shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron, or other metal tamping bar by employees under his management or direction.

(d) Every person, company, or corporation, manufacturing, storing, selling, transferring, dealing in, or in any manner disposing of any powder, gun powder, giant or hercules powder, giant caps, or other highly explosive substances, shall keep in a book for that purpose an accurate record of all transactions, with the date thereof, relating to the receiving and disposing of the same, which record shall show the amount of each such explosive received, of whom received, when received, disposition made of such explosive, with the amount thereof, and the name of the person to whom delivery of the same was made, who shall be required to receipt therefor. Such record shall at all times be open to the inspection of the State Mine Inspector, or any peace officer.

(e) Before firing charges, warning must be given in every direction from which access may be had to the place where blasting is going on, and mis-fire holes shall be reported

to the mine foreman, or the shift boss, in charge of the locality of such holes. If the shots are fired by electricity, the place must be carefully examined before men are permitted to work therein. The miner in charge shall further instruct those employed in clearing away the loose rock, to report to him immediately the finding of any wires in or under the loose rock, and in the event of such being discovered, he shall at once order the work to cease until the wires have been carefully traced to their terminals in order to determine whether a mis-fire has occurred.

Sec. 20. All mines having but one exit, and the same covered with a building containing the mechanical plant, furnace room or blacksmith shop, shall have fire protection, water if possible, and in mines where water is not available, chemical fire extinguishers or hand grenades shall be kept in convenient places for immediate use.

Sec. 21. It is hereby made the duty of every person, company, or corporation, who shall have on any mine a vertical shaft or incline to a greater depth than one hundred (100) feet, and who shall have drifted on or along the vein or veins a distance of two hundred (200) feet or more, and shall have commenced to stope to provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft, raise, or opening, or an underground opening or communication with some other contiguous mine; provided, that in case such contiguous mine belongs to a different person, company, or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary, or in case of accident, must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft, or opening, must be commenced as soon as stoping begins and be diligently prosecuted until same is completed, and said escapement shaft, raise, or opening shall be

continued to and connected with the lowest workings in the mine. The exit, escapement shaft, raise, or opening, provided for in this section must be of sufficient size to afford an easy passageway, and if it be a raise, or shaft, must be provided with substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, signboards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.

Sec. 22. (a) No person addicted to the use of intoxicating liquors or drugs, or under eighteen years of age, shall be employed as a hoisting engineer.

(b) All hoisting machinery using steam, electricity, air, gasoline, or hydraulic motive power, for the purpose of hoisting from or lowering into mines, employees and materials, except prospect shafts not exceeding three hundred (300) feet in depth, shall be equipped with an indicator, said indicator to be placed near to and in clear view or hearing of the engineer. This indicator must be in addition to marks on the rope, or cable, or drum.

(c) It shall be unlawful to hoist men out of, or lower men into, a mine at a speed greater than eight hundred (800) feet per minute. When it is shown that in running his engine at a greater speed **THEN** eight hundred (800) feet per minute, the engineer has violated the orders of his employers, the engineer is subject to penalty.

(d) All hoisting machinery must be inspected once in every twenty-four hours by a competent person appointed by the mine manager or superintendent for that purpose, and such inspector shall immediately report in writing to said manager or superintendent any and all defects found.

(e) All ropes or cables used for hoisting purposes shall be of approved quality and manufacture; and in shafts and winzes of over two hundred (200) feet in depth wire ropes or cables only shall be used for hoisting purposes.

(f) All head frames where men are hoisted at a speed of over two hundred and fifty (250) feet per minute, and where more than twenty-five (25) men are employed, shall be so constructed as to allow at least twenty-five (25) feet above the hoist landing stage, in which the cage, skip, or bucket can travel freely in case of an over-wind. The Mine Inspector may grant permission for the use of any head frame erected previous to the enactment of this law, which does not comply with the above conditions.

(g) It shall be unlawful for the operator of any mine to permit the hoisting or lowering of men in any shaft deeper than three hundred (300) feet, unless an iron-bonneted safety cage equipped with gates at least five feet in height to be used for the hoisting and lowering of such men; but this provision shall not apply to shafts in process of sinking; every cage must have overhead bars of such arrangement as to give every man on the cage an easy and secure handhold. Every cage or skip used for hoisting men must be provided with a safety catch of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft in the event that the hoisting cable should break. The Inspector, or his Deputy, must see that all cages and skips are equipped in compliance with this paragraph, and that on all cages the safety catches are kept well oiled and in good working condition. In any shaft of less than three hundred (300) feet depth where no safety cage is used, and where cross-head or cross-heads are used, platforms for employees to ride upon, equipped with safety catches as for cages and skips herein provided, shall be provided.

(h) All vertical shafts more than two hundred (200) feet deep from which hoisting is done by means of a bucket must be provided with suitable guides, and in connection with the bucket there must be a cross-head traveling upon these guides. The height of the cross-head shall be at least one and one-half times its width. If the cross-head be a type that is not secured to the hoisting rope, a stopper of design to be

approved by the Mine Inspector must be securely and rigidly fastened to the hoisting rope at a suitable point above the rim of the bucket.

(i) The number of persons permitted to ride on the deck of a cage in or on a skip, or bucket, shall be determined by the Mine Inspector, and in no case shall more than the number of men permitted by the Mine Inspector be allowed to ride on the deck of such cage or in or on such skip or bucket. No person shall ride upon a cage or in or on a skip or bucket when loaded with rock or ore.

(j) When tools, timber, or other materials are to be loaded or hoisted in the shaft, the ends, if projecting above the top of the bucket, skip, or other vehicle, shall be securely fastened to the hoisting rope or to the upper part of the vehicle, and tools, timber, or other material loaded erectly upon a cage must be securely lashed before being hoisted or carried.

(k) No person shall ride upon any cage, skip, or bucket, that is loaded with tools, timber, powder, or other material, except for the purpose of assisting in passing these through the shaft.

(l) In no case shall a cage, skip, or bucket, or other vehicle, be lowered directly to the bottom of a shaft when men are working there, but must be stopped at least fifteen (15) feet above the bottom until the signal to lower further has been given by one of the men at the bottom of the shaft. This rule shall not apply to shafts less than fifty feet in depth.

(m) Persons engaged in deepening a shaft in which regular hoisting from any upper level is going on shall be protected from the danger of falling material by a suitable covering, sufficient opening in the covering only being left for the passage of the bucket or other conveyance used in the sinking operations.

(n) In shafts, winzes, or raises, where two or more crews of men are working one crew above another, there shall be a bulk-head between each two crews of men, strong enough

to stop any tools or other material that may fall from the men working above, and only the cage, skip, or bucket compartment be left open.

(o) All shafts or winzes shall have a bulkhead over the men working in the bottom of the shaft or winze. Said bulkhead shall be built of timber not less than six inches in thickness, and said bulkhead shall be not more than fifty feet above the bottom of said shaft or winze, and provide ample protection for the men working in the bottom of said shaft or winze, and shall be so constructed as not to shut off the air circulation, the cage, skip, or bucket compartment only to be left open. All shafts or winzes shall be cleaned down below the bulkhead after each blasting.

(p) Windlasses and whims in use at or in mines shall be provided with a suitable plug or some other reliable device to prevent running back of the bucket or other conveyance.

(q) No open hook shall be used with a bucket in hoisting, but only some approved form of safety hook or shackle hook.

(r) A release signal of one bell to the hoisting engineer shall be given to release the cage, skip, or bucket after it has been stopped at any station, to obviate the danger of movement of such cage, skip, or bucket to any other station or point in shaft.

(s) At any mine where men are hoisted by mechanical means, a hoistman charged with the hoisting thereof shall be kept on duty at the hoist at all times when men are underground.

Sec. 23. (a) Every mine shall have at least two outlets to the surface, except as hereinbefore provided. Such outlets must not lead to the surface in one and the same house, and must not at any point be nearer to one another than thirty (30) feet. In the event that two outlets of any mine, or part of them, do not belong to the same mine, the owners and operators of the respective mines shall be respon-

sible for the outlet, or part of it, in their respective mines, being kept in proper repair; and should any obstruction arise in any such outlet, or anything occur in one of the mines to jeopardize the safety of the outlet, the occurrence shall be immediately reported to the owner, manager, or superintendent of the other mine or mines. If either of the two outlets or part of them, be situated in an abandoned mine or mines, the operators of the working mine or mines shall be jointly and severally responsible for the proper maintenance and repair of such outlet or outlets.

(b) At every mine where a single shaft be allowed to afford the only means of ingress and egress to the persons employed underground, such shaft if more than two hundred (200) feet deep shall be divided into at least two compartments, and one of the compartments shall be set aside for a ladder-way, which must be equipped as hereinafter provided. Whenever such a single shaft be covered by a building not absolutely fireproof, the ladder-way shall be securely bulkheaded at a point at least twenty-five (25) feet below the collar of the shaft, and below this bulkhead, if the shaft is situated upon a side hill, a drift shall be driven to the surface; if the shaft be situated in a level country, this drift shall be driven to a safe distance beyond the walls of the building, but in no case less than thirty feet, and from there a raise shall be made to the surface. This raise shall be equipped with a ladder-way, and it, together with the drift connecting with the main shaft, shall be kept in good repair and shall afford a safe escape in the event of fire.

(c) After the enactment of this law, no structure shall be erected over an outlet of a mine, except the head-frame necessary for hoisting from a shaft and the hatch or door necessary for hoisting from a shaft and the hatch or door quired to protect, from inclemency of the weather, men obliged to work at the top of a shaft. If for the latter purpose a house be required, the Mine Inspector may, in writing, grant permission for its construction, but such a house must

be as small as possible, must be constructed of uninflammable material, and the storage of any inflammable material inside of it, or within thirty feet of it, is prohibited. In the case of existing houses covering the mouths of shafts and adits, no inflammable material shall be stored inside of them; nor outside of them within a distance of thirty feet from the exterior walls of the house.

(d) Every adit of which the mouth is covered by a house or building of any kind shall be provided with a fire-proof door, near the mouth of the adit, that can be closed from outside of the building by means of a pull wire or cable, so as to keep the gases of combustion from entering the mine in the event that fire destroys the building at the mouth of the adit.

(e) Every shaft, winze, raise, or incline, of steeper slope than forty degrees from the horizontal and deeper than forty feet, through which men are obliged to travel, shall be provided with a ladder-way. Suitable ladders, or footways, shall be provided to connect floors of sets in stopes, and other places requiring communication in a mine. Every shaft shall have, in adidtion to any mechanical means of ingress and egress, at least one proper ladder or footway communicating from the lowest workings of the mine to the surface.

(f) Permanent ladder-ways, used for the ascent or descent of persons in the mine shall be sufficiently strong for the purpose demanded, and shall be firmly fastened and kept in good repair. In a vertical shaft the Mine Inspector may, in his own descretion, by an order in writing, direct that the ladder shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms at intervals of not more than twenty feet.

The said platform shall be closely covered, with the exception of an opening large enough to permit the passage of a men and shall be so arranged that by no means could a person fall from one ladder through the opening to the next ladder.

(g) Ladder-ways shall be provided in all shafts in the course of sinking to within such distance from the bottom as will secure them from damage by blasting, but from the end of such ladder-ways, portable ladders shall be extended to the bottom of the shaft.

(h) All stations or levels shall have a passageway around the working shaft so that crossing over the hoisting compartments may be avoided. All sumps shall be securely planked over. At all shaft stations a gate or a guard rail must be provided and kept in place across the shaft, except when cage, skip, or bucket is being loaded, but this prohibition shall not forbid the temporary removal of the gate or rail for the purpose of repairs or other operations, if proper precaution to prevent danger to persons is taken.

(i) The top of every mining shaft shall be protected by a substantial gate, guard rail, or chain.

(j) Winzes or raises shall not be started in the direct line of a drift, but shall be offset from the drift. And every winze or raise now opening from below directly on any drift or tunnel, traveled by men, shall be covered with a grizzly or by doors.

(k) The opening of such offset winze shall be protected by a fence or guard rail not less than three feet nor more than four feet in height above the level of the drift.

(l) Existing winzes, sumps, and all other openings in the floor of a drift or stope must be kept covered by a substantial hatch, or planking, or provided with guard rails.

Sec. 24. An adequate amount of pure air shall be made to circulate through and into the shafts, winzes, levels, and other working places of every mine, in such quantity as will maintain the same in a fit state for working and passing therein, and where necessary an adequate spraying system shall be installed and used to settle dust or gases. The total quantity of carbon dioxide present in the air shall not exceed 0.25 per cent by volume, except that at any place where firing

of explosives has been done a higher percentage of carbon dioxide shall be permissable for a reasonable length of time after the last explosion, and the operator shall provide respirators whenever needed. Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable.

Sec. 25. (a) Stationary lights, deemed suffiicent by the Mine Inspector or Deputy thereof, shall be provided during working hours at all stations in vertical and inclined shafts during the time while in actual use; and also at all stations in levels where hoisting or hauling is effected by means of machinery; and also at night at all working places on the surface.

(b) No candles shall be left burning in a mine, or any part of a mine, when the person using the candle departs from his work for the day.

Sec. 26. (a) When advancing a drift, adit, level, or incilne toward a mine working that is suspected to be filled with water, a bore hole must be kept at least twenty feet in advance of the breast of the drive; and also if necessary in directions laterally from the course of the drive. Such a working place must not exceed six feet in width and such additional precautionary measures shall be taken as may be deemed necessary by the Mine Inspector or Deputy to obviate the danger of a sudden breaking through of water.

(b) No raise shall be allowed to approach within ten feet of any portion of a winze, or a stope, in which there is a dangerous accumulation of water, unless such winze or stope be first unwatered by bailing or pumping, or by means of a bore from the raise.

(c) In every mine where in the opinion of the Mine Inspector, there is a danger of a sudden inrush of water, such additional raises, drifts, or other workings shall be constructed as are necessary to insure the escape of workmen from the lower workings; and all sumps, and places for the storage of water in mines, shall be so constructed as to prevent leakage,

as far as possible, and insure the safety of the men working below the same.

(d) It shall not be lawful for any operator to impound water or to keep water impounded within any mine in which men are working below the water so impounded, in such manner as to endanger the safety of such men, unless said water be impounded by a dam or dams, or wall or walls, approved by the Mine Inspector or a Deputy Mine Inspector.

Sec. 27. Boys under eighteen years of age shall not be employed underground in a mine.

Sec. 28. No intoxicated person shall be allowed to enter a mine. No intoxicated person shall be allowed to remain in a mine. No intoxicating liquor shall be taken into a mine.

Sec. 29. Strangers and visitors shall not be allowed underground unless accompanied by the owner, official or employee, deputized to accompany them.

Sec. 30. Every mine employing twenty-five (25) men or more shall maintain and suitably equip a heated wash-room and change-room, immediately contiguous to said mine, which shall at all times be open to employees.

Sec. 31. No person shall knowingly injure or destroy a waterguage, barometer, air-course, brattice, or other equipment, or machinery of any mine; nor, unless lawfully authorized so to do, obstruct or open an air-way, handle or disturb any part of the machinery of the hoisting engine of the mine, open the door of a mine and neglect to close it, endanger the mine or those working therein, disobey an order given in pursuance of law; or do a wilful act whereby the lives or health of persons working in such mine, or the security of a mine, or the machinery connected therewith, may be endangered.

Sec. 32. Notices shall be placed by the superintendent or under his direction by the mine foreman or shift boss, at

the entrance to any working place deemed dangerous, and at the entrance to old or abandoned workings; and no person other than those authorized by the operator, manager, or superintendent, shall remove or go beyond any caution-board or danger signal so placed.

Sec. 33. At any mine employing twenty-five (25) or more men underground, the operator shall provide, and keep in a readily accessible place, at least two fire fighting helmets in condition to be used in case of emergency; also the operator or superintendent of such mine shall provide training for a crew in the use of said helmets, and tests at least once monthly of the helmets by the actual use thereof by such crew shall be made.

Sec. 34. (a) Every shaft and each compartment thereof used for hoisting, if exceeding fifty (50) feet in depth, and not exempted in writing by the Mine Inspector, shall be provided with an efficient means of interchanging distinct and definite signals between the top of the shaft and the lowest level from which hoisting is being done, and the various intermediate levels for the time being in use. The signalling apparatus shall be either wire or cable, actuating a bell or whistle, or a speaking tube, or a telephone, or an electric system, or two or more of these may be used in conjunction.

(b) In mines where a station tender is employed no person shall ring any signal bell except the station tender, except in case of danger, or when the main shaft is being sunk.

Sec. 35. Electric trolly wires in all mines now equipped with same shall be at least six and one-half feet above the floor and in all mines hereafter so equipped at least seven feet above the floor.

Sec. 36. The following Signal Code shall be used in all mines:

1 BELL **STOP IMMEDIATELY IF IN MOTION.**
1 BELL **HOIST MUCK.**
1 BELL **RELEASE CAGE, SKIP, OR BUCKET.**
2 BELLS **LOWER.**
3-1 BELLS **HOIST MEN.** } Note. If bells rung
3-2 BELLS **LOWER MEN.** } slowly move slowly.
5 BELLS **BLASTING OR READY TO SHOOT SIGNAL.**

This is a caution signal and if the Engineer is prepared to accept it he must acknowledge by raising the bucket or cage a few feet then lowering it again. After accepting this signal the Engineer must be prepared to hoist men away from the blast as soon as the signal 1 BELL is given and must accept no other signal in the meantime.

4 BELLS **STEAM ON OR OFF.**
6 BELLS **AIR ON OR OFF.**
7 BELLS **DANGER SIGNAL.** Followed by station signal calls cage to that station.

This signal takes precedence over all others except an accepted blasting signal.

STATION SIGNALS.

Bells	Name of Station	Bells	Name of Station
1-2	Collar of Shaft	4-2	10
1-3	1	4-3	11
1-4	2	4-4	12
1-5	3	4-5	13
2-1	4	5-1	14
2-2	5	5-2	15
2-3	6	5-3	16
2-4	7	5-4	17
2-5	8	5-5	18
4-1	9		

Station Signal must be given before Hoisting or Lowering Signal.

The Engineer shall not move a cage, skip, or bucket unless he understands the Signal.

One copy of this Signal Code shall be posted on the gallows frame, one at each station, and one before the engineer.

Sec. 37. Special signals in addition to the above may be used at any mine, provided they are easily distinguished by their sound, or otherwise, from the foregoing Code, and do not interfere with it in any way.

Sec. 38. It shall be the duty of the superintendent of every mine within the provisions of this Act to keep at all times in the office of said mine and in the time-keeper's office thereof, in an accessible place and subject to inspection by all workmen and persons interested in the same, at least one printed copy of this Act.

Sec. 39. Any person who violates any of the provisions of this Act where other penalty is not expressly provided shall be deemed guilty of a misdemearor, and upon conviction thereof, shall be punished by a fine not less than Fifty Dollars ($50.00) and not more than Three Hundred Dollars ($300.00), or imprisonment in the county jail not less than thirty (30) days and not to exceed one (1) year, or both such fine and imprisonment.

Sec. 40. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 41. Whereas, since the State Constitution establishes the office of Mine Inspector and prescribes that the Legislature at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and saftey of workers therein and in connection therewith, and fixing the duties of said office, and

Whereas, said Constitution further prescribes that the Governor, upon the approval of said laws, with the advice and consent of the Senate, shall forthwith appoint a Mine Inspector, and

Whereas, since the duties and compensation of such Mine Inspector will be prescribed only on the becoming effective of this Act and since such regulation of the operation and equipment of such mine will be prescribed only on the becoming effective of this Act;

Therefore, this Act being immediately necessary for the preservation of the public peace and safety and for the support and maintenance of a department of the State Government, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 13, 1912.

CHAPTER 34.

AN ACT

Entitled, An Act to Amend Paragraph 105, Sec. 105, of Chapter VI, Title I, of the Revised Statutes of Arizona, 1901, Relating to Assistance in the Office of the Secretary of the Territory; and to Provide for Help and Assistance in the Office of the Secretary of State, and to Provide Compensation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 105, (Sec. 105) of Chapter VI, Title I, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

105. (Sec. 105.) The Secretary of State is hereby authorized to employ the following help and assistance for his office:

(1) An assistant secretary, who shall receive a salary of Two Thousand Dollars ($2000.00) per annum, and who shall take the usual oath of office and who, in the absence of the Secretary shall have the power to perform the duties of the Secretary and do all the acts that he might legally do.

(2) One stenographer, who shall receive compensation at the rate of not more than one hundred dollars ($100.00) per month; one stenographer, who shall receive compensation at the rate of not more than seventy-five dollars ($75.00) per month.

The salary of said assistant secretary and said stenographers shall be paid by the State Treasurer out of the general fund of the State, upon warrants issued by the State Auditor.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas, it is immediately necessary to provide sufficient help and assistance for the Secretary of State in his office, and

Whereas, this Act must have an early operation to provide an appropriation for a department of State, to-wit: the Secretary of State's office, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 16, 1912.

CHAPTER 35.

AN ACT

To Amend Paragraphs 710 and 711, Title IV, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 769 and 785 of Chapter V, Title V, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraph 786, Chapter I, Title VI, Part 2, Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 823, 824, 825, 826, 827, 828, 829, 831, 832, 833, 834, 835, 838, 839, 840, 841, 842, 843, 844 and 845 of Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 847, 848, 852, 853, 856, 859 and 861, of Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 862, 863, 864, 865 and 866, of Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 869, 870, 873, and 876 of Chapter I, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 878, 880, 881, 883, 884, 885, 886 and 887 of Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona. 1901; and to amend Paragraph 889 of Chapter III, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraph 899 of Chapter V, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraph 910 of Chapter I, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 921, 925, 926, 927, 931, 932, 939, 942 and 944 of Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraph 964 of Chapter III, Title IX, Part 2, of The Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 971, 973, 975

and 980 of Chapter IV, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 987 and 988 of Chapter VI, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 994, 996 and 997 of Chapter VII, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to Amend Paragraphs 1008 and 1015 of Chapter I, Title X, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 1071 and 1074 of Chapter I, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 1084, 1085 and 1086 of Chapter III, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 1100, 1101, and 1106 of Chapter VIII, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraph 1149, Title XIV, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 1158 and 1161, Title XVI, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; and to amend Paragraphs 1164, 1165 and 1170, Title XVII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901; all of which amendments relate to criminal procedure, and prescribe the method of prosecution by information as well as indictment.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 710, Title IV, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

710. An indictment, for any other felony than murder must be found, or an information filed, within five years after its commission.

Sec. 2. That Paragraph 711, Title IV, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and **AND** same is hereby amended to read as follows:

711. An indictment for any misdemeanor must be found, or an information filed within one year from its commission.

Sec. 3. That Paragraph 769, Chapter V, Title V, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

769. If, however, it appears from the examination that any public offense which the justice's court has no jurisdiction to try and determine has been committed, and there is sufficient cause to believe the defendant guilty thereof, the magistrate shall enter an order in his docket to the following effect: "It appearing to me that the crime of (stating generally the nature thereof, and as nearly as may be the time and place where the same was committed) has been committed and that there is sufficient cause to believe A. B. guilty thereof, I order that he be held to answer the same." When a defendant has been examined and committed as heretofore provided in this Section, it shall be the duty of the county attorney, within thirty days thereafter, to file in the superior court of the county in which the offense is triable, an information charging the defendant with such offense. The information shall be in the name and by the authority of the State of Arizona, and subscribed by the county atttorney, and shall be in form like an indictment for the same offense.

Sec. 4. That Paragraph 785 of Chapter V, Title V, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

785. The court wherein the indictment is found and returned, or an information filed, may, in like manner, require a witness to enter into a recognizance for his appearance at the trial as specified in the three preceding sections.

Sec. 5. That Paragraph 825, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be

and the same is hereby amended to read as follows:

825. The indictment may be substantially in the following form:

State of Arizona,

against A. B., in the superior court of the county of ..... State of Arizona, the .....day of....., 19...., in the name and by the authority of the State of Arizona, A. B., is accused by the grand jury of the county of ....., by this indictment, of the crime of (giving its legal appelation, such as murder, arson, manslaughter or the like, or designating it as a felony or misdemeanor), committed as follows:

The said A. B., on the ..... day of ....., A. D. 19...., at the county of ..... (Here state the act or omission constituting the offense.)

Sec. 6. That Paragraph 786, Chapter I, Title VI, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

786. Every felony and every misdemeanor over which the superior court has original jurisdiction, must be prosecuted by indictment or information, and every misdemeanor may be prosecuted by indictment or information.

Sec. 7. That Paragraph 823, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

823. The first pleading on the part of the people is the indictment or information.

Sec. 8. That Paragraph 824, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

824. The indictment or information must contain:

1. The title of the action, specifying the name of the court to which the same is presented and the names of the parties.

2. A statement of the acts constituting the offense in ordinary and concise language and in such manner as to enable a person of common understanding to know what is intended.

Sec. 9. That Paragraph 826, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and and the same is hereby amended to read as follows:

826. The indictment or information must be direct and certain as it regards:

1. The party charged.
2. The offense charged.
3. The particular circumstances of the offense charged when they are necessary to constitute a complete offense.

Sec. 10. That Paragraph 827, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

827. When a defendant is charged by a ficticious or erroneous name, and in any state of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the indictment or information.

Sec. 11. That Paragraph 828, Chapter 1, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

828. The indictment or information must charge but one offense, but the same offense may be set forth in different forms under different counts, and when the offense may be committed by the use of different means, the means may be alleged in the alternative in the same count.

Sec. 12. That Paragraph 829, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

829. The precise time at which the offense was committed need not be stated in the indictment or information,

but it may be alleged to have been committed at any time before the finding thereof, except where the time is a material ingredient in the offense.

Sec. 13. That Paragraph 831, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

831. The words used in an indictment or information are construed in their usual acceptance in common language, except such words and phrases as are defined by law, which are construed according to their legal meaning.

Sec. 14. That Paragraph 832, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

832. Words used in a statute to define a public offense need not be strictly pursued in the indictment or information, but other words conveying the same meaning may be used.

Sec. 15. That Paragraph 833, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

833. The indictment or information is sufficient, if it can be understood therefrom:

1. That it is entitled in a court having authority to receive it, though the name of the court be not stated;

2. If an indictment, that it was found by a grand jury of the county in which the court was held, or, an information, that it was returned and presented to the court by the county attorney of the county in which the court was held.

3. That the defendant is named, or, if his name cannot be discovered, that he is described by a ficticious name, with a statement that his true name is, to the jury or county attorney, unknown;

4. That the offense was committed at some place within the jurisdiction of the court, except where the act, though done without the local jurisdiction of the county, is triable therein;

5. That the offense was committed at some time prior to the time of finding the indictment or information.

6. That the act or ommission charged as the offense is clearly and distinctly set forth in ordinary and concise language, and in such a manner as to enable a person of common understanding to know what is intended;

7. That the act or ommission charged as the offense is stated with such a degree of certainty as to enable the court to pronounce judgment upon a conviction, according to the right of the case.

Sec. 16. That Paragraph 834, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

834. No indictment or information is insufficient, nor can the trial, judgment or other proceedings thereon be affected, by reason of any defect or imperfection in matter of form which does not tend to the prejudice of a substantial right of the defendant upon its merits.

Sec. 17. That Paragraph 835, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

835. Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in an indictment or information.

Sec. 18. That Paragraph 838, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

838. An indictment or information for libel or slander need not set forth any extransic fact for the purpose of showing the application to the party libeled or slandered of the false or defamitory matter on which the indictment or information is founded; but it is sufficient to state generally that the same was published or spoken concerning him, and the fact that it was so published or spoken must be established on the trial.

Sec. 19. That Paragraph 839, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

839. When an instrument which is the subject of an indictment or information for forgery has been destroyed or withheld by the act or the procurement of the defendant, and the fact of such destruction or withholding is alleged in the indictment or information and established on the trial, the misdescription of the instrument is immaterial.

Sec. 20. That Paragraph 840, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

840. In an indictment or information for perjury, or subordination of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which the offense was committed and in what court and before whom the oath alleged to be false was taken, and that the court, or the person before whom it was taken, had authority to administer it, with proper allegations of the falsity of the matter on which perjury is assigned; but the indictment or information need not set forth the pleadings, record or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

Sec. 21. That Paragraph 841, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

841. In an indictment or information for the larceny or embezzlement of money, bank notes, certificates of stock or valuable securities or for a conspiracy to cheat or defraud a person of any such property, it is sufficient to allege the larceny or embezzlement, or the conspiracy to cheat and defraud, to be of money, bank notes, certificates of stock or valuable securities, without specifying the coin, number denomination or kind thereof.

Sec. 22. That Paragraph 842, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

842. An indictment or information for exhibiting, publishing, passing, selling or offering to sell, or having in possession, with such intent, any lewd or obscene book, pamphlet, picture, print, card, paper or writing, need not set forth any portion of the language used or the figures shown upon such book, pamphlet, picture, print, card, paper or writing; but it is sufficient to state generally the fact of the lewdness or obscenity thereof.

Sec. 23. That Paragraph 843, Chapter 1, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

843. In an indictment or information charging the fact of a previous conviction of a felony or an attempt to commit an offense which, if perpetrated, would have been a felony, or of petit larceny, it is sufficient to state, "that the defendant, before the commission of the offense charged in this indictment or information was, in (giving the title of the court in which the conviction was had,) convicted of a felony (or attempt, etc., of petit larceny.)" If more than one pervious conviction be charged in the indictment or information, the date of judgment upon each conviction shall be stated, and not more than two previous convictions shall be charged in any one indictment or information.

Sec. 24. That Paragraph 844, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

844. Upon an indictment or information against several defendants, any one or more may be convicted or acquitted.

Sec. 25. That Paragraph 845, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

845. The distinction between an accessory before the fact and the principal and principals in the first and second degree, in cases of felony, is abrogated; and all persons concerned in the commission of a felony, whether they directly commit the act constituting the offense, or aid and abet in its commission, though not present, shall hereafter be prosecuted, tried and punished as principals, and no other facts need be alleged in any indictment or information against such an accessory than are required in an indictment or information against his principal.

Sec. 26. That Paragraph 847, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

847. When the indictment or information is filed the defendant must be arraigned thereon before the court in which it is filed, unless the cause is transferred to some other county for trial.

Sec. 27. That Paragraph 848, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

848. If the indictment or information be for a felony the defendant must be personally present; if the indictment or information be for a misdemeanor his personal appearance is unnecessary and he may appear by counsel upon the arraignment.

Sec. 28. That Paragraph 852, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

852. The bench warrant upon the indictment or information must, if the offense be a felony, be substantially in the following form:

State of Arizona, ... County .....

To any sheriff, constable, marshal or policeman in this state:

An indictment having been found (or information filed) on the.....day of.....A. D., 19....., in the superior court of the county of....., charging C. D. with the crime of.....(designating it generally,) you are, therefore, commanded forthwith to arrest the above-named C. D. and bring him before the court to answer said indictment (or information) or if the court have adjourned for the term, that you deliver him into the custody of the sheriff of the county of.....

Given under my hand and seal of the court, this..... day of....., A. D. 19.....

(Seal) E. F. Clerk.

Sec. 29. That Paragraph 853, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

853. If the offense be not capital, the bench warrant shall be in a similar form, adding to the body thereof a direction to the following effect: "Or, if he require it, that you take him before any magistrate in the county, or in the county in which you arrest him, that he may give bail to answer the indictment or information," and the defendant is to be admitted to bail in the sum of.....(state amount) dollars.

Sec. 30. That Paragraph 856, Chapter 11, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

856. When the indictment or information is for felony, and the defendant, before the finding thereof, has given bail for his appearance to answer the charge, the court to which the indictment or information is presented may order the defendant to be committed to actual custody, unless he give bail in an increased amount, to be specified in the order.

Sec. 31. That Paragraph 859, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

859. The arraignment must be by the court, or by the clerk or county attorney, under its direction, and consists in reading the indictment or information to the defendant and delivering to him a copy thereof, and of the indorsements thereon, and asking him what is his plea.

Sec. 32. That Paragraph 861, Chapter II, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

861. If, on the argument, the defendant requires it, he must be allowed a reasonable time, not less than one day, to answer the indictment or information. He may, in answer to the arraignment, move to set aside, demur or plead to the indictment or information.

Sec. 33. That Paragraph 862, Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

862. The indictment or information must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases. If it be an indictment:

1. Where it is not found, indorsed, and presented as prescribed in this code;

2. When the names of the witnesses examined before the grand jury, or whose depositions may have been read before them, are not inserted at the foot of the indictment, or indorsed thereon;

3. When a person is permitted to be present during the session of the grand jury, and when the charge embraced in the indictment is under consideration, except as provided in section eight hundred and twelve;

4. When the defendant has not been held to answer before the finding of the indictment, on any ground which would have been good ground for challenge, either to the panel or to any individual grand juror.

If it be an information:

1. That before the filing thereof the defendant has not been legally committed by a magistrate;

2. That it was not subscribed by the county attorney of the county.

Sec. 34. That Paragraph 863, Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

863. If the motion to set aside the indictment or information is not made, the defendant is precluded from afterwards taking the objections mentioned in the last two sections. The motion must be heard at the time it is made, unless for cause the court postpones the hearing to another time. If the motion is denied, the defendant must immediately answer the indictment or information, either by demurring or pleading thereto. If the motion is granted, the court must order that the defendant, if in custody, be discharged therefrom; or, if admitted to bail, that his bail be exonerated; or, if he has deposited money instead of bail, that the same be refunded to him, unless it directs that the case be resubmitted to the same or another grand jury, or that an information be filed by the county attorney; provided, that after such order of resubmission, the defendant desiring it, may be examined before a magistrate, and discharged or committed by him, as in other cases, if before indictment or information filed, he has not been examined and committed by a magistrate.

Sec. 35. That Paragraph 864, Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

864. If the court direct that the case be resubmitted the defendant, if already in custody, shall so remain, unless he is admitted to bail; **OF** if already admitted to bail, or money has been deposited instead thereof, the bail or money shall be answerable for the appearance of the defendant to answer a new indictment or information; and unless a new indictment or information be found before the next grand jury of the county

is discharged, the court shall, on the discharge of such grand jury make the order prescribed in the preceding section.

Sec. 36. That Paragraph 865, Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

865. An order to set aside an indictment or information, as provided in this chapter, shall be no bar to a future prosecution for the same offense.

Sec. 37. That Paragraph 866, Chapter III, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

866. The motion to set aside the indictment or information shall be oral, but shall be entered by the clerk of the court in the minutes of the court, together with the court's decision thereon.

Sec. 38. That Paragraph 869, Chapter I, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

869. The defendant may demur to the indictment or information when it appears upon the face thereof; either:

1. If an indictment; That the grand jury by which it was found had no legal authority to inquire into the offense charged by reason of its not being within the legal jurisdiction of the county, or, if an information; That the court had no jurisdiction of the offense charged therein;

2. That it does not substantially conform to the requirements of Paragraphs 824, 825 and 826;

3. That more than one offense is charged;

4. That facts stated do not constitute a public offense.

5. That it contains any matter, which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

Sec. 39. That Paragraph 870,Chapter I, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

870. The demurrer must be in writing, signed either by the defendant or his counsel, and filed. It must distinctly specify the grounds of objections to the indictment or information, or it shall be disregarded.

Sec. 40. That Paragraph 873, Chapter I, Title VII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

873. If the demurrer be allowed, the judgment shall be final upon the indictment or information demurred to, and shall be a bar to another prosecution of the same offense, unless the court, being of the opinion that the objection on which the demurrer is allowed may be avoided in a new indictment or information, direct the case to be so submitted to the same or another grand jury, or directs a new information to be filed.

Sec. 41. That Paragraph 876, Chapter I, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

876. When the objections mentioned in Paragraph 869 appear upon the face of the indictment or information, they can only be taken by demurrer, except that the objection to the jurisdiction of the court over the subject of the indictment or information or that the facts stated do not constitute a public offense, may be taken at the trial under the plea of not guilty or after the trial in arrest of judgment.

Sec. 42. That Paragraph 878, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

878. There are four kinds of pleas to an indictment or information. A plea of—

1. Guilty;
2. Not guilty;
3. A former judgment of conviction or acquittal of the offense charged, which may be pleaded either with or without the plea of not guilty;
4. Once in jeopardy.

Sec. 43. That Paragraph 880, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

880. A plea of guilty can be put in by the defendant himself only in open court, unless upon indictment or information against a corporation, in which case it may be put in by counsel. The court may, at any time before judgment, upon a plea of guilty permit it to be withdrawn, and a plea of not guilty, substituted.

Sec. 44. That Paragraph 881, Chapter 11, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

881. The plea of not guilty puts in issue every material allegation of the indictment or information.

Sec. 45. That Paragraph 883, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

883. If the defendant was formerly acquitted on the ground of variance between the indictment or information and the proof, or the indictment or information was dismissed upon an objetcion to its form or substance, or in order to hold the defendant for a higher offense without a judgment of acquittal, it is not an acquittal of the same offense.

Sec. 46. That Paragraph 884, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

884. When the defendant is acquitted on the merits he is acquitted of the same offense, notwithstanding any defect in form or substance in the indictment or information on which the trial was had.

Sec. 47. That Paragraph 885, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

885. When the defendant is convicted or acquitted, or has once been placed in jeopardy upon an indictment or information, the conviction, acquittal, or jeopardy is a bar to another indictment or information for the offense charged in the former, or for an attempt to commit the same, or for any offense necessarily included therein, of which he might have been convicted under the indictment or information.

Sec. 48. That Paragraph 886, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

886. If the defendant refuses to answer the indictment or information by demurrer or plea, a plea of not guilty must be entered.

Sec. 49. That Paragraph 887, Chapter II, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

887. When a defendant, who is charged in the indictment or information with having suffered a previous conviction, pleads either guilty or not guilty of the offense with which he is charged, he must be asked whether he has suffered such previous conviction. If he answered that he has, his answers shall be entered by the clerk in the minutes of the court, and shall, unless withdrawn by consent of the court, be conclusive of the fact of his having suffered such previous conviction in all subsequent proceedings. If he answers that he has not, his answer shall be entered by the clerk in the minutes of the court and the question whether or not he has suffered such previous conviction shall be tried by the jury which tries the issue upon the plea of "not guilty," or in case of a plea of "guilty," by the jury empaneled for that purpose. The refusal of the defendant to answer is equivalent to a denial that he has suffered such previous conviction. In case the defendant pleads "not guilty," and answers that he has suffered the previous conviction, the charge of the previous conviction shall not be read to the jury, nor alluded to on the trial.

Sec. 50. That Paragraph 889, Chapter III, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

889. The application must be made in open court, and in writing, verified by the affidavit of the defendant, which affidavit may be rebutted by the state. Whenever an affidavit shows that the defendant can not safely appear in person to make the application, because the popular excitement against him is so great as to endanger his personal safety, or such statement is sustained by other testimony, the application may be made by counsel, and heard and determined in the absence of the defendant, though he is charged with a felony, and has not at the time of such application been arrested, or given bail, or been arraigned, or pleaded or demurred to the indictment or information.

Sec. 51. That Paragraph 899, Chapter V, Title VIII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

899. The issues on the docket shall be disposed of in the following order, unless the court shall direct an indictment or information to be tried out of its order: 1. Indictments or information for felony when the defendant is in custody; 2. Indictments or information for misdemeanor when the defendant is in custody. 3. Indictments or information for felony when defendant is on bail; and 4th, indictments or information for misdemeanor when the defendant is on bail.

Sec. 52. That Paragraph 910, Chapter I, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

910. Either party may challenge any individual juror for the following causes:

1. A conviction for felony;

2. A want of any of the qualifications perscribed by law to render a person a competent juror;

3. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of a juror;

4. Consanguinity or affinity within the fourth degree to the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or to the defendant;

5. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant, or being a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, or in his employment on wages;

6. Being a party adverse to the defendant in a civil action, or having complained against or been accused by him in a criminal prosecution;

7. Having served on the grand jury which found the indictment; or on a coroner's jury which inquired into the death of a person whose death is the subject of the indictment or information;

8. Having served on a trial jury which has tried another person for the offense charged in the indictment or information;

9. Having been one of a jury formerly sworn to try the same charge and whose verdict was set aside, or which was discharged without a verdict, after the case was submitted to it;

10. Having served as a juror in a civil action brought against the defendant for the act charged as an offense;

11. That he is on the bond of the defendant, or engaged in business with the defendant, or with the person alleged to be injured by the offense charged or on whose complaint the prosecution was instituted;

12. That he is a witness on the part of the prosecution of defendant, or has been served with a process or bound by an undertaking as such;

13. For the existence of a state of mind on the part of the juror in reference to the case or to the defendant or to the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted, which will prevent him from acting with entire impartiality and without prejudice to the substantial rights of either party;

14. If the offense charged be punishable with death, the entertaining of such conscientious opinions as would preclude his finding the defendant guilty; in which case he must neither be permitted nor compelled to serve as a juror;

15. That he does not understand the English language sufficiently well to comprehend the testimony offered on the trial.

Sec. 53. That Paragraph 921, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

921. The jury having been empaneled and sworn, the trial must proceed in the following order, unless otherwise directed by the court:

1. IF THE INDICTMENT OR INFORMATION BE FOR FELONY, the clerk must read it, and state the plea of the defendant to the jury, and in cases where it charges a previous conviction, and the defendant has confessed the same, the clerk in reading it shall omit therefrom all that relates to such previous conviction. In all other cases this formality may be dispensed with.

2. THE COUNTY ATTORNEY, OR OTHER COUNSEL FOR THE PEOPLE, MUST OPEN the cause, and offer the evidence in support of the charge.

3. THE DEFENDANT OR HIS COUNSEL MAY THEN OPEN THE DEFENSE, and offer his evidence in support thereof.

4. THE PARTIES MAY THEN RESPECTFULLY OFFER REBUTTING TESTIMONY ONLY, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

5. WHEN THE EVIDENCE IS CONCLUDED, unless the case is submitted to the jury on either side, or on both sides, without argument, the county attorney, or other counsel for the people, and counsel for the defendant, may argue the case to the court and jury; the county attorney, or other counsel for the people, opening the argument and having the right to close.

6. THE JUDGE MAY THEN CHARGE THE JURY AND MUST DO SO ON ANY POINTS PERTINENT TO THE ISSUE, IF REQUESTED by either party; and he shall declare the law. If the charge be not given in writing, it must be taken down by the phonographic reporter.

Sec. 54. That Paragraph 925, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

925. When two or more defendants are jointly charged with a felony, any defendant requiring it must be tried separately. In other cases the defendants jointly charged may be tired separately or jointly, in the discretion of the court.

Sec. 55. That Paragraph 926, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

926. When two or more persons are included in the same charge, the court may, at any time, before the defendants have gone into their defense, on the application of the county atttorney, direct any defendant to be discharged, that he may be a witness for the state.

Sec. 56. That Paragraph 927, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

927. When two or more persons are included in the same indictment or information, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it shall order him to be discharged

from the indictment or information before the evidence shall be deemed closed, that he may be a witness for his co-defendant.

Sec. 57. That Paragraph 931, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

931. Upon a trial for treason, evidence shall not be admitted for an overt act not expressly charged in the indictment or information, nor shall the defendant be convicted unless one or more overt acts be expressly alleged therein.

Sec. 58. That Paragraph 932, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

932. Upon a trial for conspiracy, in a case where an overt act is required by law to constitute the offense, the defendant cannot be convicted unless one or more overt acts be expressly alleged in the indictment or information, nor unless one or more of the acts alleged be proved.

Sec. 59. That Paragraph 939, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

939. If upon the trial of any cause, it appears to the court, by the testimony, that the facts proved constitute an offense of a higher nature than that charged in the indictment or information, the court may direct the jury to be discharged, and all proceedings on the indictment or information to be suspended, and the court may order the defendant to be committed, or admitted to bail, to answer any indictment which may be returned against him by the grand jury, or any information which may be filed by the county attorney, within a year next thereafter; and no plea of former jeopardy or former acquittal shall be sustained by reason of such action of the court, in case such new indictment or information is filed; provided that the enactment of this section shall not be so construed as to modify Paragraph 987 of this code, or be held in conflict therewith.

Sec. 60. That Paragraph 942, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

942. If the offense was committed within the exclusive jurisdiction of another county of this state, the court must direct the defendant to be committed for such time as it deems reasonable to await a warrant from the proper county for his arrest; or if the offense is a misdemeanor only, it may admit him to bail in an undertaking, with sufficient securities that he will, within such time as the court may appoint, render himself amenable to a warrnt for his arrest from the proper county, and, if not sooner arrested thereon, will attend at the office of the sheriff of the county where the trial was had, at a certain time particularly specified in the undertaking, to surrender himself upon the warrant, if issued, or that his bail will forfeit such sum as the court may fix, to be mentioned in the undertaking; and the clerk must forthwith transmit a certified copy of the indictment or information, and of all papers filed in the action, to the county attorney of the proper county, the expense of which transmission is chargeable to that county.

Sec. 61. That Paragraph 944, Chapter II, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

944. If the jury be discharged because the facts as charged do not constitute an offense punishable by law, the court shall order that the defendant, if in custody, be discharged, or if admitted to bail, that his bail be exonerated; or if he has deposited money instead of bail, that the money deposited be refunded to him, unless in its opinion a new indictment or information can be framed upon which the defendant can be legally convicted, in which case it may direct that the case be submitted to the same or another grand jury, or to the county attorney.

Sec. 62. That Paragraph 964, Chapter III, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

964. In all cases where a jury is discharged or prevented from giving a verdict by reason of an accident or other cause, except where the defendant is discharged from the indictment or information during the progress of the trial, or after the cause is submitted to them, the cause may be again tried at the same or another term.

Sec. 63. That Paragraph 971, Chapter IV, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

971. A verdict upon a plea of not guilty is either "guilty," or "not guilty," which imports a conviction or acquittal of the offense charged in the indictment or information. Upon a plea of a former conviction or acquittal of the same offense it is either "for the state," or "for the defendant." When the defendant is acquitted on the ground that he was insane at the time of the commission of the act charged, the verdict must be "not guilty by reason of insanity." When the defendant is acquitted on the ground of variance between the indictment or information and the proof, the verdict must be "not guilty by reason of variance between indictment or information and proof."

Sec. 64. That Paragraph 973, Chapter IV, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

973. Whenever the fact of a previous conviction of another offense is charged in the indictment or information, the jury, if they find a verdict of guilty of the offense with which he is charged, must also, unless the answer of the defendant admits the charge, find whether or not he has suffered such previous conviction. The verdict of the jury upon a charge of previous conviction may be: "We find the charge of the previous conviction true," or, "We find the charge of the previous conviction not true," as they find that the defendant has or has not suffered such conviction.

Sec. 65. That Paragraph 975, Chapter IV, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

975. On an indictment or information against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the others may be tried by another jury.

Sec. 66. That Paragraph 980, Chapter IV, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

980. If judgment of acquittal is given on a verdict, and the defendant is not detained for any other legal cause, he must be discharged as soon as the judgment is given, except where the acquittal is because of a variance between the pleading and proof, which may be obviated by a new indictment or information, the court may order his detention, to the end that a new indictment or information may be preferred in the same manner and with like effect as provided in Paragraph 944.

Sec. 67. That Paragraph 987, Chapter VI, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

987. If a defendant prosecuted for an offense, which includes within it lesser degrees, be convicted of an offense lower than that for which he is charged, and a new trial be granted him, or the judgment be arrested upon his motion, the verdict upon the first trial shall not be considered an acquittal of the higher offense, but he may, upon a second or subsequent trial, be convicted of the offense for which he was charged or any offense included therein.

Sec. 68. That Paragraph 988, Chapter VI, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

988. When a verdict has been rendered against the defendant the court shall, upon his application, grant a new trial, in the following cases:

1. When the trial has been held in his absence, if the indictment or information is for a felony, or he has been denied counsel;

2. When the court has misdirected the jury as to the law;

3. When the court has erred in the decision of any question of law arising during the course of the trial;

4. When the court has committed any material error, calculated or tending to injure the rights of the defendant;

5. When, during the trial, the jury has received any evidence out of court other than that resulting from a view of the premises;

6. When the jury has separated without leave of the court after retiring to deliberate upon the verdict;

7. When the verdict has been decided by lot or by any means other than a fair expression of the opinion of the jurors;

8. When a juror has received a bribe to convict, or has been guilty of any other corrupt conduct;

9. When any material witness of the defendant has by force, threats or fraud been prevented from attending the court, or where any further evidence tending to establish the innocence of the defendant has been intentionally destoyed or removed, so that it could not be produced upon the trial;

10. Where the jury, after having retired to deliberate upon the case, have received other testimony; or where a juror has conversed with any person in regard to the case; or where any juror, at any time during the trial or after retiring, may have become so intoxicated as to render it probable his verdict was influenced thereby. But the mere drinking of liquor by a juror shall not be sufficient ground for granting a new trial;

11. When, from any misconduct of the jury, the court is of opinion that the defendant has not received a fair and impartial trial;

12. When the verdict is contrary to law or evidence;

13. When new evidence is discovered material to the defendant, and which he could not with reasonable diligence have discovered and produced at the trial. When a motion for a

new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to produce such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

14. Where any good cause exists other than those in this section enumerated, it shall be competent in all cases to prove any misconduct of the jury by the voluntary affidavits of a juror, and a verdict may in like manner in such cases be sustained by such affidavit.

Sec. 69. That Paragraph 994, Chapter VII, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

994. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant on a plea of a former conviction or acquittal. It may be founded on any of the defects in the indictment or information mentioned in Paragraph 869 of this code, unless the objection has been waived by failure to demur, and must be made before or at the time the defendant is called for judgment. It shall be oral, and entered in the minutes of the court by the clerk thereof, together with the decision of the court thereon.

Sec. 70. That Paragraph 996, Chapter VII, Title IX, Part 2, of the Penal Code, Revised Statutes of Aridona, 1901, be and the same is hereby amended to read as follows:

996. The effect of allowing a motion for an arrest of judgment is to place the defendant in the same situation in which he was before the indictment was found, or the information was filed.

Sec. 71. That Paragraph 997, Chapter VII, Title IX, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

997. If, from the evidence on the trial, there is reason to believe the defendant guilty, and a new indictment or information can be framed upon which he may be convicted, the court may order him to be recommitted to the officers of the proper county, or admitted to bail anew to answer the new indictment or information. If the evidence show him guilty of another offense, he shall be committed or held thereon, and in neither case shall the verdict be a bar to another prosecution. But if no evidence appears sufficient to charge him with any offense, he shall, if in custody, be discharged, or if admitted to bail, his bail shall be exonerated, or if money has been deposited instead of bail, it shall be refunded to the defendant, and the arrest of judgment shall operate as an acquittal of the charge upon which the indictment or information was founded.

Sec. 72. That Paragraph 1008, Chapter I, Title X, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1008. When the defendant appears for judgment he shall be informed by the court or by the clerk under its direction, of the nature of the indictment or information, and of his plea, and the verdict, if any there are, and shall be asked whether he have any legal cause to show why judgment shall not be pronounced against him.

Sec. 73. That Paragraph 1015, Chapter I, Title X, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1015. When judgment upon a conviction is rendered, the clerk shall enter the same in the minutes, stating briefly the offense for which the conviction has been had, and shall within five days, annex together and file the following papers, which shall constitute the record of the action: A copy of the minutes of any challenge which may have been interposed by the defendant to the panel of the grand jury or to any individual grand juror, and the proceedings thereon; the indictment or information; a copy of the minutes of the court showing any

motion to set aside the indictment or information, and the court's decision thereon; the demurrer to the indictment or information, if any was filed, and a copy of the order disallowing or overruling such demurrer as entered in the minutes of the court; a copy of the plea of the defendant to the indictment or information entered in the minutes of the court; a copy of the minutes of any challenge which may have interposed to the panel of the trial jury or to an individual juror, and the proceeding thereon; a copy of the minutes of the trial; all of the bills of exception, if any filed, and all such affidavits in support thereof as may have been filed pursuant to the provisions of Paragraph 955 of this code; all charges or instruction asked of or given by the court or refused to be given by the court, and the endorsement thereon; a copy of the verdict of the jury; any motion for new trial filed in the court, or a copy of such motion, if oral, entered in the minutes of the court, and a copy of the decision of the court upon such motion, together with all affidavits used upon such motion; all the statements of facts filed as provided in this code, and all affidavits filed in support thereof; all affidavits regarding misconduct of jurors; a copy of the judgment; a copy of all orders made in the cause before judgment; a copy of any motion in arrest of judgment, and the decision of the court thereon, as entered in the minutes of the court; such record shall form the transcript on appeal, if appeal is taken.

Sec. 74. That Paragraph 1071, Chapter I, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1071. A defendant charged with an offense punishable with death, cannot be admitted to bail, when the proof of the guilt is evident or the presumption thereof great. The finding of an indictment or information does not add to the strength of the proof or the presumption to be drawn therefrom.

Sec. 75. That Paragraph 1074, Chapter I, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1074. If the offense is bailable, the defendant may be admitted to bail before conviction:

1. For his appearance before the magistrate on the examination of the charge, before being held to answer, or on the trial upon a charge of misdemeanor;

2. To appear at the court to which the magistrate is required to return the depositions and statement, upon the defendant being held to answer after examination;

3. After indictment or information, either before the bench warrant is issued for his arrest, or upon any order of the court committing him or enlarging the amount of bail, or upon his being surrendered by his bail to answer the indictment or information in the court in which it is found, or to which it may be transferred for trial.

And after conviction and upon an appeal:

1. If the appeal is from a judgment imposing a fine only, on the undertaking of bail, that he will pay the same, or such part of it as the appellate court may direct, if the judgment is affirmed or modified, or the appeal is dismissed.

2. If judgment of imprisonment has been given, that he will surrender himself in execution of the judgment, upon its being affirmed or modified, or upon the appeal being dismissed, or that in case the judgment be reversed, and that the cause be remanded for a new trial, that he will appear in the court to which said cause may be remanded, and submit himself to the orders and process thereof.

Sec. 76. That Paragraph 1084, Chapter III, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1084. **THA** bail must be put in by a written undertaking executed by two sufficient sureties (with the defendant) and acknowledged before the court or magistrate in substantially the following form:

"An indictment having been found or information filed (as the case may be) on the ..... day of..... .....A. D., 19....., in the.....court of the county of.....charging A. B. with the crime of .....(designating it generally) and he having been admitted to bail in the sum of.....dollars, we, C. D. and E. F., of.....(stating their place of residence and occupation,) hereby undertake that the above named A. B., will appear and answer the indictment or information, (as the case may be,) above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and, if convicted, will appear for judgment and render himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to the State of Arizona the sum of.....dollars, (inserting the sum in which the defendant is admitted to bail.)

Sec. 77. That Paragraph 1085, Chapter III, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1085. The provisions contained in Paragraphs 1078, 1079 and 1080 in relation to bail before indictment or information, apply to bail after indictment or information has been filed.

Sec. 78. That Paragraph 1086, Chapter III, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1086. After a defendant has been admitted to bail upon an indictment or information, the court in which the charge is pending may, upon good cause shown, either increase or reduce the amount of bail. If the amount be increased, the court may order the defendant to be committed to actual custody, unless he give bail in such increased amount. If application is made by the defendant for a reduction of the amount, notice of the application must be served upon the county attorney.

Sec. 79. That Paragraph 1100, Chapter VIII, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1100. The court to which the committing magistrate returns the complaint or in which an indictment or information or appeal is pending or in which a judgment on appeal is remitted to be carried into effect, may, by an order entered upon its minutes direct the arrest of the defendant and his commitment to the officer to whose custody he was committed at the time of giving bail, and his detention until legally discharged, in the following cases:

1. When, by reason of his failure to appear, he has incurred a forfeiture of his bail, or of money deposited instead thereof;

2. When it satisfactorily appears to the court that his bail or either of them, are dead or insufficient, or have removed from the state;

3. Upon an indictment or information being found in the cases provided in Paragraph 856.

Sec. 80. That Paragraph 1101, Chapter VIII, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1101. The order for the recommitment of the defendant must recite generally the facts upon which it is founded, and direct that the defendant be arrested by any sheriff, constable, marshal or policeman in this state, and committed to the officer in whose custody he was at the time he was admitted to bail, to be detained until legally discharged.

Sec. 81. That Paragraph 1106, Chapter VIII, Title XII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1106. When bail is taken on recommitment of the defendant, the recognizance shall be in substantially the following form:

An order having been made on the.....day of..... A. D. 19....., by the court (naming it) that A. B. be admitted to bail in the sum of.....dollars, in an action pending in that court against him in behalf of the State of Arizona upon (indictment, information or appeal, as the case may be,) we, C. D. and E. F. of (stating their place of residence,) hereby undertake that the above named A. B. shall appear in that or any other court in which his appearance may be lawfully required upon that (indictment, information or appeal, as the case may be,) and shall at all times render himself amenable to its orders and processes, and appear for judgment and surrender himself in execution thereof; or if he fail to perform either of these conditions, that we will pay to the State of Arizona, the sum of.....dollars (insert the sum in which the defendant is admitted to bail.)

Sec. 82. That Paragraph 1149, Title XIV, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1149. The trial of the question of insanity shall proceed in the following order. 1st. The counsel for the defendant shall open the case and offer evidence in support of the allegation of insanity. 2d. The counsel for the state shall open their case and offer evidence in support thereof. 3d. The parties may then respectively offer rebutting testimony only, unless the court, for good reason in furtherance of justice, permit them to offer evidence upon their original cause. 4th. When the evidence is concluded, unless the case is submitted to the jury, on either or both sides, without argument, the counsel for the state must commence, and the defendant, or his counsel, may conclude the argument to the jury. 5th. If the indictment or information be for an offense punishable with death, two counsels on each side may argue the case to the jury, in which case

they must do so alternately. In other cases the argument may be restricted to one counsel on each side. 6th. The court shall then charge the jury.

Sec. 83. That Paragraph 1158, Title XVI, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1158. The court, unless good cause to the contrary is shown, must order the prosecution to be dismissed in the following cases:

1. Where a person has been held to answer for a public offense, if an indictment or information is not found within sixty days thereafter or at the next term of the superior court.

2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial within sixty days after the finding of the indictment, filing of the information, or at the next term of the superior court.

Sec. 84. That Paragraph 1161, Title XVI, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1161. The court may, either of its own motion or upon the application of the county attorney, and in furtherance of justice, order an action or indictment or information to be dismissed. The reasons for the dismissal must be set forth in an order entered upon the minutes.

Sec. 85. That Paragraph 1164, Title XVII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1164. Upon complaint, indictment or information against a corporation, the magistrate must issue a summons signed by him, with his name of office, requiring the corporation to appear **BEFOR** him, at a specified time and place, to answer the charge, the time to be not less than ten days after the issuing of the summons.

Sec. 86. That Paragraph 1165, Title XVII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is amended to read as follows:

1165. The summons must be substantially in the following form:

"County of (as the case may be).

"State of Arizona," to the (naming the corporation):

"You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer to a charge made against you upon the complaint of A. B. (or the indictment of the grand jury of the county) (or the information filed against you, or as the case may be), for (designating the offense generally).

"Dated at .....this.....day of .....nineteen.....

"G. H., Justice of the Peace," (or as the case may be).

Sec. 87. That Paragraph 1170, Title XVII, Part 2, of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

1170. If an indictment or information is found, the corporation may appear by counsel to answer the same. If it does not appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

Sec. 88. Whereas, the Constitution of the State of Arizona provides that persons charged with crime may be prosecuted by indictment or information; and

Whereas, it is desirable to immediately amend the existing Statutes of the State of Arizona so that speedy prosecution may be had by information as well as indictment; and

Whereas, this Act required early operation to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Sec. 89. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 13, 1912.

CHAPTER 36.

AN ACT

To Amend Chapter 19 of Title 19 of the Revised Statutes of 1901, providing for the Education of the Deaf, Dumb and Blind of the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Chapter XIX, of Title XIX, of the Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

CHAPTER XIX.

Education of Deaf, Dumb and Blind.

2267. (Section 1.) There is hereby appropriated annually, the sum of five thousand dollars ($5,000.00), or so much thereof as may be necessary, for the education of the deaf, dumb and blind of the State of Arizona, under the direction of the state board of education, and that the treasurer shall pay the same on the warrant of the auditor for that purpose.

2268. (Section 2.) In addition to the duties imposed upon him by law, it is hereby made the duty of the school census marshal of each school district in the State, to include annually in his report to the county school superintendent, the num-

ber and names of the deaf, dumb, and blind of school age residing in his district. The county school superintendent shall, upon receipt of this report, forward a copy of the same to the state board of education, which shall, upon receipt thereof, and upon receipt of proof, showing that any of those enumerated therein, are deaf, or dumb, or blind, and of sound mind and body, and of parents who are not able to provide for their education, issue to applicants, so qualified, a certificate reciting the facts proved; which certificate shall entitle the holder thereof to receive, as hereinafter provided for, the benefits provided for in this Act.

2269. (Section 3.) The said board of education shall enter into contract, with some one of the states having an institution for the education of the blind, for the education of the blind of this state upon the most economical terms possible, and the contract, so entered upon, shall provide that the state so contracted with, shall, upon presentation by any applicant of the certificate provided for in Section 2 of this Act, receive and care for said applicant, in accordance with the terms of the contract. The state so contracted with shall be paid from the appropriation made in Section 1 of this Act, at the rate of not to exceed three hundred and fifty dollars ($350.00) a year for each scholar's instruction and board, including board during vacation, on the certificate of the state board of education, to be furnished by the state auditor.

2270. (Section 4.) The University of Arizona shall, upon the presentation by any applicant of a certificate issued by the state board of education, showing that said applicant is afflicted with either deafness or dumbness, admit the holder thereof to receive the benefits provided by paragraph 3645, (Sec. 65) of the Revised Statutes of Arizona, 1901, and shall, as well, provide said applicant with board and lodging. The expenses for the board and lodging of said applicant, including board and lodging during vacation, shall be paid to said University, on the certificate of the state board of education to be furnished to

the state auditor, from the appropriation made in Section 1 of this Act, at the rate of, not to exceed, two hundred and fifty dollars ($250.00) a year for each scholar's board and lodging. This section shall not be construed to conflict with, or in any way invalidate, the provisions of paragraph 3646, (Sec. 65), of the Revised Statutes of Arizona, 1901.

2271. (Section 5.) The state board of education is hereby authorized to provide for the careful examination of all applicants for admission to the benefits provided by this Act, and to audit and certify, to the state auditor, all accounts for the expense of designating the institution for the education of the blind, and for conducting examinations of applicants, and for all contingent expenses attending the same; and the accounts thereof shall be paid from the appropriation made in Section 1 of this Act.

This Act shall take effect and be in force from and after the first day of September, 1912.

Approved May 16, 1912.

CHAPTER 37.

AN ACT

Entitled, An Act Prohibiting the Employment of Persons Afflicted with Pulmonary Tuberculosis in the Public Schools, Providing for Examination of Teachers, Principals, and Superintendents, and Providing Penalties for Violation of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That no person shall be employed in the public schools of this State, as teacher, principal, or superintendent, when afflicted with pulmonary tuberculosis, and that any teacher, principal, or superintendent in the public schools shall as often as twice a year, if so required by the board of school

trustees where he is employed, submit to an examination by one or more reputable physicians selected by such school board, and should it be ascertained by such examination, or otherwise, that such person is afflicted with pulmonary tuberculosis, such person shall immediately resign, and it shall be unlawful for any school board to draw its warrant for salary to any such person for services rendered after examination showing such affliction, and no school superintendent shall thereafter draw his warrant to any such person for salary earned after an examination showing such affliction; provided, further, that should any such person refuse for the period of five days to submit to such examination, then it shall be the duty of the board of school trustees to discharge such person and pay him the pro-rata salary earned under his contract.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 16, 1912.

CHAPTER 38.

AN ACT

To Provide for the Organization and Government of Drainage Districts for the Drainage of Agricultural Lands; to Provide for the Aquisition or Construction thereby of Works, for the Drainage of Lands Embraced within such Districts; and to Provide the Necessary Funds wherewith such Districts may Acquire or Construct, Maintain and Operate Works for the Drainage of the Lands Embraced within such Districts.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Whenever five or more of the holders of title, or evidence of title, as herein provided, to agricultural lands

which are susceptible of drainage by the same general system of works, desire to provide for the drainage of such lands, they may propose the organization of a drainage district under the provisions of this act; and, when so organized, such district shall have the powers, rights and duties conferred or which may be conferred by law upon such drainage districts. The equalized assessment roll next preceding the presentation of the petition for the organization of the drainage district, under the provisions of this act, shall be sufficient evidence of title for the purposes of this act; provided, that no person, who has received or acquired title to land within such proposed district for the purpose of enabling such person to join in such petition or to become an elector of such district, shall be allowed to sign such petition or to vote at any election to be held in such district under the provisions of this act. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners joining in such petition.

Section 2. In order to propose the **ORGAINIZATION** of a drainage district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, the lands within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district; and shall pray that the same be organized, as a drainage district, under the provisions of this act. The petitioners must accompany such petition with a good and sufficient bond, to be approved by said board of supervisors, in the amount of the probable cost, necessary to be incurred by such board of supervisors, of organizing such district; conditioned that the obligators will pay all such costs in case such organization shall not be effected. The petition shall be presented at a regular meeting of such board of supervisors, and shall have been published for at least two

weeks before such presentation, in some newspaper printed and published in the county wherein the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper, if any, printed and published in each of such counties.

Section 3. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time not exceeding four weeks in all, and on the final hearing such board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But such board shall not modify such boundaries so as to exclude from the proposed district any territory which is susceptible of drainage by the same system of works applicable to the other lands in such proposed district; nor shall any lands which will not, in the judgment of said board, be benefitted by drainage, by means of said system of works, be included within such proposed district. Any person whose lands are susceptible of drainage by the same system of works may, upon his application, in the discretion of said board, have such lands included within said proposed district. Upon such hearing of such petition, the board of supervisors shall determine whether or not said petition complies with the requirements of sections one and two of this act; and for that purpose must hear all competent and relevant evidence and testimony offered in support or in opposition thereto. Such determination shall be entered upon the minutes of said board of supervisors.

Section 4. The right of appeal from said order to the superior court of the county wherein such petition is heard, is hereby given to any person interested and who shall be a party to the record; provided, that if more than one appeal be taken, they shall be consolidated and tried together. Such

appeal shall be taken within ten days after the entry of such order upon the minutes of the board of supervisors. Appeal shall be taken and heard in the same manner as appeals from justices' courts to the superior court in civil actions; except as herein otherwise provided. Upon the appeal the superior court shall make and enter its judgment affirming, modifying or reversing the order appealed from. Within ten days thereafter, the superior court must cause its remittitur to issue to said board of supervisors, and if the order of said board shall have been modified or reversed, the judgment of the superior court, and its remittitur, shall direct the board of supervisors what order said board shall enter. Such remittitur shall be filed by the clerk of the board of supervisors, and at the first regular meeting of the board thereafter, it shall cause to be entered in its minutes the order as directed by such superior court. The appeal herein provided for shall be heard and determined within thirty days from the date of the filing of the notice of appeal.

Section 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said districts into three or five divisions, as nearly equal in size as practicable; which divisions shall be numbered consecutively. One director, who shall be an elector and a resident free holder of the division, shall be elected, as hereinafter provided, by each division; provided, that when requested in the petition, three directors, who shall be resident electors and free holders of the district, shall be elected at large, by the qualified electors of the district.

Section 6. Said board of supervisors shall then give notice of an election to be held, in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall designate a name for such proposed district, and describe the boundaries thereof, and the boundaries of the precincts

established therein, when more than one, together with the designation of the polling place and the board of election for each precinct; and said notice shall be published for at least two weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of such counties. Such notice shall require the electors to cast ballots, which shall contain the words, "Drainage District—Yes" and "Drainage District—No", and also the names of one or more persons (according to the divisions of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill [illegible] office of directors. Such election shall be conducted [illegible] as practicable in accordance with the general elec[illegible] laws of the state; but no particular form of ballot shall be required.

Section 7. No person shall be entitled to vote at any election, held under the provisions of this act unless he possess all the qualifications required of electors under the general election laws of the state, and shall be the owner of real property situated within the boundaries of such district and on which he shall have paid taxes as shown by the county tax roll next preceding the date of any such election.

Section 8. The said board of supervisors shall, on the first Monday succeeding such election, if then in session, or at its next succeeding regular or special session, proceed to canvas the votes cast thereat; and if, upon such canvas, it appears that a majority of all votes cast are "Drainage District—Yes" the board shall, by an order entered in its minutes, declare such territory duly organized as a drainage district, under the name heretofore designated, and shall declare the persons receiving the highest number of votes for directors to be duly elected to such office.

Section 9. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties and no board of supervisors of any county in which any portion of the lands embraced in such district are situated, shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of the district shall be complete.

Section 10. Such election, or organization, may be contested by any person owning property within the proposed district liable to assessment for the purposes of such district. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; provided, if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act and enter its judgment accordingly. Such contest must be brought within twenty days after the canvas of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Section 11. The directors elected at the election herein before provided for shall immediately enter upon their duties as such, upon qualifying in the manner herein provided. Said directors shall hold office until their successors are elected and qualified.

Section 12. The directors of any district, created under the provisions of this act, on the first Tuesday after their election and after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible; and the term of office of the class having the greater number shall expire at the next general October election in this act provided for; and the term of office for the class having the lesser number shall terminate at the second general October election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

Section 13. The board of directors shall hold a regular meeting in their office on the first Tuesday in March, June, September and December; and such special meetings as may be required for the proper transaction of business; provided, that all special meetings must be ordered by a majority of the board by an order entered in the minutes specifying the business to be transacted. Three days notice to any member, not joining in the order, must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public and a majority of the members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March in each and every year render, and immediately thereafter cause to be published, a verified statement of the financial conditions of the district, showing particularly the receipts and disbursements of the preceding year, together with the source of such receipts and purpose of such disbursements.

Said publication shall be made in at least one issue of some paper published in the county where the office of the board of directors is situated.

Section 14. The board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; to make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; to provide for the payment, from the proper funds, of all debts and just claims against the district; to employ and appoint, when necessary, engineers to survey, plan, locate and estimate the cost of the works necessary for drainage, and the land needed for right of way, including drains, canals, sluces, water-gates, pumps and pumping plants, embankments and material for construction; and to construct, maintain, operate and keep in repair, all works necessary for the purpose of drainage. The board and its agents and the employees shall have the right to enter upon any land to make surveys and may locate the necessary drainage works and the lines for any canals, sluices, water-gates, sites and embankments, and the necessary branches for the same, on any land which may be deemed best for such location. Said board shall also have the right to acquire, hold and possess, either by donation, purchase or condemnation, any land or other property, necessary for the construction, use, maintenance, repair and improvement, including extensions, of any works required for the purpose of drainage as provided herein. The board may establish equitable by-laws, rules and regulations necessary and proper for carrying on the business herein contemplated, and may perform all such acts as may be necessary to fully carry out the purposes of this act.

Section 15. The board of directors, when they deem it advisable for the best interest of the district and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts

of the district; provided, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board.

Section 16. In case of condemnation proceedings the board shall proceed in the name of the district, under the provisions of Title Twenty-one of the Revised Statutes of Arizona, 1901, and the acts amendatory thereto, including Chapter Ninety-one of the Session Laws of the Twenty-fourth Legislative Assembly of the Territory of Arizona, 1907, which said provisions, including the provisions of Section Three of said Chapter Ninety-one of the Session Laws of 1907, are hereby made applicable for that purpose; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act is a public use, subject to the regulation and control of the state in the manner provided by law.

Section 17. In each district organized as herein provided, an election shall be held on the first Wednesday in October, 1913, and on the first Wednesday in October of each second year thereafter, at which one or more directors for the district, as provided in section five of this act, shall be elected to fill the vacancy or vacancies to be occasioned on the board by reason of the then expired term of office of one or more members of the board as provided in section twelve of this act. The persons receiving the highest number of votes for the offices to be filled at such election shall be declared elected thereto. Within ten days after receiving their respective certificates of election, each of said persons shall qualify as such directors by taking and subscribing the official oath and filing a bond as herein provided. Each director shall execute an official bond, in the sum of one thousand dollars, which shall be approved by the judge of the superior court of the county where the organization of the district was affected and shall be recorded in the office of the county re-

corder of such county and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of directors, the same shall be filled by appointment by the board of supervisors of the county where such district is organized. A director so appointed shall qualify within ten days after receiving notice of his appointment in the same manner as is in this act provided for directors elected to such office and he shall hold office only until the next regular election for such district and until his successor be elected and qualified.

Section 18. On the third Tuesday in October, next following the election, the directors who shall have been elected at the general October election and whose terms shall not then have expired, shall meet and organize the board, elect a president and appoint a secretary who shall hold office during the pleasure of the board. The term of office of directors, except those who shall draw the term as provided in section twelve of this act, is hereby fixed at four years. The office of the board of directors of any such district may be established by such board at the county seat or at some other proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for at least one week in some newspaper of general circulation published in the county where such district is organized.

Section 19. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a similar notice of the same in a conspicuous place in the office of the said board, specifying the polling places of each pre-

cinct, and the names of the members of the boards of election for each precinct. Prior to the time for posting such notices, the board must appoint, for each precinct from the electors thereof, one inspector, one judge and one clerk, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or if the persons appointed, or any of them, do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the election board or fill the places of the absent members thereof. The board of directors must, in its order appointing the board of election, designate the place in each precinct where the election shall be held.

Section 20. The inspector shall be chairman of the election board, and may administer all oaths required in the progress of the election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk shall cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct may, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be open at nine o'clock in the forenoon and be kept open until four o'clock in the afternoon, on the day of election, when the same must be closed. The provisions of the general election laws concerning the form of ballots to be used shall not apply to elections held under this act.

Section 21. As soon as the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll lists and tally lists, or attached thereto, stating the number of votes received by each person voted for at such election and designating the office, to fill which,

each such person was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge and inspector. One of said certificates with the poll list and one of the tally lists shall be retained by the inspector and preserved by him for at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally lists by the clerks; and said ballots together with said certificates, poll list and tally list, shall be sealed by the inspector in the presence of the judge and clerks, and endorsed "Election returns (naming the precinct, if there be more than one precinct in the district) of election held in (Name of district) drainage district the ..... day of ....., 19...." and directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier, designated by the inspector, to said secretary. The ballots shall be kept unopened for at least six months, but if any person, being an elector of said district, shall be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the votes of the precinct, in which it may be claimed the vote was incorrectly counted.

Section 22. The conduct of such elections, including the opening of the polls, balloting, closing the polls, counting the ballots and making the returns of the election, shall, except as otherwise provided in this act, be, as nearly as practicable, in accordance with the general election laws of the state.

Section 23. No poll list, tally list, or certificate from any election herein provided for, shall be set aside or rejected, for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting, on the first Monday after each election, to canvass the returns. If, at the time of meeting, the returns from each precinct in

the district, in which the polls were opened, have been received, the board of directors must then and there proceed to canvass the returns; but if all of the returns have not been received, the canvass must be postponed, from day to day, until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and determining from the tally lists the vote of the district for each person voted for. Whereupon the board of directors shall declare the result of such election.

Section 24. The secretary of the board of directors must, as soon as the result is declared, enter in the minutes of the board, a statement of such result, which statement must show: (a), the whole number of votes cast in the district, and in each precinct thereof, if more than one precinct; (b), the names of the persons voted for; (c), the office, to fill which, each person was voted for; (d), the number of votes given in each precinct to each of such persons; (e), the number of votes cast in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out, and deliver to each person elected, a certificate of his election; which shall be signed by the secretary and authenticated by the seal of the district.

Section 25. In any district, the board of directors thereof may, upon the presentation of a petition therefor by a majority of the holders of title, or evidence of title, of said district, evidenced as hereinbefore provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors, as said board may order; and they shall be elected by the district at large, or by divisions, as so petitioned and ordered; and after such order, such directors shall be so elected.

Section 26. The legal title to all property acquired under the provisions of this act, including all water collected in, con-

trolled or handled by means of, any draining works constructed or acquired under the provisions of this act, shall immediately vest in such drainage district and shall be held by such district in trust for, and it is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess, said property as herein provided. Such board is hereby authorized and empowered to take conveyances, or other assurances, for all property acquired by it under the provisions of this act, in the name of such district, to and for the use and purposes herein expressed; and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper to fully carry out the provisions of this act; or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created or granted by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, such board may sue, appear and defend in person or by attorney, in the name of such drainage district.

Section 27. For the purpose of constructing the necessary conduits, drains, sluices, water-gates, pumps, pumping plants, embankments and any and all other works and appliances necessary or proper for the drainage of the lands of such district, and acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable; also, whenever thereafter the construction fund has been exhausted by expenditures, as herein authorized therefrom, and it shall be necessary to raise additional money for said purposes, estimated and determine the amount of money necessary to be raised. Said board shall, thereupon, immediately call a special election, at which shall be submitted, to the electors of the district, the question whether or not the bonds of said district shall be issued in the amount so determined. Notice of such election

shall be given by posting notice thereof in three public places in each election precinct of the district, or in case the district is not divided into divisions, then in three public places in the district, for at least twenty days; and also, by publication of such notice in some newspaper published in the county where the office of the board of directors of the district is required to be kept , once a week for at least two successive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued and the denomination and rate of interest to be borne by such bonds; and such election must be held and the result thereof determined and declared, in all respects, as nearly as practicable, in conformity with the provisions of this act governing the election of directors; provided, that no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words, "Bonds—Yes" and "Bonds—No." If a majority of the votes cast at such election be "Bonds—Yes," then the board of directors shall cause bonds in said amount to be issued; if a majority of the votes cast at such bond election shall be "Bonds—No," the result of such election shall be declared by the board of directors and entered on its record, and whenever, thereafter, a petition, signed by one-fourth or more of the qualified electors of such district, shall be presented to the board of directors, it shall so declare of record in its minutes, and shall thereupon submit such question to said electors of the district in the same manner and with like effect as at such previous election.

Section 28. All bonds issued under the provisions of this act shall be payable in gold coins of the United States, and, except in the case of funding bonds hereinafter provided for, shall be in ten series as follows, to-wit: on the first day of January, after the expiration of eleven years five per centum of the number of said bonds; on the first day of January after the expiration of twelve years, six per centum; on the first day of Janu-

ary after the expiration of thirteen years, seven per centum; on the first day of January after the expiration of fourteen years, eight per centum; on the first day of January after the expiration of fifteen years, nine per centum; on the first day of January after the expiration of sixteen years, ten per centum; on the first day of January after the expiration of seventeen years, eleven per centum; on the first day of January after the expiration eighteen years, thirteen per centum; on the first day of January after the expiration of nineteen years, fifteen per centum; and on the first day of January after the expiration of twenty years, sixteen per centum; the several enumerated per centages, being the entire amount of the issue; but each bond must be made payable at a given time for its entire amount, and not for a percentage. Such bonds shall bear interest, not exceeding the rate of six per cent per annum, payable semi-annually on the first day of January and the first day of July in each year. The principal and interest shall be payable at the office of the County Treasurer of the county wherein the office of the board of directors of the district shall be located. Said bonds shall be in denomination of not less than one hundred dollars, or more than one thousand dollars each, and shall be negotiable in form, signed by the persident and secretary of the board of directors, and the seal of the district shall be affixed thereto. The bonds of each issue shall be numbered consecutively, and bear date at the time of their issue. Coupons for the several installments of interest shall be attached to each bond and signed by the secretary. Said bonds shall express on their face that they were signed by the authority of this act, stating its title and date of approval, and shall also state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser or purchasers.

Section 29. The board of directors may sell bonds, from time to time in such quantities as may be necessary and most

advantageous, to raise money for the construction of such drains and works, the acquisition of such property and rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale, the board shall, at a meeting, declare by resolution, its intention to sell a specified amount of the bonds, and the day, hour and place of such sale; and shall cause such resolution to be entered in the minutes, and notice of such sale, to be given by publication thereof, for at least ten days, in some newspaper published in the county where the office of the board of directors is located, and in any other newspapers, at its discretion. The notice shall state that sealed proposals will be received by the board at its office, for the purchase of the bonds, until the day and hour named in the resolution. At the time appointed, the board shall meet and open the proposals, and award the purchase of the bonds to the highest responsible bidder; provided, however, that the board may, by such resolution and notice, require such deposit or certified check, as an evidence of good faith to accompany each bid for such bonds; and provided further, that the board may, in its discretion, reject any and all bids. None of such bonds shall in any event be sold for less than ninety-five per cent of the par value thereof.

Section 30. All bonds issued under the provisions of this act shall be a lien upon the real property included in the district, and the lien for the bonds of any issue, shall be a preferred lien to that of any subsequent issue. Such bonds and the interest thereon shall be paid from revenues derived by assessments, as hereinafter provided for, upon the real property included in the district; and all the real property in the district shall be, and remain, liable to be assessed for such payments, as hereinafter provided; but nothing in this section shall be construed as creating, or intended to create, any lien on, or to authorize any tax against, any state, school or university lands included within any such district.

Section 31. In case the money raised by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plans for drainage and works adopted, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plans by the levy of assessments therefor; provided, however, that such levy of assessment shall not be made, except as herein provided; and the question as to whether or not such assessment shall be made, levied and collected, shall first be submitted to a vote of the electors of the district. Before such question shall be submitted, the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor; and if submitted at a special election, said order shall in addition fix the day of election. Notice of such special election must be given by posting notices thereof in three public places in each election precinct in such district for at least fifteen days, and also by publication of such notice in some newspaper, published in the county wherein the office of the board of directors is required to be located for two successive weeks. Such notice must specify the time of holding the election and the amount of the assessment proposed to be levied. Such special election shall be held and the result thereof declared in all respects, as nearly as may be, in conformity with the provisions of this act governing the election of directors of such districts; provided that no informalities in conducting such elections shall invalidate the same, if the election shall have been otherwise fairly conducted. At such special election, in case the question be so submitted, or at the general election, in case the question be submitted at a general election, ballots shall be cast which shall contain the words, "Assessment—Yes" and "Assessment—No." If a majority of the votes cast be "Assessment—Yes," the board shall proceed in the same manner, as nearly as may be, as is prescribed in sections forty to forty-three, both inclusive, of this act, providing for the raising of funds for annual requirements of such districts. If a majority of the votes cast

be "Assessment—No," the result of such election shall be declared and entered of record on the minutes of the board of directors.

Section 32. Whenever a district organized under the provisions of this act may have outstanding bonds, coupons or other evidences of indebtedness, the payment thereof may be provided for by the issuance of new, or funding bonds, in the manner hereinafter prescribed.

Section 33. In order to propose the funding of such bonds, coupons or other evidences of indebtedness, a petition shall be presented to the board of directors of such drainage district, signed by a majority of the qualified electors in and for such district, which petition shall set forth the amount of bonds, coupons or other evidences of indebtedness proposed to be funded, together with a general description of the same, also the total amount of bonds sought to be issued (provided, that said amount shall in no case be greater than the total amount of bonds, coupons and other evidences of indebtedness then outstanding and proposed to be funded), together with a full and complete statement of the purposes for which such bonds are to be used. On presentation of such petition, the same shall be entered in full on the minutes of the board.

Section 34. Immediately after the recording of said petition, the board shall call a special election, at which shall be submitted, to the electors of such district, the question whether or not the bonds of such district, in the amount set forth in said petition, shall be issued. Notice of such election must be given by posting notices thereof in three public places in each election precinct, in such district, for at least twenty days; and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two consecutive weeks before such election. The amount of bonds proposed to be issued, and the amount of bonds, coupons or

other evidences of indebtedness proposed to be funded, together with a general description of the same, as well as the time of holding such election, shall be specified in said notice. Said election shall be held, and the result thereof determined and declared, in all respects, as nearly as practicable, in conformity with the provisions of this act governing the election of directors of such districts; provided, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words, "Bonds—Yes" and "Bonds—No." If two-thirds of the votes cast shall be "Bonds—Yes," the board of directors shall cause bonds in said amount to be issued. If more than one-third of the votes cast at such election shall be "Bonds—No," the result of the election shall be so declared. The result in either case shall be duly entered of record, in the minutes of the board of directors.

Section 35. If said bonds are directed to be issued as herein provided for, the board of directors shall cause the same to be issued. Said bonds shall be made payable in gold coin of the United States in twenty series, as follows, to-wit: on the first day of January after the exipration of twenty years, five per centum of the whole amount of said bonds and on the first day of January of each year thereafter, an equal amount of such bonds until all shall have been fully paid; that is, five per centum of the whole issue of bonds—not five per centum of each bond, each being fully payable when due. Said bonds shall bear interest at the rate not exceeding six per centum per annum, payable semi annually on the first day of January and the first day of July, in each year. They shall be negotiable in form, and shall be of denominations of not less than one hundred dollars and not more than five hundred dollars. Said bonds shall in all respects conform to the form of bonds prescribed hereinbefore.

Section 36. It shall be unlawful to sell or exchange any of the bonds, herein provided for, for less than their par value.

Section 37. When bonds issued under section thirty-five of this act shall be duly executed, they shall be deposited with the treasurer of the county wherein the district was organized, who is hereby authorized and charged with the duty of receiving the same, and his receipt shall be taken therefor, and he shall be charged with the same on his official bond, and shall have no power to deliver the same in exchange for any bonds or indebtedness, proposed to be funded, until the bonds or evidences of indebtedness, to be funded, shall have been delivered to him, and he shall have been ordered by the board of directors of the district, by an order, duly entered on their records, to make such delivery. When such bonds shall have been exchanged for other bonds, coupons, or other evidences of indebtedness, the said treasurer shall at once cancel such other bonds, coupons, or other evidences of indebtedness, by writing across the face thereof "Cancelled" and the date of cancellation, and report the same, with his next regular report hereinafter provided for, to the board of directors of the district, designating the bond, coupon, or other evidence of indebtedness, so that the same can be identified, the date of cancellation and the person from whom the same was received, together with the amount paid therefor.

Section 38. When said bonds are issued, for purposes of sale to the highest bidder, the board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money to pay bonds, coupons, or other evidences of indebtedness, of the district which were outstanding at the time of the filing of the petition for the issuing of such bonds and generally described therein. Resolution of intention shall be declared and notice given, and the sale conducted in the manner prescribed in section twenty-nine of this act for the sale of original bonds. Said bonds shall in no event be sold for less than their par value including accrued interest. All money realized from the sale of bonds issued under the provisions of this section, shall be paid into the hands of said

treasurer, and by him kept in a separate fund, known as the "Funding Fund," and shall be applied exclusively to the payment of bonds, coupons, or other evidences of indebtedness of the district outstanding at the time of filing of said petition, and described therein.

Section 39. The bonds issued as herein provided may be exchanged, at not less than ninety-five per cent of their par value, including accrued interest, for any of the indebtednesses set out and described in the notice of the election authorizing the issuance of said funding bonds. A contract for such exchange may be made by the board of directors on such terms as the board may deem advisable; provided, that they must receive not less than ninety-five per cet of their value for the bonds so exchanged.

Section 40. The board of directors must, on or before the first meeting of the board of supervisors in July, of each year, furnish the supervisors and the assessor of the county wherein the district is situated, or if such district is not entirely within the county, then as hereinafter provided, to the supervisors and assessors of each county, in which any portion of the district is situated, an estimate in writing, of the amount of money needed for the purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise the annual interest on the outstanding bonds, to pay the estimated cost of repairs, the incidental expenses of the district, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature.

Section 41. If such district is in more than one county, the total estimate, as provided for in the preceding section, shall be divided by the board of directors in proportion to the value of the real property included within the district in each county. This value must be determined from the equalized values of the last assessment rolls of such counties. When such division of the estimate has been made, the board shall

furnish the supervisors and assessors of the respective counties a written statement of that part of the estimate apportioned to that county.

Section 42. The board of supervisors of each county, wherein is situated a district, or any part thereof, organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "(name of district) Drainage District Tax" sufficient to raise an amount reported to them as herein provided, by the board of directors. The supervisors must determine the rate of such tax, by deducting fifteen per centum for anticipated delinquencies from the total assessed value of the real property included within the district, within the county as the same appears on the assessment rolls of the county, and then dividing the sum reported by the board of directors, as required to be raised, by the remainder of such total assessed value.

Section 43. The tax so levied shall be computed and entered on the assessmet roll by the county assessor; and if the supervisors fail to levy the tax as provided in the preceding section, then the assessor must do so. Such tax, as well as the assessments provided for under the provisions of section thirty-one of this act, shall be collected at the same time and in the same manner as state and county taxes, and, when collected, shall be paid into the county treasury for the use of said district.

Section 44. The provisons of Title Sixty-two, Revenue, of the Revised Statutes of Arizona, 1901, and the acts amendatory thereto, prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Section 45. If the district is in more than one county, the treasurer of the county wherein the district was organized shall be the custodian of all the funds of the district. For this purpose the treasurers of other counties wherein may be situated a portion of such district, must, at any time, not oftener than twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county wherein the district was organized, all money in their possession belonging to the district. Said last mentioned treasurer is authorized and required to receive and receipt for said money, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe keeping and disbursement, in the manner herein provided, of any and all money of the district held by him.

Section 46. The following funds are hereby created and established, to which the money properly belonging shall be apportioned by the treasurer, to-wit: "Bond Fund," "Construction Fund," "General Fund," and the "Funding Fund."

Section 47. The treasurer shall pay out the money, deposited with him for the credit of such districts, only upon warrants of the board of directors, signed by the president and attested by the secretary thereof. The treasurer shall report in writing at each regular meeting of the board of directors, and at such other times as may be required by the board, the amount of money in each of the funds, the amount of receipts since his last report, and the amount paid out. Such reports shall be verified and filed with the secretary of the board.

Section 48. Upon the presentation of the coupons due, to the treasurer, he shall pay the same from the Bond Fund. Whenever said fund shall amount to the sum of ten thousand dollars in excess of an amount sufficient to meet the interest coupons due, the board of directors shall direct the treasurer to pay such an amount of the bonds, not due, as the money in said fund will redeem, at the lowest value at which they may

be offered for liquidation, after advertising, in the manner hereinbefore provided, for the sale of bonds, for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting at a time to be named in the notice, and the lowest bid for said bonds must be accepted; provided, that no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided, said money shall be invested by the treasurer, under the direction of the board of directors, in bonds of the United States, bonds of the State of Arizona, or the bonds of any school district of the state, or the bonds of any other municipal corporation within the state; which shall be kept in said bond fund, and may be used to redeem said district bonds, whenever the holders thereof may desire, either by exchanging the same for bonds of the district or by converting the same into cash and redeeming the bonds of the district.

Section 49. After adopting a plan for such conduits, drains, pumping plans, water-gates and other works, as in this act provided for, the board of directors shall give notice, by publication thereof for not less than fifteen days in one newspaper published in each of the counties, wherein land embraced within the district is located, (provided a newspaper be published therein) and in such other newspapers as they may deem advisable, calling for bids for the construction of such works, or of any portion thereof; if less than the whole work be advertised, then the portion so advertised, must be particularly described in such notice. Said notice shall set forth, that plans and specifications can be seen at the office of the board, and that the board will receive proposals therefor; and that the contract will be let, to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the board shall let said work, whether

in portions, or as a whole, to the lowest responsible bidder; or they may reject any and all bids and readvertise for proposals, or may proceed to construct the works under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons, to whom a contract may be awarded, shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district, for its use, for fifty per centum of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer and be approved by the board.

Section 50. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned or attested by the secretary.

Section 51. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund.

Section 52. The board of directors shall have the power to construct the works, necessary for drainage purposes, across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which the route of such conduits or drains may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so caused or intersected, to its former state, as nearly as may be, or in such manner as not to have impaired, unnecessarily, its usefulness; and every company whose railroad, and the board of supervisors, where any public highway shall be intersected or crossed by said works, shall unite with said board in forming said intersection and crossings, and grant the privileges; and if such railroad company, or such board of supervisors, are the owners and controllers of such property, thing, or franchise, so to be crossed, and said board

cannot agree upon the amount to be paid therefor, or the points or the manner of such crossings or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to the taking of property by condemnation. The right of way is hereby given, dedicated and set apart, to locate, construct and maintain said works over and through any of the lands which are now, or may be, the property of the state or any sub-division or institution thereof.

Section 53. Each member of the board of directors shall receive three dollars per day for each day's attendance at the meetings of the board, and actual and necessary expenses while engaged in official business under the order of the board.

Section 54. No director, or any other officer named in this act, shall, in any manner, be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall work a forfeiture of his office; and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Section 55. The board of directors may, at any time, when in their judgment it may be deemed advisable, call a special election, and submit to the qualified electors of the district, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared, in all respects, in conformity with the provisions of section twenty-seven of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words, "Assessment—Yes" and "Assessment—No." If a majority of the votes cast,

are "Assessment—Yes," the board shall proceed in the manner hereinbefore prescribed for raising the annual funds by taxation. When collected, the money shall be paid into the county treasury to the credit of the district, and the same may be used for the purposes specified in the notice of such special election.

Section 56. The board of directors shall have no power to incur any debt or liability, whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions, shall be and remain absolutely void; except, for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the collection of the first assessment, incur an indebtedness, not exceeding in the aggregate, the sum of two thousand dollars; and may cause warrants of the district to issue therefor, bearing interest at seven per centum per annum.

Section 57. The rights of way, ditches, drains, conduits, flumes, pipe-lines, dams, reservoirs, pumping-plants, water and other property of like character belonging to any drainage district, as well as the bonds or other evidences of indebtedness of any such district, shall not be taxed for state, county or municipal purposes.

Section 58. The board of directors shall, within thirty days after the issue of any bonds herein provided for, bring an action in the superior court of the county, wherein is located the office of such board, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem; and jurisdiction of all parties interested, may be had by publication of summons, for at least once a week, for two weeks, in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete in thirty days after the full publication of such summons in the manner herein provided. Any

one interested may, at any time before the expiration of said thirty days, appear, and by proper proceeding, contest the validity of such bonds. Such action shall be speedily tried and judgment rendered, declaring such bonds, so contested, either valid or invalid. Either party shall have the right to appeal at any time within thirty days after the entry of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Section 59. If no such proceeding shall have been taken by the board of directors, then at any time after thirty days, and within ninety days after the issue of any bonds under the provisions of this act, any district assessment payer may bring an action in the superior court of the county wherein the office of the board of directors is located, to determine the validity of any such bonds. The board of directors shall be made parties defendant; and service of summons shall be made on the members of the board, personally, if they can be found within the state; if not, then by publication of the summons for three weeks in some newspaper, of general circulation, within the county wherein the office of the board of directors is located; such newspaper to be designated by the court having jurisdiction. Before such publication can be had, an affidavit, in the usual form, shall be made, showing such facts; and in addition to serving the members of such board with summons, either by personal service or by publication, as provided in this section, summons in such action shall also be published in the same manner, for the same time, for the same purposes, and with like effect, as prescribed under the provisions of section fifty-eight, relative to publication of summons in action brought by the board of directors. Said board shall have the right to appear and contest such action. Any district assessment payer, or any one interested, may appear and defend such action, and thereafter, the same proceedings shall be had in such action, as are hereinbefore provided for in the preceding section hereof, in an action brought by the board of directors,

and the same matters determined and adjudicated by the court therein. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein providid, for the bringing of such actions by the board, to determine such matters. Such appeals shall be heard and determined within three months from the time of the entry of the judgment appealed from.

Section 60. At the hearing of such proceedings the court shall hear and determine the sufficiency of all proceedings.

Section 61. If more than one action shall be pending at the same time concerning similar contests, in this act provided for, they shall be consolidated and tried together.

Section 62. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not effect the substantial rights of the parties to such action or proceeding. The rules of pleading and practice provided by the Revised Statutes of Arizona, 1901, and the acts amendatory thereto, so far as not inconsistent with the provisions of this act, shall be applicable to all actions or proceedings herein provided for. The costs of any hearing or contest, herein provided for, may be allowed and apportioned between the parties, or taxed against the losing party, in the discretion of the court.

Section 63. No contest of any matter or thing herein provided for, shall be made, other than within the time and manner herein specified.

Section 64. The boundaries of any drainage district organized under the provisions of this act, may be changed in the manner herein prescribed; but such change of boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien or charge for or upon

which it was or might become liable or chargable, had such change of its boundaries not been made.

Section 65. The holder or holders of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of a drainage district, and which are contiguous thereto, and which taken together constitute one tract of land, may file, with the board of directors of such district, a petition, in writing, praying that the boundaries of such district may be so changed as to include therein said contiguous land. The petition shall describe the boundaries of such parcel or tract of land, and also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such description need not be more particular than are required for the same when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion, within said district, of the parcels or tracts of land described in the petition, and of which such petitioners allege they are, respectively, the owners; and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Section 66. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notice of special elections, for the issuance of bonds, are required to be published, under the provisons of this act. The notice shall state the filing of such petition, and the names of petitioners, a description of the lands mentioned in the petition, and the prayer of the petition; and it shall notify all persons interested in, or that may be affected by such change of boundaries of the district, to appear at the office of the board, at the time named in such notice, and show cause in writing, if any they have, why the change in the boundaries of such district, as proposed in such petition, should not be made. The time to be specified in the notice, for showing such cause, shall be the regular meet-

ing of the board next after the expiration of the time required for the publication of such notice. The petitioners shall advance to the secretary all necessary money to pay the estimated costs of all proceedings arising from or incident to such petition.

Section 67. The board of directors, at the time and place mentioned in the said notice, or at such other time or times, to which the hearing of such petition may be adjourned, shall proceed to hear the petition and all the objections thereto, presented in writing, by any person showing cause, as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure by any person, interested in such district, or in the matter of the proposed change of its boundaries, to show cause in writing, as aforesaid, shall be deemed and taken as assent, on his part, to a change of the boundaries of the district as prayed for in such petition or to such a change thereof as will include a part of such land. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as assent, on the part of each and all of such petitioners, to such a change of said boundaries as will include the whole or any part of the lands described in such petition.

Section 68. The board of directors, to whom such petition is presented, shall require, as condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated, (the several amounts to be determined by the board), as such petitioners or their grantor would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Section 69. The board of directors, if they deem it not for the best interest of the district that a change of its boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected; but if they

deem it for the best interest of the district, that the boundaries of such district be changed, and if no person interested in such district, or the proposed change of its boundaries, show cause, in writing, why the proposed change should not be made, or if, having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in such petition, or some part thereof. The order shall describe the boundaries as changed, and shall, also, describe the entire boundaries of the district as they will be after the change thereof, as aforesaid, is made; and for that purpose, the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

Section 70. If any person in such district, interested in the proposed change of its boundary, shall show cause, as aforesaid, why such boundary should not be changed, and shall not withdraw the same, and if the board of directors deem it, for the best interest of the district, that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The resolution shall describe the exterior boundaries of the lands which the board is of the opinion should be included within the boundaries of the district when changed.

Section 71. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in such resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act for special elections to determine whether bonds of a drainage district shall be issued. The bal-

lots cast at such election shall contain the words, "For Change of Boundary" and "Against Change of Boundary." Then notice of election shall describe the proposed change in the boundaries in such manner and terms as can be readily traced.

Section 72. If at such election, a majority of all the votes cast be against such change of the boundaries of the district, the board shall order that such petition be denied and shall proceed no further in the premises. If a majority of such votes be in favor of such change in the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution heretofore adopted by the board. Such order shall describe the entire boundaries of the district, as changed, and for such purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Section 73. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors, ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; and thereupon, the district shall be and remain a drainage district, as full, and to every intent and purpose, as if the lands which may be included in the district by the change in the boundaries, as aforesaid, had been included therein at the original organization of the district.

Section 74. Upon the filing of the copy of the order as in the last preceding section mentioned, the secretary shall record in the minutes of the board, the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissable in evidence with the same effect as the petition.

Section 75. A guardian, executor or administrator of an estate, who shall have been appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the land belonging to the estate,

which he represents, upon being thereunto authorized by the proper court, may sign and acknowledge the petition, in section sixty-five of this act mentioned, and may show cause why the boundaries of the district should be changed.

Section 76. Whenever the board of directors of a drainage district, organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such drainage district is greater than such district is liable to need to complete its system as planned, the board may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Section 77. Notice of such election shall be given in the same manner as provided in section twenty-seven of this act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded INDENTEDNESS of such district, and the amount to which it is proposed to reduce the same; also the date on which such election will be held, and the location of the polling place, or places, as established by the board of directors. The ballots cast at such an election, shall contain the words, "For Reducing Bonds—Yes" and "For Reducing Bonds—No." When the vote is canvassed by the board of directors, and the result thereof entered on the minutes of the board, if a majority of the votes cast shall have been found to be "For Reducing Bonds—Yes" then and in that event the board shall be empowered to issue or sell only the amount of bonds as was stipulated in the said notice of such special election; but if a majority of such votes are "For Reducing Bond—No," then the authority to issue bonds shall remain the same as before such special election was held.

Section 78. No reduction of the bonded indebtedness, as in this act provided, shall in any manner affect any order of court that may have been made adjudicating and confirming the validity of such bonds.

Section 79. Whenever there remain in the hands of the board of directors of any drainage district, **ORGAINZED** under the provisions of this act, after the completion of its drainage system and the payment of all demands against such district, any bonds voted to be issued by such district, but not sold, and not necessary to be sold for the raising of funds for the use of such district, such board of directors may call a special election for the purpose of voting upon a proposition to destroy such unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Section 80. Such election shall be held, in the same manner as other elections are held, under the provisions of this act. A notice of such election shall be given in the same manner as provided in section twenty-seven of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of the district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed; and the date on which such election is proposed to be held, and the polling place, or places, as fixed by the board of directors. The ballots to be cast at such election shall contain the words, "For Destroying Bonds—Yes" and "For Destroying Bonds—No."

Section 81. When the vote is canvassed, by the board of directors and entered of record, if it be found that a majority of the votes cast are "For Destroying Bonds—Yes," then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed, and the total amount of bonds so destroyed and cancelled shall be deducted from the sum authorized to be issued by the electors of such district, and no part thereof shall thereafter be reprinted or issued.

Section 82. Whenever a drainage district, organized under the provisions of this act, shall, at the time of its organization, embrace, within its boundaries, any lands granted, or in any wise confirmed or transferred to the state,—under the provisions of the act of Congress, known as the Enabling Act, approved June 20, 1910, and the title to such lands shall, at the time of such organization, be vested in the state,—then, and so long as the state shall continue to hold such land for the uses and purposes for which the same was granted, or otherwise, the state shall pay such proportionate part of all costs, charges, expenses, sums of money (including payments of the principal and interest on bonds, and other evidences of indebtedness of the district, and other costs and expenses of whatsoever kind thereof) incurred or expended in the construction, acquisition, equipment, maintenance and operation of the drainage system and works of such district, as the number of acres of such state lands embraced within the district, bears to the total number of acres of all the lands embraced therein. Claims for the amounts due from time to time, shall be made by the board of directors, for, and in the name of the district, against the state. Such claims shall be verified by the secretary of the board, and shall contain a brief description of the land, on account of which the claim is made, and shall likewise specify, in general terms, the purposes for which the money due on the claim will be expended. Such claim shall be filed with, and audited by, the state auditor, who shall then present the same to the board of control, or other proper board or officer, as may be provided by law for the handling of such claims; and, if found correct, the same shall be allowed and ordered paid by said board of control, or other proper board or officer, and the state auditor shall thereupon draw his warrant on the state treasurer, payable to the county treasurer of the county wherein the office of such district is located, for the use and benefit of such district, in payment of such claim; and the state treasurer shall, upon presentation of such warrant,

properly endorsed, pay the same out of any money in the general fund of the state not otherwise specifically appropriated. Should the state, at any time subsequent to the formation of such district, sell any of such land, then all of the burdens, obligations, liabilities, and liens, existing against other lands, in private ownership, embraced within such district, by reason of the organization of such district, or in anywise connected with, incident to, or arising from or by reason of the existence of such district, or any obligation thereof, shall forthwith, by operation of law, upon the consummation of such sale, attach to, and thereater continue to exist against and upon, such land, to the same extent, and with like force and effect, as if such land had been in private ownership at the time of the organization of such drainge district.

Section 83. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 16, 1912.

CHAPTER 39.

AN ACT

Regulating Private Car Companies, and Providing for a State Tax on Same, and for the Collection Thereof, and Repealing All Acts and Parts of Acts in Conflict with this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any person or persons, joint stock company, or corporation, whether organized or incorporated, engaged in the business of operating or running cars for the purpose of transporting persons or any articles of merchandise, during the

transportation thereof on or over any railroad line or lines in whole or in part within this State, such line or lines not being owned or leased by such person or persons, joint stock company, or corporation, shall be deemed a private car company within the meaning of this Act.

Sec. 2. Every private car company, as defined in Sec. 1 hereof, doing business in this State, shall annually, between the first and thirtieth day of June, after the passage of this Act, under oath of the person constituting such company, if a person, or under oath of the president, treasurer, secretary, superintendent, tax agent, or chief officer, in this State, or such association or corporation, if an association or corporation, make and file with the State Tax Commission, a statement, in such form as the Commission may prescribe, containing the following facts:

1st.—The name of the person, or persons, association, or corporation.

2nd.—The nature of the company, whether a person or persons, or association or corporation, and under the laws of what state or country organized.

3rd.—The location of its principal office.

4th.—The name and postoffice address of the president, secretary, auditor, treasurer, superintendent, and general manager.

5th.—The name and postoffice address of the chief officer, or managing agent of the company in Arizona.

6th.—The entire receipts (including all sums earned or charged, whether actually received or not) for business done by such company within this State, including its proportion of gross receipts for business done by such company within the State in connection with other companies.

7th.—Such other facts and information as the said Commission may require in the form of return prescribed by it. Blanks for making the above statement shall be prepared and furnished any private car company by the said Commission.

Sec. 3. The State Tax Commission shall proceed to ascertain and determine, on or before the third Monday in August, the entire gross receipts of each of said private car companies for business done within the State of Arizona for the year next preceding the first day of June; and the amount so ascertained by the said board shall, in such instances, be held and deemed to be the gross receipts of such private car company for business done within the State of Arizona, for the year under consideration.

Sec. 4. The Commission may adjourn from time to time until the business before it is finally disposed of. In case of failure or refusal of any private car company to make the statement required by law, or to furnish the Commission any information requested by it, the Commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duty. And at any time after the meeting of the Commission on the first Monday in July, and before the gross receipts of any private car company for business done within the State of Arizona are determined, any person, company, or corporation interested, shall have the right, on written application, to appear before the Commission and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any private car company for business done in the State of Arizona and before the certification of the State Tax Commission of such amount, the Commission may, on the application of any person, company, or corporation interested, or on its own motion, review and correct its finding in such manner as may seem to it to be just and proper.

Sec. 5. In case any private car company shall refuse, fail, or neglect, to make and file the statement or schedule, as provided for in this Act, such company shall be subject to a penalty of Five Hundred ($500.00) Dollars, and an additional penalty of One Hundred ($100.00) Dollars for each day's omission after the thirtieth day of June to file its statement, said pen-

alty to be recovered by action in the name of the State, and on collection, paid into the State Treasury to the credit of the general fund of the State. The Attorney General, on the request of the State Tax Commission, shall institute such action against any such person or persons, joint stock company, or corporation, so delinquent, in any court of competent jurisdiction in this State.

Sec. 6. The State Tax Commission shall, on the first Monday in September, annually, enter the amount of gross receipts of private car companies doing business in this State, for the year then next preceding the first day of June, as determined as provided for in Sec. 3 of this Act, in a book provided for that purpose. It shall be the duty of the State Treasurer, annually, to collect from each such private car company, doing business in this State, a sum in the nature of a State tax, to be computed by taking seven per centum of the amount fixed by the State Tax Commission as the gross receipts of such private car company for business done within the State of Arizona for the year next preceding the first day of June, as determined and certified by the State Tax Commission. The taxes paid under this Act shall be in lieu of all other taxes upon the properties and business of said private car companies. All taxes collected under the provisions of this Act shall be credited to the State general fund.

Sec. 7. If any private car company fails or refuses to pay the said tax as provided for in this Act, before the third Monday in December, annually, the State Treasurer shall proceed to collect the tax, together with interest, at the rate of twelve per centum per annum, by suit instituted by the Attorney General, whose duty it shall be, upon request of the State Treasurer, or upon request of the State Tax Commission, to prosecute any and all proceedings for the collection of such tax.

Sec. 8. Whereas, an urgent necessity exists for a more equal and uniform system of assesment and apportionment of

taxes, and for the efficient collection of State taxes and revenue, and the provisions of this Act are necessary to the public peace, health, safety, and for the support and maintenance of the departments of State government and State institutions, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Sec. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 16, 1912.

CHAPTER 40.

AN ACT

To Amend Paragraph 3627, (Sec. 46) of Chapter IV of Title LVI of the Revised Statutes of Arizona, 1901, Relating to University of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragrph 3627, (Sec. 46) of Chapter IV of Title LVI of the Revised Statutes of Arizona, 1901, be and the same is hereby amended so as to read as follows: 3627, (Sec. 46.) The government of the university shall vest in a Board of Regents to consist of a President and seven members; not more than four of whom shall belong to the same political party, who shall be appointed as provided by law. The State Superitendent of Public Instruction and the Governor shall also, during their respective terms of office be ex-officio members of said board.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. (

Approved May 16, 1912.

CHAPTER 41.

AN ACT

Assenting to the Provisions of the Enabling Act of Congress, Approved June 20, 1910, Providing for Grants of Land for Agricultural and Mechanical Colleges, and for School of Mines, in the State of Arizona, and for Other Purposes; and Reserving Lands for Said Colleges and School.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That in conformity with the provisions of Sec. 1, of Article X, of the State Constitution and with a provision of an Act of Congress entitled "An Act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, leglislative assent of the State of Arizona is hereby given to the grants of land authorized by the Constitution and the aforesaid Act of Congress and to the purposes of said grant.

Sec. 2. That the grant of one hundred and fifty thousand (150,000) acres of land made by the said Act of Congress for "agricultural and mechanical colleges," and the proceeds of said lands as sold or otherwise disposed of, are hereby and forever reserved for the use and benefit of the agricultural and

mechanical colleges now established, or to be hereafter established, by the University of Arizona, and connected, or to be connected therewith.

Sec. 3. That the grant of one hundred and fifty thousand (150,000) acres of land made by the said Act of Congress for "school of mines" and the proceeds of said lands as sold or otherwise disposed of are hereby forever reserved for the use and benefit of the School of Mines now established, or to be hereafter established, by the University of Arizona, and connected, or to be connected, therewith.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 16, 1912.

CHAPTER 42.

AN ACT

To Amend Paragraph 948, (Sec. 21), of Chapter I, and Paragraph 1051, (Sec. 124), of Chapter III of Title XIV of the Revised Statutes of Arizona, 1901.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Paragraph 948, (Sec. 21), of Chapter I of Title XIV of the Revised Statutes of Arizona, 1901, be, and the same is hereby amended so that the said paragraph shall read as follows:

948. (Sec. 21). On the first Monday in September, 1912, the Board of Supervisors of the several counties of the state shall re-district their counties into justice precincts; such re-districting of counties shall take effect and be in force on

the first day of January, 1913, and all justice precincts, not in existence, are hereby declared abolished on and after the first day of January, 1913; and the terms of justices of the peace and constables, now in office, are hereby terminated on the first day of January, 1913.

Section 2. That Paragraph 1051, (Sec. 124), of Chapter III of Title XIV of the Revised Statutes of Arizona, 1901, be, and the same are hereby amended so that the said paragraph shall read as follows:

1051. (Sec. 124.) The officers of justices' precincts are one justice of the peace and one constable.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 16, 1912.

CHAPTER 43.

AN ACT

Limiting the Number of Cars in a Train.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad in the State of Arizona, to run, or permit to be run, over his, there, or its line or road, or any portion thereof, any train consisting of more than seventy freight, or other cars, exclusive of caboose.

Section 2. It shall be unlawful for any person, firm, association, company or corporation, operating any railroad

in the State of Arizona, to run, or permit to be run, over his, their, or its line or road, or any portion thereof, any passenger train consisting of more than fourteen cars.

Section 3. Any person, firm, association, company or corporation, operating any railroad in the State of Arizona, who shall wilfully violate any of the provisions of this act, shall be liable to the State of Arizona for a penalty of not less than one hundred dollars, nor more than one thousand dollars, for each offense; and such penalty shall be recovered, and suits therefor brought by the Attorney General, or under his direction, in the name of the State of Arizona, in any county through which such railway may be run or operated, provided, however, that this act shall not apply in cases of engine failures between terminals.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved May 16, 1912.

CHAPTER 44.

AN ACT

To Amend Paragraph 1508, Revised Statutes of Arizona, 1901, being section 299 of Title 17, Chapter 20, Relating to Appeals.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Paragraph 1508, Sec. 299 of Chapter 20, Title 17, Revised Statutes of Arizona, 1901, be, and the same hereby is amended to read as follows:

1508. (Sec. 299) No appeal shall be dismissed or the judgment affirmed by reason of any defect or informality of

the appeal bond, if the appellant shall, within such time and upon such terms as the court may direct, file a legal and sufficient appeal bond. When the bond, or affidavit in lieu theof, provided in the preceding sections, has been filed and the previous requirements of this title have been complied with, the appeal or writ of error, as the case may be, shall be held to be perfected.

Section 2. That all Acts and Parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 16, 1912.

CHAPTER 45.

AN ACT

To Provide for and Encourage the Teaching of Agriculture, Mining, Manual Training, and Domestic Science, and Other Vocational Pursuits in the High Schools of the State of Arizona, and Making Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any high school having satisfactory rooms and equipment, and having shown itself fitted by location and otherwise to give elementary training in agriculture, mining, manual training, domestic science, or other vocational pursuits, may, upon application made by its Board of Trustees to the State Board of Education be designated to maintain such department to consist of elementary courses in agriculture, mining, manual training, domestic science, or other vocational pursuits.

Sec. 2. Each of such high schools shall employ trained instructors whose qualifications shall be fixed by the State Board of Education. Each school shall provide suitable class room and laboratory facilities for such instruction according to regulations established by the State Board of Education, and may provide a tract of land, together with the equipment and operating expenses thereof, suitable for field work in agriculture.

Sec. 3. Instruction in such Departments of each high school shall be free to all residents of the high school district. Any high school complying with the provisions of this Act may charge non-resident pupils attending and receiving instruction in such departments, tuition to be fixed by the Board of Trustees of such high school, not to exceed, however, Three Dollars ($3.00) per month for each pupil. In case of non-resident pupils coming from other school districts within the State of Arizona, said tuition so fixed shall be a legal charge against the school district in which said non-resident pupil resides and shall be paid by said school district out of the funds of such district upon presentation to the clerk of such district of a statement signed by the clerk, superintendent or principal of the high school district furnishing such instruction, stating the grade or grades in which any such non-resident pupil was enrolled, the number of months enrolled, and the name of such pupil and the amount of tuition, which statement shall be verified by such clerk, superintendent, or principal, and thereupon an order shall be drawn by said district in which said non-resident pupil resides, in favor of the high school district furnishing such instruction for the amount of such tuition.

Instruction in such departments shall be of a practical character, and when necessary to accommodate a reasonable number of pupils attending only in winter months, special classes shall be formed for them.

Sec. 4. A sum of money sufficient to carry out the provisions of this Act is hereby annually appropriated out of the general fund of the State; provided, that in establishing awards to designated high schools under this Act, the State Board of Education shall exercise its best judgment with reference to the number of pupils benefitted, and to the need of remote communities for educational facilities.

Each high school complying with the provisions of Sec. 2, shall receive State aid, to be determined by the State Board of Education, but not exceeding Twenty-five Hundred Dollars ($2500.00) per annum, to maintain such Departments as in this Act provided for; but in no case shall the State aid so received exceed one-half of the total sum actually expended upon such courses of instruction by the high school board of trustees for the year covered by said grant of State aid.

Such State aid, shall be applied to the employment of instructors in such subjects, and to provide books, charts, apparatus, models, chemicals, and other articles and materials for the equipment of class rooms and laboratories provided by such high school.

The expense of providing class room and laboratory space, and a suitable tract of land with equipment, and operating expenses thereof, designated in this Act, shall be a charge upon the general high school fund of such district.

Sec. 5. Upon the first day of July in each year the clerk of each high school board complying with the provisions of this Act and maintaining such courses of instruction shall report to the State Superintendent of Public Instruction, setting forth the facts relating to the cost of maintaining such courses of instruction, the character of the work done, the number and names of teachers employed, and such other matters as may be required by the State Superintendent and said State Board of Education. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for the period of not less than eight months

during the preceding school year, the State Superintendent of Public Instruction shall make a certificate to that effect and submit it to the State Board of Education for financial emdorsement (endorsement) in an amount consistent with the provisions of Sec. 4; and where said certificate has been ,so endorsed by said State Board of Education the State Superintendent of Public Instruction shall file it with the State Auditor. Upon receiving such certificate the State Auditor shall issue an order to the State Treasurer requiring said State Treasurer to issue a warrant payable to the treasurer of the county in which such high school is located maintaining such school for the sum not to exceed Twenty-five Hundred Dollars ($2500.00), designated by the State Board of Education in accordance with the provisions of Sec. 4, and the Treasurer of such a county shall credit the high school district maintaining such school the amount so designated.

Sec. 6. Regulations governing State aid granted to designated high schools, qualifications of instructors, courses of instruction in agriculture, mining, manual training, domestic science, or other vocational pursuits, and procedure under this Act, shall be adopted by the State Board of Education.

Sec. 7. The State Superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such departments by and with the advice of the State Board of Education. The State Superintendent of Public Instruction shall have the general supervision of all such schools established under this Act and shall visit and inspect the same at least once a year and make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

Sec. 8. The normal schools of the State of Arizona, each of them, shall be entitled to participate on identical terms with

high schools, in the benefits of this Act. In its application to such normal schools, the words "high school" or high schools", whenever they occur in this Act shall read "normal school", or "normal schools"; "high school district" or "district" shall read "State of Arizona"; and the words "Clerk" and "Board of Trustees" shall read to corresponding normal school officers.

Sec. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 16, 1912.

CHAPTER 46.

AN ACT

Concerning the Manner of Procedure in the Trial for Certain Felonies, and Prescribing Punishment Therefor, and Appointing a Commission on Parole, and Authorizing it to Make Rules for the Government Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That whenever any person eighteen years of age or over, shall be on trial for any felony, which is punishable by imprisonment in the State's prison, except treason, or murder in the first degree, the court or jury trying said cause shall ascertain only whether or not the person is guilty of the offense charged; if more than one offense is charged then it shall be found by such court or jury trying such person of which of such offenses such person is guilty, if of either, and of which such person is not guilty, if of either. Instead of pronouncing upon such person a definite time of imprisonment

in the State prison for a fixed term, after such finding or verdict, the court trying said cause shall pronounce upon such person an indeterminate sentence of imprisonment in the State's prison for a term, stating in such sentence the minimum and maximum limits thereof, fixing as the minimum time of such imprisonment the term now or hereafter prescribed as the minimum imprisonment for the punishment of such offense, and as the maximum time, the maximum time now or hereafter prescribed as a penalty for the commission of such offense.

Sec. 2. The Warden of the State prison in this State, the Governor, the State Auditor, the Attorney General and the Physician of such prison shall constitute a Board of Commissioners of Paroled Prisoners for such prison. The Warden of such prison shall be president of said Board.

Sec. 3. The Governor shall appoint a Parole Clerk who shall be the Clerk of the Board of Commissioners of Paroled Prisoners. The Parole Clerk shall perform such duties as or may be prescribed by law and said Board. Said Clerk shall receive a salary of twelve hundred dollars ($1200.00) per year.

Sec. 4. The Board of Commissioners of Paroled Prisoners for said prison, shall meet at such prison, from time to time, as they shall deem necessary, or as they may be called to meet by the Warden of such prison. At each meeting of said Board held at such prison, every prisoner confined in said prison upon an indeterminate sentence, whose minimum term of sentence has expired, or any prisoner now serving a definite sentence, shall be given an opportunity to appear before such Board and apply for his release upon parole, or for an absolute discharge as hereinafter provided, and said Board is hereby prohibited from entertaining any other form of application or petition for the release upon parole or absolute discharge of any prisoner; provided, that whenever a prisoner shall have appeared before the Board, and his case shall have been adversely decided, the case shall not again be considered for a period of six months.

Sec. 5. The Warden of such prison shall cause to be kept at the State prison, a full and accurate record of each prisoner therein confined upon an indeterminate sentence as aforesaid, which record shall include a biographical sketch covering such items as may indicate the causes of the criminal character or conduct of the prisoner, and also a record of the demeanor, education, and labor of the prisoner while confined in such prison; and whenever such prisoner is transferred from one prison to another, a copy of such record or an abstract of the substance thereof, together with the certified copy of the sentence of such prisoner shall be transmitted with such prisoner to the prison to which he shall be transferred.

Sec. 6. If it shall appear to said Board of Commissioners of Paroled Prisoners, from a report by the Warden of such prison or upon an application by a convict for a release on parole as hereinbefore provided, that there is reasonable probability that such applicant will live and remain at liberty without violating the law, then said Board of Commissioners may authorize the release of such applicant upon parole, and such applicant shall thereupon be allowed to go upon parole, in the legal custody and under the control of the Parole Clerk and Warden of the State prison from which he is so paroled, until the expiration of the maximum term specified in his sentence, as hereinbefore provided, or until his absolute discharge as hereinbefore provided.

Sec. 7. If the parole Clerk and Warden of the prison from which said prisoner was paroled or said Board or any member thereof, shall have reasonable cause to believe that the prisoner so on parole has violated his parole and has lapsed or is probably about to lapse into criminal ways or company, then such Parole Clerk and Warden or said Board, or any member thereof, may issue his warrant for the retaking of such prisoner, at any time prior to the maximum period for which such prisoner might have been confined within the prison walls upon his sentence, which time shall be specified in such warrant.

Sec. 8. Any officer of said prison, or any officer authorized to serve criminal process within this State to whom such warrant shall be delivered, is authorized and required to execute said warrant by taking said prisoner and returning him to said prison, within the time specified in said warrant. Such officer other than an officer of the prison, shall be entitled to receive the same fees, therefor, as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken, and as for transporting a convict from the place of arrest to the prison, in case such officer also transports said prisoner to the prison. Such fees of the officer other than a prison officer and the expenses of a prison officer in executing such warrant, shall be paid by the Parole Clerk and Warden of the prison out of the moneys standing to the credit of such paroled prisoner as hereinafter provided, if any or sufficient therefor, and otherwise out of the funds of the prison.

Sec. 9. At the next meeting of the Board of Commissioners of Paroled Prisoners, held at such prison, after the issuing of a warrant for the retaking of any parole prisoner, said Board shall be notified thereof. If said prisoner shall have then been returned to said prison, he shall be given an opportunity to appear before said board, and the said Board may, after such opportunity has been given, or in case said prisoner has not yet been returned, declare said prisoner to be delinquent, and he shall, whenever arrested by virtue of such warrant, be thereafter imprisoned in said prison for a period equal to the unexpired maximum term of sentence of such prisoner, at the time said parole was granted unless sooner released on parole or absolutely discharged by the Board of Commissioners of Paroled Prisoners.

Sec. 10. If it shall appear to said Board of Commissioners that there is reasonable probability that any prisoner so on Parole will live and remain at liberty without violating the law, and that his absolute discharge from imprisonment is not incompatible with the welfare of society, then said Board of

Commissioners shall issue to said prisoner an absolute discharge from imprisonment upon such sentence, which shall be effective therefor.

Sec. 11. The Parole Clerk of such prison in addition to other duties shall aid in securing proper employment for all prisoners who have so conducted themselves as to be entitled to go out from such prison on parole, and also for those who have become entitled to an absolute discharge before the maximum time for which they were sentenced; and to keep the Warden informed of the conduct of said prisoners when out upon a parole, and to make a report as to each prisoner in such matters on the first day of each month for the preceding month.

Sec. 12. When a prisoner is sentenced it shall be the duty of the trial court and County Attorney to attach to the mittimus an official statement of the facts and circumstances, constituting the crime whereof the prisoner was convicted, together with all other information accessible to them in regard to the career of the prisoner prior to the time of the commission of the crime of which he was convicted, relative to the habits, associates, disposition, reputation, and any other facts and circumstances which may aid in determining the capablity of such prisoner to become a law-abiding citizen.

Sec. 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 16, 1912.

CHAPTER 47.

AN ACT.

To Provide Adequate Punishment for any Person Who Shall Engage or act in the Capacity of a Locomotive Engineer, or Train Conductor, upon any Railroad in the State of Arizona, Without Having First Served Three Years as a Locomotive Fireman, or Engineer, or if Engaged as a Conductor on any Railroad Train in This State, He Shall be Punished as Herein Provided if He Engaged to so act Without First Having Served Three Years as a Brakeman or Conductor of a Freight Train; To Punish any Person Who Shall Knowingly Engage, Promote, Require, Persuade, Prevail Upon or Cause any Person to do any act in Violation of this Act, but Exempting Lines Operating of Less Than Twenty-five Miles in Length from the Operation of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. If any person shall run or operate any locomotive engine upon any railroad in the State of Arizona, without having served three years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Section 2. If any person shall act or engage to act as a conductor on a railroad train in this State without having for three years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Section 3. If any person shall knowingly engage, promise, require, persuade, prevail upon or cause any person to do any act in violation with the provisions of the two preceding sections of this Act, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

Section 4. Nothing in this Act shall be construed as applying to the running or operating of engines, in taking said engines to and from trains at division terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto at engine houses, train or freight yards by switchmen or yardmen, or in the case if the disability of an engineer or conductor while out on the road between division terminals. In case of emergency where such companies can not obtain the employees mentioned in this Act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary engineers and conductors who have not the qualifications prescribed by this Act until such trains reach their terminal.

Section 4A. The provisions of this Act shall not apply to any railroad company within this State or the receiver or lessee thereof, whose line of railway is less than twenty-five miles in length.

Section 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 16, 1912.

CHAPTER 48.

AN ACT.

To Regulate the Business of all Persons, Co-Partnerships, Associations, Organizations or Corporations which are not or Shall Hereafter be Engaged in Business as Home Co-Operative Companies or in the Business of Issuing Contracts or Agreements, Whether in the Nature of a Bond, Debenture, Certificate or Otherwise, Providing for the Redemption or Fulfilling of such Contracts or Agreements by an Accumulation of a Fund or Funds from the Contributions Made by the Subscribers to or the Holding of Such Contracts or Agreements; or Providing for the Maturing or Fulfilling of Such Contracts or Agreements in the Order of Their Issue or in Some Other Fixed or Arbitrarily Determined Order; or Providing for the Payment of Moneys or the Granting or Giving of any Consideration Greater in Value than the Amount Paid in Upon Such Contract, Together with the Actual Net Earnings Accrued and Accumulated Thereon; or Providing for the Loaning of the Funds Contributed by the Subscribers or Holders in any Fixed or Arbirtrarily Determined Order or Manner; or for the Making of Loans or Advances from Such Funds to or for Such Subscribers or Holders to be Repaid in Installments Except all Persons, Co-Partnerships, Associations, Organizations or Corporations Doing Business Under the Provisions of any Law Providing for the Regulation of Bond Investments, Insurance Companies, or Banks, Savings and Loan or Building and Loan, Fiduciary, Relief or Fraternal Orders, Associations or Companies; with an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Any person, co-partnership, association, organization or corporation which is now engaged in or shall

hereafter engage in issuing contracts or agreements, whether in the nature of a bond, debenture, certificate or otherwise, providing for the redemption, or the fulfilling of such contracts or agreements by the accumulation of a fund or funds from the contributions made by the subscribers to, or the holders of such contracts or agreements; or providing for the maturing or fulfilling of such contracts or agreements in the order of their issue or in some other fixed or arbitrarily determined order or manner; or providing for the payment of moneys or the granting or giving of any consideration, of any money or property, personal, real or mixed, greater in value, or represented to be greater in value, than the amount paid in upon such contracts or agreements, together with the actual net earnings accrued and accumulated thereon; or providing for the loaning of the funds contributed by the subscribers to or the holders of such contracts or agreements to such subscribers or holders in any fixed or arbitrarily determined manner or order; or for the making of loans or advances from such funds, to or for such subscribers or holders, to be repaid in installments; shall, and the same are hereby required, for the protection of the subscribers to, or the holders of its contracts or agreements, to deposit with the State Treasurer in cash, United States bonds, or bonds of any county, school district or municipality within this state, on state bonds or such part of each of the above mentioned securities so that the whole deposit shall be equal in cash value to the sum of fifty thousand dollars, and whenever the liability of such contracts or agreements, as hereinafter determined, shall exceed the amount of such deposit, there shall be made an additional deposit on the first day of January and July of each year, in a sum sufficient to cover the excess liabilities accrued during the last preceding six months; and provided further, that no part of such original deposit of fifty thousand dollars shall be derived from or consist of any funds contributed by the subscribers to, or the holders of, any such contracts or agreements.

Sec. 2. All persons, co-partnerships, associations, organizations or corporations now engaged in any business sought to be controlled by this Act, within thirty days from the passage and approval of this Act, and all such commencing business after its passage and approval, shall file, with the corporation Commission of the State of Arizona, the certificate of the State Treasurer of this state certifying that the deposit required by or under this Act has been duly made; their articles of incorporation or contract of co-partnership, if a domestic organization; a certified copy of their articles of incorporation or contract of co-partnership, if a foreign corporation or organization; their by-laws and a detailed statement of their plans for doing business, together with copies of all contracts or agreements proposed to be used in the conduct of their business; and shall procure from the Corporation Commission a certificate authorizing them to do business; and it shall be the duty of the Corporation Commission to investigate and thoroughly examine into all such matters, and if the Corporation Commission find that the laws have been complied with and that the business proposed to be done is not in conflict with the Constitution and laws of this State, it shall grant them a certificate authorizing them to do business, and said by-laws, contracts and plans shall not in any manner be changed or altered until the proposed change or alteration is submitted to and approved by the Corporation Commission.

Section 3. Any person, co-partnership, association, organization or corporation doing, transacting or soliciting any business whatever, sought to be controlled by this Act, may appoint one or more agents in this state to do, transact and solicit the business of such person, co-partnership, association, organization or corporation within this state, but no such agent or agents shall do, transact or solicit any business for such person, co-partnership, association, organization or corporation in this state until he or they shall first register with the Corporation Commission as such agent, and for each of such regis-

trations there shall be paid to the Corporation Commission the sum of one dollar, and such fee shall be paid over to the State Treasurer by said Corporation Commission in the manner and form provided by law for the depositing in the state treasury of fees collected by the Corporation Commission. Such registration shall entitle such agent or agents to represent such person, co-partnership, association, organization or corporation until the 1st day of July following, unless said authority is sooner revoked by the Corporation Commission; and said authortiy shall be subject to revocation at any time by the Corporation Commission for cause appearing to it sufficient.

Section 4. If any person, co-partnership, association, organization or corporation, whether they be citizens of this state or some other state, or any officer, agent, employee or representative of such person, co-partnership, association, organization or corporation, shall attempt to place or sell any contracts or agreements or shall do or attempt to do, transact or solicit any business whatever, in the name, or on behalf of any person, co-partnership, association, organization or corporation engaged in any business sought to be controlled by this Act, said person, co-partnership, association, organization or corporation, or any officer, agent, employee or representative thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars, nor more than five thousand dollars for each offense, or shall be imprisoned in the county jail for not more than six months, or shall suffer both such fine and imprisonment, at the discretion of the court.

Section 5. No contract or agreement, issued by any person, co-partnership, association, organization or corporation doing, transacting or soliciting business under this Act shall be forfeited for non-payment, but upon a failure to pay upon the same according to the terms thereof for a period of six months, the same shall be cancelled and the holder thereof shall be credited with all payments made on account thereof,

less six per centum of such payments, and such credit shall be payble to the holder on demand, provided he surrenders at the time of demand such cancelled contract or agreement.

Section 6. The holder of any contract or agreement issued by any person, co-partnership, association, organization or corporation doing, transacting or soliciting business under this Act, may withdraw the same at any tme on thirty days' written notice; and shall be entitled to receive, thereafter, on demand, the full amount paid on account thereof, less six per cent, if the same is withdrawn before the expiration of one year after date; and if withdrawn after one and before two years after date, the amount paid in, less five per centum of such amount; and if withdrawn after two years after the date thereof, he shall receive the full amount paid in on account thereof, together with six (6) per centum interest thereon.

Section 7. The Corporation Commission is hereby authorized and it is made the duty of the Corporation Commission to regulate and supervise the business of all persons, co-partnerships, associations, organizations or corporations doing, transacting or soliciting business under this Act, and shall have full power to examine into the affairs of such persons, co-partnerships, associations, organizations or corporations; and provided further, that the said Corporation Commission shall have the power to require the keeping of such books and records and prescribe the methods of keeping the same, as it shall deem necessary for the proper recording of the business of such persons, co-partnerships, associations, organizations or corporations.

Section 8. Every such person, co-partnership, association, organization or corporation doing, transacting or soliciting any business under this Act, shall file in the office of the Corporation Commission on the first day of July of each year, and at such other times as required by the Corporation Commission, a statement duly subscribed and sworn to, setting forth in such

form as may be prescribed by the Corporation Commission, their financial condition and the amounts of their assets, liabilities and accumulations, and furnishing such other information appertaining to their business, property and affairs as said Corporation Commission may require.

Section 9. Any person who shall knowingly or wilfully subscribe to or make or cause to be made any false statements or false entry in any book or report of such person, co-partnership, association, organization or corporation authorized to do, transact or solicit business under this Act, or exhibit any false paper with the intention of deceiving any person or commission authorized to examine into the affairs of such person, co-partnership, association, organization or corporation, shall be deemed guilty of a felony; and upon conviction thereof shall be fined not less than two hundre (hundred) dollars nor more than five thousand dollars and shall be imprisoned for not less than one year nor more than ten years in the state penitentiary.

Section 10. The liabilities upon such contracts or agreements as may be issued by any person, co-partnership, association, organization or corporation doing, transacting, or soliciting business under this Act, shall at all times be the amount paid on account thereof together with interest at the rate of six per centum thereon, and whenever such person, co-partnership, association, organization or corporation shall be unable to pay off all debts due to creditors, and to pay to holders of its outstanding contracts or agreements the amount paid on account thereof, together with interest at the rate of six per centum per annum thereon, such person, co-partnership, association, organization or corporation shall be deemed to be insolvent.

Section 11. If any person, co-partnership, association, organization or corporation doing, transacting or soliciting any business sought to be controlled by this Act, shall not, within thirty days after the going into effect of this Act, comply with the provisions thereof or shall become insolvent as hereinbefore

provided, or shall become unable to continue in business to the benefit and profit of their creditors and the holders of their contracts or agreements, or shall fail to obey or refuse to obey any order of the Corporation Commission as provided under the Constitution and laws of the State of Arizona and this Act, or shall fail, refuse or be unable to pay their withdrawals for a period of sixty days after demand as hereinbefore provided, then the Corporation Commission or any member thereof, shall bring action to have a receiver appointed, and it shall be the duty of such receiver to take charge of the assets, wind up the affairs, liquidate the debts and distribute the assets of such person, co-partnership, association, organization or corporation, and the deposit with the State Treasurer, provided for in this Act, shall be taken and deemed as a part of the assets, and the State Treasurer is hereby authorized to pay such deposit in accordance with all orders of the court in such case made.

Section 12. Said proceedings shall be conducted in the name of the State of Arizona as plaintiff at the relation of the Corporation Commission or any number thereof, by the Attorney General of the state.

The actual expenses of the Attorney-General, including court costs, shall be paid out of the general fund of the state, in carrying out the provisions of this Act; after said receiver shall have been appointed, he may employ such attorney or attorneys to represent him as he may deem proper, and his compensation and that of any attorney or attorneys he may select to represent him as such receiver, shall be fixed by the court in which said proceedings is pending, and paid out of the assets of the person, co-partnership, association, organization or corporation proceeded against.

Section 12A. That none of the provisions of Sections 1 to 12 inclusive of this Act, shall apply to persons, co-partnerships, associations, organizations or corporations doing busi-

ness under the provisions of any law providing for the regulation of bond investments, insurance companies, banks, savings and loan; or building and loan, fiduciary, relief or fraternal orders, associations or companies.

Section 13. And if any foreign corporation, person, association, co-partnership or organization shall, without the consent of the other party to any suit or proceeding brought by or against them in any court or before the Corporation Commission in this state, remove, or endeavor to remove, said suit or proceeding to any federal court, or shall institute any suit or proceeding against any citizen of the Corporation Commission, of this state in any federal court, it shall be the duty of the Corporation Commission to forthwith revoke all authority to such person, co-partnership, association, organization or corporation and its agents, employees or representatives to do, transact or solicit any business in this state, and to publish such revocation in some newspaper of general circulation in this state.

Section 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby expressly repealed.

Section 15. Whereas, there are certain persons, corporations, associations, organizations and corporations doing, transacting and soliciting business in the State of Arizona, who, with the purpose of evading the state laws relative to building and loan associations, are loaning money on contracts instead of upon the stock of said companies, but are in all other respects conducting a building and loan association business; and

Whereas, said persons, associations, co-partnerships, or-organizations and corporations are doing, transacting and soliciting business throughout the State of Arizona; and

Whereas, there is no method now provided by law, to protect people dealing with said persons, associations, organizations, co-partnerships or corporations; and

Whereas, an early operation of the provisions of this Act are necessary for the public safety, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the provisions of the Referendum clause of the Constitution.

Approved May 16, 1912.

CHAPTER 49.

AN ACT

Relating to Corporations and Providing a Method for the Organization of the Same Under the Laws of this State, Prescribing the Requirements, Duties, and Liabilities Thereof, and Prescribing the Conditions Under Which Corporations May be Dissolved, Granting Powers to the Corporation Commission to Enforce the Provisions of this Act; and to Repeal Chapters I and II, Title XIII of the Revised Statutes of Arizona, 1901, Relating to Corporations and Corporations in General; to Repeal Paragraph 1324 (Sec. 115) of Chapter VI, Title XVII of the Revised Statutes of Arizona, 1901, Relating to Process and Returns; to Repeal Act No. 82, Session Laws of the Twenty-Second Legislative Assembly of Arizona, Concerning Dissolution of Corporations, and to Repeal Act No. 88, Session Laws of the Twenty-second Legislative Assembly of Arizona, to Amend Paragraphs 766 and 770 of the Revised Statutes of Arizona, 1901.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Corporations are either Public or Private.

Sec. 2. A Public Corporation is one that has for its object the government of a portion of the State.

Sec. 3. A Private Corporation is one organized for the purpose of religion, charity or benevolence, sociability or learning, or for profit.

Sec. 4. Any number of persons may associate themselves together and become incorporated for the transaction of any lawful business, but such corporation shall confer no powers or privileges not possessed by natural persons, except as herein provided.

Sec. 5. Among the powers of such bodies corporate shall be the following:

(1) To have perpetual succession.

(2) To sue and be sued by the corporate name.

(3) To have a common seal and alter the same at pleasure.

(4) To render the shares or interest of stockholders transferable and prescribe the mode of making such transfers.

(5) To exempt the private property of members from liability for corporate debts.

(6) To make contracts, acquire and transfer property, possessing the same powers in such respects as private individuals now enjoy.

(7) To establish by-laws and make all rules and regulations deemed expedient for the management of their affairs not inconsistent with the Constitution and laws of the State of Arizona.

Sec. 6. No corporation shall engage in any business other than that expressly authorized in its Articles of Incorporation or by the law under which it may have been or may hereafter be organized.

Sec. 7. The term "Corporation" as used herein shall be construed to include all associations and joint stock compa-

nies having any powers or privileges of corporations not possessed by individuals or co-partnerships.

And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases, as natural persons.

Sec. 8. Before commencing any business except that of forming their own organization, they must adopt articles of incorporation, which shall be signed and acknowledged by them as deeds are required to be acknowledged, and filed in the office of the Corporation Commission at the State capitol and a certified copy thereof filed in the office of the County Recorder in each county in the State in which they transact business where the same shall be indexed in a book provided for that purpose.

The articles of incorporation must contain:

(1) The names, residences, and postoffice addresses, of the corporators, the name of the corporation, and its principal place of business. Provided, however, that the corporate name of every corporation hereafter organized shall indicate by its corporate name the character of the business to be carried on by the corporation; And provided, that not more than one corporation shall have the same corporate name.

(2) The general nature of the business proposed to be transacted.

(3) The amount of capital stock authorized and the time when and the conditions upon which it is to be paid in.

(4) The time of the commencement and termination of the corporation.

(5) By what officers or persons the affairs of the corporation are to be conducted and the time at which they are to be elected.

(6) The highest amount of indebtedness or liability, direct or contingent, to which the corporation is at any time to subject itself, which must in no case exceed two-thirds of the amount of the capital stock.

(7) Whether private property is to be exempt from corporate debts. Unless so exempted, stockholders are liable for the debts of the corporation, in the proportion to which their stock bears to the whole capital stock.

Sec. 9. No corporation organized under the laws of this State shall do any business in this State, unless said corporation shall file its articles of incorporation in the office of the Corporation Commission and in the office of the County Recorder, shall have one or more known places of business, and an authorized agent or agents in the State, upon whom processes may be served, and shall publish a copy of said articles of incorporation at least six times in some newspaper published in the county in which it transacts business, if there be one, and if not then in some newspaper having a general circulation in such county, and upon the expiration thereof file an affidavit in the office of the Corporation Commission stating that such publication has been made according to law, and shall receive and have a certificate of incorporation issued by the said Corporation Commission. Upon compliance with the requirements of this Section contained, such corporation may then commence business and its acts shall then be valid.

Sec. 10. The capital stock of any corporation organized hereunder may be increased or decreased and the articles of incorporation may be amended in any of the particulars mentioned in this Act, by the affirmative vote of the person or persons holding a majority of the issued and outstanding shares of stock of such corporation, and upon at least thirty days' notice in writing of such proposed increase or decrease of the capital stock or such prosposed amendments to the articles of incorporation having been given the stockholders of such corporation.

All fictitious increase or decrease of stock or indebtedness shall be null and void.

Sec. 11. Such amendment mentioned in the next preceding Section shall be signed and acknowledged by the President

and attested by the Secretary of the corporation, and no such amendment shall be valid unless filed as the original articles of incorporation are required to be.

Sec. 12 Corporations organized under this Act may be formed to endure for twenty-five years, but they may be renewed from time to time for a period of not exceeding twenty-five years, when three fourths of the votes cast at any stockholders' meeting duly called and held for that purpose shall be in favor of such renewal.

Sec. 13. A corporation shall not be dissolved, except as herein provided, prior to the period fixed upon in the articles of incorporation, except by a majority vote of the issued and outstanding shares of stock unless a different ruling is adopted in the articles.

Sec. 14. Transfer of the stock shall not be valid except as between the parties thereto, until the same is regularly entered upon the books of the company so as to show the names of the persons by whom and to whom the transfer is made, the number or other designation of the shares, and the date of the transfer. The books of the company shall be so kept as to show intelligently the original stockholders, their respective interests, the amount of which has been paid therein, and all transfers thereof, and all books, papers, minutes, proceedings, and records of such corporation shall at all times, during reasonable office hours, be subject to the inspection of any stockholder desiring the same.

Sec. 15. Whenever any corporation heretofore or hereafter organized or incorporated under the law of this State shall either:

1. Fail to appoint a bona fide resident of this State (who is and has been a resident of this State for at least three years) its agent, upon whom all notices and processes, including service of summons, may be served, and when so served shall be and are deemed taken and held to be lawful personal service upon said corporation.

2. Or to file such appointment of agent in the office of the Corporation Commission.

3. Or shall have violated any law of the State of Arizona, or shall have omitted to do and perform any act relating to corporations prescribed by the laws of this State; or shall disobey or fail to obey or observe any rule, regulation, charge, order, or decree, of the Corporation Commission in pursuance of law affecting, relating to, or appertaining to said corporation.

4. Or shall revoke or attempt to revoke such appointment of such an agent without duly appointing another in his place, or whenever at any general or special meeting of the stockholders of any such corporation the holders of the majority of its outstanding stock represented or voting at any such meeting shall have directed the disposal of all corporate assets, or that the corporation be dissolved or that it cease to use or exercise its corporate franchises, or whenever the directors or officers or managing board of any such corporation being thereto authorized or directed by a majority of the outstanding stock thereof, representing or voting at any general or special meeting thereof, shall have disposed of all corporate assets, or dissolved or attempted to dissolve or secure the dissolution of such corporation, or shall have done or attempted to do any of the aforesaid, or when any such corporation shall have disposed of all its property and assets, then and in or on each, every, or any one of the foregoing causes, situations, provisions or conditions, either the Attorney-General of the State, or any resident thereof, or any such corporation, or any stockholder or officer of any such corporation, may bring, prosecute and maintain (either in the name of the Attorney-General, or in his own name) an action in any court of record of this State, to have and procure a judicial dissolution and disincorporation of all rights, privileges, and franchises; and whenever it is made to appear to any such court by petition or complaint of any of the aforesaid parties, that any one of the above named causes, provisions, situations or conditions, exists in respect to such

corporation, such court shall forthwith order or cite such corporation to appear before it (service of such order may be made upon the corporation either personally or upon the Corporation Commission) and if, upon hearing of trial, it be made to appear that any one of said causes, conditions, situations, or provisions exists, such court shall thereupon dissolve and disincorporate such corporation and forfeit and annul each and every of its rights and privileges, and franchises.

5. Nothing in this Act, however, shall authorize the dissolution of the corporation for any of the causes, conditions, situations, or provisions, in this Act stated, where it shall be made to appear to the court that such cause, condition, situation, or provision has been fraudulently procured for the purpose of defrauding either creditors or stockholders of such corporation.

6. In case suit for dissolution be brought in the name of the Attorney-General and judgment shall be rendered for the defendant, then and in that event the Attorney-General shall be authorized to present his claim for costs incurred and taxed against him, to the Auditor of the State, and the same is hereby made a State charge, and the Auditor of the State is hereby directed to draw his warrant on the general fund of the State for the payment of said claim for costs, and the Treasurer of the State is hereby directed to pay the same out of the general fund of the State. And if any corporation has been guilty of any of the acts of commission or omission specified herein prior to the commencement of such suit and before final judgment being rendered, complies with the law herein, then and in such case such suit may be dismissed on motion of the Attorney-General, and at the cost and expense of the defendant.

7. Any corporation organized or attempted to be organized in accordance with the provisions of this Act shall cease to exist by non-user of its franchises for five years at any one time; but such body shall not forfeit its franchises by reason of any omission to elect officers or to hold meetings at any time prescribed by the by-laws.

Sec. 16. Corporations whose charters expire by their own limitations or by the voluntary act of the stockholders may, nevertheless, continue to act for the purpose of closing up the business of such corporation, but for no other purpose unless renewed as in their charters provided.

Sec. 17. Nothing herein shall exempt the stockholders of any corporation from individual liability to the amount of the unpaid installments on the stock owned by them or transferred to them for the purpose of defrauding creditors; and no execution against the corporation to that extent may be levied upon the private property of such individual or individuals.

Sec. 18. For the purpose of making repairs, building or enlarging or extending works, or to meet contingencies, or for the purpose of providing a sinking fund for the payment of debts, the corporation may establish a fund and loan the same out from time to time, taking in all cases a good and sufficient security for the payment of the same.

Sec. 19. In any proceeding by or against a corporation the court shall have the power to compel the officers of the corporation on the motion of either party, upon proper cause being shown, to produce the books and records of the corporation, and when so produced, either party may use the same in evidence.

Sec. 20. Persons acting as a corporation under the provisions of this Act shall be presumed to be legally organized until the contrary is shown.

Sec. 21. No person acting as a corporation under the provisions of this Act shall be permitted to set up or rely upon the want of a legal organization as a defense to any action brought against them as a corporation, nor shall any person who may be sued on a contract made with such corportation, or sued for an injury done its property, or for a wrong done its interests, be permitted to rely upon such want of legal organization, in his defense.

Sec. 22. No corporation organized under the provisions of this Act for the purpose of doing a mining or manufacturing business shall have the power to construct or operate any railroad, tramway, turnpike, or canal, except such as may lead from its principal works or place of business to some navigable stream or to some existing railroad, turnpike, or public highway.

Sec. 23. No person or persons to whom shares of stock in any corporation organized under the laws of this State have been or hereafter shall be transferred, or by whom such shares are held as security for money advanced therein, or which are now or shall be held by any such person or persons as security for any indebtedness whatever, shall have the right to vote at any election, either general or special, called or held by such corporation for any purpose whatever; but the absolute right to vote and represent all stock in such corporation transferred to or held by any person or persons as security for any money advanced thereon or for any other indebtedness whatever, at any election held by such corporation as aforesaid, shall belong to the person or persons who deposit or transfer such stock as security for any such indebtedness, and any vote cast by any person or persons holding shares of stock in any such corporation as aforesaid, as security as hereinbefore described, shall be absolutely void and of no effect. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he should be entitled to vote in such corporation under its charter, multiplied by the number of directors or managers to be elected in such election; each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate and such directors or managers shall not be elected otherwise.

Sec. 24. All corporations organized under this Act shall appoint a bona fide resident of this State, who has been a resident of this State for at least three years, its agent, upon

whom all notices and processes, including service of summons, may be served, and when so served, shall be deemed taken and held to be lawful personal service on such corporation. Such appointment of such agent shall be filed in the office of the Corporation Commission.

Sec. 25. Whenever any corporation incorporated under the laws of this State does not have an officer or agent in this State, upon whom legal service or process can be made, or which the return thereof shall be prima facie evidence, an action or proceeding against such corporation may be commenced in the county where the State capitol is located, or in any county where the cause of the action or proceeding may arise or said corporation may own property; and service may be had upon such corporation by depositing a copy of the summons, writ or other process in the office of the Corporation Commission, which shall be taken, deemed and treated as personal service on such corporation.

Provided, that whenever any summons, writ or other process against or affecting any such corporation is served upon the Corporation Commission, the same shall be by duplicate copies, one of which shall be filed in the office of the Corporation Commission, and the other by said Corporation Commission, immediately mailed, postage prepaid, to the office of the corporation, or to the president, secretary or any director or officer of such corporation as may appear or be ascertained by the said Corporation Commission, from the articles of incorporation on file in its office.

Sec. 26. That Chapters I and II, Title XIII of the Revised Statutes of Arizona, 1901, and Paragraph 1324 (Sec. 115) of Chapter VI, Title XVII of the Revised Statutes of Arizona, 1901, and Act No. 82 of the Session Laws of the Twenty-second Legislative Assembly of Arizona, and Act No. 88 of the Session Laws of the Twenty-second Legislative Assembly of Arizona, be and the same are, and each of them, hereby expressly repealed.

Sec. 27. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 28. Whereas, the State Constitution provides that all articles of incorporation shall be filed with the Corporation Commission, and that the Corporation Commission shall have sole power to issue certificates of incorporation to companies organized under the laws of this State, and

Whereas, the State Constitution prescribes certain regulations in regard to the duties, requirements, and liabilities, of corporations, not heretofore enacted into law, and

Whereas, many of the provisions of Chapters I and II, Title XIII, of the Revised Statutes of Arizona, 1901, and Paragraph 1324 (Sec. 115) of Chapter VI, Title XVII, of the Revised Statutes of Arizona, 1901, and Act No. 82 of the Session Laws of the Twenty-second Legislative Assembly of Arizona and Act No. 88 of the Session Laws of the Twenty-second Legislative Assembly of Arizona are in conflict with the State Constitution, and

Whereas, it is essential that a general corporation act be immediately enacted to conform with the State Constitution, and

Whereas, this Act requires early operation in order to preserve the public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 16, 1912.

CHAPTER 50.

AN ACT

Declaring the Business of Conducting and Operating an Electric Light Plant, or any Electric Power Plant, Hazardous and Dangerous, and to Regulate the Hours of Labor of Persons Engaged or Employed in Electric Light Plants, and other Institutions where Electric Current is Generated, so as to Better Protect the Health and Safety of those Engaged in such Work or Occupation; and Providing Penalties for a Violation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the business of conducting and operating an electric light plant, or any electric power plant, is hereby declared to be hazardous and dangerous to those employed therein.

Sec. 2. That it shall be unlawful for any person, corporation or association operating or managing any electric light plant, or any electric power plant, or both, within this State, to permit, or cause to be permitted, any operating engineer or fireman, or switchboard operator, or any attendant in its service, employed in or about such plants, to be on duty more than eight hours in any twenty-four consecutive hours; except in cases of emergency when life or property is in imminent danger.

Sec. 3. That any person, corporation or association that shall violate Sec. 2 of this Act, shall pay a fine not to exceed One Hundred Dollars ($100.00) for each violation of this act. Each day's violation of any of the provisions of this section shall constitute a separate affense.

Sec. 4. That the fine, mentioned in Sec. 3 of this Act, shall be recovered by an action of debt, in the name of the

State of Arizona, for the use of the State, who shall sue for it against such person, corporation or association violating this Act, said suit to be instituted in any court of this State having competent jurisdiction.

Sec. 5. That the said fine, when recovered as aforesaid, shall be paid without any deduction whatever into the general fund of the State of Arizona.

Sec. 6. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 17, 1912.

CHAPTER 51.

AN ACT

To Establish Supervisoral Districts and to Fix the Boundaries Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Boards of Supervisors of the several counties of the State shall have the power, and it shall be their duty to meet at the county seats in their respective counties the first Monday in September next preceding a general election for state and county officers, and divide their several counties into three supervisoral districts each, which districts shall be numbered respectively, districts 1, 2, and 3. Said supervisors shall define the boundaries and limits of each district, so far as is possible, and shall make such division in such manner

that the said districts shall be as nearly equal in population and assessed valuation of property as is possible. Such districting of counties may be submitted to the vote of the qualified electors of the county wherein made, not less than two weeks, nor more than thirty days, after the said action of the Board of Supervisors. Such election shall be conducted in all respects as other referendum elections are conducted. Should the majority vote be cast for such districting, the county shall thereafter be subject to the provisions of this Act.

Sec. 2. At the general election for state and county officers, following such districting of counties, one supervisor shall be elected from each of said supervisoral districts in all counties accepting the provisions of this Act, excepting that in counties where such districting is made prior to the general election for the year 1912, no supervisor shall be elected from the district of which the supervisor, whose term of office, as defined by Section 3, of Article 12, of the Constitution of Arizona, expires in January, 1915, is a resident. The Supervisor so elected, receiving the highest number of votes, cast at such election shall hold office for four years; the others shall hold office for two years.

Sec. 3. Thereafter at every general election for state and county officers one supervisor shall be elected from each district wherein a vacancy occurs. The supervisor receiving the highest number of votes cast at such election shall hold office for four years; the others shall hold office for two years.

Sec. 4. Supervisors shall be nominated, at the primary election preceding each general election for state and county officers by the qualified electors of the district from which such supervisor is to be elected, as other candidates are nominated.

Sec. 5. Supervisors shall be elected by the qualified electors of the county as other county officers are elected. Should a supervisor remove from the district from which he

has been elected during his term of office, his office shall at once become vacant. When a vacancy occurs in the office of supervisor, the remaining supervisors, together with the judge of the superior court, shall fill the vacancy by the appointment of a resident of the supervisoral district in which such vacancy occurs.

Sec. 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 7. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 17, 1912.

CHAPTER 52.

AN ACT

To Provide for the Assessment of Taxes on the Property of Railroad Corporations; Requiring Annual Reports, and Providing a Penalty for Neglect or Refusal to Make the Same: and Prescribing the Duties of the State Board of Equalization in Relation to said Assessment of Taxes on said Property of Railroads and Railroad Corporations, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The property of railroads and railroad corporations shall be assessed annually in the manner prescribed in this Act.

Sec. 2. On the first Monday of June in each year the State Board of Equalization shall meet at the office of the State

Auditor, and they shall meet from day to day thereafter until the business of said Board, as hereinafter provided, shall be accomplished. The duties of said Board shall be to make appraisement and assessment of all railroads and the taxable property of railroad corporations, except such real estate as is not used in the daily operation of their railroads.

Sec. 3. On or before the first Monday of July, 1912, and on or before the first Monday of June in each year thereafter, the person, company, or corporation, owning, operating, or constructing any railroad in this State, shall, by its president, secretary, tax agent or principal accounting officer, return to the State Board of Equalization a sworn statement or schedule as follows:

1. Of the right of way, track, and road bed, giving the entire length in this and other States, and showing the proportion in each city, township, and county, and the total, in this State.

2. The length of each side or second track and turnout, and the aggregate length of such second or side tracks and turnouts, together with the name of the city, township, and county, in which such second or side tracks and turnouts are each located.

3. A complete list, giving size, location (as to city, township and county), material and value, of all depots, station houses, machine shops, and other buildings, situated wholly or in part, on right of way, together with all platforms, fuel and water stations, and the machinery and tanks connected therewith.

4. The number of ties in track per mile, the weight per yard of iron or steel rails used in main or side tracks, what joints or chairs are used in track, the ballasting of road, whether with rock, gravel, dirt or other material, the length of time iron has been used, and the length of time the road has been built.

5. A full list of the rolling stock belonging to or operated by the person, company, or corporation, which shall distincly set forth the number, class, and value, of all locomotives, passenger-cars, sleeping-cars, dining-cars, express-cars, mail-cars, baggage-cars, horse-cars, cattle-cars, coal-cars, platform-cars, wrecking-cars, pay-cars, and all other kinds of cars owned or leased by said company, and in the State of Arizona on the 12th day of March at 12 o'clock noon.

6. A statement or schedule showing, first, the amount of capital stock authorized, the number of shares into which such capital stock is divided; second, the amount of capital stock paid up; third, the market value of said stock, or if it have no market value, then the actual value of the shares of stock; fourth, the amount of outstanding bonded indebtedness and the market value thereof.

7. A correct detailed inventory of the number, kind, and value, of all tools and materials for repairs, and of all other personal property.

8. A statement of the amount and value of property designated in this section, and such further information as the Board may, in writing, require.

Sec. 4. In case of failure to make such statements of schedules to the State Board of Equalization, such person, company or corporation, so failing to make returns, shall forfeit as a penalty not less than One Thousand Dollars ($1,000.00) for each offense, to be recovered in any proper form of action in the name of the people of the State of Arizona, and paid into the State Treasury for the use of the general revenue fund, and a refusal of each or any item shall be considered as a separate offense.

Sec. 5. The return of the railroads, companies or corporations, shall not be held to be conclusive as to the value of said property; but the State Board of Equalization may make such assessment of such property as it may deem just and equitable, and the said property shall be valued at its full

cash value, and assessments shall be made upon the entire railway, within this State, and shall include the franchise, intangible values, right of way, roadbed, bridges, culverts, rolling stock, depots, station grounds, buildings, telegraph lines and all other property, real and personal, exclusively used in the operation of such railway. In assessing said railway and its equipments, said board shall take into consideration all matter connected with said road necessary to enable it to make a just and equitable assessment of said railway property, franchises and intangible values, at their full cash value. The State Board of Equalization shall have power to require the attendance of any president, secretary, receiver, tax agent, accounting officer, servant, or agent, of any railroad company, having any portion of its railway in this State; and any such officer who shall refuse to attend before the State Board of Equalization when it is his duty, or he is required, to do so, or refuses to submit to the inspection of such Board any books or papers of such railway company in his possession, custody, or control, or shall refuse to answer such questions as shall be put to him by such Board, or its order, touching the business, property, money and credits, and the value thereof, of said railway company, shall be guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction be fined in any sum not exceeding Five Hundred Dollars ($500.00) and costs. Any president, secretary, receiver, tax agent, accounting officer, servant, or agent, of any railway company, who shall knowingly make any false answer to any question put to him by such Board or by its order, touching property, money and credits, and the value thereof, of such railroad company, shall be guilty of perjury, and it shall be the duty of the chairman of such Board to prosecute any person liable to the penalties of this section immediately upon the accruing of the liability of such prosecution.

Sec. 6. On or before the third Monday in June in each year said Board shall transmit to the Board of Supervisors

of each county through or into which any railway may run, a statement showing the length of the main track of such railway within the county, and the assessed value per mile of the same as fixed by a pro rata distribution per mile of the assessed value of the whole property herein specified, with a description of the whole of said assessed property within the county, by metes and bounds or other description sufficient for identification. And the said assessment and pro rata shall be made with reference to the value of the property belonging to said railway other than the main track situate in each county and municipality through which said railway extends. Where the railroad of a railroad corporation lies in several counties, its rolling stock must be apportioned between them so that a portion thereof may be assessed in each county, and each county's portion must bear to the whole rolling stock the same ratio which the number of miles of the road in such county bears to the whole number of miles of such road lying in this state. Said Board of Supervisors shall cause the County Assessor to enter said statement with the said description upon the assessment roll of said county under the proper heads therefor, with the total value of said assessed property carried out. At the first meeting of the Board of Supervisors held after said statement is received by it, said Board of Supervisors shall make and cause to be entered in its minutes, an order stating and declaring the length of the main track and the assessed value of such portion of such railway, lying in each municipal corporation within its county, as fixed by the said State Board of Equalization, which assessed value shall constitute the taxable value of said property for taxable purposes; and the clerk of said Board of Supervisors shall transmit a copy of said order to the city council or trustees of such municipal corporation. All such railway property shall be taxable upon said assessment by the same officers and for the same purposes as the property of individuals within such counties and municipalities. If any railway company or any person shall

not be satisfied with the assessment of the property belonging to said company by the State Board of Equalization, it or they may appear before said Board at its meeting in August and show why such assessment should be lowered or changed.

Sec. 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 8. Whereas, it has been deemed essential by the Legislature of the State of Arizona to amend the laws providing for the method of appraisement and assessment of railroad companies, and the taxable property of railroad corporations; and

Whereas, in order for this Act to become effective, it is essential that this Act go into immediate operation; and

Whereas, an early operation of this Act is required to preserve the public peace, health, and safety, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 17, 1912.

CHAPTER 53.

AN ACT

To Provide for the Assessment of Taxes on the Property of Telegraph and Telephone Companies; Defining What Constitutes Such Companies; Requiring Annual Reports, and Providing a Penalty for Neglect or Refusal to Make the Same; and Providing the Duties of the State Board of Equalization in Relation to Said Assessment of Taxes on Said Property of Telegraph and Telephone Companies; and Repealing all Acts and Parts of Acts in Conflict Herewith.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1 That for the purposes of assessment and taxation,

any person or persons, or any joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in, this State telegraphic messages, shall be deemed a telegraph company; any person or persons, or any joint stock association or corporation, wherever organized or incorporated, engaged in the business of transmitting to, from, through, or in, this State, telephonic messages, shall be deemed a telephone company.

Sec. 2. Every telegraph company and telephone company, defined in Sec. 1, doing business in this State, shall annually, on or before the first Monday of June, under the oath of the president, secretary, tax agent, treasurer, superintendent, or chief officer in this State, of such association or corporation, make and file with the State Board of Equalization, in such form as the Board may prescribe, a statement containing the following facts:

1. The name of the company.

2. The nature of the company, whether person or persons, or association, or corporation, and under the laws of what State or country organized.

3. The location of its principal office.

4. The name and postoffice address of the president, secretary, tax agent, auditor, treasurer, superintendent, or general manager.

5. The name and post office address of the chief officer or managing agent in Arizona.

6. The par value and market value of its shares of stock.

7. A detailed statement of the real estate owned by the company in Arizona, where situated, and the value thereof.

8. The whole length of its lines in the State of Arizona, which lines shall include what said telegraph or telephone company controls or uses under lease or otherwise, and the number of miles of line in each county; also a full and correct inventory of all other personal property owned by the company in Arizona on the first day of February, where situated, and the value thereof.

9. The total gross receipts for the year ending the first day of January, from whatever source derived, and the portion of same derived wholly within the State of Arizona.

10. The amount of operating expenses for the year ending the first day of January, itemized or divided as may be required by the State Board of Equalization.

11. The amount paid in dividends and the rate per cent of such dividends.

Blanks for making the above statements shall be prepared and on application furnished any company by the State Board of Equalization.

Sec. 3. Said State Board of Equalization shall meet at its office annually on the first Monday in June, for the purpose of assessing the property of telegraph and telephone companies in Arizona, except as hereinafter provided. When so convened the Board shall proceed to ascertain and assess the value of all the property, franchises and all intangible values thereof, of said telegraph and telephone companies in Arizona at their full cash value, and may adjourn its meeting from time to time as may become necessary.

Sec. 4. In case any company fails or refuses to make the statement as required by law, or to furnish the Board any information as requested, the Board shall inform itself as best it may on the matters necessary to be known in order to discharge its duties with respect to the assessment of the property of such company.

Sec. 5. At any time after the meeting of the Board, on the first Monday in June, and before the assessment of the property of any company is determined, any company or persons interested shall have the right, on written application, to appear before the Board and be heard in the matter of the valuation of the property of any company for taxation.

Sec. 6. After the assessment of the property of any company for taxation by the Board, and before the certifica-

tion by the State Board of Equalization of the apportioned valuation through the several counties, as provided in Sec. 8, of this Act, the Board may, on the application of any interested company or person, or on its own motion, correct the assessment or valuation of the property of any company in such manner as will in its judgment make the valuation thereof just and equal.

Sec. 7. In case any company required to file a statement under the provisions of Sec. 2, fails to make and file such statement, on or before the first Monday of June, unless for good cause shown, the time for making said return shall be extended, or any part thereof be waived, by the said Board of Equalization, such company shall be subject to a penalty of not to exceed Five Hundred Dollars ($500.00), and an additional penalty of not to exceed One Hundred Dollars ($100.00) for each day's omission after the first Monday in June to file such statement; said penalty to be recovered by action in the name of the State, and on collection to be paid into the State Treasury to the credit of the general fund; provided, that for good cause shown the State Board of Equalization may extend the time in which to make and file such statement. The Attorney General, on request of the State Board of Equalization, shall institute in the Superior Court of any county having jurisdiction such action against any company so delinquent, the State Board of Equalization shall have power to require the President, Secretary, Tax Agent, Auditor, Treasurer, Receiver, Superintendent, or managing agent, of any telegraph or telephone company to attend before the Board and bring with him for the inspection of the Board any books or papers of such company in his possession, custody, or control, and to testify under oath touching any matter relating to the business, property, franchises, and intangible values thereof, money or credit, and the value thereof, of such company. Any member of the Board is authorized and empowered to administer such

oath. Any officer, employee, or agent of such company who shall refuse to attend before the Board when required to do so, or who shall refuse to bring with him and submit for the inspection of the Board any books or papers of such company in his possession, custody, or control, or who shall refuse to answer any questions put to him by the Board, or by any member thereof, touching the business, property, franchises, and intangible values thereof, moneys and credit, and the values thereof, of such company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not more than Three Hundred Dollars ($300.00), or imprisoned not more than Six Months, or both.

Sec. 8. After the completion of the assessment by the State Board of Equalization, said Board shall apportion among the several counties through or into which the said lines of telegraph, or telephone, companies run, the assessment values as fixed by said Board, so that each county shall be apportioned such part of the entire valuation as will equalize the relative value of the property of the company therein, in proportion to the whole value of the property of the company in the State, and in proportion that the length of the line owned by the company in the county bears to the length of the whole lines in the State, and the said assessment shall be made with reference to the value of the property, franchises, and intangible values thereof, belonging to said telegraph and telephone companies situate in each county and municipality through or into which said telegraph and telephone lines extend.

Sec. 9. The State Board of Equalization shall, on or before the third Monday of June, certify to the county Boards of Supervisors the amount apportioned to their county. Said Board of Supervisors shall cause the County Asessor to enter upon his tax rolls the returns of said assessment as made by the State Board of Equalization under the proper heads there-

for, and the total value of said assessed property, franchises, and intangible values thereof, carried out. At the first meeting of the Board of Supervisors held after said returns received by it, it shall make and cause to be entered in its minutes, an order stating and declaring the assessed value of said telegraph or telephone company situate in each municipal corporation within its county through which the lines of such companies run, as fixed by the said State Board of Equalization, which shall constitute the taxable value of said property for taxable purposes, and the Clerk of said Board of Supervisors shall transmit a copy of said order to the city council or trustees of such municipal corporation; and all such telegraph and telephone property, franchises, and intangible values thereof, shall be taxable upon said assessment by the same officers, and for the same purposes as the property of individuals within such counties and municipalities.

Sec. 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 11. Whereas, an urgent necessity exists for a more equal and uniform system of assessment and apportionment of taxes, and for the efficient collection of said taxes and revenues, and the provisions of this Act are necessary to the public peace, health, and saftey, and for the support and maintenance of the departments of the State Government and State intsitutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 17, 1912.

CHAPTER 54.

AN ACT

Regulating Express Companies, and Providing for a State Tax on the Same and for the Collection Thereof and Repealing All Acts and Parts of Acts in Conflict with this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That any person, or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from or through the State of Arizona, or any part thereof, money, packages, gold, silver, plate or other articles by express, not including the ordinary lines of transportation of merchandise and property in this State, shall be deemed to be an Express Company.

Sec. 2. Every Express Company defined in Sec. 1, hereof, doing business in the State of Arizona, between the first and thirtieth days of June, under the oath of the person constituting such company, if a person, or under the oath of the President, Secretary, Treasurer, Superintendent or Chief Officer in this State, if an association or corporation, shall make and file with the State Tax Commission a statement, in such form as the State Tax Commission may prescribe, containing the following facts:

1. The name of the Company.

2. The nature of the Company, whether a person or persons, or association or corporation, and under the laws of what State or country organized.

3. The location of its principal office.

4. The name and postoffice address of the President, Secretary, Auditor, Treasurer and Superintendent or General Manager.

5. The name and postoffice address of the Chief Officer or Managing Agent of the Company in Arizona.

6. The entire receipts (including all sums earned or charged, whether actually received or not) for business done within this State by such Company doing business in this State (giving the name of the office and Agent and the amount received by him) for the year ending the first day of January for and on account of such Company, including its proportion of gross receipts for business done by such company within this State in connection with other companies; also the total amount of such receipts for business done within this State.

7. An itemized statement of the amounts actually paid by such Express Company, for the year ending the first day of January, to the railroads within this State for the transportation of its freight within this State, showing the amount paid to each railroad Company.

8. The entire receipts of the Company for business done within the State of Arizona, as defined in item six (6), after deducting the amount paid for transportation of freight, as defined in item seven (7).

9. Such other facts and information as the State Tax Commission may require in the form of return prescribed by it. All blanks for making the above statement shall be prepared, and, on application, furnished any express company by the State Tax Commission.

Sec. 3. In the case of the failure or refusal of any express company to make the statement prescribed by Sec. 2, hereof, on or before the 30th day of June, the State Tax Commission shall notify the local Agents of such company of such default, by letter mailed and addressed, in such instance, to the Agent of such Express Company at the postoffice address of such Agent, enclosing the form of return to be made out by such Agent, and thereupon it shall be the duty of each local agent of such express company within the State of Ari-

zona, on or before the 15th day of July, to make out and file with the State Tax Commission a statement, verified by the oath of the agent, containing such of the facts prescribed in Sec. 2 as the State Tax Commission may require; but the statement of gross receipts and deductions therefrom defined in items 6 and 7 of Sec. 2 shall be confined to the gross receipts and deductions therefrom of his agency.

Sec. 4. The State Tax Commission shall meet annually on the first Monday in July and thereupon shall proceed to ascertain and determine, on or before the third Monday in July the entire receipts of Express Companies for business done in the State of Arizona, as defined in item 6 of Sec. 2 hereof, after deducting the sum paid for transportation of freight, as defined in item 7 of Sec. 2 hereof, and the amounts thus ascertained by said Tax Commission shall, in each instance, be held and deemed to be "the gross receipts of such express company for business done within the State of Arizona" for the year under consideration. The State Tax Commission may adjourn from time to time until the business before it is finally disposed of. In case of the failure or refusal of any company and its agents to make the statement required by law, or to furnish the State Tax Commission the information requested by it, the Commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duties under this Act. At any time after the meeting of the Commission on the first Monday in July, and before the gross receipts of any company for business done within the State of Arizona are determined, any company or person interested shall have the right, on written application, to appear before the Commission and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company for business done within the State of Arizona, the Board may, at any time previous to the third Monday in August, on application of any person or company interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Sec. 5. In case any company required to file a statement under the provisions of Sec. 2 hereof fails to make and file such statement on or before the 30th day of June, such company shall be subject to a penalty of Five Hundred ($500.00) Dollars and an additional penalty of One Hundred ($100.00) Dollars for each day's omission after the 30th day of June to file such statement; said penalty to be recovered by action in the name of the State, and on collection paid into the State Treasury to the credit of the General Fund. The Attorney General, on the request of the State Tax Commission, shall institute such action against any such company so delinquent, in any court of competent jurisdiction in Maricopa County, or of any county in which such company does business. In case any local agent of any express company required to file a statement under the provisions of Sec. 3 hereof, fails, to make and file such statement on or before the 15th day of July he shall be deemed guilty of a misdemanor, and on conviction shall be fined in any sum not less than One Hundred Dollars nor more than Three Hundred Dollars. Each Day's failure after the 20th day of July to make and file such statement shall constitute a new offense. The Commission shall have the power to require the President, Secretary, Treasurer, Receiver, Superintendent, or Managing Agent, or other officer or employee or agent, of any express company to attend before the Commission, bring with him, for the inspection of the Commission, any books, or papers of such company in his possession or control, and to testify under oath touching any matter relating to the organiztion or business of such company. Any member of the Commission is authorized and empowered to administer such oath. Any officer,employee or agent of such company who shall refuse to bring with him and submit for the inspection of the Commission any books or papers of such company in his possession, custody or control, or shall refuse to answer any question put to him by the State Tax Commission or any member thereof, touching the organization or business of such company, shall be deemed guilty of a mis-

demeanor, and on conviction shall be fined not more than Three Hundred Dollars, or imprisoned not more than six months, or by both such fine and imprisonment.

Sec. 6. The State Tax Commission shall, on the first Monday in September, report to the State Treasurer the amount of the gross receipts of express companies for business done within the State of Arizona for the year ending the first day of January. It shall be the duty of the State Treasurer, annually, in the month of December, to charge and collect from each express company doing business in the State of Arizona, a sum, in the nature of a State tax, to be computed by taking five per cent. of the amount fixed by the State Tax Commission as the gross receipts of such company for business done within the State of Arizona for the year ending the first day of January and certified to the State Treasurer. The taxes paid under this Act shall be in lieu of all other taxes upon the properties of such express companies. All taxes collected by the State Treasurer under the provisions of this Act shall be paid into the State Treasury, and be credited to the General Fund. If any express company fails or refuses to pay said tax as provided for in this Act before the third Monday in December, annually, the State Treasurer shall proceed to collect the tax, together with interest at the rate of twelve per centum per annum, by suit instituted by the Attorney General, whose duty it shall be, upon request of the State Treasurer, or upon request of the State Tax Commission, to prosecute any and all proceedings for the collection of such tax.

Sec. 7. Whereas, an urgent necessity exists for a more equal and uniform system of assessment and apportionment of taxes and for the efficient collection of State taxes and revenues, and the provisions of this Act are necessary to the public peace, health, safety, and for the support and maintenance of the Departments of State Government and State institutions, an emergency is hereby declared to exist, and this Act shall

be in full force and effect from and after its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 55

AN ACT

To Provide for the Improvement of Public Streets, Lanes, Alleys, Places, Courts, Avenues, Boulevards, Highways, Crossings, Intersections and Public Ways, and for the Construction of Sidewalks Within Municipalities, for the Assessment of the Cost Thereof Upon Property Benefited Thereby and the Collection Thereof, and Providing a System of Street Improvement Bonds to Represent the Assessment for the Cost of Such Improvement and also for the Payment of Such Bonds.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. All streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, and public ways in the municipalities of this state now open, or dedicated, or which hereafter may be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, and public ways, for the purposes of this act, and the legislative body of each municipality is hereby invested with jurisdiction to order to be done thereon

any work mentioned in this Act, under the proceedings hereinafter described. Said street or streets shall be sufficiently designated for the purposes of this Act when referred to in the proceedings by the name or names by which they are commonly known.

Sec. 2. Whenever the public interest or convenience may require, the legislative body of such municipality is hereby authorized and empowered to order the whole or any portion, either in length or width, of one or more of the streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections, or public ways thereof of any such city, graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled, or reoiled, or otherwise improved or reimproved, and to order the construction or reconstruction of sidewalks, manholes, culverts, bridges, gutters, tunnels, curbs and crosswalks, in or along the same, or to order storm-water ditches, conduits, or channels, breakwater levees, or walls of rock, or other material, to protect the same from overflow or injury, and also to order storm-water drains with outlets for drainage purposes in, over, or through any public street or public way or any right of way, granted or obtained for such purpose; and the construction or reconstruction of any work of the character in this section enumerated, which may in its opinion be necessary to complete or to repair the improvement of any part of any such work.

Sec. 3. Before ordering any improvement made which is authorized by this Act, the legislative body of the municipality shall pass a resolution of intention so to do, by which resolution the improvement shall be briefly described. By such resolution of intention, and the proceedings subsequent thereto, one or more of the improvements authorized by this Act may be made on one or more streets or any portion or portions thereof and shall constitute one improvement and be con-

structed under one contract. Whenever the proposed improvement, in the opinion of said legislative body, is of more than local or ordinary public benefit, it may make the expense of such improvement chargeable upon a district, which in its opinion is the district benefited by said improvement, and it shall describe the extent of said district in general terms in its resolution of intention,either by reference to street lines or block numbers, or by designating its exterior boundaries by their courses and distances from the street or streets the improvement of which is contemplated, and may refer for a more particular description thereof to a map on file with the city engineer of said city, showing the exterior boundary lines of said district, and delineating block and lot numbers or containing such details as will show the location of such lines.

Sec. 4. Said resolution of intention shall be published ten times in a daily newspaper, if there be one, or in a weekly newspaper, if there be not a daily newspaper, published and circulated in the said municipality, the several publications being in regular successive issues of the said paper. The superintendent of streets shall also cause to be conspicuously posted along the line of said proposed improvement, at not more than three hundred feet in distance apart, notices of the passage of said resolution. Said notice shall be headed "Notice of Proposed Improvement", in letters at least one inch in height, and shall state the fact of the passage of the resolution of intention, and briefly describe the improvement proposed. Such posting shall be deemed to have fulfilled the requirements hereof when there has been a substantial compliance with the foregoing provisions respecting the manner of posting, and no irregularities connected therewith shall affect the validity of the proceedings, unless the same shall have been willful or substantial.

Sec. 5. The owners of a majority of the frontage of the property fronting on said proposed improvement, or when the

cost of said improvement has been made chargeable upon a district, then the owners of a majority of the frontage of property fronting upon the proposed improvement, together with the owners of a majority of the frontage of property fronting upon the streets or parts of streets contained within the limits of said assessment district, may make a written protest against said improvement within fifteen days after the date of the last publication of the resolution of intention, or within fifteen days after the completion of the posting of notices of the proposed improvement by the superintendent of streets if such date be subsequent to the day of said last publication. Such protest shall be filed with the city clerk or other officer exercising like official functions, who shall endorse thereon the date of their reception by him, and such objections so delivered and endorsed shall be a bar to any further proceedings in relation to the making of said improvement unless the owners of one-half or more of the frontage as aforesaid shall meanwhile petition for the said work to be done. Objections to the extent of the district to be assessed to pay the expenses of said improvement may be made by any owner or owners of property contained in said assessment district within the same period above provided for the filing of protests against the work. Such objections shall show the amount of frontage owned by each signer together with the post office address of each objector. Whenever such objection to the extent of the proposed assessment district shall have been filed, the legislative body of said municipality shall fix a time for hearing the same, and the city or town clerk shall notify the persons making such objections by depositing a notice thereof in the postoffice of said city, postage prepaid, addressed to the addresses given by each objector, at least ten days prior to the time fixed for said hearing. At the time fixed for said hearing, or at the time or times at which said hearing may be adjourned, the said legislative body shall hear the objections urged, and pass upon the same, and its decision shall be final and con-

clusive. It may in its discretion modify the extent of the proposed assessment district, in which event a new resolution of intention shall be passed containing a description of the modified district, and said new resolution shall be published, and notices thereof posted in the manner hereinbefore provided with respect to the original resolution of intention.

When no protests against said work or no objections as to the extent of the proposed assessment district have been filed within the time above specified, or when a protest shall have been filed and it is found by said legislative body to be insufficient, or when the objections to the extent of the proposed district shall have been heard, and shall have been denied, immediately thereupon the said legislative body shall have jurisdiction to order the proposed improvements. Upon acquiring jurisdiction, the said legislative body may by resolution order the improvement described in the resolution of intention to be done. Such resolution need not fully describe the improvement nor the extent of the assessment district when the expense of said work is to be chargeable upon a district, but may refer to the resolution of intention for such description. The superintendent of streets shall then publish a notice reciting the fact of the passage of the resolution ordering the work, and inviting sealed proposals or bids for making the improvement therein ordered, twice in one or more daily newspapers, if there be one, and if there be no daily, then in a weekly newspaper, published and circulated in said city. He shall also cause a copy of such notice to be posted conspicuously for five days on or near the council chamber door of said legislative body. He shall state in said notices the time within which the said proposals may be filed with the city or town clerk, which shall not be less than ten days from the date of the first publication of the notice inviting bids.

Sec. 6. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of Arizona, or

any lot, piece of parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the legislative body in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said legislative body shall, in the resolution of intention, declare whether or not said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the legislative body shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, then said municipality shall be liable for such sum or sums as thereafter may be assessed against such lots, pieces or parcels of land so owned and used, which shall be payable by the said city out of the general fund, unless the legislative body shall in its resolution of intention designate another fund.

Sec. 7. The legislative body may, in its discretion, order, by resolution, that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as it may designate, in which case it shall be so stated in the resolution of intention. Whenever a part of such cost and ex-

penses is so ordered to be paid, the superintendent of streets, in making up the assessment hereinafter provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner in this act provided. When the whole of said cost is to be paid out of the treasury, then no assessment shall be made and the whole amount shall be payable thirty days after the acceptance of the work by the street superintendent.

Sec. 8. All proposals, or bids, offered shall be accompanied by a bond payable to the order of the mayor of the city for an amount which shall not be less than ten per centum of the aggregate proposal. The legislative body of said city shall, in open session, open, examine, and publicly declare the said proposals or bids. It may reject any and all proposals or bids if it deem this for the public good, and also the bid of any person who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award may be made by motion noted in the minutes of said legislative body but shall not be effective unless a majority of the members of said legislative body shall have voted in favor thereof.

Notice of such award of contract shall be published twice in a daily newspaper, or if there be no daily then in a weekly newspaper, published and circulated in said city. At any time within fifteen days from the date of the first publication of the notice of award of contract, any owner of, or other person having any interest in, any lot or land liable to assessment who

claims that any of the previous acts or proceedings relating to said improvement are irregular, defective, illegal, erroneous, or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, illegal, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding, prior to said notice of award, relating to said improvement not made in writing in the manner and at the time aforesaid shall be waived, excepting as to matters directly affecting the acquiring of jurisdiction by the said legislative body to order the said work or improvement. If in the opinion of said legislative body, any such objection is well taken, it may abandon the said proceedings or such portion of the same as it may deem desirable to correct or modify, and proceed as in the first instance. Within twenty days from the date of the first publication of the notice of award of contract, when no objections of the character herein mentioned are filed, the successful bidder shall enter into a contract to make said improvement at the prices specified in his bid. In the event that objections are filed, and are rejected by the legislative body, then within five days from receiving notice from the city clerk of such rejection, the successful bidder shall enter into said contract. If such bidder neglects, fails, or refuses to enter into such a contract within said period, then the legislative body without further proceedings shall again advertise for proposals or bids as in the first instance, and award the contract for said improvement to the then lowest regular bidder.

Sec. 9. The superintendent of streets is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized by this act. All such contracts shall specify a reasonable time for the completion of the improvement. The superintendent of streets, with the consent of the legislative body, may extend the time so fixed from time to time. The work provided for must in all cases be

done under the direction of the superintendent of streets. In the event that the work is not prosecuted with diligence, the said legislative body may, after hearing, upon notice served upon the contractor or his bondsmen, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the contractor to continue with the work. Upon the completion of the work, the contractor to whom it may be awarded, or his assigns, shall be entitled to an assessment issued to cover the expenses of the work done under his contract.

Sec. 10. The contractor shall, before executing the said contract, file with the superintendent of streets a good and sufficient bond satisfactory to the superintendent of streets, with either a surety company as bondsman or two or more sureties in a sum not less than one fourth of the contract price and payable to the city, conditioned for the faithful performance of the contract, and the sureties shall justify before any person competent to administer an oath, in double the amount mentioned in such bond over and above all statutory exemptions unless said bond be given by a surety company. The contractor shall also, before executing the said contract, file with the superintendent of streets, a good and sufficient bond satisfactory to the superintendent of streets in a sum not less than one-half of the total amount payable by the terms of said contract. Such bond shall be executed by the principal and either a surety company as bondsman or two sureties, who shall qualify for double the sum specified in said bond unless said bond is given by a surety company, and shall be made to inure to the benefit of any and all persons, companies, or corporations, who perform labor on, or furnish materials to be used in the said work of improvement, and shall provide that if the contractor to whom said contract was awarded, or any assign of his, fails to pay for any materials so furnished for the said improvement, or for any work or labor done thereon of any kind, the sureties

will pay the same to an amount not exceeding the sum specified in said bond. Any materialman, person, company, or corporation, furnishing materials to be used in the performance of the work specified in said contract, or who performed work or labor upon the said improvement, whose claim has not been paid by the said contractor, person, company, or corporation to whom the said contract was awarded, may within thirty (30) days from the time said improvement is completed, file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. At any time within ninety days after the filing of such claim, the person, company or corporation filing the same, or his or its assigns, may commence an action on said bond for the recovery of the amount due on said claim, together with the costs incurred in said action and a reasonable attorney's fee, to be fixed by the court, for the prosecution thereof.

Sec. 11. Before being entitled to a contract, the bidder to whom the award was made, must advance to the superintendent of streets, for payment by him, the costs of publication of the notices, resolutions, orders, and other incidental expenses and matters required under the proceedings prescribed in this act. In case the work is abandoned by the municipality before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the city treasury.

Sec. 12. The city engineer shall make duplicate diagrams of the property fronting upon the proposed work or improvement or contained within the asessment district when the expenses of the proposed improvement are to be assessed upon a district. Such diagram shall show each separate lot, piece or or parcel of land, numbered consecutively, the area in square of each of such lots, pieces, or parcels of land, and the relative location of the same to the work proposed to be done. And when said diagrams shall have been approved by the legis-

lative body, and the clerk has certified the fact and the date thereof, said diagrams shall be delivered to the superintendent of streets of said municipality who shall, as soon as the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets, proceed to estimate on the lands, lots or portions of lots fronting on said work when no district has been established of lands to be assessed, or when a district has been established, upon the lands, lots, or portions of lots within said district, the benefits arising from such work and to be received by each said lot, portion of lot or parcel of land, and shall thereupon make an assessment to cover the sum due for the work performed and specified in said contract (including the incidental expenses) and shall assess upon and against said lots and lands the total amount of the costs and expenses of such work. And in so doing he shall assess said total sum upon the several pieces, parcels, lots, portions of lots, and parcels of land upon each respectively in proportion to the said benefits to be received by each of said several lots, portions of lots, or parcels of land. When the work shall not have been declared by the resolution of intention to be of more than local or ordinary public benefit, and shall not have been made assessable upon a district, the lots, pieces, or parcels of land liable to be assessed for such improvement shall be those fronting upon the street or streets improved, and those situated in the quarter blocks and irregular blocks adjoining and cornering upon the crossings, or where there is a termination, in the two quarter blocks adjoining and cornering on the same, halfway to the next main street crossing and all the way to a boundary line of the said city when no cross street intervenes.

Such assessment shall cover the sum due for the work performed as specified in said contract, and shall also include all incidental expenses. Such incidental expenses shall include the compensation of the city engineer for work done by him; also the cost of printing, advertising, and posting required by this act; also the compensation of the person or

persons appointed by the superintendent of streets to take charge of and superintend any of the work of constructing said improvements; also the expenses of making the assessment for the work authorized by the proceedings. The amount of all such incidental expenses shall be settled and allowed by the street superintendent upon itemized bills duly verified by oath of the demandor.

Said assessment shall briefly refer to the contract, and shall show the amount to be paid therefor, together with the incidental expenses, the amount of each assessment, the name of the owner of each lot, piece, or parcel of land (if known to the street superintendent); if unknown, the word "unknown" shall be written opposite the number of the assessment together with the amount assessed thereon. The assessments upon the respective lots or parcels of land assessed shall be consecutively numbered, and the diagram shall be numbered to correspond with the numbers of the assessments. To said assessment shall be attached a warrant which shall be signed by the superintendent of streets, and countersigned by the mayor of said city. The said warrant shall be substantially in the following form:

By virtue hereof, I (name of superintendent of streets), of the city of ....., county of..... (or city and county of .....,) and State of Arizona, by virtue of the authority vested in me as said superintendent of streets, do authorize and empower (name of contractor), (his or their) agents or assigns, to demand and receive the several assessments upon the assessment hereto attached, and this shall be (his or their) warrant for the same.

(Dated)

.....

(Name of superintendent of streets.)

Countersigned by

.....

(Name of mayor.)

Said warrant and assessment, shall be recorded in the office of the superintendent of streets and one diagram shall be there filed. When so recorded, the several amounts assessed shall be a lien upon the lands, lots or portions of lots assessed respectively, for a period of two years from the date of said recording unless sooner discharged; and from and after the date of said recording of any warrant or assessment all owners and other persons interested in the work provided for, shall be deemed to have notice of the contents of the record thereof.

Sec. 13. After said warrant and assessment are recorded, the same shall be delivered to the contractor, or his agent or assign, together with one of the diagrams, and by virtue of said warrant, said contractor, or his agent or assign shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in said assessment. The contractor or his assign, or some person in his or their behalf, shall call upon the person assessed, or their agents if they can conveniently be found, and demand payment of the amount assessed on each lot, piece or parcel of land. If any payment be made to the contractor, his assigns or any person in his or their behalf, a receipt shall be given, which, when presented to the superintendent of streets, shall authorize him to release such assessment when demanded by the property owner. It shall be the duty of the contractor, his agent or assign, to promptly notify the superintendent of streets of all payments made to him, whereupon the said superintendent shall release assessments which have been fully paid. Whenever the name of the owner of the lot is stated as "Unknown" on the assessment, then the said contractor, or his assign or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the superintendent of streets within thirty (30) days after its date with a "return" endorsed thereon, signed by the contractor, or his as-

sign or some person in his or their behalf, verified upon oath stating the nature and character of the demand, and whether any assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the superintendent of streets shall record the return so made in the margin of the record of the warrant, and assessment. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of eight (8) per centum per annum until paid.

Upon the recording of the assessment and warrant, the superintendent of streets shall notify the legislative body of the municipality of such recording, and it shall thereupon fix a time when it will hear and pass upon the assessment, and the proceedings theretofore had and taken which shall not be less than twenty days from the date of such recording, and cause notice thereof to be given by publicatinon for five days in a daily newspaper published and circulated in said city, or in cities where there is no daily newspaper, for two times in a semiweekly or weekly newspaper so published. The owners, the contractor or his assigns, and all other person (persons) directly interested in the work contracted for, or in the assessment for the expenses of the same, having any objection to the assessment or any of the previous proceedings connected therewith, or who claim that the work has not been performed according to the contract in a good and substantial manner, or making any objection to the correctness or legality of the assessment or proceedings, may at any time prior to the time fixed for said hearing, file a written notice briefly specifying the grounds of their objections. At the time fixed for the hearing or at such time or times not later than ten days thereafter, to which such hearing may be postponed, the legislative body of such municipality shall hear and pass upon all objections so made and filed. All the decisions and determinations of said legislative body, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this

section, as to all errors, informalities, and irregularities which said legislative body might have remedied or avoided at any time during the progress of the proceedings. In the event that the legislative body finds that the contract has not been fully performed, it shall suspend the assessment until such time as in its opinion said contract shall thereafter be fully performed, whereupon by its order the date of said assessment and warrant shall be changed to such date and said warrant and assessment shall thereafter be effective and the amounts thereof be payable as of the date of said order. It may modify the amounts of the several assessments after hearing, and may in its discretion order a new assessment to be made.

Sec. 14. At any time after the period of thirty-five (35) days from the date of the said warrant, or if any appeal filed with the city council as provided in section 13 of this act be denied, at any time after five (5) days from the decision of said council, the contractor, or his assign, may sue in his own name the owner of the lands, lots, or portions of lots assessed and recover the amount of any assessment remaining unpaid with interest thereon at the rate of eight (8) per cent per annum until paid. In all cases of recovery under the provisions of this act, where personal demand has been made, and the owner has refused to pay such assessment so demanded, the plaintiff shall recover in addition to the taxable costs, a reasonable attorney's fee. When separate actions shall have been commenced for the foreclosure of the liens arising under a single proceeding, such actions may by order of the court be consolidated where the parties defendant are identical.

Suit may be brought in the superior court, within whose jurisdiction the municipality is, in which said work has been done, and in case any assessments are made against lots, portions of lots, or lands, the owners whereof cannot with due diligence be found, the service of summons may be had in such a manner as is prescribed by the laws of this State. The

said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the superintendent of streets and legislative body, upon which said warrant, assessment, and diagram, are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said courts; and, on appeal, the appellate court shall be vested with the same power to adjudge and decree a lien, as is decreed in the court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits for recovery of street assessments, the proceedings therein shall be governed and regulated by the provisions of this act, and also, when not in conflict herewith, by the codes of this state. This act shall be liberally construed to effect the ends of justice. The person owning the fee, or the person in whom, on the day the action is commenced, appears the record title to the lots and lands by deeds duly recorded in the county recorder's office of such county, or the person in possession of lands, lots, or portions of lots, or buildings under claim or exercising acts of ownership over the same for himself, or an executor, administrator, or guardian of the owner shall be regarded, treated, and deemed to be the "owner" for the purpose of this law, according to the intent and meaning of that word as used in this act. The word "lot" as used in this section shall be held to mean the lots as shown by recorded plats of additions or subdivisions existing at the date of the approval of the engineer's diagram, but if there be no such recorded plat or if the owners of property have disregarded the lines of lots as platted, then the parcel of ground, or lot treated as one parcel, shall be regarded as a lot for the purposes hereof.

Sec. 15. Whenever in any suit, the lien of any assessment or reassessment, or of any bond issued to represent the amount assessed on any lot in such assessment or reassessment shall be defeated, or held invalid because a portion of the improvement ordered was for any reason without the power of the legislative body to order in said proceedings, or was not properly embraced within the contract for said work, or in the assessment made to cover the expenses, the owner of the warrant or the holder of such bond shall be entitled to a decree from the court determining what portion of said assessment was authorized or legal, and there shall thereafter be issued to him by the superintendent of streets within sixty days, and in accordance with the directions of such decree, a new assessment for an amount which the court shall find was the reasonable value of the portion or portions of the improvement properly and legally authorized by the proceedings, which amount shall be assessed upon the property in the same manner as provided in this act for issuing the original assessment, which reassessment shall be a lien upon the property so reassessed for two years from the date of recording the said reassessment and warrant and filing the diagram, and may be enforced in the same manner as an original assessment could be enforced, and the holder or holders of bonds representing the original assessment shall be entitled to new bonds, on each lot, piece or parcel of land representing respectively the amount assessed by such reassessment.

Whenever in any such suit the lien of an assessment, or of a bond issued to represent the amount of such an assessment, shall be defeated or held invalid for any cause arising subsequent to the acquiring of jurisdiction by the legislative body to order said work; or when such lien shall have been defeated or held invalid for any cause, and it shall also appear that the owner of the property holding the same at the time the notice of the award of contract was published shall have had personal knowledge of the intention to order the same, and shall not have filed a protest against the improvement or

a notice of his objection to any of the proceedings such as is provided for by section 8 of this act, the owner of such assessment or bond shall be entitled to and shall recover from such owner of the lot, piece or parcel of land covered by such assessment, such sum as the court shall find such lot, piece or parcel of land to have been actually benefitted by the said improvement, which sum, however, shall in no event exceed the amount which would have been properly assessable against said lot, piece or parcel of land, under the assessment or reassessment made pursuant to the contract had such assessment or reassessment been valid and binding.

Sec. 16. The superintendent of streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this act. The records so kept and signed by him shall have the same force and effect as other public records, and copies thereof duly certified may be used in evidence with the same effect as the originals The said records shall during all office hours be open to the inspection of any person wishing to examine then (them) free of charge.

Sec. 17. The city engineer shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the costs and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In all municipalities where there is no city engineer, the legislative body thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of city engineer, and all the provisions hereof applicable to the city engineer shall apply to such person so appointed. Said legislative body is hereby empowered to fix the compensation for such services.

The superintendent of streets shall, when in his judgment it is necessary, appoint a suitable person to take charge of and superintend the construction of any improvement done under the provisions of this act, whose duty it shall be to see that the contract made for doing the said work is fulfilled in every respect and in case of any departure therefrom to report the same to the superintendent of streets. Such person shall be allowed such compensation as the legislative body shall fix, but not to exceed five dollars per day. Such sum shall be deemed to be incidental expenses, and shall be included in the amount of the assessment.

Sec. 18. The legislative body of any municipality in this state may, in its discretion, determine that serial bonds shall be issued to represent the cost of any improvement, which shall be issued in the manner and form hereinafter provided. Said serial bonds shall extend over a period not to exceed ten years from their date, and an even annual proportion of the principal sum thereof shall be payable, by coupon, on the second day of January every year after their date until the whole is paid, and the interest shall be payable semi-annually, by coupon, on the second days of January and July, respectively, of each year, at the rate of not to exceed six (6) per cent per annum on all sums unpaid until the whole of said principal and interest is paid. Said bonds and interest thereon shall be paid at the office of the treasurer of said municipality who shall keep a fund designated by the name of said bonds, into which he shall receive all sums paid him for the principal of said bonds and the interest thereon, and from which he shall disburse such sums, upon presentation of said coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, payee, and endorsees of each bond, and the number and amount of each coupon or principal or

interest paid by him, and shall cancel and file each coupon so paid.

Sec. 19. When said legislative body shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. A like description of said bonds shall be inserted in all notices of said proceedings required by this act to be either posted or published; and also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, or five days after the decision of the legislative body upon an appeal, and describing the bonds, shall be included in the warrant provided for in section twelve of this act.

Sec. 20. After the full expiration of thirty days from the date of the warrant, or if an appeal be taken to the legislative body as provided in section 13 of this act, then five days after the final decision of said legislative body, and after the street superintendent shall have recorded the return, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment; and said treasurer shall thereupon make out, sign and issue to the contractor, or his assigns, payee of the warrant and assessment, a separate bond,representing upon each lot or parcel of land upon said list the total amount of the assessment against the same, as thereon shown. And if said lot or parcel of land is described upon said assessment and diagram by its number or block, or both, upon the official map of said municipality, or upon any map on file in the office of the county recorder of the county in which said municipality is situated, then it shall be in said bond a sufficient description of said lot or parcel of land to designate it by said number or block, or both, as it appears on said official or recorded map.

Said bond shall be substantially in the following form:

STREET IMPROVEMENT BOND.

Series (designating it), in the city (or other form of the municipality) of (naming it).

$..... No.....

Under an (and) by virtue of an act of the legislature of the State of Arizona (title of this act), I out of the fund for the above designated street improvement bonds, series....., will pay to....., or order, the sum of..... ($.....), with interest at the rate of..... per cent per annum, all as hereinafter specified, and at the office of the ..... treasurer of the.....of....., State of Arizona. This bond is issued to represent the cost of certain street work upon....., in the.....of....., as the same is more fully described in assessment number....., issued by the street superintendent of said ..... after acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto as number....., and which now remains unpaid, but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to-wit: the lot or parcel of land in said.....of....., county of....., State of Arizona,.....

This bond is payable exclusively from said fund, and neither the municipality nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is.....years from its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year after its date an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid with all accrued interest at the rate of..... per centum per annum. The interest is payable semi-annu-

ally, towit: on the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, the first of which is for the interest from date to the next second day of....., and thereafter the interest coupons are for semi-annual interest, except the last, which is for interest from the semi-annual payment next preceding and to the date of the final maturity of this bond. Should default be made in the annual payment upon the principal, or in any payment of interest, from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law.

At said.....of....., this.....day of ....., in the year of one thousand and.....hundred and.....

.....

City Treasurer of the.....

of.....

Provided, that in case the amount of unpaid assessments upon any lot or parcel of land shall be less than twenty-five dollars, then the same shall be collected as is hereinbefore provided in this act.

Provided, also, that if any person, or his authorized agent, shall at any time before the issuance of the bond for said assessment upon his lot or parcel of land, present to the city treasurer his affidavit, made before a competent officer, that he is the owner of a lot or parcel of land in said list, accompanied by the certificate of a searcher of records, that he is such owner of record, and with such affidavit and certificate, such person notifies said treasurer, in writing, that he desires no bond to be issued for the assessments upon said lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right for enforcing collection, as if said lot or parcel of land had not been so listed by the street superintendent.

The bonds so issued by said treasurer shall be payable to the party to whom they issue, or order, and shall be serial bonds, as is hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work.

They shall have annual coupons attached thereto, payable in annual order, on the second day of January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond.

They shall have semi-annual interest coupons thereto attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bonds to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the street superintendent, who shall forthwith indorse the same upon the margin of the record of the assessment to the credit of which the same is paid and said asessment shall be a first lien upon the property affected thereby, until the bond issued for the payment thereof, and the accrued interest thereon shall be fully paid. Said bonds, by their issuance, shall be conclusive evidence of the regularity of all proceedings thereto under this act, previous to the making of the certified list of all assessments unpaid to the amount of twenty-five dollars or over by the street superintendent, to the city treasurer, and of the validity of said lien, up to the date of said list.

Sec. 21. Whenever, through the default of the owner of any lot or parcel of land to represent the assessment upon which such bond has been, or may hereafter be, issued, any payment, either upon the principal, or of the interest, has not

been, or shall not be made when the same has become, or shall become due, and the holder of the bond thereupon demands in writing, that the said city treasurer proceed to advertise and sell said lot or parcel of land, as herein provided, then the whole bond, or its unpaid remainder, with its accrued interest, as expressed in said bond, shall become due and payble immediately, and on the day following shall become delinquent.

Subdivision a. Upon the application of the holder of any bond that shall hereafter become delinquent as provided in this section the said city treasurer shall publish for two weeks in a newspaper of general circulation, to be designated by him, published in the city where his office is situated, a notice which must contain the date, number, and series of the delinquent bond, a description of the property mentioned in said bond, and the name of the owner of such property (if known), and if unknown, the fact shall be so stated, the amount due thereon, and a statement that unless the amount of said bond, and the interest due thereon, together with the cost of publication of such notice, are paid, the real property described in said bond will be sold at public auction on a day to be therein fixed, which shall be not less than fifteen nor more than thirty days from the day of the first publication of said notice, and the place of such sale, which must be the office of the said treasurer.

Subdivision b. The said treasurer, before the day of sale hereinafter provided for, must file with the clerk of the municipality a copy of the publication, with an affidvit of the publisher of such newspaper, or someone in his behalf, attached thereto, that it is a true copy of the same; that the publication was made in a newspaper, stating its name and place of publication and the date of each appearance in which such publication was made—which affidavit is primary evidence of all the facts stated therein.

Subdivision c. The said treasurer must collect, in addition to the amount due on such bond, the cost of the publica-

tion of such notice, and fifty cents for the certificate of sale, as hereinafter provided.

Subdivision d. At any time prior to the sale, the owner or person in possession of any real estate offered for sale under the provisions of this act may pay the whole amount of said bond then due, with costs, and such bond shall thereupon be cancelled; but in case such payment is not made by such owner, or person in possession, or by some one in behalf of such owner, or person in possession, the property subject thereto shall be sold as herein provided.

Subdivision e. The said treasurer, before delivering any certificate, must, in a book kept in his office for that purpose, enter the date, number, and series of the bond, a description of the land sold corresponding with the description in the certificate, the date of sale, purchaser's name, the amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection during office hours when not in actual use, and he shall enter on the record of the bond the words "cancelled by sale of the property," giving the date of such sale.

Subdivision f. Immediately on the sale, the purchaser shall become vested with a lien on the property, so sold to him, to the extent of his bid, and is only divested of such lien by the payment to the city treasurer of the purchase money, including costs herein provided for, with interest thereon at the rate of one per centum per month from the date of sale.

Subdivision g. A redemption of the property sold may be made by the owner of the property, or any party in interest, within twelve months from the date of purchase, or at any time prior to the application for a deed, as hereinafter provided. Redemption must be made in lawful money of the United States, and when made to the city treasurer he must credit the amount paid to the person named in his certificate, and pay it on demand to him or his assignees.

Subdivision h. On receiving the certificate of sale, the recorder must file it, and make an entry in a book similar to that required of the said treasurer, the fee for which shall be fifty cents, and on presentation of the receipt of the said treasurer for the total amount of the redemption money, the recorder must, without charge, mark the work "redeemed," the date, and by whom redeemed, on the margin of the book where the entry of the certificate is made.

Subdivision i. If the property is not redeemed within the time allowed by subdivision g hereof for its redemption, the said treasurer, or his successor in office, upon application of the purchaser or his assignee, must make to said purchaser, or his assignee, a deed to the property, reciting in the deed, substantially, the matter contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption; the treasurer shall be entitled to receive from the purchaser two dollars for making said deed, which shall be deposited in the said treasury of the municipality for its use after payment has been made therefrom for the acknowledgment of said deed; provided, however, that the purchaser of the property, or his assignee, must, thirty days prior to the expiration of the time of the redemption, or thirty days before his appliction for a deed, serve upon the owner or agent of the property purchased, if named in such certificate, and upon the party occupying the property, if the property is occupied, a written notice, stating that said property, or a portion thereof, has been sold to satisfy the bond lien, date of sale, the date, number, and series of the bond, the amount then due, and the time when the right of redemption will expire, or when the purchaser will apply for a deed, and the owner of the property shall have the right of redemption indefinitely, until such notice shall have been given and said deed applied for, upon the payment of the fees, penalties, and costs in this act required. In case of unoccupied property, a similar notice must be posted in a conspicuous place upon the property at least thirty days before the expiration of the time for redemp-

tion, or thirty days before the purchaser applies for a deed; and no deed to the property sold in accordance with the provisions of this act, shall be issued by the said treasurer to the purchaser of such property, until such purchaser shall have filed with such treasurer an affidavit showing that the notice hereinbefore required to be given has been given as herein required, which said affidavit shall be filed and preserved by the said treasurer as other records kept by him in his office. Such purchaser shall be entitled to receive the sum of fifty cents for his services of such notice and the making of said affidavit, which sum of fifty cents shall be paid by redemptioner at the time and in the same manner as the other sums, costs, and fees are paid.

Subdivision j. The deed, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county, and municipal taxes.

Sec. 22. First. The words, "work", "improve", "improved" and "improvement," as used in this act, shall include all work mentioned in this act, and also the construction, reconstruction and repairs of all or any portion of said work.

Second. The notices, resolutions, orders or other matter required to be published by the provisions of this act shall be published in a daily newspaper in cities where such there is, and where there is no daily newspaper, in a semi-weekly or weekly newspaper, to be designated by the legislative body of such city, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for, provided, however, that only in case there is no daily, semi-weekly or weekly newspaper printed or circulated in any such city, then such notices, resolution, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of

time as required herein for the publication of the same in a daily, semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidvit of the owner, publisher or clerk of the newspaper, or of the poster of the notice. No publication or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein.

Third. The word "municipality" and the word "city." as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Fourth. The words "paved" or "repaved", as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood, or other material, whether patented or not, which the legislative body shall by ordinance adopt.

Fifth. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the legislative body thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

Sixth. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer of the municipality.

Seventh. The term "quarter block", as used in this act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

Sec. 23. Whenever in proceedings hereunder the time and place for hearing by the legislative body is fixed and from any cause the hearing is not then and there held or regularly adjourned to a time and place fixed, the power of the legislative body in the premises shall not thereby be divested or lost. The legislative body may fix a time and place for the hearing and cause notice thereof to be given by publication by at least one insertion in a daily, semi-weekly or weekly newspaper published and circulated in said city and designated by the legislative body for that purpose, such publication to be at least five days before the date of the hearing, and thereupon the legislative body shall have power to act as in the first instance.

Sec. 24. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Improvement Act of 1912."

Sec. 25. If any municipality in this state within the provisions of this Act shall have no officer or employe denominated or named as "street superintendent," then the officer or employe of said municipality exercising by law the duties and powers of supervising and directing the work of the repair, maintenance, and construction of streets, alleys and other highways in said municipality, shall, whenever his official designation may be, have the powers and discharge the duties of "street superintendent" as defined and imposed by this Act, in and by his official name and character.

If there be no "clerk" in any such municipality, then the officer or employe of such municipality whose duty it is by

law to attend meetings of the legislative body of such municipality, and take and record the minutes of the proceedings thereof, shall, whatever his official designation may be, have the powers and discharge the duties of "clerk" as defined and imposed by this Act, in and by his official name and character.

And if there be in any such municipality no officer or employe denominated or named "treasurer," then the officer or employe of said municipality being therein by law charged with the receipt and disbursement of the revenue of said municipality arising from taxation, shall, whatever his official designation may be, have the powers and discharge the duties of "treasurer" as defined and imposed by this Act, in and by his official name and charcter.

All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 17, 1912.

CHAPTER 56.

AN ACT

Providing an Advisory Recall for United States Senators and Congressmen.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Prior to any primary or general election, established by law, or any election held under the provisions of this Act, any candidate for the office of United States Senator may file with the Secretary of State either of the following statements, addressed to the people of Arizona:

STATEMENT NO. 1. If elected to the office of United States Senator, I shall deem myself responsible to the people

and under obligation to them to resign immediately if so requested by an advisory vote.

(Signed).....

STATEMENT NO. 2. If elected to the office of United States Senator, I shall not deem myself under obligation to the people to resign if so requested by an advisory vote.

(Signed).....

The Secretary of State shall give such statement to the public press when made. If Statement No. 1 is filed, he shall place upon the ballot, under the name of the candidate by whom it is filed, the words: "Pledged to Advisory Recall." If Statement No. 2 is filed, he shall place upon the ballot under the name of the candidate by whom it is filed: "Refuses Pledge of Advisory Recall." If neither statement is filed, he shall place upon the ballot, under the name of each such candidate failing to file either statement, the words: "Silent as to Advisory Recall."

Sec. 2. Whenever there shall be presented to the Secretary of State a petition signed by fifteen per cent (15%) of the electors requesting the resignation of a United States Senator, he shall submit the question whether the electors request such United States Senator to resign, to the electors at the next ensuing general election occurring not less than sixty (60) days after such petition is filed. If such petition is signed by twenty-five per cent (25%) of the electors of the governor shall call a special election to be held not less than thirty (30), nor more than sixty (60) days thereafter, but no such special election shall be held within six (6) months of a general election.

Sec. 3. All petitions requesting the resignation of a United States Senator shall contain a statement of not more than two hundred (200) words setting forth the reasons for such demand. The person against whom such petition shall have been filed shall be immediately notified by the Secretary of State, and, until otherwise provided by law, there shall, at his

request, be printed upon the ballot, in not more than two hundred (200) words, his justification of his course in office, together with the statement upon the petition requesting his resignation.

Sec. 4. At such election there shall be printed upon the ballot the words: "Shall (name the person) be requested to resign immediately from the office of United States Senator? Yes: ☐ No: ☐" The electors shall vote by marking a cross in the space after the word "yes," or "no." Immediately below and separate from such question shall be printed the words: "For United States Senator, (Advisory)," And under this shall be printed the names of such candidates for the office of United States Senator as may be filed with the Secretary of State, not less than forty (40) days prior to such election, by a petition of not less than five per cent (5%) of the electors.

Sec. 5. The Secretary of State shall immediately canvass the vote and within ten (10) days after the completion thereof shall transmit a certified copy of the returns to the person named in the petition, and, in event a resignation is favored by the electors, to the Governor and Legislature of the State of Arizona.

If a majority of the electors voting thereon shall have requested the resignation of such United States Senator, and a vacancy occur, the Legislature of Arizona, if it be in session, shall thereby be advised of, and shall consider, the majority candidate the preference of the electors for election to fill the unexpired term. If the Legislature be not in session, the Governor shall thereby be advised of, and shall consider, the majority candidate the preference of the electors for appointment to fill such vacancy until the Legislature convenes.

Sec. 6. The total number of votes cast for Governor at the preceding election shall be the basis on which to determine the number of signatures required on petition.

Sec. 7. All candidates for advisory nomination or election to the United States Senate shall be voted upon by a preferential system, insuring majority nominations by enabling the electors to indicate their first and second choice of candidates. The official ballot shall be printed substantially as follows:

EXAMPLE.

For U. S. Senator (Advisory)	First Choice. Vote for one.	Second Choice. Vote for one.
A. B.		
C. D.		
E. F.		
G. H.		

The voter shall mark his ballot in the following manner to indicate his first and second choice:

1. He shall place a cross (X) in the first column after the name of his first choice candidate, and cross (X) in the second column after the name of his second choice candidate.

2. He shall place but one mark in any one designated space.

3. If a voter votes either in the first or second choice column, for two persons, such vote shall be counted as a first choice vote for the person for whose name appears first in such column, and as a second choice vote for the person voted for whose name appears lower in such column.

4. A vote for one person only shall be counted as a first choice vote, whether the voter place his cross in the first or in the second choice column.

5. A first and second choice vote cast for the same person shall be counted as a first choice only for such person.

The canvassers of the vote shall be guided by the following rules:

1. If any candidate for an office receive a majority of the first choice votes he shall be declared nominated for such office.

2. If no candidate is thus nominated, the name of the one having the least number of first choice votes shall be dropped and the second choice votes cast by the supporters of the dropped candidate shall be added to the first choice votes of the remaining candidates for whom they were cast.

3. If no candidate then has a majority, from the remaining candidates the one having the least number of votes then to his credit shall be dropped, and the second choice votes cast by the supporters of said dropped candidates shall be added to the votes of the remaining candidates for whom they were cast.

4. This operation shall be repeated until some candidate has a majority, or until only two candidates remain. The one then having the greater number of votes to his credit shall be declared nominated.

5. No second choice vote shall be counted when it is cast for a candidate whose name shall have been dropped as herein provided.

The returns shall set forth, opposite the names of each candidate, the number of first choice votes cast for such candidate, followed horizontally by a statement of the number of second choice votes cast by his supporters for each of the other candidates. Such tabular statement shall be substantially in the following form, the names of the candidate to be arranged thereon in the order in which they appear upon the ballot:

(EXAMPLE)

FOR UNITED STATES SENATOR (Advisory)

First Choice	Second Choice.				
		A. B.	C. D.	E. F.	G. H.
A. B.....	50	.....	30	15	5
C. D.....	40	25	.....	10	5
E. F.....	25	15	7	.....	3
G. H.....	5	3	1	1	.....
	120	.....	.....	.....	.....

The candidate receiving a majority of the votes cast under the rules herein provided shall be the "majority candidate" within the meaning and intent of this Act, and shall be deemed the preference of the electors for appointment or election to the United States Senate.

Sec. 8. Representatives in Congress shall be subject to the Advisory Recall herein provided for in the case of United States Senators by the method provided for in Secs. 1, 2, 3, 4, 5, and 6 hereof, in the case of United States Senators as nearly as practicable, any vacancy in the office of Representative in Congress in pursuance of this provision to be filled as provided by law.

Sec. 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 57.

AN ACT

Providing for Destitute, Homeless and Depraved Women, and for Neglected, Abandoned, and Homeless Children

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Judge of the Superior Court, or the Board of Supervisors, of the various counties of the State shall, whenever it comes to the knowledge of said Judge or Board of Supervisors that there is any destitute, homeless, or depraved woman, or neglected, abandoned, or homeless child within his or its county, order that said destitute, homeless or depraved woman, or neglected, abandoned, or homeless child, be committed to the Florence Crittenton Home in the city of Phoenix, or any other similar non-sectarian institution in this State.

Sec. 2. The Board of Control shall immediately after the taking effect of this Act, enter into a contract with the proper authorities of said Florence Crittenton Home, or such other similar non-sectarian institution, to care for such person committed to said institution, as provided in Sec. 3 of this Act.

Sec. 3. Whenever such person or persons are committed to such institution, as provided in this Act, the the expenses of keeping such person or persons as fixed by the contract provided for in Sec. 2 of this Act, shall be paid by the county from whence such person or persons were committed.

Sec. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 58.

AN ACT

To Amend Section 11 of Article IX of the Constitution of the State of Arizona, and to Provide for the Submission of such Proposed Amendment to the People of the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That it is hereby proposed that Sec. 11 of Article IX of the Constitution of the State of Arizona shall be amended so as to read as follows:

"Sec. 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as may be prescribed by law."

Sec. 2. The said proposed amendment as set forth in Sec. 1 of this Act is hereby approved, in accordance with the provisions of Sec. 1 of Article XXI of the Constitution of Arizona.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election, provided that if there be no regular or general election on the first Tuesday after the first Monday in November of the year 1912, then the Secretary of State shall submit said proposed amendment to the qualified electors of the State at a special election, in lieu thereof, which is hereby called to take place upon said date for the purpose of having said proposed amendment voted upon.

Approved May 18, 1912.

CHAPTER 59.

AN ACT

Authorizing Suits Against the State and Regulating the Procedure Thereof:

Be it Enacted by the Legislature of the State of Arizona:

Section 1. All persons who have, or who shall hereafter have claims on contract or for negligence against the state, which have been disallowed, are hereby authorized, on the terms and conditions herein contained, to bring suit thereon against the state in any of the courts of this state of competent jurisdiction, and prosecute the same to final judgment. The rules and practice in civil cases shall apply to such suits except as herein otherwise provided.

Section 2. No such suit shall be maintained on any claim now existing, unless the same be brought within two years after this act takes effect; nor shall any such suit be maintained on any cause of action hereafter arising, unless the same shall be commenced within two years after such cause of action shall have accrued; provided, that the period of limitation provided for in section two of this act shall not apply to or affect the rights, interest or claims of any minor, insane, or incompetent person, but such action may be commenced within the period above provided for after such disability shall cease; and provided, that no such suit shall be maintained on any claim against which limitation has now run.

Section 3. At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking in a sum not less than five hundred dollars, as a judge of the court shall fix, with two good and sufficient sureties, to be approved by a judge of the court, and conditioned that, in

case the plaintiff fails to recover judgment, he will pay all costs incurred by the state in such suit.

Section 4. Service of summons in such suits shall be made on the governor and attorney general. It shall be the duty of the attorney general to defend all such suits; and upon his written demand, made at or before the time of answering, and served upon the opposing party, or his attorney, and filed with the court where such action is pending, the place of trial of any such suit shall be changed to the county of Maricopa.

Section 5. In case judgment be rendered for the plaintiff in any such suit, it shall be for the amount actually due from the state to the plaintiff, with legal interest thereon from the time the obligation accrued and without costs.

Section 6. It shall be the duty of the governor to report to the Legislature at each session, all judgments rendered against the state, and not theretofore reported.

Section 7. It shall be the duty of the state auditor to draw his warrant upon the state treasury for the payment of any such judgment upon the presentation to him of a duly authenticated copy of any such judgment, together with the approval of the same by the attorney general of the state. Provided, that the state auditor shall not draw said warrant until an appropriation, sufficient to cover the amount of any such judgment, shall have been made by the Legislature.

Section 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 60.

AN ACT

Providing for the Punishment of any Wilful Violation of any of the Provisions of Section I of Article IV, of the Constitution of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. It shall be unlawful for any person to sign any name, other than his own, to any Initiative or Referendum petition, or knowingly to sign his name more than once for the same Initiative or Referendum measure at one election; or for any person, who is not a qualified elector, or who will not be a qualified elector at the election at which such Initiative or Referendum measure is to be voted upon, to sign his own or any other name to any Initiative or Refenendum petition.

Section 2. It shall be unlawful for any person or persons to file any Initiative or Referendum petition, who at the time of filing said petition, knows it to be falsely made.

Section 3. It shall be unlawful for any person or persons to wilfully destroy or suppress any Initiative or Referendum petition, or any part thereof, which has been duly filed with the lawfully elected officers of the state, or any political subdivision thereof.

Section 4. Any officer or other person or persons violating any of the provisions of this Act, or who shall aid and abet in the violation of this Act, shall be punished by a fine not to exceed One Thousand Dollars ($1000.00), or by imprisonment in the state prison not less than one nor more than two years; or by both such fine and imprisonment in the discretion of the court.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 61.

AN ACT

To Define a Labor "Black List"; to Prohibit the Exchange, Solicitation, or Giving Out of any such List; and Provide for Punitive Damages and for a Penalty for any Violation of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. A labor "black list", for the purposes of this Act, shall mean the name of a person, or list of names description or other means of identification of persons, when such name description or other means of identification or list shall be spoken, written, or printed for the purpose of being communicated or transmitted to any employer, whether individual, firm, association, company, or corporation, with intent to influence such employer to discharge such person or persons from or to refuse to employ such person or persons in, a gainful occupation, in pursuance of any agreement, compact, or conspiracy between the sender and the receiver thereof that the receiver of such name, description or other means of identification or list shall discharge from, or refuse to employ in, a gainful occupation any specified person, persons, or class of persons designed by the parties to such agreement, compact or conspiracy, on the receipt of such name, description or other means of identification, or list, to be discharged from, or prevented from securing employment.

Sec. 2. Soliciting, giving out, or taking part in the exchanging, of any such labor "black list" by any individual, firm, association, company, or corporation is hereby prohibited.

Sec. 3. Any individual, firm, association, company, or corporation, violating any of the provisions of Sec. 2 of this Act shall be liable in punitive damages to any person or per-

sons injured by such violation by being discharged from or prevented from securing employment thereby, to be recovered by him or them in civil action. Any violation of the provisions of this Act is further hereby declared to be a misdemeanor, and any individual, firm, association, company, or corporation violating any of the said provisions shall upon conviction therefor be punished by a fine of not less than Fifty ($50.00) Dollars nor more than Two Hundred and Fifty ($250.00) Dollars or by confinement in the county jail for not less than Ten (10) Days nor more than Sixty (60) Days, or both such fine and imprisonment.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 17, 1912.

CHAPTER 62.

AN ACT

To Authorize Boards of Supervisors to Purchase, Lease and Control County Fair Grounds.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. The boards of supervisors, in their respective counties, shall have jurisdiction and power under such limitations and restrictions as are provided by law, to purchase, lease or receive by donation, real or personal property necessary for the use of county fairs, and to take care of, manage and control the same.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 63.

AN ACT

Prohibiting any Person or Persons from Tampering with, Altering, Changing or Removing any Switch Light or Fixed Signal Used on any Line of Railway in this State, Excepting such Person or Persons who within the Scope of their Employment are Required to Care for such Switch Light or Fixed Signals; and Providing a Penalty for the Violation Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. It shall be unlawful for any person or persons to tamper with, alter, change or remove any switch light or fixed signal used on any line of railway in this State; provided, however, that this provision shall not apply to any person or persons who within the scope of his employment is required to care for said switch light or fixed signal.

Sec. 2. Any person or persons who shall violate any of the provisions of this Act shall be deemed guilty of a felony and upon conviction thereof shall be fined a sum not less than One Hundred Dollars ($100.00) and not more than Five Thousand Dollars ($5000.00), or shall be imprisoned in the State Penitentiary for a term not exceeding twenty (20) years, or shall be punished by both such fine and imprisonment.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 64.

AN ACT

Making it a Felony for a Parent to Fail to Provide for His or Her Minor Child or Children with Necessaries; and Making it a Felony for a Husband to Fail to Provide Support for, or to Abandon His Wife.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. A parent who wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter or medical attendance for his or her minor child is guilty of a felony.

Section 2. Every husband, having sufficient ability to provide for his wife's support or who is able to earn the means of such wife's support, who wilfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter or medical attendance, unless by her misconduct he was justified in so doing, is guilty of a felony.

Section 3. After arrest, conviction or plea of guilty on a felony charge under either section one or section two of this act, and before trial or sentence, if the defendant shall appear before the court and enter into an undertaking with sufficient sureties to the people of the State of Arizona in such penal sum as the court may fix, to be approved by the court and conditioned that the defendant will furnish said minor child or wife, as the case may be, with necessary food, clothing, shelter or medical attendance, then the court may suspend proceedings or sentence thereon; and said undertaking shall be valid and binding for one year, and upon the failure of defendant to comply with said undertaking, he may be ordered to appear before the court and show cause why further proceedings should not be had in said action, or sentence should not be imposed;

whereupon the court may proceed with said action or pass sentence; or, for good cause shown, the court may modify the order and take a new undertaking and further suspend proceedings or sentence for a like period.

Section 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 17, 1912.

CHAPTER 65.

AN ACT

Providing an Advisory Recall for United States District Judges for District of Arizona, and a Popular Recommendation to the President and Senate of the United States for the Appointment and Confirmation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Whenever there shall be filed with the Secretary of State a petition signed by fifteen per cent (15%) of the electors requesting the resignation of a United States District Judge for the District of Arizona, said Secretary of State shall submit the question whether the electors request the resignation to the electors at the next ensuing general election occurring not less than sixty (60) days after such petition is filed.

Sec. 2. At such election there shall be printed upon the ballot the words "Shall (name of person) be requested to resign from the office of United States District Judge, Yes: ☐ No: ☐" The electors shall vote by making a cross in the space after the word "yes" or "no". Immediately below and

separate from such question shall be printed the words: "For United States District Judge. (Recommended to the President for Appointment)", and under this the names of such candidates therefor as may have been filed with the Secretary of State not less than forty (40) days prior to such election, by petition of five per cent (5%) of the electors.

Sec. 3. All petitions requesting such resignation shall cantain a statement of not more than two hundred (200) words setting forth the reasons for such demand. The official against whom such petition may have been filed shall be immediately notified by the Secretary of State, and, until otherwise provided by law, there shall be printed upon the ballot, at his request, a statement of not more than two hundred (200) words such as he may choose to make to the electors, together with the statement upon the petition.

Sec. 4. The Secretary of State shall canvass the vote immediately and within ten (10) days after the completion thereof shall transmit the results to the official named in the petition, and if a resignation is favored, to the President and Senate of the United States. If a majority of the electors voting thereon shall have requested the resignation of such United States District Judge, and a vacancy occur, the majority candidate for such office shall be deemed endorsed by the electors of Arizona and recommended to the President and Senate of the United States for appointment and confirmation to fill such vacancy.

Sec. 5. Whenever there shall occur a vacancy in the office of United States District Judge for the District of Arizona, by death or otherwise than as provided through the provisions of this Act, the electors may, by advisory vote, endorse and recommend to the President and the Senate of the United States an appointee to fill such vacancy.

There shall be printed upon the ballot at the next primary, special or general, election, held throughout the State, after

the occurrance of such vacancy, the words: "For United States District Judge (Recommendation. The President and Senate for appointment), and below, such names of persons as may be filed with the Secretary of State by petition of five per cent (5%) of the electors, not less than forty (40) days before each election. In the event that a session of Congress is to occur before any election at which such vote can be taken, as provided, the Governor shall, on petition of fifteen per cent (15%) of the electors call a special election for such purpose, to be held not less than thirty (30) nor more than sixty (60) days after the filing of such petition.

Prior to such election any candidate for the office of United States District Judge for the District of Arizona may file with the Secretary of State either of the following statements, addressed to the people of Arizona:

STATEMENT NO. 1. If appointed to the office of United States District Judge for the District of Arizona I shall deem myself responsible to the people of Arizona and under obligation to them to resign immediately if so requested by an advisory vote.

Signed .....

STATEMENT NO. 2. If appointed to the office of United States District Judge for the District of Arizona I shall not deem myself under obligation to the people of Arizona to resign if so requested by an advisory vote.

Signed .....

The Secretary of State shall give such statements to the public press when made. If statement No. 1 is filed, he shall place upon the ballot, at the election herein mentioned, under the name of the candidate by whom such statement has been filed the words: "Pledged to Advisory Recall". If Statement No. 2 is filed, the Secretary of State shall place upon the ballot under the name of the candidate by whom such statement has been filed: "Refuses Pledge of Advisory Recall". If neither statement is filed, the Secretary of State shall place

upon the ballot, under the name of each such candidate failing failing to file either statement, the words: "Silent as to Advisory Recall."

Sec. 6. The total number of votes cast for Governor at the preceding election shall be the basis on which to determine the number of signatures required on petitions. If new districts be created for the office of United States District Judge, the percentages and conditions herein named shall apply to such districts only.

Sec. 7. All candidates for nomination or endorsement for office herein named shall be voted upon by a preferential system, insuring majority nominations by enabling the electors to indicate their first and second choice of candidates.

The official ballot shall be printed substantially as follows:

(EXAMPLE)

For United States District Judge (Recommendation to the President for appointment.)	First Choice. Vote for one.	Second Choice. Vote for one.
A. B.		
C. D.		
E. F.		
G. H.		

The voter shall mark his ballot in the following manner to indicate his first and second choice:

1. He shall place a cross (X) in the first column after the name of his first choice candidate, and a cross (X) in the second column after the name of his second choice candidate.

He shall place but one mark in any one designated space.

If a voter votes either in the first or second choice column, for two persons, such vote shall be counted as a first choice vote for the person voted for whose name appears first in such column, and as a second choice vote for the person voted for whose name appears lower in such column.

4. A vote for one person only shall be counted as a first choice vote, whether the voter places his cross in the first or in the second choice column.

5. A first and second choice vote cast for the same person shall be counted as a first choice only for such person.

The canvassers of the vote shall be guided by the following rules:

1. If any candidate for an office receive a majority of the first choice votes he shall be declared nominated for such office.

2. If no candidate is thus nominated, the name of the one having the least number of first choice votes shall be dropped, and the second choice votes cast by the supporters of the dropped candidate shall be added to the first choice votes of the remaining candidates for whom they were cast.

3. If no candidate then has a majority, from the remaining candidates the one having the least number of votes then to his credit shall be dropped, and the second choice votes cast by the supporters of said dropped candidate shall be added to the votes of the remaining candidates for whom they were cast.

4. This operation shall be repeated until some candidate has a majority, or until only two candidates remain. The one then having the greater number of votes to his credit shall be declared nominated.

5. No second choice vote shall be counted when it is cast for a candidate whose name shall have been dropped as herein provided.

The returns shall set forth, opposite the names of each candidate, the number of first choice votes cast for such candidate, followed horizontally by a statement of the number of

second choice votes cast by his supporters for each of the other candiates. Such tabular statement shall be substantially in the following form, the names of the candidates to be arranged thereon in the order in which they appear upon the ballot:

(EXAMPLE)

For United States District Judge—(Advisory)

First Choice	Second Choice.				
		A. B.	C. D.	E. F.	G. H.
A. B.....	50	.....	30	15	5
C. D.....	40	25	.....	10	5
E. F.....	25	15	7	.....	3
G. H.....	5	3	1	1	.....
	120	.....	.....	.....	.....

The person receiving a majority of the votes cast under the rules herein provided shall be the "majority candidate" within the meaning and intent of this Act, and shall be deemed the preference of the electors for election to the office herein named.

Sec. 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Whereby a vacancy now exists in the office of United States District Judge for the District of Arizona, and

Whereas, there is immediate need that the people of Arizona should have an opportunity of recommending a candidate to fll said vacancy,

Therefore, an emergency is declared to exist and for the preservation of the public peace, health, and saftey, this Act

shall take effect from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 17, 1912.

CHAPTER 66.

AN ACT

To Amend Paragraph 2904, (Section 25) of Chapter II, Title 40 of the Revised Statutes of Arizona, 1901, Relating to Liens.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Paragraph 2904 (Section 25) of Chapter II, Title 40 of the Revised Statutes, 1901, be, and the same is hereby amended to read as follows:

2904. (Section 25.) All miners, laborers, and others who may labor, and all persons who may furnish material of any kind, designed or used, in or upon any mine, or mining claim, and to whom any sum is due for such labor or material, shall have a lien upon the same for such sums as are unpaid. And said lien for labor performed, or material furnished, shall attach to said mine, or mining claim, whenever said labor was performed, or said material was furnished in or upon said mine, or mining claim, under any of the following conditions:

1. Under or by virtue of a contract between the person performing such labor, or furnishing said material, and the owner of said mining claim, or his agent, trustee, receiver, contractor or contractors.

2. Under or by virtue of a contract between the person performing such labor, or furnishing said material, and the

lessee of said mine, or mining claim, or his agent, or contractor, where the terms of the lease from the owner of said mine, or mining claim, to said lessee, permit said lessee to develop or work said mine, or mining claim.

3. Under or by virtue of a contract between persons performing said labor, or furnishing said material, and any person or corporation having an option to buy, or contract to purchase said mine, or mining claim, from the owner thereof, where said option or contract permits the person, or corporation, having said option to buy, or contract to purchase, to go upon said mine, or mining claim, and to work or develop the same.

The lien herein provided for shall attach to the mine, or mining claim, in, or on which, said labor was performed, or material furnished, in preference to any prior lien or encumberance, or mortgage upon said mine, or mining claim, EXCEPT such liens, encumberances, or mortgages which may have attached to any mine, or mining claim, prior to the passage of this Act.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 18, 1912.

CHAPTER 67.

AN ACT

Entitled: An Act to Provide for the Organization of Irrigation Districts.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. Whenever fifty, or a majority of the bona fide owners of lands in any district, desire to provide for the irrigation of the same, they may propose the organization of any irrigation district under the provisions of this Act; and when so organized, such district shall have the powers conferred or that may hereafter be conferred, by law, upon such irrigation district;

Provided, that where bona fide owners or possessors of lands, included within the proposed irrigation district, shall have constructed ditches, canals, reservoirs, pumping plants and underground works which shall be in actual operation by the owner or owners thereof at the time of the organization of such irrigation district, of sufficient capacity and with adequate water supply for the irrigation of not less than 25 per cent of the lands so owned or possessed, such lands so owned or possessed together with the ditches, canals, reservoirs, pumping plants, or underground works, so constructed, and the extensions and enlargements thereof completed within a period of one year from the date of the organization of such irrigation districts, and the water and water rights appurtenant thereto, and any franchise in connection therewith, and all water appropriated for stock, mining, domestic or power purposes, shall be exempted from the provisions of this Act. And further provided, that no such land shall be so exempted unless water shall have actually been appropriated to beneficial use upon not less than 25 per cent of each tract sought to be so exempted.

Section 2. For the purpose of the establishment of an irrigation district, as provided by this Act, a petition shall be filed with the board of supervisors of the county which embraces the largest acreage of the proposed district; said petition shall state that it is the purpose of petitioners to organize an irrigation district, under the provision of this Act; said petition shall, also, contain a general description of the boundaries of such proposed district, the means proposed to supply water for the irrigation of the lands embraced therein, the name proposed for such district, and shall select a committee of five, of said petitioners, to present such petition to the board of Supervisors, as provided by law, praying that the said board define and establish the boundaries of said proposed district, and submit the question of the final organization of the same, to the vote of the qualified electors, as prescribed by section four of this Act.

The said petition shall, also, be accompanied by a good and sufficient bond, to be approved, by said board of supervisors, in double the amount of the probable cost of organizing such district; conditioned for the payment of all costs incurred in said proceedings, in case such district is so affected; then, said expenses incurred by the board of supervisors, shall be paid back to said county by said district. Such petition shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation, printed and published in the county where said petition is to be presented; together with a notice, signed by the committee of said petitioners selected by the petition for that purpose, giving the time and place of presentation of the same to said board of supervisors.

Section 3. When such petition is presented, and it shall appear that the notice of the presentation of said petition has been given, as required by law, and that said petition has been signed by the requisite number of petitioners, as required by this Act, the supervisors shall then proceed to define the boun-

daries of said proposed district, as defined in said petition, and from such application as may be filed for the exclusion of lands therefrom, or the inclusion of lands therein, as may be made, in accordance with the intent of this Act; they may adjourn such examination, from time to time, not to exceed three weeks in all, and shall, by final order duly entered, define and establish the boundaries of such proposed district. Thereupon the said board of supervisors shall cause said order to be recorded in the office of the county recorder of the county in which such irrigation district is situated; Provided, that no land included within the limits of any city, town or village, shall be included in any irrigation district; The said board shall not modify such proposed boundaries, described in the petition, so as to change the objects of said petition, or, so as to exempt from the operation of this Act, any land, within the boundaries proposed by the petition that is susceptible of irrigation by the same system of water works applicable to other lands in such proposed district; nor shall any land which will not, in the judgment of the board, be benefitted by such proposed system, be included in such district, if the owner thereof shall make application at such hearing to withdraw the same; Provided, also, that contiguous lands, not included in said proposed district as described in the petition, may, upon application of the owner or owners, be included in such district upon such hearing.

When the boundaries of any proposed district shall have been examined, and defined as aforesaid, said board of supervisors, shall forthwith make an order allowing the prayer of said petition, defining and establishing the boundaries and designating the name of such proposed district. Thereupon the said supervisors shall, by further order duly entered upon their record, call an election of the bona fide owners of land in said district and residing in Arizona, to be held for the purpose of determining whether such district shall be organized under the provisions of this Act; and by such order, shall submit the names of one or more persons from each of the five divisions of said district, as hereinafter provided, to be voted for as direc-

tors therein. For the purpose of said election they shall divide said district into five divisions, as nearly equal in size as may be practical, which divisions shall be numbered first, second, third, fourth and fifth. One director, who shall be a resident of the State of Arizona and a bona fide owner of and situate in the division, shall be elected by each division. Each of said divisions shall constitute an election precinct; and three judges shall be appointed for each of said precincts, one of whom shall act as clerk of said election; Provided, that, in the hearing of any such petition, the board of supervisors shall disregard any informality therein, and in case they deny the same, or dismiss it for any reasons on account of the provisions of this Act not having been complied with, which are the only reasons upon which they shall have a right to refuse or dismiss the same, they shall in writing state in detail their reasons therefor, which shall be entered upon their records. In case these reasons are not well founded, a writ of mandamus, shall, upon proper application therefor, issue out of the superior court of said county, compelling them to act, in compliance with this Act, said writ shall be heard within twenty days from the date of its issuance, and said twenty days shall be excluded from the forty days given the supervisors herein to act upon said petition. The officers of such district shall consist of five directors, a secretary and treasurer.

Section 4. The said board of supervisors shall, thereupon, cause notice, embodying said orders in substance, and signed by the chairman of the board of supervisors, and clerk of said board, to be issued, given and published, giving public notice of said election, the time and place thereof and the matters to be submitted to the vote of the electors; said notice and order shall be published, once a week, for at least three weeks prior to such election, in a newspaper of general circulation in said county. If any portion of such proposed district lies within any other county or counties, such order and notice shall be published in a newspaper, of general circulation, published within each of said counties.

At said election, and at all elections held under the provisions of this Act, all qualified electors who are, and have been for six months preceding the date of election, bona fide owners of land within said proposed district, and are residents of the State of Arizona, shall be entitled to vote at any election held under the provisions of this Act; provided, that a bona fide claimant to an uncompleted title, under the public land laws of the United States, or of the State of Arizona, shall be construed to be a bona fide owner of lands within the meaning of this Act.

The ballots to be used, and cast at such election for the formation of such district, shall be substantially as follows: "Irrigation District, Yes" or "Irrigation District, No," and shall also contain the names of the persons to be voted for as members of the board of directors of said district; one of whom shall be from each division. The elector shall indicate his choice by placing marginal cross upon the ballot opposite the name, thing or question, for which or against which he may wish to vote, at any election held under this Act.

Section 5. The said board of supervisors shall meet on the second Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that at least a majority of the votes cast at said election, in said district, have voted "Irrigation District, Yes" the said board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style previously designated, and shall declare the persons receiving the highest number of votes for such several offices, to be duly elected to such office. Said board shall cause a copy of such order, including a plat of said district, duly certified by the clerk of the board of supervisors, to be immediately filed for record in the office of the county clerk of each county in which any portion of such lands are situated; and no board of supervisors of any county, including any portion of said district, shall, after the date of

organization of such district, allow another district to be formed, including any of the lands of such district, without the consent of the board of directors thereof. From and after the date of such filing, the organization of such district shall be complete; and the officers thereof upon qualifying in accordance with law shall immediately enter upon the duties of their respective offices, and shall hold such offices, respectively, until their successors are elected and qualified. For the purpose of election above provided for, the said board of supervisors must establish a convenient number of election precincts and polling places in said proposed district, and define the boundaries thereof, which said precinct may thereafter be changed by the board of directors of such district; they shall also appoint the judges of election for each of such precincts, one of whom shall act as clerk of election.

Section 6. Nominations of candidates for election to said Board of Directors shall be by petition in writing, signed by at least five bona fide owners of land in said Irrigation District, who shall possess the qualifications of electors herein provided. No person shall be entitled to sign the petition for nomination, of any person for such director, except a bona fide land owner in the division from which he shall be elected. At all elections, held under the provisions of this Act, no elector shall be permitted to vote for any director except the director who shall be chosen to represent said division on said Board of Directors.

All petitions for nominations of directors, herein provided, shall be filed with the Clerk of the Board of Supervisors 20 days before the time herein fixed for the holding of any regular election.

The regular election of said District, for the purpose of electing a Board of Directors, shall be held on the first Tuesday after the first Monday in December of each year, at which time, one director from each Division in said District, shall be elected for a term of two years; if, however, two or more per-

sons have the same number of votes, then their term shall be determined by lot under the direction of the Judge of the Superior Court of the County wherein the organization of said District shall have been perfected. The person receiving the highest number of votes, in any Division for any office to be filled at such election, shall be deemed elected thereto.

Within ten days after receiving their certificates of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same with the Clerk of the Board of Supervisors of the County wherein the organization was perfected; and on the first day of January following, they shall assume the duties of their respective offices.

Each member of the Board of Directors shall execute an official bond in the sum of three thousand dollars; which bond shall be approved by the Judge of the Superior Court of the County wherein such organiztion was perfected, and shall be filed with the Clerk of the Board of Supervisors of such county.

All official bonds herein provided for, shall be in form as prescribed by law for official bonds for County Officials, except that the obligee named in such bonds, shall be the Irrigation District under such name as may be designated for such District, and shall be filed with said Clerk of the Board of Supervisors at the same time as the filing of the oath herein provided.

Section 7. The office of the Board of directors shall be located in the county where the organization was effected. Fifteen days before any election held under this Act, subsequent to the organiztion of the district, the secretary, who shall be appointed by the board of directors, shall cause notice specifying the polling places of each precinct, to be posted in three public places in each election precinct, stating the time and place of holding the election; and shall, also, post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined

by said board in said county. Prior to the time for posting the notices, said board must appoint from each precinct, from the electors thereof, three judges, one of whom shall act as clerk, who shall constitute a board of election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend the opening of the polls on the morning of election, the electors of the precinct, present at the hour named in the notice, may appoint the board or supply the place of an absent member thereof. The board of directors must, in its order appoint the board of election.

Section 8. One of the judges shall be chairman of the election board; and may: 1. Administer all oaths required in the progress of any election; 2. Appoint judges and clerks, if during the progress of the election any judge or clerk ceases to act. Any member of the board of election, or any clerk thereof, may administer, and certify, the oath required to be administered during the progress of any election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. An elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock A. M. and be open until six o'clock P. M. of the same day. It shall be the duty of the clerk of the board of election to forthwith deliver the returns duly certified by the board of directors of the district.

Section 9. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting, on the first Monday after election, and canvass the returns. If at the time of meeting the returns from each precinct in the district, in which the polls were open, have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day, until the returns have been

received, or until six postponements have been had. The canvass must be made in public by giving the returns, and by counting the votes of the district for each person voted for, and declaring the results thereof; the board shall declare elected the person receiving the highest number of votes so returned for each office, and also declare the result of any question submitted.

Section 10. The secretary of the board of directors must, as soon as the result of any election held under the provisions of this act is declared, enter in the records of such board, and file same with the clerk of the board of supervisors of the county in which the office of said district is located, a statement of such results; which statement must show: 1. A copy of the publication notice of said election; 2. The names of the judges of said election; 3. The whole number of votes cast in the district and in each precinct of the district; 4. The names of the persons voted for; 5. The office to fill which each person was voted for; 6. The number of votes given in each precinct for each of such persons; 7. The number of votes given in the district for each of such persons; 8. The names of persons declared elected; 9. The result declared on any questions submitted, in accordance with the majority of the votes cast for or against such question. The board of directors of votes given for each office; and, also, the result of any question submitted. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board. In case of vacancy in the board of directors, by death, removal or inability from any cause, to properly discharge the duties as such director, the vacancy shall be filled by appointment by the remaining members of the board, such member to be a resident of the district in which such vacancy occurs, and upon their failure or inability, to act within thirty days after such vacancy occurs, then, upon petition of five electors of said district, the Board of Supervisors of the county where the office of said

Board of Directors is situated, shall fill such vacancy or vacancies. Any director, appointed as above provided, shall hold his office until the next general election of said district, and until his successor is elected and qualified.

Section 11. The directors, having duly qualified, shall organize as a board, by electing a president from their number, and appointing a secretary. The board shall have power, and it shall be their duty, to adopt a seal, manage, and conduct the affairs and business of the district, make and execute all necessary contracts, employ such agents, attorneys, officers and employees, as my be required; and prescribe their duties, establish equitable rules and regulations for the distribution and use of water among the owners of said land, and perform all such acts as shall be necessary to fully carry out the purposes of this Act. Said board shall have the power, in addition to that of supplying water to said district so proposed by the petition submitted for the formation of said district, to construct, acquire, purchase, or condemn any and all canals, ditches, pumping plants, reservoirs, reservoir sites, water, water rights, rights of way, or other property neecssary for the use of the district, or to acquire by condemnation, or otherwise, the right to enlarge any ditch, canal or reservoir, already constructed or partly constructed. In case of the purchase of any property by said district, when it shall be proposed, by the board of directors, to purchase a system of irrigation already constructed, or partially constructed, and to enlarge and complete the same to make it adequate to the needs of the district, the board may, in such case, embody in one contract, the matter of the purchase, the enlargement, and the completion of such irrigation system, without inviting bids for such construction and completion. In case of the purchase of such property as aforesaid, by said district, the bonds of the district, hereinafter provided for, may be used, at their par value, in payment, without previous offer, of such bonds for sale. But no contract involving a consideration exceeding ten thousand dollars, and

not exceeding twenty-five thousand dollars, shall be binding, unless such contract shall be authorized and ratified, in writing, by not less than one-third of the qualified voters of said district, according to the number of votes cast at the last district election; nor shall any contract, in excess of twenty-five thousand dollars, be binding, until such contract shall have been authorized and ratified at an election, in manner as is provided for the issue of bonds.

The said rules and regulations shall be printed in convenient form as soon as the same are adopted, for distribution in the district; and it is hereby expressly provided, that all water distributed for irrigation purposes, shall be apportioned ratably, to each land owner upon the basis of the ratio of the last assessment of such owner for district purposes within said district, bears to the whole sum assessed upon the district. The board of directors shall have power to lease or rent the use of water, or contract for the delivery thereof, to occupants of other land, not included within the said district, at such prices and on such terms as they deem best; provided, the rental shall not be less than one and one-half times the amount of the district tax for which said land would be liable if within the district; and, provided further, no vested or prescriptive right to the use of such water shall attach to said land by virtue of such lease or such rental. Provided also that any land owner in said district may, with the consent of the board of directors, assign the right to the whole, or any portion of the water so apportioned to him for any one year, where practicable, to any other bona fide land owner, to be used in said district on his land for said year, provided, such owners shall have paid all amounts due, and assessments upon all such lands; and provided further, that the board of directors shall require all owners of lands within said district for which title shall be uncomplete at the time of issuance of such bonds, to enter into a contract to the effect that such land owner shall, upon receiving full title, permit the bonding of his land for his proportionate share of the bonded assessments of said district,

and, in the mean time, paying his proportionate share of all other assessments that may be levied by said board of directors; but no vested or prescriptive right to the use of such water shall attach to said land by virtue of such contract, until the bonding of said land as hereinafter provided.

Section 12. The board of directors shall hold a regular quarterly meeting, in their office, on the first Tuesday in January, April, July and October; and such special meetings as may be required for the proper transaction of business. All special meetings shall be called by the President of the Board, or any three directors. All meetings of the board must be public; and three members shall constitute a quorum for the transaction of business; and on all questions requiring a vote, there shall be a concurrence of at least three members of said board. All records of the board must be open to the inspection of any elector during business hours. The board, its agents and employees, shall have the right to enter upon any land in the district to make surveys and to locate and construct any canal or canals and the necessary laterals. Said board shall also have the right to acquire all lands, water-rights, franchises and other property necessary for the construction, use, maintenance, repair and improvement of its canals, ditches, pumping plants, reservoirs and waterworks; and shall, also, have the right by purchase, or condemnation, to acquire rights of way for the construction or enlargement of any of its ditches, canals or reservoirs; also lands for reservoir sites, and provided further that such right of condemnation shall not extend to nor include any of the lands, rights or franchises expressly exempted by the provisions of Sec. 1 from the operation of this Act.

Section 13. The title to all property acquired under the provisions of this Act, shall, immediately, and by operation of law, vest in such irrigation District, in its corporate name; and shall be held by such district in trust for, and is hereby dedicated and set apart for the use and purposes set forth in

this Act; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein set forth; provided, that when any District, contemplated in this Act, shall find it necessary to procure and acquire a supply of water from outside the boundaries of this State, then, and in such event, it shall be lawful for such district to contract and pay for the same in the same manner as other property acquired by the district is purchased and paid for.

Section 14. The said board is hereby authorized and empowered to take conveyances or assurances for all property acquired by it under the provisions of this Act in the name of such district to and for the purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect, or preserve any or all rights, privileges and immunities created in this Act or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend in person or by attorneys and in the name of such irrigation district. Judicial notice shall be taken in all actions, suits and judicial proceedings of any court in this state of the organization and existence of any irrigation district of this state now or hereafter organized, from and after the filing for record in the office of the County Recorder of the certified copy of the order of the board of supervisors as mentioned in Section three of this Act; and a certified copy of such order shall be prima facie evidence in all actions, suits and proceedings in any court of this state, of the regularity and legal sufficiency of all Acts, matters and proceedings therein recited and set forth; and any such irrigation district, in regard to which any such order has been heretofore or hereafter be entered, and such certified copy thereof, so filed for record, and which has exercised or shall exercise rights and powers of such a district, and shall have had or shall have in

office a board of directors exercising the duties of their office and the legality and regularity of the formation or organization whereof shall not have been questioned by proceedings in quo warranto instituted in the superior court of the county in which such district or the greater portion thereof is situated, within one year from the date of such filing, shall be conclusively deemed to be a legally and regularly organized, established and existing irrigation district within the meaning of this Act, and its due and lawful formation and organization shall not thereafter be questioned in any action, suit or proceeding, whether brought under the provisions of this Act, or otherwise.

Section 15. For the purpose of constructing or purchasing or acquiring reservior sites, reserviors, water rights, pumping plants, canals, ditches and works, and acquiring the necessary property and rights therefor, for thepurpose of paying the first year's interest on the bonds herein authorized, and otherwise carrying out the provisions of this Act, the board of directors of any such district shall, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised for such purposes, and shall forthwith call a special election, at which election shall be submitted to the electors of such district possessing the qualifications prescribed by this Act, the question of whether or not the bonds of said district shall be issued in the amount so determined. A notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three consecutive weeks. Such notice shall specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the results thereof determined and declared in all respects as nearly as possible in conformity

with the provisions of this Act governing the election of directors; provided, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No;" or words equivalent thereto. If a majority of the votes cast are "Bonds —Yes" the board of directors shall immediately cause bonds in such amount to be issued and payable in series as follows, to-wit:

At the expiration of twenty-one years, not less than five per cent of the whole amount and number of said bonds; at the expiration of twenty-two years, not less than six per cent of the whole amount and number of said bonds; at the expiration of twenty-three years, not less than seven per cent of the whole number and amount of said bonds; at the expiration of twenty-four years, not less than eight per cent of the amount and number of said bonds; at the expiration of twenty-five years, not less than nine per cent of the amount and number of said bonds; at the expiration of twenty-six years, not less than ten per cent of the amount and number of said bonds; at the expiration of twenty seven years, not less than eleven per cent of the whole amount and number of said bonds; at the expiration of twenty-eight years, not less than thirteen per cent of the whole amount and number of said bonds; at the expiration of twenty-nine years, not less than fifteen per cent of the whole amount and number of said bonds; at the expiration of thirty years, not less than a percentage sufficient to pay off the remainder of said bonds.

Each bond must be payble at the given time for its entire amount and not a percentage; said bonds shall bear interest at the rate of not to exceed six per cent per annum, payable semi-annually on the first day of June and December of each year. The prinicpal and interest shall be payable at the office of the county treasurer of the county in which the organization of the district was perfected as aforesaid, or at such other place as the board of directors may designate in such bond.

Said bonds shall be each of the denomination of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), shall be negotiable in form, executed in the name of the District and signed by the president and secretary, and the seal of the district shall be affixed thereto. Said bonds shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond bearing the lithographed signatures of the president and secretary. Said bonds shall express on their face that they are issued by authority of this Act, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received and the name of the purchaser; provided, any such district may, by a majority vote of the electors of said district, possessing the qualifications as provided in Section Four of this Act, provide for the issuance of bonds that will mature in any number of years less than thirty, in which case they shall mature each successive year thereafter upon the same basis and percentage as is above provided for bonds commencing to mature on the twenty-first year, and arrange for the payment thereof, in series as above provided; provided, further, that when the money provided by the previous issue of bonds has become exhausted by expenditures herein authorized, and it becomes necessary to raise additional money for such purposes, additional bonds may be issued, submitting the question at a special election to the qualified voters of said district, otherwise complying with the provisions of this section in respect to an original issue of bonds; provided, also, the lien for taxes for the payment of the interest and the pricipal of any bond issue, shall be a prior lien to that of any subsequent bond issue; and provided further, that whenever the owner of land within said district, for which patent had not been obtained at the time or times of previous issues of bonds, shall have obtained patent therefor the board of directors shall have power to bond said land for the owner's proportionate share of the bonded assessments of said district.

Section 16. The board may sell bonds from time to time, in such quantities as may be necessary and most advantageous, to raise the money for the construction or purchase of canals, pumping plants, reservoir sites, reservoirs, water rights and works, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale, the Board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds and fix the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given by publication thereof at lest twenty days in a daily newspaper published in this state or such other newspapers as the board of directors may determine upon. The notice shall state that sealed proposals will be received by the board at its office for the purchase of bonds until the day and hour named in the resolution. At the time appointed, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder; and may reject all bids; but said board shall in no event sell any of said bonds for less than ninety-five per cent of the face value thereof. In case no bid is made and accepted as above provided, the board of directors is hereby authorized to use said bonds for the purchase of canals, pumping plants, reservoir sites, reservoirs, water rights and works, or for the construction of any canal, pumping plant, reservoir and works; provided, such bonds shall not be disposed of at less than ninety-five per cent of the face value thereof.

Section 17. Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district, and the real property of the district shall be and remain liable to be assessed for such payments as herein provided.

Section 18. It shall be the duty of the board of directors on or before September 1st, of each year, to determine the amount of money required to meet the obligations, mainte-

nance, operating and current expenses for the ensuing year, and to certify to the county supervisors of the county in which the office of said district is located said amount, together with such additional amount as may be necessary to meet any deficiency in the payment of said expenses theretofore incurred. Provided, however, that money raised by taxation upon the estimate and levy for any purpose under this Act, shall be applied to the purpose specified in the levy, and can be used for no other purpose. Provided, further, that, if there shall be a surplus in any fund at the end of the fiscal year, or at any time when there shall no longer be a demand for money in said fund, when the board of directors of said district, may, by order duly made and entered, cause the treasurer of the district to transfer said surplus to any other fund against which there are outsanding obligations.

Section 19. It shall be the duty of the county assessor of any county embracing the whole or a part of any irrigation district, to assess and enter upon his records as assessor in its appropriate column, the assessment of all real estate, exclusive of improvements, situate, lying and being within any irrigation district in whole or in part of such county. Immediately after said assessment shall have been extended as provided by law, the assessor shall make returns of the total amount of such assessment to the board of supervisors of the county in which the office of said district is located. All lands within the district for the purpose of taxation under this Act shall be valued by the assessor at the same rate per acre; provided, that in no case shall any land be taxed for irrigation purposes under this Act, which from any natural cause can not be irrigated, or is incapable of cultivation.

Section 20. It shall be the duty of the board of supervisors of the county in which is located the office of any irrigation district, immediately upon receipt of the returns of the total assessment of said district, and upon the receipt of the certificate of the board of directors certifying the total amount

of money required to be raised as herein provided, to fix the rate of levy necessary to provide said amount of money and to fix the rate necessary to provide the amount of money required to pay the interest and principal of the bonds of said district as the same shall become due; also, to fix the rate necessary to provide the amount of money required for any other purposes as in this act provided, and which are to be raised by the levy of assessments upon the real property of said district; and to verify said respective rates to the board of supervisors of said county embracing any portion of said district. The rate of levy necessary to raise the required amount of money on the assessed valuation of the property of said district shall be increased fifteen per cent to cover delinquencies. For the purposes of said district it shall be the duty of the board of supervisors of each county in which any irrigation district is located in whole or in part, at the time of making levy for county purposes, to make a levy at the rates above specified, upon all real estate in said district within their respective counties. All taxes levied under this Act are special taxes.

Section 21. The county treasurer of the county in which is located the office of any irrigation district shall be and is hereby constituted ex-officio district treasurer of said district, and said county treasurer shall be liable upon his official bond and to indictment and criminal prosecution for malfeasance, misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases relating to a county treasurer. Said treasurer shall collect, receive, and receipt for all moneys belonging to said district. It shall be the duty of the county treasurer of each county in which any irrigation district is located in whole or in part, to collect and receipt for all taxes levied as herein provided in the same manner and at the same time and on the same receipt as is required in the collection of taxes upon real estate for county purposes. Provided, however,

that such county treasurer shall receive in payment of the taxes levied for maintenance, operation and current expenses, for each year, warrants drawn against said fund for any of said purposes during the same year said taxes are due and payable. He shall also receive in payment of taxes levied to pay outstanding or deficiency warrants or to pay warrants issued to complete the irrigation works of the district, the warrants of the district issued for either of said purposes; provided further, that such county treasurer shall receive in payment of the district bond fund taxes above mentioned for the year in which said taxes were levied, interest coupons or bonds of said irrigation district maturing within the year the same as so much lawful money of the United States, if such interest coupons or bonds do not exceed the amount of district bond fund tax which the person tendering the same owns. The county treasurer of each county comprising a portion only of the irrigation district, excepting the county treasurer of the county in which the office of said district is located, shall on the first Mondays of every month remit to the district treasurer aforesaid all moneys, warrants, coupons, or bonds theretofore collected or received by him on account of said district. Every county treasurer shall divide the money received from taxation on the lands of the district into funds corresponding with the purposes specified in the estimate and levy for district purposes. Money received on account of interest on the bonded indebtedness of the district, if any there be, shall be kept in an interest fund or account; money received on account of the principal on the bonded indebtedness of the district, if any there be, shall be kept in a bond account or fund; money received on account of maintenance, operation and current expenses for the district shall be kept in a maintenance, operation and current expense fund or occount; money received on account of the levy for outstanding or deficiency warrants shall be kept in a deficiency fund or account; and money received on account of a levy made for payment on completion of the irrigation works of the district

shall be kept in a completion fund or account; and likewise, if a levy shall be made and money received for any other purpose, said money shall be kept in a separate fund or account, so designated as to identify the purposes for which said money was levied and received. The district treasurer shall pay out of said bond fund the principal of the bonds of said district at the time and place specified in said bond, and shall pay out of said interest account or fund the interest on the bonds of said district at the time and place specified in said bonds, and shall pay out of all said other funds only upon the order of the district, signed by the president and countersigned by the secretary of said district as herein provided. The district treasurer on the fifteenth day of each month shall report to the secretary of the district the amount of money in his hands to the credit of the respective funds above provided; the amount of warrants paid during the previous month and the amount of registered wararnts, if any there be. All such district taxes collected and paid to the county treasurers as aforesaid shall be received by said treasurers in their official capacity; and they shall be responsible for the safe-keeping, disbursement and payment thereof the same as for other moneys collected by them as such treasurers.

Section 22. The revenue laws of this state for the assessment, levying and collection of taxes on real estate for county purposes, except as herein modified, shall be applicable for the purposes of this Act, including the enforcement of penalties and forfeitures for delinquent taxes.

Section 23. After adopting a plan for the construction of canals, pumping plants, reservoirs and works, the board of supervisors shall give notice, by publication thereof, not less than twenty days in a newspaper published in each of the counties into which any irrigation extends, provided a newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work or any portion thereof; if not less than the whole

work is advertised, then the portion so advertised must be particularly described therein; said notice shall set forth that plans and specifications can be seen at the office of the board and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening the proposals, which at said time and place shall be opened in public, and as soon as convenient thereafter, the board shall let said work, either in portions or as a whole, to the lowest responsible bidder, or it may reject any and all bids and readvertise for proposals, or may proceed to construct the work under its own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person or persons to whom a contract may be awarded shall enter into a bond with good and sufficient sureties, to be approved by the board, payable to said district for its use, for not less than ten per cent of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer in charge, and be approved by the board.

Section 24. No claim shall be paid by the district treasurer until the same shall have been allowed by the board, and only upon warrants signed by the president, and countersigned by the secretary, which warrants shall state the date authorized by the board and for what purposes; and if the district treasurer has not sufficient money on hand to pay such warrant when it is presented for payment, he shall endorse thereon "not paid for want of funds—this warrant draws interest from date at six per cent per annum," and endorse thereon the date when so presented, over his signature, and from the time of such presentation until paid such warrant shall draw interest at the rate of six per cent per annum; provided that when there is more than the sum of one hundred dollars or more in the hands of the treasurer it shall be applied upon said warrant. All claims against the district

shall be verified the same as is required in case of claims filed against counties in this state, and the secretary of the district is hereby authorized and empowered to administer oaths to the parties verifying said claims, the same as a notary public might do. The district treasurer shall keep a register in which he shall enter each warrant entered for payment, showing the date and amount of such warrant, to whom payable, the date of presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the district treasurer. All warrants shall be drawn payable to the claimant or bearer, the same as county warrants.

Section 25. For the purpose of defraying the expenses of the organization of the district, and the care, operation, management and improvement of all canals, pumping plants, ditches reservoirs and works, including salaries of officers and employees, the board of directors may either fix rates or tolls and charges, and collect the same of all persons using said pumping plants, canals and water for irrigation, and in addition thereto may provide, in whole or in part, for the payment of such expenditures by tolls or assessment therefor, as heretofore provided, or by both levy and asessment provided, that in case the money raised by the sale of bonds issued be insufficient, and in case bonds be unavailable for the completion of the plans of work adopted, it shall be the duty of the board of directors to provide for the completion of said plans by levy of an assessment therefor in the same manner in which levy of assessment is made for the other purposes provided for in this Act.

Section 26. The board of directors shall have the power to construct the said works across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross; and if such railroad company and said board or the owners and controllers of said property, thing or franchise so to be

crossed, cannot agree on the amount to be paid therefor, or the points or the manner of said crossing, the same shall be ascertained and determined in all respects as provided in respect to the taking of land for public uses. The right of way is hereby given, dedicated, and set apart to locate, construct and maintain said works or reservoirs, over, through or upon any of the lands which are now or hereafter may be the property of the state.

Section 27. The board of directors shall each receive at the rate of five dollars per day while attending meetings, and their actual and necessary expenses while engaged in official business. The salary of the Secretary shall not exceed one thousand dollars per annum. No director or officer named in this Act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; nor shall receive any bonds, gratuity or bribe, and for any violation of this section such officer shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding five years nor less than one year.

Section 28. The board of directors, or other officers of the district, shall have no power to incur any debt or liability, either by issuing bonds or otherwise, in excess of the express provisions of this Act, and any debt or liability, incurred in excess of such express provisions shall be and remain absolutely void.

Section 29. In case the volume of water in any canal, reservoir, pumping plant, or other works in any district shall not be sufficient to supply the continual wants of the entire district and susceptible of irrigation therefrom, then it shall be the duty of the board of directors to distribute all available water upon certain or alternate days to different localities, as

they may in their judgment think best, for the interests of all parties concerned, and so that each locality shall receive as nearly as possible its pro rata share of the available water.

Sec. 30. Nothing herein contained shall be deemed to authorize any person or persons to divert the water of any river, creek, stream, canal, or reservoir to the detriment of any person or persons having a prior right to the waters of such river, creek, stream, canal, or reservoir, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public use.

Section 31. The boundaries of any irrigation district now or hereafter organized under the provisions of this Act, may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Sec. 32. The holder or holders of title, or evidence of title, representing a majority of the acreage of any body of land adjacent to any irrigation district, may file with the board of directors of said district a petition in writing, praying that such lands be included in such district. The petition shall describe the tracts or body of land owned by the petitioners but such description need not be more particular than is required when such bonds are entered by the county assessor in the assessment book. Such petition shall be deemed to give the assent of the petitioners to the inclusion in said district of the lands described in the petition, and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Sec. 33. The Secretary of the board of directors shall cause notice of the filing of such petition to be given and published once each week, for three successive weeks, in a newspaper published in the county where the office of said board is situated; which notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of said petitioner, giving notice to all persons interested, to appear at the office of said board at a time stated in said notice and show cause in writing, if any, why the petition should not be granted. The time specified in the notice, at which it shall be required to show cause, shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioner or petioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings under such petition before the secretary shall be required to give such notice.

Section 34. The board of directors, at a time and place mentioned in said notice, or at such time or times to which the hearing of such petition may adjourn shall proceed to hear the petition; and all objections thereto presented in writing by any person showing cause as aforesaid why said petition should not be granted. The failure of any person interested to show cause in writing as aforesaid, shall be deemed and taken as an assent on his part to the inclusion of such bonds in said district as are prayed for in said petition.

Section 35. The board of directors to whom such petition is presented shall require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated by the board, as said petitioners or their grantors would have been required to pay to such district as assessment for the payment of its pro rata share of all bonds and the interest thereon, which may have previously thereto been issued by said district, had such lands been in-

cluded in such district, at the time the same was originally formed or when said bonds were so issued.

Section 36. The board of directors, if they deem it not for the best interests of the district to include therein the lands mentioned in the petition, shall by order reject the said petition; but if they deem it for the best interests of the district that said lands be included, the board may order that the district be so changed as to include therein the lands mentioned in the said petition. The order shall describe the entire boundaries of the district with the lands so included, if the district boundaries be changed thereby, and for that purpose the board may cause a survey to be made of such portion of such boundaries as may be deemed necessary; Provided, if within thirty days from the making of such order, a majority of the qualified electors of the district protest in writing to said board against the inclusion of said lands in said district, said order shall be held for naught and such lands shall not be included therein.

Section 37. Upon the allowance of such petition and in case no protest has been filed with the board within thirty days after the entry of said order as aforesaid, a certified copy of the order of the board of directors making such change, and a plat of such district, showing such change, if any, certified by the president and secretary, shall be filed for record in the offices of the Clerk of the board of supervisors and Recorder of such county in which are situated any of the lands of the district, and the district shall remain an irrigation district, as fully as to every intent and purpose as if the lands which are included in the district, by the change in the boundaries as aforesaid, had been included therein at the organization of the district; and said district as so changed and all the lands therein, shall be liable for all existing obligations and indebtedness of the organized district.

Section 38. Upon the filing of the copies of the order and the plat as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

Section 39. A guardian, executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act mentioned, why the boundaries of the district should not be changed.

Section 40. In case of the inclusion of any land within any district by proceedings under this Act, the board of directors shall, at least thirty days prior to the next succeeding general election of directors, make an order redividing such district into five divisions, as nearly equal in size as may be parcticable, which shall be numbered first, second, third, fourth and fifth; and one director shall thereafter be elected by each division. For the purpose of elections the board of directors shall establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time, as the board may deem necessary.

Section 41. Any tract of land included within the boundaries of any such district, at or after its organization under the provisions of this Act, may be excluded therefrom in the manner herein prescribed; but such exclusion of land from the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges

of whatever kind or nature, nor shall such exclusion affect, impair or discharge any contract, obligation, lien or charge, for or upon which it would or might become liable or chargeable, had such land not been excluded from the district.

Section 42. The owner or owners in fee of any lands constituting a portion of any irrigation district, may file with the board of directors of the district a petition, praying that such lands may be excluded and taken from such district. The petition shall describe the lands which the petitioners desire to have excluded, but the description of such lands need not be more particular than required when lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land.

Section 43. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least three weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of said district lie within another county or counties, then said notice shall be so published in a neyspaper published within each of said counties, or if no newspaper is published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, description of the lands mentioned in said petition, and the prayer of said petitioners; and it shall notify all persons interested, to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why said petition should not be granted. The time to be specified in the notice at which they shall be required to show cause, shall be the regular meeting of the board next after the expiration of the time for the publication of

the notice. The petitioner or petitioners shall advance to the secretary sufficient money to pay the estimated cost of all proceedings under such petition before the secretary shall give such notice.

Section 44. The board of directors at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person, showing cause as aforesaid why the prayer of said petition should not be granted. The filing of such petition with such board as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof.

Section 45. The board of directors, if they deem it not for the best interests of the district, that the lands mentioned in the petition, or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district and if there are no outstanding bonds of the district, then the board may order the lands mentioned in the petition, or some definite portion thereof, to be excluded from the district, provided, if within thirty days from the making of such order a majority of the qualified electors of the district protest in writing to said board against the exclusion of such lands from said district, said order shall be held for naught and such lands shall not be excluded therefrom.

Section 46. Upon the allowance of such petition and in case no protest has been filed with the board within thirty days after the entry of said order as aforesaid, a certified copy of the order of the board of directors making such change and a plat of such district showing such change certified by

the president and secretary, shall be filed for record in the offices of the Clerk of the board of supervisors and recorder of each county in which are situated any of the lands of said district, and the district shall remain an irrigation district as fully to every intent and purpose as if the lands which are excluded by the change of the boundaries as aforesaid had not been excluded therefrom.

Section 47. At least thirty days before the next general election of such district, the board of directors thereof may make an order dividing said district into five divisions, as nearly equal in size as practicable, which shall be numbered first, second, third, fourth and fifth, and one director shall be elected for each such division. For the purpose of election in such district, the said board of directors must establish a convenient number of election precincts and define the boundaries thereof, which said precincts may be changed from time ti time as the board of directors may deem advisable.

Section 48. Whenever a majority of the bona fide owners of land in any irrigation district organized or hereafter to be organized under this Act, shall petition the board of directors to call a special election for the purpose of submitting to the qualified electors of said irrigation district a proposition to vote on the dissolution of said irrigation district, setting forth in said petition that all bills and claims of every nature whatsoever have been fully satisfied and paid, it shall be the duty of said directors, if they shall be satisfied that all bills and claims have been fully satisfied, to call an election, setting forth the object of said election, and to cause notice of said election to be published in some newspaper in each of the counties of (or) county in which said district is located, for a period of thirty days prior to election, setting forth the time and place for holding said election in each of the five precincts in said district. It shall also be the duty of the directors to prepare ballots to be used at said election, on which shall be writ-

ten or printed, the words: "For Dissolution—Yes," and "For Dissolution—No."

Section 49. The board of directors shall name a day for canvassing the vote, and if it shall appear that a majority of the ballots contain the words "For Dissolution—Yes" then it shall be the duty of said board of directors to declare said district to be disorganized, and they shall certify to the clerk of the board of supervisors of the respective counties in which the district is situated, stating the number of signatures to the petition. That the said election was called and set for the .....day of.....month of .....year. That said election was held, and that so many votes (stating the number) had been cast for and so many votes (stating the number) had been cast against, said proposition, said certificates to bear the seal of the district, and the signatures of the president and secretary of said board of directors. And it shall be the duty of the said respective clerks to record all of such certificates in the records of the respective counties. Should it appear that a majority of the votes cast at said election were "For Dissolution—No," then the board of directors shall declare the proposition lost and shall cause the result and the vote to be made a part of the records of said irrigation district.

Section 50. The board of directors of any irrigation district organized under the provisions of this Act may commence special proceedings in and by which the proceedings of said board and of the district providing for and authorizing the issue and sale of bonds of said district, whether said bonds or any of them have or have not been sold, or disposed of, may be judicially examined, approved and confirmed.

Section 51. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district or some portion thereof are situated, a petition praying in effect, that the proceedings aforesaid may

be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds, and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Section 52. The court shall fix a time for hearing of said petition and shall order the clerk of the court to give and publish a notice of the filing of such petition. The notice shall be given and published for three successive weeks in a newspaper published in the county where the office of the district is situated. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petitioners, and that any person interested in the organization of said district, or in the proceedings for the issue and sale of said bonds, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of ..... irrigation district, (giving its name) praying that the proceedings for the issue and sale of said bonds of said district may be examined, approved and confirmed by the court.

Section 53. Any person interested in said district or in the issue and sale of bonds, may demur to or answer said petition. The provisions of the Code of Civil Procedure respecting the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to said petition. The person so demurring and answering said petition shall be the defendant to the special proceedings, and the board of directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer shall, for the purpose of said special proceedings, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition.

The rules of pleading and practice relating to appeals and writs of error provided by the Code of Civil Procedure which are not inconsistent with the provisions of this Act are applicable to the special proceedings herein provided for.

Section 54. Upon the hearing of such special proceedings the court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner in this Act provided, and shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of this act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality and validity of said bonds, and the order of the sale and the sale thereof. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings; and the court may by decree approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The costs of the special proceedings may be allowed and apportioned between the parties in the discretion of the court.

Section 55. Bonds Legal Investment for Trust Fund etc. All bonds issued in compliance with the foregoing requirements shall be taken, deemed and held to be legal investments for all trust funds and for the funds of insurance companies, banks, banking institutions, and trust companies, and for the state school fund, and whenever any money or fund may by law be invested in bonds of cities, counties, school districts, or municipalities in the state, such money or funds, may be invested in said bonds of irrigation districts.

Section 56. Any director elected or appointed under the provisions of this Act, shall be subject to be recalled by the

vote of a majority of the qualified electors of the division which such director may represent. The proceedings of such recall election shall be in all respects as may be provided by the constitution of the State of Arizona, or any Act by the Legislature, which may be passed for the purpose of carrying out the provisions of the constitution.

Section 57. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 68.

AN ACT

Relating to the Construction, Maintenance, and Improvement of State Roads and Bridges, Creating the Office of State Engineer and Prescribing the Duties Thereof and Compensation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. All highways and parts of highways, and bridges, which shall hereafter be constructed or improved under the provisions of this Act, shall be State highways and bridges.

Sec. 2. All such highways and bridges shall be constructed, improved, and maintained, according to the plans and specifications made for such purpose by the State Engineer, hereinafter provided for, subject to the restrictions and limitations of this Act and shall be only for the industrial development of the State.

Sec. 3. The office of State Engineer is hereby created, and there shall be appointed by the Governor, by and with the

advice and consent of the Senate, a State Engineer who shall hold his office for two years from the date of his appointment and until his successor shall be appointed and qualified. Such State Engineer shall be a practical, competent civil engineer. The salary of the State Engineer shall be Three Thousand Dollars ($3,000.00) a year, payable semi-monthly, together with the necessary actual expense, not to exceed Two Thousand Five Hundred Dollars ($2,500.00) per year, required to perform the duties of his office.

Sec. 4. The State Engineer shall, before entering upon the discharge of his duties, execute a bond, with two or more sureties, to be approved by the Governor of the State of Arizona, and payable to the State of Arizona, in the sum of Five Thousand Dollars ($5,000.00), conditioned that he will faithfully discharge his duties as such State Engineer, be responsible for all public property in his possession, and turn the same over to the Board of Control on demand.

Sec. 5. The duties of the State Engineer shall be to aid the Board of Control, and the Boards of Supervisors of the several counties, in such manner as the Board of Control may require, in the selection and designation of State highways and bridges. It shall also be the duty of the State Engineer to aid by his advice the County Superintendents of roads and bridges of the various counties of the State relative to the method of construction and maintenance of the county roads and bridges.

Sec. 6. The Boards of Supervisors of the several counties shall act with the State Engineer in the selection of the highways and bridges to be constructed under this Act, within the limits of their respective counties, and said State Engineer shall, on the request of the Board of Control of the State, or any Board of Supervisors of any county, be required to select, map, plat, and furnish estimates of the cost of construction of, State highways and bridges, or extensions thereof, proposed

to be constructed under the provisions of this Act, which data and information, as specified above, shall be furnished free of charge to such parties requesting same.

Sec. 7. There shall be annually levied and collected in the manner in which other State taxes are levied and collected by a levy by the officials provided by law, a sufficient tax to raise the sum of Two Hundred and Fifty Thousand Dollars ($250,000.00), said levy to be made upon the taxable property within the State, for the purpose of raising a fund to be known as the "State Road Tax Fund", to be expended for the construction, re-construction, repairing, and maintenance of public highways, roads, and bridges, in the manner as in this Act provided.

Sec. 8. Twenty-five per cent (25%) of the "State Road Tax Fund," herein provided for, shall be subject to be paid out upon the authority and under the direction of the State Board of Control and the State Engineer, who are hereby charged with such responsibility. Seventy-five per cent (75%) of such "State Road Tax Fund" herein provided for, shall be apportioned to the several counties, in the amount to each county of seventy-five per cent (75%) of the taxes collected under this Act by said county, and such amount shall be subject to be paid out for the work in this Act provided for within such county upon the authority and under the direction of the County Board of Supervisors of such county and the State Engineer, who are hereby charged with such responsibility.

Sec. 9. Upon the adoption by the Board of Control, of the Board of Supervisors, under whose direction the work is to be done, of the plans and specifications for the construction of any State highway or bridge, or extension thereof, it shall be optional with the said Board of Control or Board of Supervisors, as the case may be, to have any or all work provided for by this Act done either by contract or under a wage

system. In case the work is to be done by contract, it shall be the duty of the said Board of Control, or Board of Supervisors, to advertise in a newspaper published in such county, where the proposed work is located for sealed proposals for the doing of such work. Such notice shall be given for at least thirty days prior to the opening of such sealed proposals, which shall be directed to the said Board of Control, or the Board of Supervisors as the case may be, and marked "State Highway Contract". Upon the opening of such proposals, the contract for the work shall be let to the lowest responsible bidder, provided, however, that the said Board of Control, or Board of Supervisors shall have the right to reject any or all bids, and may proceed to construct said work under their own supervision, without contract. . In case the contract is awarded, as herein provided, the successful bidder shall enter into such a contract with the State of Arizona, or the county in which the work is to be done as may be prescribed by the said Board of Control or the Board of Supervisors, a copy of which contract shall accompany the plans and specifications. The successful bidder shall also file with said Board of Control, or the Board of Supervisors, a good and sufficient bond, payable to the State of Arizona, or to the county, in a sum not less than twenty-five per cent of the contract price of said work, conditioned upon the faithful performance of said contract.

Sec. 10. No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment; provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. And, provided further, that the Board of Control shall require all contractors, under the provisions of this Act, to comply with the restrictions in this section contained.

Sec. 11. All roads, when constructed, shall thereafter be maintained at the expense of the county in which located, under the joint auspices and direction of the State Engineer and the Board of Supervisors of such county.

Sec. 12. It shall be the duty of the State Engineer, upon request of the Board of Supervisors of any county where work is being done under the provisions of this Act, to furnish such Board of Supervisors with a duplicate copy of the plans and specifications for such work.

Sec. 13. It shall be the duty of the State Auditor to keep a complete and accurate account of all moneys received for and expended out of the State Road Tax Fund, and to keep and preserve all documents, books, and papers, which may be filed with him relative to such highways and bridges.

Sec. 14. Lands adjacent to a State highway may be entered upon and occupied for the purpose of opening or constructing a drain or ditch so as to properly drain such highway:

1. By the State Engineer or his servants or agents or employees at any time for the purpose of making surveys for such drain or ditch;

2. By the State Engineer, his agents or servants, whenever, in the discretion or judgment of the State Engineer, after the completion and acceptance of the highway, for the purpose of opening, constructing or maintaining ditches or drains upon such lands, necessary for the proper maintenance of such highways.

Sec. 15. The Board of Control, with the consent and approval of the Board of Supervisors of the county where the work is being done or the property affected is situated, may agree with the owners of lands entered upon and occupied, as provided in the preceding section, for the payment of damages caused by such entry, or for the payment of damages for the taking and using of any rock, earth, timber from any

adjacent unimproved land, or, if unable so to agree, the right to enter and occupy such lands or to take and use such rock, earth, timber, may be acquired, and the damages therefor shall be ascertained as provided in the condemnation law. Such damages shall in the case of a State highway be paid out of moneys available for that purpose in the State Road Tax Fund, and shall be considered as extended under the terms of this Act within the county in which the property or right so acquired is situated.

Sec. 16. No street, surface, steam, or electric, road shall be constructed or improved under the provisions of this Act, nor shall any person, firm, or corporation, enter upon or construct any such works in or upon any such highway or bridge of the State, other than crossing said highway, and any person, firm, or corporation, violating any provision of this Act shall be liable to a fine of Five Hundred Dollars ($500.00), for each such violation, to be recovered by suit by the Board of Control and paid to the State Treasurer to the credit of the State Road Tax Fund, and may also be removed therefrom as a trespasser by the Board of Supervisors of the county or counties in which such trespass shall have been committed.

Sec. 17. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 69.

AN ACT

To Provide for the Regulation and Supervision of Investment Companies, and the Inspection and Investigation of Property, Books, Papers, Business, Methods, and Affairs, of any Corporation whose Stock shall be Offered for Sale to the Public, and Providing Penalties for the Violation Thereof, with an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Every corporation, every co-partnership or company, and every association (other than State and National banks, and corporations not organized for pecuniary profit) organized, or which shall be organized, in this State, whether incorporated or unincorporated, which shall sell or negotiate for the sale of any stock, bonds, or other securities of any kind or character other than bonds of the United States, the State of Arizona bonds, or bonds of some county, city, town or school district therein, to any person or persons in the State of Arizona, other than those specifically exempted herein, shall be known for the purposes of this Act as a domestic investment company. Every such investment company organized in any other State, or government, or organized under the laws of any other State or government, shall be known for the purposes of this Act as a foreign investment company.

Sec. 2. Before offering for sale, or attempting to sell, any stocks, bonds, or other securities of any kind or character other than those specifically exempted in Sec. 1 of this Act, to any person or persons, or transacting business of any kind whatever in this State, excepting that of preparing the instruments hereinafter required, every such investment company, domestic or foreign, shall file in the office of the Corporation Commission

of this State, the following instruments, to-wit: A statement showing in full detail the plan upon which it proposes to transact business; a copy of all contracts, bonds, or other instruments which it proposes to make with, or sell to, its subscribers; a statement which shall show the name and location of the investment company, and an itemized account of its actual financial condition, and the amount of the property owned by it, and its liabilities, and such other information touching its affairs as the Corporation Commission may require.

If such investment company be a co-partnership or an unincorporated association, it shall also file with the Corporation Commission a copy of its articles of co-partnership and all such other papers pertaining to its organization as may be required by the Corporation Commission.

All such investment companies shall also file in the office of the Corporation Commission such other instruments and documents as may be required by the general laws of this State appertaining to corporations, both foreign and domestic, and such other papers and documents as the Corporation Commission may require.

Sec. 3. All of the above described instruments shall be verified by the oath of a member of the co-partnership or company, if it be a co-partnership or company; or by the oath of a duly authorized officer, if it be an incorporated or unincorporated association. All such papers, however, as are recorded or are on file in any public office, shall be further certified to by the officer of whose records or archives they form a part, as being correct copies of such records or archives.

Sec. 4. Every foreign investment company shall also file its written consent, irrevocable, in the office of the Corporation Commission, that actions may be commenced against it, in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside, by a service of process upon an agent, attorney, or other person, desig-

nated by such company, and residing within this State, and stipulating and agreeing that such serivce of process on the person so designated shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon the company itself, according to the laws of this or any other State, and such instrument shall be authenticated by the seal of such foreign investment company and by the signature of a member of such co-partnership or company, if it be a co-partnership or company, or by the signature of the President and Secretary of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees, or managers, of the corporation authorizing the said Secretary and President to execute the same.

Sec. 5. It shall be the duty of the Corporation Commission to examine the statements and documents so filed, and if said Corporation Commission shall deem it advisable it shall make, or have made, a detailed examination of such investment company's affairs; such examination shall be at the expense of such investment company, as hereinafter provided; and if it finds that said investment company is solvent, that its articles of incorporation or association, its constitution and by-laws, its proposed plan of business and proposed contract contains and provides for a fair, just, and equitable plan for the transaction of business, and in its judgment promises a fair return on stocks, bonds, or other securities, by it offered for sale, the Corporation Commission shall issue to such investment company a statement reciting that such company has complied with the provisions of this Act, that detailed information in regard to the company and its securities is on file in the office of the Corporation Commission for public inspection and information, that such investment company is permitted to do business in this State, and such statement shall also recite in bold type that the Corporation Commission in no wise recom-

mends the stock, bonds or other securities to be offered for sale by such investment company. But if said Corporation Commission advises that such articles of incorporation or association, charter, constitution and by-laws, plan of business or proposed contract contain any provisions that are unfair, unjust, inequitable or oppressive to any class of contributors, or if it decides from its examination of the affairs of said investment company that the said investment company is not solvent and does not intend to do a fair and honest business, and in its judgment does not promise a fair return on the stocks, bonds or other securities by said investment company offered for sale, then the Corporation Commission shall notify such investment company in writing of its findings, and it shall be unlawful for such company to do any further business in the State until it shall so change its constitution and by-laws, articles of incorporation or association, its proposed plan of business, and proposed contract, and its general financial condition, in such manner as to satisfy the Corporation Commission that it is solvent, and its articles of incorporation or association, its constitution and by-laws, its proposed plan of business, and proposed contract, provide for a fair, just and equitable plan for the transaction of business and does, in the judgment of the Corporation Commission promise a fair return on stocks, bonds, or other securities by such investment company offered for sale; provided, that all expenses paid or incurred and all fees or charges received or collected for any examination made under the provisions of this section of this Act shall be reported in detail by the Corporation Commission and a full report and record thereof made in detail. All fees collected by the Corporation Commission under the provisions of this Act shall be paid into the State Treasury in the same manner as is provided by the general laws for the payment into the State Treasury of all fees collected by the Corporation Commission.

Sec. 6. It shall be unlawful for any investment company, either as principal or agent, to transact any business, in form

or character similar to that set forth in Sec. 1 of this Act, except as is provided in Sec. 2 of this Act, until it shall have filed the papers and instruments hereinbefore provided for. No amendment of the charter, articles of incorporation, constitution, and by-laws, of any such investment company shall become operative until a copy of the same has been filed with and approved by the Corporation Commission as provided in regard to the original filing and approval of charters, articles of incorporation, constitutions, and by-laws, nor shall it be lawful for any such investment company to transact business on any other plan than that set forth in the statements required to be filed by Sec. 2 of this Act, until a written statement showing in full detail the proposed new plan of transacting business and a copy of the proposed new contract shall have been filed with the Corporation Commission, in like manner as provided in regard to the original plan of business and proposed contract, and the consent of the Corporation Commission obtained as to making such proposed new plan of transacting business.

Sec. 7. Any investment company may appoint one or more agents, but no such agent shall do any business for said investment company in this State until he shall first register with the Corporation Commission as agent for such investment company, and for each of such registrations there shall be paid to the Corporation Commission the sum of One Dollar ($1.00).

Such registration shall entitle such agent to represent said investment company as its agent until the first day of July following, unlesss said authority shall be sooner revoked by the Corporation Commission for cause appearing to it sufficient. Every investment company, domestic or foreign, shall file at the close of business on the first day of July of each year, and at such other times as required by the Corporation Commission, a statement verified by the oath of the co-partnership or company, if it be a co-partnership or company, or by the oath of a duly authorized officer, if it be an incorporated or unin-

corporated association, setting forth in such form as may be prescribed by the Corporation Commission, it (its) financial condition and the amount of its assets and liabilities, and furnishing such other information concerning its affairs, as said Corporation Commission may require. Any investment company failing to file its report at the close of business on the first day of July of each year within ten (10) days of that date, or failing to file any other or special report herein required within thirty (30) days after receipt of request or requisition therefor, shall forfeit its right to do business in this State.

Sec. 9. The general accounts of every investment company, domestic or foreign, doing business in this State, shall be kept in such manner and form as may be prescribed by the Corporation Commission and all books, papers, business, methods, and affairs of such investment company shall be at all times subject to inspection and investigation by said Corporation Commission, any member of said Commission, or any person thereto by said Commission authorized and designated for the purpose of enforcing the provisions of this Act. The Corporation Commission and the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and production of evidence by subpoena, attachment, and punishment, which said power shall extend throughout the State. Said Commission shall have power to take testimony under deposition either within or without the State.

Sec. 10. The Corporation Commission shall have general supervision and control, as provided by this Act, over any and all investment companies, domestic or foreign, doing business in this State, and all such investment companies shall be subject to examination by the Corporation Commission, or its duly authorized agents, at any time the Corporation Commission fee for each of such examinations of not to exceed Ten Dollars ($10.00) for each day or fraction thereof plus the actual travelling and hotel expenses of said Commission, or any member

thereof, or agent thereof, that it, or he, is absent from the Capitol Building for the purpose of making such examination, and the failure or refusal of any investment company to pay such fees upon the demand of the Corporation Commission, any Commissioner, or deputy or agent thereof, while making such examination, shall work a forfeiture of its right to do business in this State.

Sec. 11. Whenever it shall appear to the Corporation Commission that the assets of any investment company doing business in this State are impaired to the extent that such assets do not equal its liabilities, or that it is conducting its business in an unsafe, inequitable, or unauthorized manner, or is jeopardizing the interest of its stockholders or investors in stocks, bonds, or other securities, by it offered for sale, or whenever any investment company shall fail or refuse to file any papers, statements, or documents, required by this Act, without giving satisfactory reasons therefor that may be deemed sufficient by the Corporation Commission, said Corporation Commission shall at once communicate such facts to the Attorney General of the State who shall thereupon apply to the Supreme Court or to the Superior Court of the county where such investment company is located or is doing business, or to a judge of either of said courts for the appointment of a receiver to take charge of and wind up the business of such investment company, and if such fact or facts be made to appear it shall be sufficient evidence to authorize the appointment of a receiver and the making of such orders and decrees in such cases as equity may require.

Sec. 12. Any person who shall knowingly or wilfully subscribe to, or make, or cause to be made, any false statements or false entry in any book of such investment company, or exhibit any false papers with intention of deceiving the Corporation Commission, or any Commissioner, or person authorized to examine into the affairs of such investment company, or shall make, or publish any false statement of the finan-

cial condition of such investment company, of the stocks, bonds, or other securities by it offered for sale, shall be deemed guilty of a felony, and upon conviction thereof shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), and shall be imprisoned for not less than one (1) year nor more than ten (10) years in the State penitentiary.

Sec. 13. Any person or persons, agent or agents, who shall sell, or attempt to sell, any stocks, bonds or other securities of any investment company, domestic or foreign, or the stocks, bonds or other securities by it offered for sale, who have not complied with the provisions of this Act, or any investment company, domestic or foreign, which shall do any business or offer or attempt to do any business, except as provided in Sec. 2 of this Act, which shall not have complied with the provisions of this Act, or any agent who shall do or attempt to do any business for any investment company, domestic or foreign, in this State, which agent is not at the time duly registered and has not fully complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Sec. 14. All fees for services rendered herein shall be collected by the Corporation Commission as provided by law, and by it shall be turned into the State Treasury, and the Corporation Commission is hereby authorized to appoint such clerks and deputies as are actually and absolutely necessary, to carry this Act into full force and effect. All moneys actually and necessarily paid out by the Corporation Commission to any clerk, deputy or agent, appointed under this Act, as salaries, or any money actually and necessarily paid out by the Corporation Commission, or by any clerk, agent or deputy, appointed under this Act, for travelling or incidental expenses shall be paid by the State Treasurer

upon the State Auditor's warrants, to be issued upon sworn vouchers containing an itemized account of such salaries and expenses, and approved by the Corporation Commission.

Sec. 15. WHEREAS, the Constitution of the State of Arizona provides that the Corporation Commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business, methods, and affairs of any Corporation whose stock shall be offered for sale to the public, and,

WHEREAS, it is necessary that a law be immediately enacted to carry into effect this provision of the Constitution, and,

WHEREAS, an immediate operation of the provisions of this Act are necessary for the public safety, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the provisions of the referendum clause of the Constitution.

Approved May 18, 1912.

CHAPTER 70.

AN ACT

To Amend Act No. 29 of the Session Laws or the Twenty-Second Legislative Assembly of Arizona, Said Act No. 29 Being Entitled "An Act Relating to Corporations and Requiring the Territorial Auditor to Turn Into the Territorial Treasury All Fees Received Under the Provisions of This Act," Approved March 18, 1903.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Act No. 29 of the Session Laws of the Twenty-second Legislative Assembly of Arizona, said Act No. 29

being entitled, "An Act relating to Corporations and requiring the Territorial Auditor to turn into the Territorial Treasury all fees received under the provisions of this Act," approved March 18, 1903 be, and the same is hereby amended to read as follows:

"Sec. 1. That hereafter all articles of incorporation of corporations organized under the laws of this State, and certified copies of articles of incorporation of foreign companies transacting business in this State, and all appointments of statutory agents of such corporations now required to be filed in the office of the State Auditor, shall be filed in the office of the Corporation Commission in Phoenix, and all acts now required to be performed by the Auditor of the State relating to the organization of such corporations or the transacting by them of business in this State, shall be performed by the Corporation Commission.

Sec. 2. That the Corporation Commission is hereby empowered to appoint such additional clerk or clerks in its office as may be necessary for the economical performance of the duties imposed by this Act upon said Corporation Commission, at a salary to be fixed by said Commission by and with the advice of the Board of Control, and the State Auditor is hereby authorized and directed to draw his warrant upon the general fund of the State for such salary or salaries, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 3. (a) Every corporation organized under the laws of this State, and every foreign corporation doing business in this State, shall, during the month of June in each year, pay an annual registration fee of fifteen Dollars ($15.00). Such fee shall be paid to the Corporation Commission, and shall be paid irrespective of any specific license or other tax imposed by law upon such corporation for the privilege of carrying on its business in this State or upon its franchises or property.

(b) At the time of paying such registration fee, every

such corporation, domestic or foreign, shall file with the said Corporation Commission a report subscribed and sworn to by its president and secretary showing:

1. Its assets, liabilities, and accumulations.

2. The amount of its capital stock paid up and issued.

3. A statement showing in detail all property both real and personal owned, leased or controlled by the corporation, and in what place or places the same is situated, and the value thereof.

(c) The Corporation Commission shall charge and collect in advance the following fees for the performance of the duties herein required:

Filing articles of incorporation or certified copy thereof	$10.00
Filing annual report at the time of payment of registration fees	5.00
Filing appointment of statutory agent	5.00
For issuing certificate of filing articles of incorporation	5.00
For issuing certificate of incorporation of companies organized under the laws of this State	10.00
For copy of any document on file in the office of the Corporation Commission, not otherwise provided for,	20 cents per folio
For affixing seal and certificate to copy	2.00
Annual registration fee of corporation as provided herein	15.00

And the Corporation Commission shall on the first Monday of each month, deposit in the office of the State Treasurer, all fees so collected, accompanied by an itemized and verified statement of said fees, without cost to the State, and such fees so deposited shall be placed in the general fund of the State.

Sec. 4. That all books, papers, documents, records, files, and filing cases, now in the office of the State Auditor and in any way relating to the incorporation of companies under the Laws of this State, or foreign corporations transacting business in this State, shall at once be delivered by the State Auditor to the Corporation Commission.

All filings of all articles of incorporation, or certified copies thereof and appointments of statutory agents filed with the State Auditor under the ehertofore existing law, shall be considered a filing of said instruments with the Corporation Commission. All certificates of filing of articles of incorporation, or certified copies thereof, and all copies of any documents on file appertaining to corporations, and all receipts issued by the State Auditor under the heretofore existing laws, shall be condeemed and considered the act or acts of the Corporation Commission.

Sec. 5. All persons occupying State public offices are prohibited from acting as the statutory or resident agent for any corporation herein mentioned."

Sec. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas the Constitution of the State of Arizona prescribes that all articles of incorporation shall be filed with the Corporation Commission of the State of Arizona, and

Whereas the existing laws of the State of Arizona conflict with said provisions of said Constitution in that they provide that all articles of incorporation shall be filed with the Auditor of the State of Arizona, and

Whereas it is essential that immediate provision be made to give the Corporation Commission of the State of Arizona all power to receive filings of the articles of incorporation and collect fees therefor and to carry on the business relative to corporations heretofore conducted by the State Auditor, and

Whereas this Act requires early operation to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the Referendum provision of the State Constitution.

Approved May 18, 1912.

CHAPTER 71.

AN ACT

Restricting Aliens in Their Right to Lease, Acquire and Hold Real Estate.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. No person, other than a citizen of the United States, or who has declared his intention to become such, shall hereafter acquire any land, or title thereto, or interest therein, other than mineral lands, or such as may be necessary for the actual working of mines and the reduction of the products thereof; Provided, that no person not eligible to become a citizen of the United States shall acquire title to any land or real property within this state, except as hereinafter provided; Provided further, that this Act shall not prevent a person not eligible to become a citizen of the United States from leasing any land or real property within this state for a period of not exceeding five years; Provided, furhter, that this Act shall not prevent the holders (whether aliens or non-residents) of liens upon real estate, or any interest therein, heretofore or hereafter acquired, from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such alien from enforcing any lien or judgment for any debt or liability now existing, or which may be hereafter created; nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment; nor from preventing widows or heirs who are aliens, or who have not declared their intention to become citizens, from holding lands by inheritance; but all lands acquired as aforesaid shall be sold within five years after the title thereto shall

be perfected in such alien, and in default of such sale within such time, such real estate shall revert and escheat to the state of Arizona. The provisions of this Act shall not be construed in any way to prevent or interfere with the ownership of mining land, or land necessary for the working of mines or the reduction of the products thereof.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 72.

AN ACT

To Provide Free Text Books to be Used by Children Attending the Free Schools of the State of Arizona and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby appropriated out of the State School Fund sufficient moneys to furnish free text books for the common schools of the State of Arizona.

Sec. 2. In order to obtain the free text books provided in this Act, the County Superintendent of Schools of each county is hereby empowered, and it is made his duty, to furnish to the Chairman of the State Board of Education on or before the first day of July, in each year, a complete list of all text books necessary for the schools of such county, with the cost of same; and upon such request being made, it shall be the duty of the State Board of Education to furnish the books as requested, and, in payment therefor, the Board of Education is hereby authorized

to draw on the said State School Fund, and the Treasurer of the State is hereby directed to pay such drafts.

Sec. 3. On or before the twenty-fifth day of May in any year before the expiration of a contract for furnishing text books for the common schools, the Superintendent of Public Instruction shall advertise, for a period of thirty days, in a daily paper, published at the State Capital, for bids for furnishing said required number of text books. Said bids shall be opened in the presence of a majority of the members of the State Board of Education, and the contract shall be let to the lowest responsible bidder.

Sec. 4. Said Board of Education shall enter into a contract with a publisher, or publishers, for furnishing said text books to be used by the free schools of this State, and such publisher, or publishers, shall give bond payable to the State of Arizona in a sum not less than Twenty Thousand Dollars ($20,000.00); said bond to be approved as to form by the Attorney General of the State, and conditioned that the said publisher, or publishers, will faithfully comply with the conditions of their said contract, and that they will furnish to the State of Arizona such school books provided for in said contract, at prices which shall not exceed the lowest prices then granted to any buyer; being further conditioned that should there be any decrease in the prices given to any person or any one purchasing such books from such publisher, then the State of Arizona shall also have the benefit of such decrease in price; and such publisher shall file with said bond a sworn statement made before some officer in the State of Arizona authorized to administer oaths, stating the lowest prices for which his series of text books ar sold anywhere in the United States; and, provided further, that in case the publisher of any school text book adopted by the State of Arizona issues a special edition of any book so adopted, or essentially the same book, then the State of Arizona shall have the right to substitute said special edition at the net price at which said special edition is sold elsewhere.

Sec. 5. Said text books required for the use of each county shall be shipped to the County Superintendent thereof, who shall receive and receipt for same, and send a duplicate of his receipt to the State Board of Education; whereupon the County Superintendent of Schools shall issue said text books to the school trustees of the several districts in his county, taking his receipt therefor; and said school trustees shall issue said text books to the pupils of said district, taking therefor a receipt for same.

Sec. 6. Not more than one text book shall be changed in any one year for any particular grade, and when such a change is made such text book so adopted must be continued in use for not less than five years.

Sec. 7. When any such contractor shall become a party either directly or indirectly to any combination or trust for the purpose of controlling the prices of school books, any contract entered into with such contractor shall be null and void; and every contractor who shall enter into any contract with the State Board of Education, for furnishing any text book, shall, upon the request of a member of said State Board of Education mail to said State Board of Education a sworn price list of the text books which said contractor furnishes, or desires to furnish, to the State of Arizona.

Sec. 8. All contracts entered into under the provisions of this Act shall be approved as to form, by the Attorney General, before they shall become binding on the State of Arizona.

Sec. 9. If any contractor shall violate any of the conditions of any contract entered into by him, the Attorney General shall, upon request of the Governor or the State Board of Education, institute suit on the bond of said contractor to recover on behalf of the State the amount of said bond.

Sec. 10. All books purchased under the provisions of this Act shall be the property of the State of Arizona; and when

distributed, as herein provided, shall be deemed to be in the custody of the school trustees, and it shall be their duty to hold pupils using said books responsible for any damage to, loss of, or failure to return such books to said school trustees when so required; provided, however, that whenever any pupil shall lose or destroy any book loaned him under the provisions of this Act, or, if for any reason a pupil shall require a second copy of any book of any series used in the common schools, then such pupil shall be required to purchase such book at his own expense; provided further, that when a pupil to whom text books have been loaned has completed the course of study covering the subjects for which the said text books are used, the said text books shall become the property of said pupil.

Sec. 11. The provisions of this Act shall not be construed to prohibit any pupil or parent or guardian from purchasing from the Board such books as may be necessary at the same price which the said Board of Education pays for the books.

Sec. 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 73.

AN ACT

Defining and Prohibiting Trusts, Providing Procedure to Enforce the Provisions of this Act, and Providing Penalties for Violation of the Provisions of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. A trust is a combination of capital, skill, or acts, by two or more persons, firms, corporations, or associations of

persons, or either two or more of them, for either, any or all of the following purposes: First.—To create or carry out restrictions in trade or commerce or aids to commerce, or to carry out restrictions in the full and free pursuit of any business authorized or permitted by the laws of this State. Second.—To increase or reduce the price of merchanidse, (merchandise) products or commodities, or limit the production thereof, or to control the cost or rates of insurance. Third.—To prevent competition in the manufacture, making, transportation, sale or purchase of merchandise, products or commodities, or to prevent competition in aids to commerce. Fourth.—To fix any standard or figure, whereby its price to the public shall be, in any manner, controlled or established, any article or commodity of merchandise, product or commerce intended for sale, use or consumption in this State. Fifth.—To make or enter into, or execute or carry out, any contract, obligation or agreement of any kind or description by which they shall bind or have to bind themselves not to sell, manufacture, dispose of or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common standard figure or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graded figure, by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others, to preclude a free and unrestricted competition among themselves or others in transportation, sale or manufacture of any such article or commodity, or by which they shall agree to pool, combine or unite any interest they may have in connection with the manufacture, sale, or transportation of any such article or commodity, that its price may in any manner be affected. Sixth.—To regulate the transportation of any product or commodity. And any such combinations are hereby declared to be against public policy, unlawful and void.

Sec. 2. All persons, companies, or corporations within this State are hereby denied the rights to form or to be in any

manner interested, either directly or indirectly, as principal, agent, representative, consignee or otherwise, in any trust as defined in Sec. 1 of this Act.

Sec. 3. Any corporation, holding a charter under the laws of the State of Arizona which shall violate any of the provisions of this Act shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine; and any stockholder, director, officer, agent, representative or consignee of any such corporation shall be subject to the penalties herein prescribed.

Sec. 4. For a violation of any provision of this Act by any corporation, or any of its officers or agents, mentioned herein, it shall be the duty of the Attorney General of the State or County Attorney of any county in which said violation may occur, or either of them, upon his own motion, to institute an action in any court in this State having jurisdiction thereof, for the forfeiture of the charter, rights and franchise of such corporation, and the dissolution of its corporate existence.

Sec. 5. Every person, company, or corporation within or without this State, their officers, agents, representatives, or consignees, violating any of the provisions of this Act, within this State, are hereby denied the right, and are hereby prohibited from doing any business within this State, and all persons, companies and corporations, their officers, agents, representatives and consignees within this State are hereby denied the right to handle the goods of, or in any manner deal with, directly or indirectly, any such person, company, or corporation, their officers, agents, representatives, or consignees, and it shall be the duty of the Attorney General, and the County Attorney of any county in the State where any violation of this Act be committed, or either of them, to enforce the provisions of this section by injunction or other proceeding; and all persons, companies and corporations, their officers, agents, representatives or consignees, violating any of the provisions of this sec-

tion, either directly or indirectly or abetting or aiding either directly or indirectly in any violation of any provisions of this section, shall be deemed guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), and confined in jail not less than Thirty (30) Days, nor more than six (6) Months, and shall forfeit not less than One Hundred Dollars ($100.00) for each and every day such violation may continue, which may be recovered in the name of the State of Arizona in any court of competent jurisdiction.

Sec. 6. Each and every person, company or corporation, their officers, agents, representatives or consignees, who, either directly or indirectly, violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand ($1,000.00), and shall be imprisoned not less than Thirty (30) Days nor more than Six (6) Months, and in addition thereto for each and every day thereafter that such violation shall be committed or continued, forfeit and pay the sum of One Hundred Dollars ($100.00), which may be recovered in the name of the State of Arizona, in any county where the offense is committed or where either of the offenders reside, and it shall be the duty of the Attorney General of the State or of the County Attorney of any county in the State, in which said violation shall occur, or either of them, to prosecute and enforce the provisions of this Act.

Sec. 7. The creation or maintenance of a monopoly within the State shall be unlawful, and any person, partnership, association, company, or corporation attempting to create or maintain such monopoly shall be punished, as provided for persons, companies, or corporations, their officers, agents, representatives, or assigns forming or interested in trusts, as defined herein, as provided in Sec. 6 hereof, and to all other penalties provided herein for violation of the provisions of this Act.

Sec. 8. Any contract or agreement in violation of any of the provisions of this Act shall be absolutely void and not enforceable in any of the courts of this State, and when any civil action relating to and growing out of transactions prohibited by this Act, shall be commenced in any court of this State, it shall be lawful to plead in the defense thereof that the plaintiff or any other person interested in the prosecution of the case is, at the time or has within One (1) Year next preceding the date of the commencement of any such action, been guilty either as principal, agent, representative, or consignee, directly or indirectly, of a violation of any of the provisions of this Act, or that the cause of action grows out of any business transaction in violation of this Act.

Sec. 9. That any person, firm, company, or corporation that may be damaged by any such agreement, trusts or combination described in Secs. 1 and 2 of this Act, may sue for and recover in any court of competent jurisdiction in this State, of any person, company, or corporation, operating such trust or combination, such damages as they have sustained, together with a reasonable attorney fee.

Sec. 10. It shall be the duty of the Attorney General of the State, and the County Attorneys in their respective counties, to diligently prosecute any and all persons violating any of the provisions of this Act, and it shall be the duty of all State and county officials having notice and knowledge of any violation of the provisions of this Act to notify the county attorney of their respective counties and the Attorney General of the State, of the fact of such violation and to furnish them with the names of any witnesses by whom such violation can be proved; if any such officer or officers shall fail to comply with the provisions of this section he shall, upon conviction, be fined in any sum not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is

had shall, in addition to the imposition of the fine aforesaid, order and adjudge the forfeiture of his said office.

Sec. 11. The several superior courts of this State, and the judges thereof, shall have jurisdiction, and it shall be their duty, upon good cause shown and upon written application of the County Attorney or the Attorney General, to cause to be issued by the clerk of said court subpoenas for such witnesses as my be named in the application of a county Attorney or the Attorney General, and to cause the same to be served by the sheriff of the county where such subpoena is issued; and such witnesses shall be compelled to appear before such court or judge, at the time and place set forth in the subpoena, and shall be compelled to testify as to any knowledge they may have of the violation of any of the provisions of this Act; and any witness who fails or refuses to attend and testify shall be punished as for contempt as provided by law. Any person subpoenaed and examined shall not be liable to criminal prosecution for any violation of this Act about which he may testify. Neither shall the evidence of any such witness be used against him in any criminal proceeding. The evidence of all witnesses so subpoenaed shall then be taken down by the reporter of said court and shall be transcribed and placed in the hands of the County Attorney or the Attorney General, and he shall, in the proper courts, at once prosecute such violator or violators of this Act as the testimony so taken shall disclose. Witnesses subpoenaed as provided for in this section shall be compelled to attend from any county in the State.

Sec. 12. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 74.

AN ACT.

To Amend Paragraph 94, (Section 94) of Chapter 5, Title I, Revised Statutes of Arizona, 1901, Relating to the Salary of the Private Secretary to the Governor.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Paragraph 94, (Section 94) of Chapter 5, Title I, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

Paragraph 94 (Section 94)—The salary of the private secretary to the governor shall be three thousand dollars per annum.

Section 2. All acts and parts of acts in conflict with this Act are hereby repealed.

Section 3. Whereas, the duties of the private secretary to the governor have materially increased since the admission of Arizona to statehood, and

Whereas, under the territorial form of government, the private secretary to the governor received additional compensation from various sources which were paid by the Federal Government and which have ceased since the admission to the state into the Union, and

Whereas, the provisions of this Act, are necessary for the support and maintenance of a department of state, an emergency is hereby declared, and this law shall be in full force and effect from and after its passage and approval by the governor, and is hereby exempt from the referendum provisions of the State Constitution.

Approved May 20, 1912.

CHAPTER 75.

AN ACT.

Making Provision or the Survey of State or United States Lands.

WHEREAS, The amount of the annual appropriation for surveys and re-surveys of the public lands of the United States, usually allotted to the district of Arizona, is barely sufficient to meet the demands of applicants for survey made by actual settlers; and

WHEREAS, The average settler who makes application for survey does not possess the funds necessary, under Sec. 2401, U. S. R. S., as amended by the Act of August 20, 1904, to secure the survey of the township in which his claim is located, and

WHEREAS, The Enabling Act of June 20, 1910, provided that, after its admission into the Union, the State of Arizona may procure public lands of the United States within its boundaries to be surveyed with a view to satisfy any public land grant made to said state in the same manner prescribed for the procurement of such surveys in Washington, Idaho and other states, by the Act of Congress approved August 18, 1894 (28 Stats. L. 394), and the provisions of said Act in so far as they relate to such surveys, and the preference right of selection, are extended to the State of Arizona; and

WHEREAS, Said Act of August 18, 1894, provides that it shall be lawful for the governors of the States of Washington, Idaho and other States, to apply to the Commissioner of the General Land Office for the survey of any township or townships of public lands, then remaining unsurveyed in any of the several surveying districts, with a view to satisfy public land grants made by the several Acts admitting the said states into the Union, to the extent of the full quantity of land called for thereby; that the Surveyor General shall proceed to have

the survey or surveys, so applied for, made, as in the cases of surveys of public lands; that the lands that may be found to fall within the limit of such township or townships shall be reserved, upon the filing of the application for survey, from any adverse appropriation by settlement, or otherwise, except under the rights that may be found to exist of prior inception, until the expiration of 60 days from the date of the filing of the township plat of survey in the proper district land office; that during the said period of 60 days the state may select any of such lands not embraced in any valid adverse claim for the satisfaction of such grants; and that the governors of the several states named in said Act are authorized to advance money, from time to time, for the survey of the townships withdrawn, at such United States Depository as may be designated by the Commissioner of the General Land Office, and the money so advanced shall be re-imbursable; NOW THEREFORE;

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That the governor of said State is hereby authorized to advance, from time to time, from any moneys in the General Fund not otherwise appropriated, sufficient moneys for the survey of any township or townships for which application for survey has been made by him and to deposit such money to the credit of the Treasurer of the United States at such U. S. Depository as may be designated by the Commissioner of the General Land Office; the money so advanced being re-imbursable to the State of Arizona.

Sec. 2. That this Act shall be in force and effect ninety days after the adjournment of this session of the Legislature.

Approved May 18, 1912.

CHAPTER 76.

AN ACT.

Providing for the Transfer of any Unexpended Balance credited the Arizona Railway Commission, to the use and for the Purpose of the Arizona Corporation Commission.

Whereas, at this time there is unexpended, and in the Treasury of this state, the sum of $7,283.51, the same being an unexpended balance of an appropriation heretofore made to the use and for the purposes of the Arizona Railway Commission, and,

Whereas, said Arizona Railway Commission has been superceded and replaced and all functions thereof taken over by the Arizona Corporation Commission, and,

Whereas, said sum of money so appropriated as aforesaid can not be used by the said Arizona Railway Commission on account of the said replacement of said Railway Commission, therefore,

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That the sum of $7,283.51, the same being the unexpended balance of an appropriation heretofore made for the Arizona Railway Commission, be, and the same is hereby appropriated to the use and for the purposes of the Arizona Corporation Commission and the State Auditor is hereby directed to draw his warrant upon the general fund in a sum not to exceed $7,283.51 in payment of any claim or claims, of and for any expenses of said Arizona Railway Commission, said claims being properly audited by the said Arizona Corporation Commission; and the State Treasurer is hereby directed to pay the same; it being the intention of this Act to immediately transfer any unexpended balance of any appropriation heretofore made for the Arizona Railway Commission to the Corpo-

ration Commission of this state and that this appropriation herein made shall in no wise effect or be a part of any general appropriation for said Arizona Corporation Commission.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Section 3. Whereas, the Constitution of the State of Arizona has created and prescribed the duties of a Corporation Commission of this state, and,

Whereas, no law has been heretofore enacted appropriating any sum to aid and assist such Commission in the performance of its duties, and,

Whereas, it is essential that immediate provision be made to transfer any unexpended balance, mentioned herein, to the said Corporation Commission, and,

Whereas, this Act requires early operation in order to preserve the public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor and is hereby exempt from the referendum clause of the State Constitution.

Approved May 20, 1912.

CHAPTER 77.

AN ACT.

To Provide for the Establishment and Maintenance of a General and Uniform Public School System.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The State Board of Education shall be composed of the following members: the Governor, the Superintendent of

Public Instruction, the President of the the University, and Principals of the State Normal Schools, as ex-officio members, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, to be appointed by the Governor. The powers and duties of the board shall be as herein prescribed. The members of the Board shall serve without pay, but all their necessary expenses incurred in attending the meetings of the Board, and for printing, shall be paid as herein provided.

Sec. 2. The State Superintendent of Public Instruction shall be a member, and secretary, of the State Board of Education, and ex-officio, a member of any other board having control of public instruction in any State institution.

Sec. 3. The Board shall meet at the call of the Secretary of the Board at the capital of the State, not less than once in each quarter, and a concurrence of a majority of all the members of the Board shall be necessary for the validity of any act by the Board. They shall be allowed actual transportation expenses, and in addition thereto, other expenses not to exceed four dollars ($4.00) per day, payable out of the State School Fund on the warrant of the State Auditor.

Sec. 4. The powers and duties of the Board are as follows:

First—To keep a record of its proceedings, subject to public inspection;

Second—To adopt and use, in the authentication of its acts, an official seal;

Third—To adopt rules and regulations, not inconsistent with the laws of the State, for its own government and for the government of the public schools and school libraries;

Fourth—To devise plans for the increase and management of the State School Fund;

Fifth—To prescribe and enforce the use of a uniform series of text books in the common schools; provided, no

change of said text books shall be considered or made by the State Board of Education, except at its regular meetings, or at some special meeting thereof held for that purpose, and notice of such intention shall be communicated by the Secretary of said Board, in writing, to each county school superintendent at least sixty days prior to the time of holding such meeting; provided, that on the adoption of a uniform series of text books, such series shall not be changed during the period of five years next succeeding the adoption of such series;

Sixth—To prescribe and enforce a course of study in the common schools of the State, determine the number of credits necessary for graduation from the high schools, and prescribe the necessary qualifications for admittance to the State Normal Schools and the State University;

Seventh—The State Board of Education shall have general charge of the education of the deaf, dumb and blind under such regulations as are prescribed by law;

Eighth—To issue life certificates for teaching, as hereinafter provided;

Ninth—To revoke all certificates or Life diplomas for immoral or unprofessional conduct, or for evident unfitness to teach.

Sec. 5. The State Board of Examiners shall consist of the Superintendent of Public Instruction and two competent persons appointed by him, a majority of whom shall constitute a quorum.

Sec. 6. The superintendent shall be chairman of the Board.

Sec. 7. The Board must meet at such times and places as the chairman directs, and must hold at least four sessions each year.

Sec. 8. The Board has power:

First—To adopt rules and regulations governing the ex-

amination of teachers for state certificates and for the government of county school superintendents in conducting the examination of such applicants for certificates;

Second—To prepare questions for the examination of teachers, and to forward the same to the County School Superintendent for use in the quarterly examinations, which questions shall be divided into four lots, each lot to be enclosed in separate envelope, which shall be sealed with wax bearing the imprint of the seal of the State Board of Examiners, and shall be forwarded to the School Superintendent of each county. The School Superintendent of each county in the presence of any two qualified county officials and of the applicants for teachers certificates, shall open one lot of said questions and distribute same to the applicants at each session of the examination, and there shall be no interruption of said session until each applicant shall have handed in to the said School Superintendent his or her examination paper;

Third—To grant recommendations for life certificates;

Fourth—To grant all certificates, except life certificates, as provided in Chapter III of the Act.

Sec. 9. Every applicant for a first grade state certificate must be examined by written or oral questions in algebra, geography, history, and civics, physiology, hygiene, with special reference to the nature and effects of alcoholic drinks and other narcotics and stimulants upon the human system, orthography, penmanship, composition, reading, methods of teaching, grammar, arithmetic and the school laws of Arizona. Applicants for a second grade certificate shall not be required to pass an examination in algebra and elementary physics.

Sec. 10. The members of the Board of Examiners shall each receive a salary of three hundred dollars per annum and actual traveling expenses, necessarily incurred in the performance of their duties, which amount shall be paid quarterly out of the State School Fund on the warrant of the State Auditor.

Sec. 11. Certificates shall be issued as follows:

Second grade certificates, valid for two years, to candidates not less than eighteen years of age who shall pass an examination in the required subjects; such certificates entitle the holder to teach in the common schools of Arizona. Second grade certificates are not renewable.

First grade state certificates, valid for four years, to candidates not less than eighteen years of age who pass an exination in the required subjects; these certificates are renewable upon satisfactory evidence of two years' successful experience in teaching. First grade certificates may be granted by the Board without examination; (a) To graduates of any state, or other public normal school whose standard is equivalent to that of the State Normal Schools of Arizona, and which are accredited by the State Board of Education. (b) To graduates of universities and chartered colleges of similar rank under such regulations and restrictions as the Board may prescribe. (c) To holders of life certificates or equivalent credentials issued by other State Boards of Education or State Board of Examiners. Holders of first grade certificates are entitled to teach in any of the public schools of Arizona.

Life certificates. To holders of first grade state certificates who present satisfactory evidence of having had ten years' successful experience in teaching, six years of which shall have been in the public schools of Arizona.

Special certificates. To teachers in such special subjects as the State Board of Education shall deem advisable, an (on) credentials or examinations, and such special certificates shall entitle the holder to teach the subject only for which the certificate is granted.

All certificates issued by the State Board of Education or Board of Examiners shall be signed by a majority of the members of the Board issuing the certificates and shall bear the signature of the State Superintendent of Public Instruction.

Sec. 12. It is the duty of the Superintendent of Public Instruction:

First—To superintendent (superintend) the public schools of this State;

Second—To investigate, whenever he deems it necessary to do so, any accounts of school money kept by any State, County or District Officer;

Third—To apportion, subject to the supervisions of the State Board of Education, to the several counties, on the second Monday in January and May of each year, the amount of money to which each county may be entitled under the provisions of this title, according to the number of persons between the ages of six and twenty-one years, as shown by the last census list of the several counties, and to furnish such County Treasurer and County Superintendent with an abstract of such apportionment. He shall also certify such apportionment to the State Auditor; and upon such certificate the Auditor shall forthwith draw his warrant on the State Treasurer in favor of the County Treasurer of each county for the amount due said county;

Fourth—To prepare, have printed and furnish, through the County Superintendents, to teachers and officers charged with the administration of the laws relative to public schools, such blanks and blank forms (including school registers), together or with such instructions and regulations as to their use as he may deem necessary. To prepare and have printed all blank teachers' certificates for the use of the Board of Education and Board of Examiners; to have printed and distributed the course of study prescribed by the State Board of Education; and to have printed the questions to be used by the State Board of Examiners and the rules and regulations of the State Board governing the same. He shall procure such record books as may be deemed necessary for keeping the records of his office, the office of the State Board of Education, State Board of Examiners, and for the offices of County Superintendents of the State. He shall also procure

such stationery, postage stamps and other office supplies as may be necessary for conducting his office. He shall prepare and publish from time to time pamphlets and circulars in relation to the observance by the public schools of Arbor Day, Flags (Flag) Day, Washington's Birthday, and such other school holidays as may be established by law; also in regard to school sanitation, school architecture and such other subjects as the State Board of Education may direct.

He shall certify to the State Auditor the cost of the printing above specified, and the cost of said record books, stationery, stamps and other office supplies and expenses, and to whom the same is due; and said Auditor shall draw his warrant on the State Treasurer in favor of the person to whom the same is so certified to be due, and the said Treasurer shall pay the said warrant out of any money to the credit of the State School Fund, provided, the amounts so certified do not exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), annually, exclusive of printing the biennial reports and printing the school laws;

Fifth. He shall be allowed a sum not to exceed One Thousand Dollars ($1,000.00), to drfray (defray) his actual expenses, itemized accounts of which shall be kept and audited as other accounts, in visiting schools, teachers' institutes, associations, etc., in or outside of the State, which amount shall be payable out of the State School Fund on a warrant of the State Auditor;

Sixth—To make a printed report, on or before the first day of October preceding such regular session of the Legislature, to the Governor, who shall transmit a copy thereof to the Legislature. Said report shall contain a full statement of the condition and amount of all funds and property apportioned for the purpose of education; the number and grade of schools in each county; the number of children in each county between the ages of six and twenty-one years; the number of such attending public schools; the number of children between the ages of eight and sixteen years; the aver-

age number of children that have attended the public schools during the two years previous to July first of that year; the number attending private schools; the number that can read and write; the amount of school money raised by county taxation, district taxation, or otherwise; the amount expended for salaries of teachers and for building of school houses; a statement of plans for the management of public schools, and such other information relative to the educational interests of the State as he may deem expedient. He shall certify the cost of printing said report to the State Auditor, who shall draw his warrant on the State Treasurer in favor of the person to whom said amount is due, and the Treasurer shall pay said warrant out of any money in the treasury to the credit of the State School Fund;

Seventh—To have the law relating to public schools printed biennially in pamphlet form, and annexed thereto such forms as he may be unable to supply in the shape of blanks. He shall certify to the cost of printing such pamphlet to the State Auditor, who shall draw his warrant on the State Treasurer in favor of the person to whom said warrant is due, and the Treasurer shall pay said warrant out of any money in the treasury to the credit of the State School Fund.

Eighth—To supply school officers and teachers, school libraries and the State library, with one copy of each of the pamphlets mentioned in the preceding subdivision;

Ninth—To authenticate with the official seal of the Board of Education all writings and papers issued from his office.

Tenth—To call annually a meeting of the County School Superintendents of the State, at such time and place as he may deem best, for the discussion of questions relating to the public schools. Said meeting shall continue not less than two nor more than three days, at the option of the Superintendent of Public Instruction. Each County Superintendent shall be allowed, out of the county school fund, remuneration for his actual expenses incurred in attending the meeting.

Sec. 13. The office of the Superintendent of Public Instruction shall be in the Capitol Building of the State, and he shall receive a salary of Three Thousand ($3,000.00) Dollars per annum, payable monthly out of the State School Fund, upon warrants drawn by the State Auditor.

Sec. 14. The State Superintendent of Public Instruction may appoint an assistant, who shall receive a salary of Two Thousand ($2,000.00) Dollars per annum, payable monthly out of the State School Fund, upon warrant drawn by the State Auditor. He may employ such other assistance as the Board of Education may deem necessary.

Sec. 15. The State Superintendent shall be a holder of a first grade, or life certificate, and shall have had five years' experience in teaching in Arizona.

Sec. 16. It shall be the duty of the County School Superintendent of each county:

First—To apportion the school moneys to each district of his county, and to notify the County Treasurer, in writing, of the amount apportioned to each district, and to notify, in writing, the trustees of each school district in his county the amount apportioned to their sveral (several) districts;

Second—On the order of the Board of School Trustees of any district, to draw his warrant on the County Treasurer for all necessary expenses against the school fund of any such districts; the warrants must be drawn in the order in which the vouchers therefor are filed in his office. No warrant shall be drawn unless the money is in the proper fund to pay it, nor shall any warrant for any teacher's salary be drawn unless the voucher shall state the monthly salary of the teacher and the name of the school month for which said salary is due. Upon receipt of sluch voucher, the County Superintendent shall draw his warrant upon the County Treasurer in favor of the parties, and for the amount stated in such voucher. To keep open to the inspection of the public a register of warrants

showing the fund upon which the warrants have been drawm (drawn) the number thereof, in whose favor, and for what service drawn, and also a receipt from the person to whom the warrant was delivered;

Third—To preside over Teachers' Institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching; to enforce the course of study, the use of the adopted text books, and the rules and regulations for examinations prescribed by the State Board of Examiners;

Fourth—To conduct examinations of applicants for teachers' certificates in accordance with such rules and regulations as may be prescribed;

Fifth—To distribute all laws, reports, circulars, instructions and blanks which he may receive for the use of school officers;

Sixth—To keep in his office the reports of the Superintendent of Public Instruction, the reports of the School Trestees (Trustees) census marshals and teachers received by him; to record all official acts in a book provided for that purpose through the office of the Superintendent of Public Instruction, and at the close of his term of office to deliver over to his successors such records and all documents, books and papers belonging to his office. The office of the County School Superintendent shall be at the County Seat of each of the respective Counties; provided, however, that this shall not apply to counties having an assessed valuation of less than five million dollars;

Seventh—To appoint trustees of school districts to fill all vacancies caused by a failure to elect or otherwise. Such appointees shall hold office for the full period of the vacant term;

Eighth—To make reports, when directed by the Superintendent of Public Instruction, showing such matters relating to public schools in his county as may be required of him,

on the blanks furnished him by the Superintendent of Public Instruction;

Ninth—To notify immediately the Board of School Trustees of the several districts in his county, upon the receipt of notice from the State Board of Education, of any meeting to be held by them for the purpose of examining or inquiring into the expediency of a change of text books, as provided in Subdivision 5 of Section 4 of this Act.

Tenth—To visit and examine each school in his county at least twice in each year, provided he need not visit such schools as employ a principal or a city superintendent of schools unless he deem it necessary. He may deputize some competent person, residing in the vicinity of a school located fifty miles or more from the county seat, to visit such school. In addition to the salary already allowed by law, he shall receive his traveling expenses. Such expense account shall be audited and allowed by the Board of Supervisors as other claims are audited and allowed, and shall be paid out of the county school fund;

Eleventh—To attend such annual meetings of the County School Superintendents as may be called by the Superintendent of Public Instruction.

Sec. 17. He shall, when there is sufficient money in the fund of any school district to maintain school therein for eight months, if the trustees fail or refuse to have such school kept, appoint a teacher and open and keep open such school, and may draw his warrant upon the fund of such school district for the expense incurred.

Sec. 18. By and with the advice and consent of the Board of Supervisors, the County School Superintendent may appoint a deputy whenever it may be necessary to properly perform the duties of his office; and, until otherwise provided by law, the salary of any such deputy shall be fixed by the Board of Supervisors. In no case shall the salary of such deputies exceed One Hundred Dollars ($100.00) per month.

Sec. 19. He may, in his discretion, require the trustees of any district to repair the school buildings or property, or to abate a nuisance in or about the premises, if such repairs or abatement can be done for a sum not exceeding One Hundred Dollars ($100.00), and there is a sufficient amount of money in the treasury to the credit of the district. He may also, in all cases, require the trustees to provide suitable outhouses; and if the trustees neglect to make such provisions, he may cause it to be done and pay for it on his warrant on the county treasurer, payable out of the money to the credit of the district; provided, said warrant shall be countersigned by the chairman of the Board of Supervisors.

Sec. 20. The County Superintendent of Schools shall be elected for a period of two years, and shall hold office until his successor shall have qualified.

Sec. 21. The County Superintendent of every cojnty (county) shall hold at least one teachers' institute in each year; he shall notify each teacher employed in his county of the time and place of holding such institute, and every teacher employed in a public school in his county must attend unless excused by the County Superintendent.

Sec. 22. The Superintendent of two or more counties may unite and hold an institute at a time and place to be fixed by the said Superintendents. The expense incurred in holding such joint institute shall be apportioned among the counties so joining, on the basis of the number of teachers employed in each county at the time such joint institute is held.

Sec. 23. The County institutes or joint instituates (institutes) shall be held the first week in September, or as near that time as practicable. And all schools of the county shall be closed during the session of the county institute or joint county institute.

Sec. 24. Each session of the institute must continue not less than three days.

Sec. 25. Teachers who attend the county institutes or joint county institute shall receive payment for such attendance from the district in which they are employed for the school year or term, at the rate at which they are employed by the Board of Trustees. Such payment shall be for the time in actual attendance of the institute, and the time necessarily taken in going to and from the Institute; such attendance shall be certified by the County Superintendent of Schools.

After paying the expense of the institutes, if a balance remains, it may be used in paying the actual and necessary expenses of the teachers in going to and from his or her school to the institutes; if there is insufficient money to pay such expenses in full, then said balance shall be pro rated among the teachers according to the said expenses.

Sec. 26. The Institute Fund shall consist of one-half per cent of the State School Fund apportioned to the county. The County Superintendent shall keep an accurate account of the expenses of the institute, with vouchers for the same, and shall draw his warrants on the county treasurer in payment thereof, in favor of the person or persons to whom the several amounts are due, payable out of the said Instutute (Institute) Fund.

Sec. 27. Each regularly organized school district heretofore formed, or that may be formed, shall be designated as School District No. ..... (using the number of the district), of ..... County (using the name of the county in which such district is situated), and in that name the trustees may sue and be sued, and hold and convey property for the use and benefit of such district.

Sec. 28. New districts may be formed on a petition, signed by the parents or guardians of at least ten school census

children, resident of such proposed new district, and residing at a greater distance than four miles from any district school house, presented to the County School Superintendent. Said petition must set forth the boundaries of the new district asked for; provided, however, that in districts containing more than two hundred and fifty school census children, as shown by the next preceding school census, upon a petition signed by fifteen per cent of the parents or guardians of the school census children, residing in the district to be formed, a new district may be formed by the subdivision of the old ones. Said petition must set forth the boundaires (boundaries) of the new district.

Sec. 29. It shall be the duty of every County School Superintendent, on the first day of July of each and each (every) year, to file with the Board of Supervisors a transcript, showing plainly and accurately the boundaries of each school district within his county, and when said transcript is approved by the Board of Supervisors, said boundaries, as shown in said transcript, become the legal boundaries; and no school boundaries shall be changed except between April 1 and July 1; provided, that the boundaries of no school district may be changed by the County Superintendent unless the trustees of the districts affected shall have had written notice of the proposed change and a time and place set where they may be heard.

Sec. 30. When ten or more qualified school electors residing in any district desire that the boundaries of said district be changed, they shall present a petition to the County School Superintendent, setting forth the changes of boundaries desired, and the reasons for the same. When such petition is filed with the County School Superintendent, he shall approve or disapprove same, and transmit same to the Board of Supervisors, whose action shall be final; provided, that when a subdivision of a city or incorporated town lies outside of the school district including such city or town, then

a majority of the school electors of said subdivision may present a petition to the Trustees of the district to which they desire to be annexed, setting forth accurately the boundaries of said proposed territory to be annexed. Said petition, if acted upon favorably by the Board of Trustees, shall be transmitted with their endorsement thereon to the County Superintendent, who shall make his records of boundaries to conform, and so notify the Board of Supervisors, and, on and after the first day of July following, said subdivision shall become a part of the city or incorporated town district.

Sec. 31. Two or more school districts may be consolidated into one district; provided, that fifteen per cent of the school electors of each of the districts that they proposed to be consolidated present a petition to the County Superintendent of Schools setting forth the proposed consolidation and asking that an election be called in each of the districts as herein provided. If a majority of the votes cast in each district is in favor of consolidation, then the districts voting become one district.

When fiteen (fifteen) per cent of the shool (school) electors of two or more school districts petition the County Superintendent for a consolidation of such school districts, it shall be the duty of the County Superintendent within ten days to call an election for the determination of such question. Public notices of such election, not less than three for each district represented in the petition, shall be posted in the most public places in each of such districts at least ten days before said election. Said election shall be held in the same manner prescribed by law for the election of trustees, and the same qualifications of electors shall apply as in election of trustees.

The ballots at such election shall be prepared by the County School Superintendent and delivered to the clerk of the Board of Trustees of each district at least two days before the election. The ballots at such election shall contain the words:

Consolidation Yes ☐
Consolidation No ☐

It shall be the duty of the officers of such election (who shall be appointed by the Board of Trustees of the Districts) to report the result to the County Superintendent of Schools. On the fifth day after such election the County School Superintendent and the chairman of the Board of Supervisors shall canvass the vote, and if a majority of the votes be cast in favor of consolidation, it shall be the duty of the County School Superintendent to call a special election within ten days for the purpose of electing a Board of Trustees for such consolidated district. He shall cause public notices to be posted in the same way and manner as in the regular election of trustees; said election to be held in the school house most centrally located.

The candidate receiving the largest number of votes shall serve two years from the first day of April next following, the one receiving the next highest number of votes shall serve one year from the first Saturday in April following, and the one receiving the next highest will serve until the first Saturday in April next following. Within ten days after such election the County Superintendent shall call a meeting of the newly elected trustees, who shall organize and receive from the various boards all property, accounts and minutes in their possession. All property, real or otherwise, of the several districts, shall become the property of the newly formed district; all balances or deficits in the funds of the several districts consolidated shall become the balance or deficit of the new district; all bonded indebtedness of the several districts consolidated shall become the bonded indebtedness of the new district.

Sec. 32. No new district formed by the subdivision of an old one is entitled to any share of the public moneys belonging to the old one until a school has been actually commenced in such new district.

Sec. 33. Unless within six months after the making of an order creating a new district, school is opened therein, the order shall cease to have effect.

Sec. 34. An election shall be held on the last Saturday of March in each year, and at such election there shall be elected one trustee in each school district who shall hold office for the term of three years from the Saturday in April next succeeding his election. At the first election held in a newly formed district three school trustees shall be elected, one for a term of one year, one for a term of two years, and one for a term of three years, from the first Saturday in April next succeeding his election. The election provided for in this Section must be held in the district school house, or if there be none, at a place designated by the Board of School Trustees.

Sec. 35. The clerk of each School Board shall cause written or printed notices to be posted, specifying the day and place of such election and the time during which the ballot box will be kept open. Said notices shall be posted in at least three public places in the district, one of which shall be at the school house, if there be one, at least fifteen days previous to the time of election. If the clerk fails to give such notice, then any two legal voters residing in the district may give similar notice of such election at least ten days prior thereto.

Sec. 36. The trustees shall appoint an inspector, two Judges and two clerks of election; if none are so appointed, or if those appointed are not present at the time of opening the polls, the electors present may select them. In school districts having a school census propulation (population) of two hundred or more, officers of election may be paid three dollars each, out of the funds of the school district.

Sec. 37. In school districts having a school census population of two hundred or more the polls must be opened at 9:00 o'clock A. M. and closed at 4:00 o'clock P. M. In school districts having less than two hundred school census popu-

lation the polls shall be open for at least two hours during the day, the time to be specified in the notice.

Sec. 38. Every person, male or female, of the age of twenty-one years or over, who is a citizen of the United States, and who has been a resident of the State of Arizona for one year, and of the district for thirty days immediately preceding the day of election, and who is the parent or guardian of a minor child residing in the district, or who has paid a State or county tax, exclusive of poll, road or school tax, during the preceding year, is eligible to election to the office of trustee, and shall be entitled to vote at any school district election; provided, that every woman offering to vote at such election (who is otherwise qualified under this Section) and whose husband or father is or was a citizen of the United States, shall be treated and considered as a citizen of the United States for the purpose of voting at such election. And provided further, that every woman whose husband is a taxpayer on community property and who is otherwise qualified to vote under this Section, shall be considered a qualified elector for the purpose of voting at such election. Any person offering to vote may be challenged by any legally qualified elector of the district, and the judge must thereupon administer the following oath to the person challenged: "You do solemnly swear that you are a citizen of the United States, and are now, and have been, a resident of this school district during the thirty days preceding this election; that you are the parent or guardian of a minor child residing in this school district, or that you have paid (or your husband has paid) in this county a State or county school tax during the past year, exclusive of a poll, road or school tax, and that you have not voted at this election, so help you God." If he or she takes the oath prescribed in this Section, his or her vote shall be received; otherwise, the vote shall be rejected.

Sec. 39. A poll and tally list prepared and furnished by the State Superintendent of Public Instruction, must be kept and returned to the Board of Trustees.

Sec. 40. The officers of the election must, after counting the votes, make and deliver certificates of election to the persons elected; a copy of said certificate, with the oath of office attached, shall be forwarded to the County School Superintendent by the clerk of the Board of Trustees; said trustees are hereby authorized to administer to each other the oath of office.

Sec. 41. The powers and duties of the Board of Trustees of school districts are as follows:

1. It shall be the duty of the trustees, any two or (of) whom shall constitute a quorum for the transaction of business, to meet at such place in the district as may be most convenient, on the first Saturday of April next following the election, to organize by electing one of their number president of the board and one of their number clerk, and notify the County School Superintendent of the same;

2. To prescribe and enforce rules and (not) inconsistent with law or those prescribed by the State Board of Education for their own government and the government of the schools. They shall segregate pupils of the African race from pupils of the white races, and to that end are empowered to provide all accomodations made necessary by such segregation;

3. To manage and control the school property within their districts;

4. To purchase such school furniture, apparatus, equipment and supplies as they may deem advisable for the use of the schools;

5. To rent, furnish, repair and insure the school property of their respective districts;

6. When directed by a vote of the district, to build school houses, or to purchase or sell school sities (sites);

7. To make, in the name of the district, conveyances of all property belonging to the district and sold by them;

8. To employ, under written contract, all employees of the schools. Board of Trustees may at any time after the an-

nual school election and qualification of new members of the School Board, enter into the contract with teachers, principals, janitors, attendance officers, district physicians and other employees for the succeeding year. No relative of any trustee shall be employed in the district where he is trustee except by unanimous consent of the Board of Trustees. The term "relative" as used in this Section shall be taken to include the husband or wife of a trustee, a relative by affinity, or a relative by consanguinity within the second degree.

Board of Trustees of districts of five hundred or more daily attendance may employ a City Superintendent of Schools or Principals, or Boards of Trustees of two or more contiguous districts may jointly employ a Principal. The salary of such principal, when he is employed by more than one district, shall be pro rated among the districts employing him in accordance with the number of children in the respective districts. Such Principal must hold a first grade state or life certificate. Boards of Trustees may, whenever they deem it advisable, employ City Superintendents of Schools and Principals for any term not to exceed two years.

Under such conditions as are provided for by law, Boards of Trustees may employ such special teachers in drawing, music, domestic science, manual training, kindergarten, commercial work, agriculture and other special subjects as they shall deem advisable;

9. To expell pupils for misconduct and to exclude from the primary grades children under six years of age;

10. To enforce in schools the course of study and the use of text books prescribed and adopted by the State Board of Education;

11. To appoint district librarians and enforce the rules prescribed for the government of school libraries;

12. To exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character;

13. The Board of Trustees of any school district may, with the concurrence of the Board of Trustees of any other district or districts, admit pupils from either of said districts to a school within its own district; provided, however, that said pupil's attendance shall be credited in the district where he may attend, and in case the trustees fail to agree, the parents of such children may appeal to the County School Superintendent, whose decision shall be final;

14. On the first day of February, 1913, and every year thereafter, to appoint a school census marshal and notify the County School Superintendent thereof;

15. To make an annual report on or before the first day of July to the County School Superintendent, in the manner and form, and on the blanks prescribed by the Superintendent of Public Instruction or County School Superintendent;

16. To make a report whenever required, directly to the Superintendent of Public Instruction, or to the County School Superintendent;

17. To visit every school in the district, and examine carefully into its management, condition and needs;

18. Boards of Trustees may call meetings of the qualified school electors of the district for consultation in regard to any litigation in which the district may be engaged or likely to become engaged; or in regard to any other affairs of the district not otherwise provided for; or, upon a petition of fifteen per cent of the qualified electors of their district, as shown by the last annual school election, they must call such meeting.

Sec. 42. Such meetings shall be called by posting notices in three of the most public places in the district, including the door of the school building if there be one, for not less than ten days previous to the time for which the meeting shall be called; which notice shall specify the purpose for which said meeting is called, and no other business shall be transacted at said meeting. A district meeting shall be called to order and presided over by the president of the Board of Trustees, or, in case of his absence, by an elector chosen by the electors

present, and the Clerk of the Board of Trustees shall be clerk of the meeting, and enter the minutes thereof in the records of the district. At such meetings all voting shall be by ballot, and any person attempting to vote upon any question arising before said meeting may be challenged in the same manner and with like force and effect as prescribed in Section thirty-eight of this Act.

Sec. 43. A meeting thus called shall be competent to instruct the Board of Trustees in regard to prosecuting, settling or compromising any litigation in which the district may be engaged or likely to become engaged. But in all other matters the district meeting shall exercise advisory jurisdiction only.

Sec. 44. The Board of Trustees of any school district may, whenever in their judgment it is advisable, and must, upon petition of fifteen per cent of the school electors as shown by the poll list at the last preceding annual school election, residing in the district, call an election for the following purposes:

1. In regard to locating or changing the location of school houses;

2. In regard to the purchase or sale of school sites or school houses;

3. To decide whether or not children living at a greater distance than one mile from the school to which they have been assigned shall be transported to and from school at the expense of the district. If a majority of the electors voting at such an election vote that such children shall be transported, then the trustees shall estimate the expense of such transportation and certify same to the County School Superintendent on or before the first day of July of each year.

The County School Superintendent shall include such estimate in his estimate to the Board of Supervisors which Board of Supervisors shall levy such a tax rate upon the taxable property of said district as will produce the amount asked

for, which shall be collected in thr (the) same way and manner by the County Tax Collector, as other taxes are collected, and when collected shall be placed to the credit of the school district from which same was collected, and used by it for the purpose specified;

4. To decide whether the bonds of the district shall be issued and sold for the purpose of raising money for purchasing or leasing school lots, for building school houses, and supplying same with furniture and apparatus, and improving grounds, or for the purpose of liquidating any indebtedness already incurred for such purposes.

When the election is called for the purpose of deciding in regard to locating or relocating school buildings, or in regard to the purchase or sale of school sites or school buildings, the election shall be called and conducted under the same conditions as apply in the regular annual school election; except as to the time of holding the election, and the notices shall state specifically the information necessary for voting intelligently on the question. The Board of Trustees shall be governed by the vote of the majority on all questions submitted to the electors at such election.

When the election is called for the purpose of determining whether the bonds of the district shall be issued and sold for the purposes enumerated in the call for the election, the question shall be submitted to the bona fide taxpayers of the district and only such persons may vote at such election as have paid in their own name a county or state tax upon property situated within such district, other than poll, road or school tax, during the preceding year, and who are in all other respects qualified electors for the purpose of voting at regular school elections.

Sec. 45. Bond Election. Such election must be called by posting notices signed by the Board, in three of the most public places in the district, for not less than twenty days before the election; and if there is a newspaper published in the county, by

publishing such notice not less than once a week for three successive weeks.

Sec. 46. Such notice shall contain:

1. The purpose and place of holding such election;

2. The names of three judges to conduct the same;

3. The hours during the day (not less than six hours) when the polls will be open;

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

Sec. 47. The words appearing upon the ballots shall be: "Bonds, yes", and "Bonds, no."

Sec. 48. On the seventh day after said election, at 1:00 o'clock p. m., the returns having been made to the Board of Trustees, the Board must meet and canvass said returns; if it appear that a majority of the votes cast at said election were in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes and shall certify to the Board of Supervisors of the county all the proceedings had in the premises, and thereupon said Board of Supervisors shall be and they are hereby authorized and directed to issue the bonds of such district, to the number and amount provided in such proveedings (proceedings), payable out of the building fund of such district, naming the same, and the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds and the payment of the interest thereon; provided, that no school district shall issue bonds for the purposes herein specified to an amount in the aggregate, including the existing indebtedness, exceeding six per cent on the value of the taxable property within such school district, to be ascertained by the last assessment of State and county taxes previous to the issuing of such bonds.

Sec. 49. The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and

of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than twenty years from the date thereof.

Sec. 50. Said bonds must not bear a greater rate of interest than six per centum, said interest to be payable annually, and said bonds must be sold in the manner prescribed by the Board of Supervisors, but not for less than par, and the proceeds of the sale thereof must be deposited in the county treasury to the credit of the building fund of said school district, and be drawn out for the purpose aforesaid, as other school moneys are drawn.

Sec. 51. The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district, for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest of said bonds for that year, and such portion of the principal as is to become due during such year, and in any event must be high enough to raise, annually, for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term high enough to pay such annual interest and to pay, annually, a portion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all money so levied, when collected, shall be paid into the county treasury to the credit of the building fund of such district; and must be used for the payment of principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer out of the fund provided therefor; and it shall be the duty of the County Treasurer to cancel all bonds and coupons as rapidly as they are paid.

Sec. 52. If the Board of Supervisors of any county which has issued bonds under the provisions of this Act shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the County Treasurer, and the payment thereof refused, the owner thereof may file the bond, together with all unpaid coupons, with the State Auditor, taking his receipt therefor, and the same shall be registered in the State Auditor's office, and the State Board of Equalization shall at their next session and at each annual equalization thereafter add to the state tax to be levied in said district a sufficient rate to realize the amount of principal or interest past due prior to the next levy, and the same shall be levied and collected as a part of the state tax, and paid into the state treasury, and passed to the special credit of such district bond tax, and shall be paid by warrants as the payments mature, to the holder of such registered obligations as shown by the register in the office of the State Auditor until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said district.

Sec. 53. Whenever any bond issue under the provisions of this title shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the Board of Supervisors, the Board of Trustees of the school district, for or on account of which such bonds were issued, or of any school district composed wholly or partly of territory which at the time of holding the election mentioned in Section Forty-four was embraced within the district for or on account of which such bonds were issued, may petition the Board of Supervisors to cause such unsold bonds to be withdrawn from market and cancelled. Upon receiving such petition, signed by a majority of the members of said Board of Trustees, the Supervisors shall fix a time for hearing the same, which shall not be more than thirty days thereafter, and shall cause a notice stating the time and place of hear-

ing and the object of the petition in general terms, to be published for ten days prior to the day of hearing in some newspaper published in said school district, if there is one, and if there is no newspaper published in said school district, then in a newspaper published at the county seat of the county in which such school or some part thereof is situated. At the time and place designated in the notice of hearing said petition, or at any subsequent time to which said hearing may be postponed, the Supervisors shall hear any reason that may be submitted for or against the granting of the petition, and if they shall deem it for the best interests of the school district named in the petition that such unsold bonds be cancelled, they shall make and enter an order in the minutes of their proceedings that said unsold bonds are cancelled, and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

Sec. 54. Boards of Trustees must maintain all the schools established by them for a period of not less than eight months during each school year, and if the funds of the district are sufficient, they shall maintain them for a longer period, and as far as practicable with equal rights and privileges. Provided that the Board of Trustees of any district may make such segregation of groups of pupils as they may deem advisable, and, provided further, that the Board of Trustees may maintain at the expense of the district such special schools during the vacation as may be deemed necessary for the benefit of such pupils as have for any reason fallen behind in their grades.

Sec. 55. Boards of Trustees must use the school moneys received during the school year from the state and county apportionment exclusively for the payment of salaries of teachers and other employees of the district and contingent expenses for the school year. If a balance remain in the school fund of a district after the expense of maintaining school for a period of eight months during the school year shall have

been actually paid, such balance may be used in paying debts of the district incurred during the previous year for teachers' salaries and contingent expenses, or it may be expended for repairing the school house or for improving the school ground, or in the purchase of school furniture, fixtures, equipment and supplies, but no part of said money may be used in paying interest or principal of the bonded debts of the district, or in the purchase of lands for school purposes.

Provided, that funds received from sources other than state, county or school district levies, may be used in building schools or in purchasing lands for schools.

Sec. 56. If any Board of Trustees fail to appoint a Census Marshal at the proper time, and through such failure the district is omitted in the apportionment of school moneys, then in such case the Trustees are hereby made, jointly and severally, personally liable to the district for the full amount which the district would have received but for such failure.

Sec. 57. Boards of Trustees are liable as such, in the name of the district, for any judgment against the district, for salary due any teacher on contract, and for all debts contracted under the provisions of this Act, and they shall pay such judgments or liabilities out of the school moneys to the credit of such district.

Sec. 58. It shall be the duty of the Census Marshal, during the month of February of each year, to take the census of all the children between six and twenty-one years of age in his district.

Sec. 59. He shall report the result of his labors to the County School Superintendent on or before the first day of April of the year in which the census is taken.

Sec. 60. His report must be made under oath, upon the blanks furnished by the Superintendent of Public Instruction and must show:

1. The number, age, sex, color and nationality of the children listed, Indians excepted, provided that Indians not living on reservations shall be enumerated.

2. The names of parents and guardians of said children.

3. The number of children between the ages of six and twenty-one.

4. The number of children between the ages of eight and sixteen.

5. The number attending public schools.

6. The number attending private schools.

7. The number not attending school.

8. Such other facts as the Superintendent of Public Instruction may designate.

9. He must include in his report all children that are absent, attending institutions of learning, but whose parents or guardians are residents of the district.

10. He must not include in his report children who are attending school in district, but whose parents do not reside therein.

Sec. 61. He shall visit each habitation, home, residence, domicile or place of abode in his district, and by actual observation and interrogation enumerate the census children of the same.

Sec. 62. Whenever a district is formed lying partly in two adjoining counties, the Census Marshal must report to each County School Superintendent the number of children in each county within the district.

Sec. 63. Where any chartered municipal corporation lies within a school district and comprises a portion only of the territory and inhabitants contained in said district, if such municipal corporation be desirous of securing a complete census of all the inhabitants living within its corporate limits, the Mayor and City Council of such municipal corporation may serve written notice to such effect upon the Trustees of

such school district and the Census Marshal at least one week previous to the taking of the school census in the said district, and thereupon it shall be the duty of the Census Marshal to include in the school census a full and complete census of all the inhabitants, whether within school age or otherwise, who are residing within the corporate limits of said municipal corporation; provided, however, that the added expense incident thereto shall be first provided for by the municipal corporation requesting such complete census.

Sec. 64. Where any municipal corporation lying within and comprising but a portion of a school district avails itself of the provisions of the preceding paragraph, the number, names, age, sex, color and nationality of all the inhabitants living within the corporate limits of such municipal corporation.

Whenever a census of the entire inhabitants of a municipal corporation is taken in conformity with Section 63 of this Title, it shall be the duty of the Census Marshal to report the result of his labors to the Mayor and Common Council under whose request said census was taken, within thirty days from the completion of such census.

Sec. 65. The Census Marshal shall have power to administer oaths to parents and guardians.

Sec. 66. If at any time the County School Superintendent has reason to believe that a correct report has not been returned, he may appoint a Census Marshal, have the census taken, and the compensation for the same shall be paid out of the school fund of that district, on a warrant on the County Treasurer, countersigned by the chairman of the Board of Supervisors.

Sec. 67. The compensation of the Census Marshal shall be as determined by the Board of School Trustees, and shall not exceed fifteen cents per capita for the names of the pupils of school age residing in the district, provided that the mini-

mum amount paid for such service in any school district shall not be less than five dollars. The compensation of Census Marshals must be audited and paid as other claims allowed by the Trustees of the district are audited and paid. If the Census Marshal neglect or refuse to make his report at the time and in the manner herein required, he shall be deemed guilty of a misdemeanor, and on conviction, be punished by a fine not exceeding one hundred dollars or imprisonment for not more than three months.

Sec. 68. It is the duty of the Clerk:

1. To act as Clerk of the Board and keep a record of its proceedings without compensation;

2. To keep an itemized account of the receipts and expenditures of school moneys;

3. To keep his records and accounts open to the inspection of the electors of the district;

4. To discharge such other duties as may be prescribed by the Board. In school districts having an average attendance of five hundred (500) or more pupils, the Board, by unanimous vote, may allow him reasonable compensation for his work, which shall not be in excess of one hundred ($100) dollars per annum.

5. In school districts comprising districts having a school population of one thousand or over, as shown by the last school census, the Board of Trustees may employ a competent person to act as Secretary of the Board, and to perform such other clerical duties in connection with the schools as may be required. The salary of such employee shall be as determined by the Board of Trustees, and shall not exceed nine hundred dollars per annum, and must be audited and paid as other claims against the district are audited and paid.

Sec. 69. The Clerk of each district must, under the direction of the Board of Trustees, provide all school supplies, and keep the school house and premisses in repair, as it may

be deemed necessary. No order on any County School Superintendent for any teacher's salary, or other expense, shall be valid unless signed by at least two members of the Board of Trustees.

Sec. 70. The school year shall begin on the first day of July and end on the last day of June.

Sec. 71. A school month is considered and taken to be twenty school days, or four weeks of five days each; provided, that when any of the following days; the first day of January, the fourteenth of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, the annual Thanksgiving day, occurs within the school week, the schools shall be closed and the pay of the teachers shall not be dismissed on that account.

When the twenty-second day of February occurs within the week, the schools shall not be closed, but a portion of the time shall be devoted to carrying out the program provided for the day by the State Board of Education, and other appropriate patriotic exercises.

Sec. 72. Every school, unless otherwise provided by law, must be open for the admission of children between six (6) and twenty-one (21) years of age, residing in the district. The Board of Trustees have power to admit adults and children not residing in the district but within the state, upon such terms as the Trustees may prescribe. They may also admit the children of non-residents of the state, upon payment of a reasonable tuition fee, to be fixed by the Board of Trustees. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

Sec. 73. All schools must be taught in the English language.

CHAPTER XII.
HIGH SCHOOLS.

Sec. 74. Any school district having an average daily attendance of two hundred (200) or more pupils may, by majority vote of the qualified school electors thereof, establish and maintain a High school or two or more adjoining school districts may unite and form a Union High School district for the purpose of establishing and maintaining a High School therein at the expense of such district or Union High School District.

Sec. 75. When a majority of the Board of Trustees of a district, or a majority of the Trustees of each of two or more adjoining districts, shall unite in a petition to the County School Superintendent, accompanied by a petition for the establishment of such high school, signed by not less than one hundred resident school electors of such district, or districts; or when fifteen per cent of the resident property taxpayers of two or more adjoining districts shall unite in a petition for the establishment of such High School, it shall be the duty of the County School Superintendent to call an election within twenty days thereafter for the determination of such question. Public notices of such election, not less than five (5) days in such single district, and not less than three (3) days in each district composing the proposed union district, shall be posted, one of which shall be upon the door of the school house in each district, at least ten (10) days before said election. Said election shall be conducted as nearly as practicable in the manner prescribed by law for conducting annual school elections of Trustees.

Sec. 76. The ballots in such elections shall contain the words "For High School", and the voter shall write or print thereafter on the ballot the word "yes" or the word "no." It shall be the duty of the officers of such elections to report the result to the County Superintendent of Schools.

Sec. 77. If a majority of such votes cast in favor of a high school, it shall be the duty of the County Superintendent of Schools to call an election of the qualified school electors in such single districts, or of the school districts uniting, within fifteen days, for the purpose of locating the said high school. He shall cause public notices to be posted in each district as aforesaid, and said election shall be conducted in the manner prescribed for the election of Trustees.

Sec. 78. In any single district, or union high school district, that has determined to establish such high schools, an annual tax shall be levied by the authorities whose duty it is to levy taxes in counties, the amount of said tax being estimated by the high school Board of Education of said district, and by them certified to the County School Superintendent on or before the first day of July of each year. And it shall be the duty of the proper authorities to levy such a rate upon the property of said single district, or union high school district, as will produce the amount estimated to be necessary for such purposes.

Sec. 79. The high school shall be in charge of a Board of Education, which shall consist:

1. In any single high school district, of the three school Trustees in such district;

2. In any union high school district, of a Board of Education, which shall consist of five (5) members, three of whom shall be residents of the school district in which the high school is situated. The other two members shall be residents of the remaining territory of the union district. All members of the Board of Education shall be qualified school electors of the union high school district, and shall be elected in the manner that School Trustees are elected.

Sec. 80. The officers of the election must, after counting the votes, make and deliver certificates of election to the persons elected; a copy of said certificate, with oath of office attached, shall be forwarded to the County School Superintendent by the Clerk of the Board of Education; provided, how-

ever, that no Trustee of any school district composing the union district shall be elected a member of the High School Board. The term of office of a member of the High School Board of Education shall be five (5) years except as hereinafter provided.

At the first election that occurs after the passage of this Act at which one member of the High School Board is to be elected, his election shall be for a term of three years. At the next annual election, one member shall be elected for a term of three years and one for a term of four years. At the next annual election one member shall be elected for a term of four years and one for a term of five years. Every year thereafter there shall be elected one member to fill the office made vacant by the term of office which has expired; provided that nothing contained herein shall affect the present term of office of any member of a Union High School Board heretofore elected.

Sec. 81. Said Board shall meet and organize, at the same time and in the same manner as provided for organizing Boards of Trustees, except the Clerk of Boards of Education of a high school may or may not be a member of said Board, and notify the County School Superintendent of the organization. For the management of High Schools, the Board shall have all the powers and duties that are now, or may hereafter be vested in School Trustees.

Sec. 82. The course of study of such High Schools shall be prescribed by the High School Board of Education, subject to approval by the State Board of Education.

Sec. 83. All pupils shall be promoted from the eighth grade of the common schools on certificate of promotion, signed by the teacher or principal or City Superintendent of the eighth grade, and the County Superintendent of Schools. Such certificates of promotion shall be granted in the manner and on such qualifications as shall be prescribed by the State Board of Education. Such certificates shall admit the holders thereof

to admittance to any high school in the State. The principal of the High School shall exercise supervision over the work of the eighth grade of all schools situated in the Union High School district, except such schools as employ a Superintendent or Principal. Non-residents, otherwise qualified, may be admitted on the same conditions as residents upon paying a reasonable fee to be fixed by the Board in charge of the High school. The residence of the father during his life, and, after his death, the residence of the mother while she remains unmarried, shall be the residence of the unmarried child. There can be but one residence.

Sec. 84. High school districts and Union High school districts may vote bonds for the same purposes and in the same manner as Common School districts.

CHAPTER XIII.
PUPILS.

Sec. 85. All children between the ages of six (6) and twenty-one (21) who are residents of this State, must be admitted into the schools of this State; provided, that the Board of Trustees may arrange for admission of classes of beginners at regular or stated intervals.

Sec. 86. All pupils must comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.

Sec. 87. Continued open defiance of the authority of the teacher, and habitual profanity and vulgarity, constitute good causes for expulsion from school.

Sec. 88. Any pupil who cuts, defaces or otherwise injures any school property, is liable to suspension or expulsion, and upon the complaint of the teacher or Trustees, the parents or guardians of such pupils shall be liable for all damages.

Sec. 89. No child under the age of sixteen years shall be employed by any person, persons, company or corporation dur-

ing the school hours of any school day of the school term of the public school in the school district where such child resides, unless such child presents a written permit from the Board of Trustees for reasons herein specified. Every such employer shall require proof that such child has been excused from such attendance, and shall keep a record of such proof, which shall be open to the inspection of an attendance officer, peace officer or school trustee, teacher, principal or superintendent, of the district. Any employer employing a child contrary to the provisions of this section shall be deemed guilty of a misdemeanor, and liable to a fine of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00) to be placed to the credit of the school fund of the district. Every parent, guardian, or other person in the State of Arizona, having control of any child between the ages of eight and sixteen years shall be required to send such child to a public school or private school taught by a competent instructor for the full time that the public school is in session in the school district, such attendance to be continuous, for five days in the week during the hours prescribed by law; provided, that such person, guardian or other person having control of such child shall be excused from such duty by the Board of Trustees of the district whenever it shall be shown to its satisfaction that one of the following reasons exist:

1. That such child is taught at home by a competent teacher in the branches taught in the common schools of the State;

2. That he is attending a regularly organized private or parochial school taught by competent teachers, the regular school hours for five days in the week for the full time that the public school is in session in the district;

3. That such child is in such physical or mental condition (as declared by a competent physician approved by the Board) as to render such attendance inexpedient or impracticable;

4. That such child has already completed the grammar school course prescribed by the State Board of Education.

Sec. 90. Any parent, guardian or other person failing to comply with the provisions of Sec. 89 of this Act shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in a sum not less than Five, and not more than Twenty-five Dollars ($25.00), for such offense; said action shall be prosecuted in the name of the State of Arizona before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury and placed to the credit of the school fund of the district in which the offense occurs.

Sec. 91. It shall be the duty of the Deputy Sheriff, Constable, City Marshall or Attendance Officer of the precinct in which said school district is located, to inquire into all such case of neglect of the duties prescribed in this Chapter and to ascertain from the person so neglecting, the reason, if any, therefor; and if there be no legal excuse shown, shall forthwith proceed to secure the prosecution of any offense occurring under this Chapter; and any Deputy Sheriff, Contsable, City Marshal or Attendance Officer, neglecting to secure the prosecution of such offense, within ten days, unless the person so complained of shall be excused by the Board of Trustees for the reasons hereinbefore stated, shall be deemed guilty of a misdemeanor and liable to a fine in any sum not to exceed fifty dollars; and such fine, when collected, shall be paid into the county treasury and placed to the credit of the school fund of the district in which the offense occurred.

CHAPTER XIV.

TEACHERS.

Sec. 92. Every teacher must:

1. Present his or her certificate to the County Superintendent of Schools before assuming charge of a school, who shall record it in a book provided for the purpose;

2. On taking charge of a school, or when closing a term of school, immediately notify the County School Superintendent of such fact;

3. Enforce the course of study, the use of adopted text books and the rules and regulations prescribed for schools;

4. Hold pupils to a strict account for disorderly conduct on the way to and from school exercise a supervision over pupils on the play grounds, and during recess, suspend from school for good cause any pupil, and report such suspension to the Board of Trustees. In schools employing a City Superintendent or Principal, the authority to suspend shall be vested in him;

5. Keep a school register, which shall be carefully preserved by the Board of Trustees, as one of the records of the school;

6. Furnish such reports to the County School Superintendent upon the blanks furnished by the Superintendent of Public Instruction, as the Board of Education may require;

7. Make an annual report to the County School Superintendent at the time, and in the manner, and on the blanks prescribed by the State Board of Education. Any teacher who shall end any school year before the close of the school year, shall make a report to the County School Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year shall, in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year;

8. Make such other reports as may be required by the Superintendent of Public Instruction, County School Superintetndent or Board of Trustees.

Sec. 93. In case of the dismissal of any teacher before the expiration of any contract entered into between such teacher and the Board of Trustees, for alleged unfitness or incompetence, appeal may be had to the County Superintendent.

Sec. 94. No warrant shall be drawn in payment of a teacher's salary by the County Superintendent, unless such teacher is the holder of a legal certificate in force for the full

term for which payment is demanded. Any County Superintendent who shall draw any warrant not authorized under this Act shall be liable in his official bond for the amount of such illegal warrant.

Sec. 95. Any teacher who shall use any sectarian or denominational books, or teach any sectarian doctrine, or conduct any religious exercises in his school or who shall fail to comply with any of the provisions mentioned in this Act, shall be deemed guilty of unprofessional conduct, and it shall be the duty of the proper authority to revoke his certificate or diploma.

CHAPTER XV.
DISTRICT LIBRARIES.

Sec. 96. Boards of School Trustees may use three per cent. of all school funds received during any school year, together with such moneys as may be added thereto by donation, for the purchase of library books, reference books and school room decorations; provided, that the amount used for such purpose in any school year shall not exceed three hundred dollars; and provided further, that such bills are to be allowed and paid as other bills are allowed and paid.

Sec. 97. Libraries are under the control of the Board of Trustees, and must be kept, when practicable, in school houses. The libraries shall be free to all pupils of a suitable age belonging to the school, and any resident of a district may become entitled to its privileges by payment of such annual or monthly fee as may be prescribed by the trustees. The trustees shall be held accountable for the proper care and preservation of the library, and they shall report to the County School Superintendent, when required, all library statistics, on blanks furnished by the Superintendent of Public Instruction for that purpose.

CHAPTER XVI.

STATE TAX AND COUNTY SCHOOL TAX.

Sec. 98. There shall be annually levied and collected in the manner in which other state taxes are levied and collected by a levy by the officials provided by law, a sufficient tax to raise the sum of Five Hundred Thousand Dollars ($500,000.00), said levy to be made upon the taxable property within the State and paid into the state treasury as a special fund for school purposes. It shall be the duty of the State Treasurer to receive and hold as a special fund, all public school moneys paid into the State Treasury, and to pay them over on warrants drawn by the State Treasury, and to pay them over on rants drawn by the State Auditor, in accordance with law. All moneys so raised shall be placed to the credit of a fund to be known as a State Common School Fund.

Sec. 99. All school moneys due each county of the State shall be paid over by the State Treasurer on the second Monday of January and May, or as soon thereafter as the County Treasurer may apply for the same, on a warrant of the State Auditor, drawn in conformity with the apportionment of the State Board of Education.

Sec. 100. On or before the first day of July of each year the Trustees of school districts shall file with the County School Superintendent an itemized statement of the amount of money needed for defraying the expenses of the schools within their districts for the ensuing year. This estimate shall be transmitted to the Board of Supervisors at the time he files his estimate of the amount needed for the schools of the county.

Sec. 101. The County School Superintendent in each county shall, on or before the first day of August of each year, furnish the Board of Supervisors an estimate in writing of the minimum amount of school funds needed for the ensuing year. In making up his estimate the County Superintendent must take into consideration all moneys asked for by the Boards

of Trustees in accordance with Sec. 100. He shall multiply $35.00 by the sum representing the daily average attendance of the county for the previous year. (In figuring the daily average attendance in each county only the first eight months of school shall be counted.) Provided, further, that the County School Superintendent shall add to the above sum a sufficient amount so that no district will receive a less sum than One Thousand Dollars ($1,000.00); provided further, that ten per cent of the Superintendent's estimate shall be added thereto, which ten per cent shall form a reserve fund, and the aggregate shall be the minimum amount of money required to maintain kindergarten and common schools for that year. The County School Superintendent in making his estimate, shall ascertain whether or not his estimate will produce the amount of money asked for by any Board of Trustees, and if not he must estimate the additional amount needed for such district or districts and certify same at the time of certifying to his estimate. The Board of Supervisors of each county shall annually, at the time of levying other taxes, levy a county school tax of a rate not less than a rate sufficient to raise the said minimum amount of money, and in addition a rate on the property of any district or districts in which an additional amount has been asked for, provided that said rate in such district (exclusive of bond interest and high school tax) is not of a greater rate than Ninety Cents (90c) on each one hundred dollars' valuation of taxable property which tax shall be added to the county tax and collected in the same manner and paid into the county treasury to the credit of the County School Fund for the support of kindergarten and common schools; provided further, that the Board of Supervisors shall not in any way reduce the estimate of the County School Superintendent so long as the rate does not exceed ninety cents on the one hundred dollars' valuation of property.

Sec. 102. Said taxes shall be collected as other county taxes are collected, and shall be paid into the treasury of the county to the credit of the County School Fund.

Sec. 103. It shall be the duty of the Treasurer of each county:

1. To recive and to hold as a special fund all public school moneys, whether received by him from the State Treasurer, or raised by the county for the benefit of public schools, or from any other source, and to keep a separate account thereof, and when the same is apportioned among the school districts to open and keep a separate account of each district;

2. On receiving any public school moneys amounting to one thousand dollars, subject to distribution, to immediately notify the County School Superintendent of his county of the amount thereof;

3. To pay over, on the warrants of the County School Superintendent, duly endorsed by the person entitled to receive the same, any or all money;

4. On or before the first day of August of each year to make a report to the Superintendent of Public Instruction showing:

First. The amount of moneys received from State School Fund;

Second. The amount received from county school tax;

Third. The amount received from other sources;

Fourth. Total expenditures for school purposes;

Fifth. Balance on hand at close of school year.

Sec. 104. In case of the failure or neglect of said County Treasurer to make such report or give such notice as is required in the preceding section, he shall be liable to the county of which he is Treasurer in the sum of Five Hundred Dollars ($500.00); and it is hereby made the duty of the County Attorney of said county, upon the direction of the Board of Supervisors of said county to bring suit in the name of said county against such Treasurer for the recovery thereof, and any moneys collected under the provisions of this section shall be paid into the county school fund.

Sec. 105. The County School Superintendent of each county must apportion all moneys as follows:

He shall apportion to each district not less than Thirty Dollars ($30.00) per capita upon the average daily attendance as shown by the reports of attendance required by law to be made to his office; provided, that he apportion to no district a sum less than One Thousand Dollars ($1000.00).

He shall apportion the money in the reserve fund as follows:

Whenever school has been maintained in any district for a period of five months and it shall appear that the average daily attendance is greater than it was during the preceding year, the County Superintendent shall apportion to said district out of the reserve fund, so much of said fund as said district is entitled to under the provisions of this Act; provided, that if the amount of money in the reserve fund is insufficient to meet the demands of all the districts showing an increased attendance over the preceding year, then said reserve fund shall be apportioned pro rata among the several districts entitled to the same; provided, that in no case shall the apportionment from the reserve fund on account of increased attendance be greater pro rata than the regular apportionment for the same year; provided further, that if at the end of any school year there remain any part of the reserve fund unexpended, then the County Superintendent shall place said remaining portion in the General School Funds and apportion the same in the usual manner of apportioning the General School Fund.

It is expressly provided that no district shall pay any teacher from apportionments of state or county school moneys, unless the teacher employed in the school of the district holds a legal certificate, in full force and effect during the whole period of his employment. And provided further, that on and after July 1, 1913, no school district, except one newly formed, is entitled to receive any apportionment of state or county school moneys, which has not maintained a public school for at least eight months during the next preceding school year.

A district which is prevented by fire, flood, prevailing epidemic or other unavoidable circumstances from maintaining a school for the length of time herein desigmated (designated) is nevertheless entitled to its apportionment of state and county school moneys.

That all school moneys remaining on hand at the end of the school year, to the credit of any district, after making the apportionment as heretofore required, shall remain to the credit of such district for the ensuing year or years.

Sec. 106. If any new school district shall be duly organized and shall cause to be filed with the County Superintendent on or before the first day of July, a sworn statement of the clerk of the Board of Trustees of the district stating the number of children of school age, residing in the district and the probable average attendance, said district shall be entitled to its pro rata of the apportionment heretofore provided for.

Sec. 107. If in any school district there has been an average daily attendance of less than eight pupils between the ages of six and twenty-one years, for the period of three months during the school year, the County Superintendent may at once suspend the district and report the fact to the Board of Supervisors at their next meeting. The Board of Supervisors upon receiving such report shall declare the district lapsed, and shall attach the territory thereof to one or more of the adjoining school districts in such manner as may be by them deemed most convenient for the residents of said lapsed district. When any district has been declared lapsed, the Board of Supervisors shall sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the district. Thereupon the County Superintendent shall determine all unbonded indebtedness of said lapsed district, and shall draw his warrant on proper vouchers, on the County Treasurer in payment thereof. Any balance remaining after such payment shall be transferred to the County School Fund.

CHAPTER XVII.
TEXT BOOKS.

Sec. 108. In the adoption of text books the State Board of Education shall be governed by the following rules:

1. Not more than one text book shall be changed in any one year for any particular grade, and when such a change is made such text book so adopted must be continued in use for not less than five (5) years.

2. No change of text books shall be made at any other time than in the month of May or June of the year in which the change is made, and no change shall be made to take effect until the beginning of the next school term.

3. At least thirty days' notice of any proposed change of text book must be given by publication in a newspaper of general circulation, published in this State; said notice shall state what text books it is propsed to change; that sealed bids or proposals will be received by the State Board of Education for furnishing books to replace them; the place where, and the day and the hour when all bids or proposals will be opened, and that the Board reserves the right to reject any or all bids or proposals;

4. At the time and place specified in said notice the Board shall meet and publicly open and read all of the bids or proposals which have been received by them and shall make their award thereon within ten days thereafter;

5. Sealed bids and proposals must be accompanied by a sample copy of the books proposed to be furnished, together with a statement of the wholesale and retail price at which the publisher agrees to furnish each book within this State during the full time for which said books are to be adopted;

6. If no satisfactory bids or proposals are received, the then books already in use may continue in use until changed as herein provided;

7. The publisher or publishers, whose proposals shall be accepted must enter into a written contract with the State

Board of Education and shall give good and sufficient bond, in a reasonable sum to be fixed by the Board, for the faithful performance thereof.

Sec. 109. If the Trustees of any district refuse or neglect to enforce the use of the text books that may be prescribed, or use any other books in any of the prescribed studies,such refusal or neglect shall be deemed a misdemeanor punishable by a fine not exceeding One Hundred Dollars ($100.00), or removal from office, or both.

Sec. 110. No school officer or teacher in any public school in Arizona shall act as agent for any author, publisher, bookseller, or other person to introduce any book, apparatus, furniture or any other article whatever, in the public schools of the district in which he is an officer or teacher.

CHAPTER XVIII.

Sec. 111. In the counties of Apache, Navajo, Coconino, Mohave and Yavapai the Friday following the first day of April in each year, and in all other counties of this State, the Friday following the first day of February in each year, shall hereafter be known as Arbor Day, and shall be observed as a holiday.

Sec. 112. It shall be the duty of the Governor to make proclamation setting forth the provisions of the preceding section, and recommending that the Arbor Day established be observed by the people of the State of Arizona in the planting of trees, shrubs and vines, in the promotion of forest and orchard growth and culture, in the adornment of public and private grounds, places and ways and in such other efforts and undertakings as shall be in harmony with the character of the day so established.

Sec. 113. In order that the children in our public schools shall assist in the work of adorning the school ground with trees, and to stimulate the minds of children towards the ben-

efits of the preservation and perpetuation of our forest, and the growing of timber, it shall be the duty of the authorities in every public school in the State of Arizona to assemble the pupils in their charge on the above day in the school building or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the State Superintendent of Public Instruction, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results; and that the trees may be planted around the school buildings, and that the grounds around such buildings may be improved and beautified; such planting to be attended with appropriate and attractive ceremonies, that the day may be one of pleasure as well as one of instruction for the young; all to be under the supervision and direction of the teacher, who shall see that the trees and shrubs are properly selected and set.

Sec. 114. The State Superintendent of Public Instruction shall from year to year prescribe a course of exercises and instructions in subjects hereinbefore mentioned, which shall be adopted and observed by said public school authorities on Arbor Day.

CHAPTER XIX.

RELATING TO MUSIC AND DRAWING SCHOOLS.

Sec. 115. The Board of Trustees of any school district within the State of Arizona is hereby authorized and empowered to employ properly certificated teachers of music and drawing, if they deem it for the best interests of their respective school districts so to do.

Sec. 116. Any music or darwnig teacher who is a graduate of an approved school of music or drawing may be licensed to teach such subject. If such music or drawing teacher cannot so qualify, then such teacher must pass such examination in music or drawing as the State Board of Education may prescribe.

CHAPTER XX.

RELATING TO THE UNITED STATES FLAG.

Sec. 117. It shall be the duty of the school authorities of every public school in the several school districts of the State of Arizona to purchase a United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

Sec. 118. It shall be the duty of the State Superintendent of Public Instruction to prepare for the use of the public schools of the state a program providing for a salute to the flag and such other partiotic exercises as shall be deemed by him to be expedient, under such regulations and instructions as may best meet the requirements of the different grades in such schools. It shall also be his duty to make special provisions for the observance in such public schools of Lincoln's Birthday, Washington's Birthday, Memorial Day, and Flag Day, and such other legal holidays of like character as may be hereafter designated by law.

Sec. 119. The State Superintendent of Public Instruction is hereby authorized to provide for the necessary expenses incurred in developing and encouraging such patriotic exercise in the public schools by an apportionment, subject to the supervison of the State Board of Education, from the State School Fund, of the amount of money to which each county may be entitled to carry into effect the provisons of this Act, and furnish each County Treasurer and County Superintendent with an abstract of such apportionment. He shall also certify to the State Auditor, and upon such certificate the Auditor shall forthwith draw his warrant on the State Treasurer in favor of the County Treasurer of each county for the amount due said county.

Sec. 120. Nothing herein contained shall be construed to authorized (authorize) military instruction or drill in the public schools during school hours.

Sec. 121. That in all school districts within the State of Arizona instruction may be given in the subjects of Manual Training, Domestic Science and Kindergarten; provided, that such subjects can be pursued without excluding or neglecting the subjects previously provided for by law.

Sec. 122. The course of study for said Manual Training or Domestic Science and Kindergarten courses shall be prescribed by the Board of Trustees authorizing the same, subject to the approval of the State Board of Education.

Sec. 123. The Board of Supervisors of each county shall annually, at the time of levying other taxes, levy such additional school tax upon the taxable property within such school district as will be sufficient to pay the salaries of such Manual Training, Domestic Science and Kindergarten teachers as may be employed in their county, together with necessary expenses for materials to be used in such instruction; and said Manual Training, Domestic Science and Kindergarten taxes shall be collected and paid into the county treasury in the same manner as other county school taxes. Any Board of Trustees intending to employ such teacher or teachers must notify in writing both the County Superintendent of Schools and the Board of Supervisors on or before the first day of July the amount necessary for salaries and for materials for such instructions for the ensuing year.

Sec. 124. Manual Training, Domestic Science or Kindergarten teachers, who are graduates of an approved Manual Training, Domestic Science or Kindergarten school may be licensed to teach such subjects by the State Board of Examiners. If a Manual Training, Domestic Science or Kindergarten teacher can not so qualify, then such teacher must pass such

examination in the subject of Manual Training, Domestic Science or Kindergarten as the State Board of Education may prescribe.

Sec. 125. No pupil who is a bona fide resident of any district in which a special teacher of Manual Training, Domestic Science or Kindergarten is employed shall be required to pay tuition for such subjects.

CHAPTER XXII.

TO PROVIDE FOR INSTRUCTION IN THE COMMERCIAL BRANCHES IN THE SCHOOLS OF ARIZONA.

Sec. 126. The Board of School Trustees in any school district within the State of Arizona is hereby authorized and empowered to employ teachers of the commercial branches, if they deem it for the best interest of their respective districts so to do.

Sec. 127. Any commercial teacher who is a graduate of a commercial school approved by the State Board of Education, may be licensed to teach such subjects by said State Board of Examiners. If such commercial teacher cannot so qualify, then such teacher must pass such examination in the commercial branches as the said State Board of Education may prescribe.

Sec. 128. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 129. WHEREAS, the school year begins on the first day of July of each year, and

WHEREAS, this Act would not be operative until the sixteenth day of August, 1912, and

WHEREAS, the provisions of this Act are necessary for the public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provision of the State Constitution.

Approved May 20, 1912.

CHAPTER 78.

AN ACT

Prescribing a Lawful Day's Work in All Employment by or on Behalf of, the State or any Political Subdivision of the State; Prescribing Certain Regulations Concerning the Qualifications and Employment of Workmen and Laborers Therein; and Providing Penalties for the Violation of the Provisions of this Act.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That eight hours, and no more, shall constitute a lawful day's work for all laborers, workmen, mechanics or other persons now employed or who may hereafter be employed by or on behalf of the State of Arizona or by or on behalf of any political subdivision of the State, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours each calendar day for the protection of property or human life; PROVIDED, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours each calendar day shall be paid on the basis of eight hours constituting a day's work; PROVIDED FURTHER, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons so employed by or on behalf of the State of Arizona, or of any political subdivision of the State; and laborers, workmen, mechanics and other persons employed by contractors or sub-contractors in the execution of any contract or contracts within the State of Arizona, or within any political subdivision of the State, shall be deemed to be employed by or on behalf of the State of Arizona, or of such county, city, township, or other municipality thereof.

Section 2. That all contracts hereafter made by or on behalf of the State of Arizona, or by or on behalf of any political subdivision of the state, with any corporation, person or persons, for the performance of any work or the furnishing of any material manufactured within the State of Arizona, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in Section 1 of this Act.

Section 3. No person not a citizen or ward of the United States, or who has not declared his intentions to become a citizen, shall be employed upon, or in connection with, any state, county, or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work.

Section 4. That any officer of the State of Arizona, or of any political subdivision of the State, or any person acting under or for such officer, or any contractor with the State of Arizona, or any political subdivision of the State, or other person, violating any of the provisions of this Act, shall for each offense be punished by a fine of not less than $50.00 nor more than $1,000, or by imprisonment not more than six months, or both such fine and imprisonment, in the discretion of the court.

Section 5. This Act shall not apply to existing contracts.

Section 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 79.

AN ACT

To Provide for a Method of Compliance with the Enabling Act of the United States Congress and the Constitution of the State of Arizona, with Reference to the Selection, Disposition and Control of the Public Lands of Every Description Belonging to the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby created a commission, to be known as the "State Land Commission," which shall consist of three numbers, appointed by the Governor; and they shall hold office until the adjournment of the next regular session of the Legislature.

Sec. 2. Immediately after the appointment and qualification of said land Commissioners, they shall meet at the Capitol and organize, by electing from among their number a chairman, and a secretary.

Sec. 3. Each member of the said Board of Land Commissioners shall receive Two Hundred and Fifty Dollars ($250.00) per month, and all necessary traveling expenses when traveling in the discharge of their duties as provided in this Act; and said board of Commissioners shall be authorized to employ such clerical and other assistance as their needs may require, by and with the advice and consent of the Governor; such employees of the Land Commission shall receive such salary as may be provided by law, and not to succeed One Hundred and Fifty Dollars ($150.00) per month for the chief clerk of said commission, nor more than One Hundred Dollars ($100.00) per month for any other employee.

Sec. 4. It shall be the duty of said Board of Land Commissioners to make a thorough examination of the public lands

within the State of Arizona, and to make a record of their examination, together with any other information relating to said lands; the purpose of such examination being to ascertain, as near as may be, the character and value of the various bodies of land constituting the public land within the State of Arizona to classify the same as agricultural, mineral, timber, etc.; to obtain all possible information with reference to such lands as are irrigable, describing them fully and adequately, and in case of agricultural lands giving the number of acres in cultivation and the value thereof; and such report shall be based upon examination from actual inspection of the said land. It shall be the duty of the said Board of Land Commissioners, from time to time, as provided herein, to include in their report to the Governor recommendations, pointing out such lands as, in the opinion of the Board, are desirable for seleciton by the State from the body of public lands; the said Land Commissioners at the end of each month during their continuance in office, shall file a report covering the work performed by them, and the said Board shall file a final report, giving a complete summary of all their preceding reports at a date not less than thirty days before the convening of the next session of the Legislature hereafter; all of said reports herein referred to shall be sworn to, and subscribed by, the members of the Board of Land Commissioners, and filed in the office of the Governor; and it shall be the duty of the Governor to submit the same to the next Legislature, with such recommendations relating thereto, having for their purpose the establishment of a permanent policy for handling the public lands of this State, as may seem to him to be for the best interests of the State. The Governor shall also cause all of the reports made by the Board of Land Commissioners, and filed in his office, to be presented to the next Legislature for their use in determining upon a permanent policy and plan for holding and disposing of public lands belonging to this State which have already been selected or acquired, and which are hereafter to be selected in accordance with the terms of the Enabling Act.

It shall also be the duty of the said Board of Land Commissioners to determine the character and value of the improvements on the school lands and the land of the State of Arizona, heretofore leased, and cause the same to be properly appraised, and to cause such appraisement to be embodied in the report referred to in the previous section hereof, giving such information as will afford the next Legislature ample means of knowledge for properly and adequately providing a systematic method for handling the public lands of the State, and for the equitable adjustment of the reciprocal rights of the lessee, residing on any of said land, and of the State.

Sec. 5. The Board may grant permits to persons who are bona fide occupants of said university and school lands, and heretofore holding leases upon the same, to occupy the same until otherwise provided by law, by paying a rental to be determined by the Board of Supervisors at such rental as may be agreed upon; and if any person occupying school land, as provided in this section, shall pay said rental as herein provided, then all necessary assessments for payment of any power or reclamation project paid by said occupant shall be deemed improvements for which said occupant shall be repaid upon the adjustment between the State and such occupant.

Sec. 6. The Attorney General, the Governor, and the State Engineer are hereby declared to be ex-officio members of the said Board of Land Commissioners, and they shall serve thereon and attend upon the meetings thereof, but shall receive no additional salary, other than as provided by law, and they shall not be required to inspect the public lands as herein provided.

Sec. 7. It shall be the duty of the Governor, the Attorney General, and the Chairman of the Board of Land Commissioners, who is hereby clothed with the powers of surveyor general, for the purpose of selecting land for the State from time to time. When the report of the Land Commission is made to the

Governor, as herein provided, to file upon, select, cause to be surveyed, and to do any and all of the things necessary to comply with the laws of the United States and the Act of Congress enabling Arizona to become a State of the United States, for the purpose of securing the public land set apart to the State of Arizona under the terms of said Enabling Act; and for the purpose of paying the necessary expenses of such filing, the Governor is authorized to draw upon the general fund of the State and the treasurer is hereby authorized to pay such warrants as may be drawn by the Governor for such purpose, it being specified in each warrant drawn the purpose for which it is drawn.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 9. Whereas, it is essential that a Board of Land Commissioners should be immediately appointed for the purpose of compiling data to assist the commission provided for by the Enabling Act, to select the public lands granted by the United States Government to the State of Arizona, and to prepare and compile a definite and economical system and method for the State of Arizona to administer her public lands, and to present the same to the next session of the Legislature; and

Whereas, unless this law is made immediately operative, the State of Arizona may lose valuable public lands which it is now privileged to select; and

Whereas, this Act requires an early operation, for the support and maintenance of state institutions and departments of the State, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the provisions of the Referendum clause of the State Constitution.

Approved May 20, 1912.

CHAPTER 80.

AN ACT

Prescribing the Duties of the Auditor of the State of Arizona, Creating the Office of Deputy State Auditor, Providing for Office and Traveling Expenses of the Auditor's Office, and Repealing Secs. 107 to 128, Both Inclusive, of Chapter VII, of Title I of the Revised Statutes of Arizona, 1901, and all Amendments Thereto.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The State Auditor shall be the general accountant of the State and keeper of all public account books, vouchers, documents, and all papers relating to the accounts and contracts of the State, and its revenue, debt, and fiscal affairs, not required by law to be placed in some other office or kept by some other person; and he shall have the final auditing of all accounts and make payment of all claims previously passed upon as provided by law. The Auditor or his deputy shall visit all State institutions once in every three months, install a uniform system of accounting, which system shall conform with that of his office or with the law, and shall carefully audit and check the accounts of each and all State boards, commissions, and institutions; he shall recommend such changes or improvements from time to time as may, in his judgment, seem advisable and proper, and the officers of such boards, commissions, or institutions shall at all times conform to the advice, suggestion, and instructions of the State Auditor.

The necessary traveling expenses incurred by the Auditor or his deputy shall be paid out of the general fund of the State.

Sec. 2. He shall digest, prepare, and report to the Governor, on the first Monday of December annually:

1. A detailed and full statement of the condition of the revenue, and the amount of the expenditures for the two preceding fiscal years.

2. A full and detailed statement of the public debt.

3. A list of all collectors of revenue, and other holders of public moneys, whose accounts are in arrears for the space of three months, and the reason therefor, if known.

4. Estimates of the revenue and expenditures for the two succeeding years, and the probable amount of revenue derivable from the various sources of revenue.

5. Such plans as he may deem expedient for the support of the public credit, for lessening the public expenses, for promoting frugality and economy in the public offices, and generally for the better management and more perfect understanding of the fiscal affairs of the State.

6. A tabular statement showing separately the whole amount of each appropriation of the public moneys made by law, the amount paid under the same, and the balance unexpended.

7. A tabular statement showing the amount of revenue chargeable to each county for the two preceding fiscal years, the aggregate amount of each object of taxation, and the balance due from said counties respectively. Such number of copies of his report shall be printed as may be ordered by the Board of Control and shall be paid for out of the general fund.

Sec. 3. He shall:

1. Audit and settle all claims against the State, payable out of the treasury, except only such claims as may be expressly required by law to be audited and settled by some other officer or person.

2. Draw all warrants upon the treasury for money, except only in cases otherwise expressly provided by law. He shall keep in his office a book to be called a "register of warrants", in which shall be entered in regular order the number, date of issue, in whose favor, upon what fund drawn, amount, and rate of interest, of all warrants drawn by him on the State.

3. Express in the body of any warrant drawn by him the particular fund appropriated by law out of which the same is to be paid.

4. Audit, settle, and adjust, the accounts of all State officers collecting public moneys, who are required by law to pay the same into the treasury.

5. Keep an account of all the debts and credits between the State and the United States, and between the State and every other State or Territory, sovereignty, community, officer, or person, with whom the State may have dealings, and of any separate fund of the State authorized by law.

6. Direct prosecutions in the name of the State, for all official delinquencies in relation to the assessment, collection, and payment of the revenue against all persons, who, by any means, become possessed of public moneys or property and fail to pay over or deliver the same, and against all debtors to the State.

7. Give information, in writing, to either House of the Legislature, or any person authorized by law to examine his accounts or papers, whenever required, upon any subject relating to the fiscal affairs of the State, or touching any duty of his office.

8. Settle with and audit the books of the State Treasurer once a month, counting the cash and verifying the balances of State funds carried on deposit with various banks, take up all cancelled vouchers, and give the Treasurer a receipt therefor, and immediately after each examination of the Treasurer's accounts and books to report the result thereof to the Governor. The State Treasurer is hereby required to assist the Auditor in the examination and submit his books and accounts to said Auditor, when so required under the provisions hereof.

Sec. 4. If the Auditor draws any warrant not authorized by law, he shall be liable upon his official bond for three times the amount of such illegal warrant.

Sec. 5. All warrants issued by the State Auditor, as authorized by law, must be countersigned by the Governor of the State before presentation to the State Treasurer for

payment or endorsement, and in case of absence of the Governor from the State the said warrants shall be countersigned by the Secretary of State, and unless so countersigned, said warrants shall not be considered complete in form or effect, as legal obligations against the State.

Sec. 6. Persons having claims against the State shall exhibit the same, sworn to, with the evidence in support thereof to the Auditor, to be audited, settled and allowed, within one year after such claim shall accrue, and not afterwards; and no claim shall be audited or allowed the items of which are not specifically and fully stated and set out.

Sec. 7. In all suits brought in behalf of the State no debt shall be allowed against the State as a set-off, but such as have been exhibited to the auditor and by him allowed or disallowed, except only in case where it shall be proved to the satisfaction of the court that the defendant, at the time of trial, is in possession of vouchers which he could not produce to the Auditor, or that he was prevented from exhibiting the claim to the Auditor by absence from the State, sickness, or unavoidable accident.

Sec. 8. The Auditor, whenever he may think it necessary to the proper settlement of any account, may examine the parties, witnesses and others, on oath or affirmation, touching any matters material to be known in the settlement of such accounts, and for that purpose may administer oaths and affirmations, issue subpoenas, and compel witnesses to attend before him and give evidence, in the same manner and by the same means allowed by law to courts of record.

Sec. 9. All accounts, vouchers, and documents, settled or to be settled by the Auditor, shall be preserved in his office, and copies thereof, authenticated by his official seal, shall be given to any person interested therein who may apply for the same, and tender the fees at the rate of twenty cents ($.20) per folio and one dollar ($1.00) for certificate and seal,

which fees shall be turned into the State Treasury on or before the first day of each month.

Sec. 10 In all cases of claims duly audited and allowed by the auditor as legal and proper charges against the State, and in all cases of specific appropriations, salaries, pay, or expenses, provided for by law, the Auditor shall draw a warrant on the Treasurer of the State for the amount as allowed, in the form required by law, and notify the State Treasurer, provided an appropriation has been previously made for such purpose.

Sec. 11. No warrant shall be drawn by the Auditor or paid by the Treasurer unless the money has been previously appropriated by law; nor shall the whole amount drawn for or paid under one head ever exceed the amount appropriated by law for that purpose, and all funds other than the general fund shall be considered as appropriated as authorized by law.

Sec. 12. In all cases where the law recognizes a claim for money against the State, but no appropriation shall have been made by law to pay the same, the auditor shall audit and adjust the same, if presented to him, and give the claimant a certificate of the amount thereof, under his official seal, if demanded, and shall report same to the Legislature with as little delay as possible.

Sec. 13. The Auditor and the Treasurer shall have free access to each other's offices for the inspection of all books, accounts and papers which they respectively contain, and free access to all other offices of the State for the inspection of such books, accounts, and papers, as concern any of their duties.

Sec. 14. If the Auditor shall knowingly issue any warrant upon the Treasury not authorized by law, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum equal to five times the amount of such warrant, and imprisoned for any time not exceeding two (2) years.

Sec. 15. If the Auditor shall wilfully neglect, or refuse to perform, any duty required of him by law, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or imprisonment not more than one (1) year, or both such fine and imprisonment.

Sec. 16. The Auditor shall keep a seal of office which shall be used to authenticate all warrants signed by him, and all writings, papers, and documents, certified from his office.

Sec. 17. The Auditor shall require and, before any claim against the State is taken under advisement, demand from any and all officers who have under their direction the expenditure of any amount appropriated by law, or any officer or board of officers having under their direction public moneys of the State, a duplicate voucher setting forth each and every item covered by such claim, and duly certified, under oath, by such directing officer or board, which shall accompany every order for a warrant.

Sec. 18. All commissioners of roads or state prison, or any other person or persons whatever, who shall have under their control the disbursement of funds raised from the sale or disposition of bonds issued upon the faith and credit of the State of Arizona for any purpose whatsoever, shall file with the Auditor a copy of all contracts let by them, as by law provided, and shall file quarterly with him a statement under oath, containing an itemized account of all moneys received by them and of all items of expense, and all amounts paid by said commissioners or other persons.

Sec. 19. The Auditor shall cause suitable blanks to be printed for the use of the several County Asessors in taking the statistics as required by law, and for use of the several County Treasurers in making their reports to the Auditor, and he shall draw his warrant in payment for printing said blanks on the State Treasurer, and the Treasurer shall pay

the same out of any money in the Treasury not otherwise appropriated.

Sec. 20. The State Auditor is hereby authorized and empowered to appoint one Deputy State Auditor at a salary of Twenty-four Hundred Dollars ($2400.00) per annum; one Warrant Registrar and one stenographer at a salary of Twelve Hundred Dollars ($1200.00) per annum each; and such additional help as may be necessary provided that the sum expended for such additional help shall not exceed Eighteen Hundred Dollars ($1800.00) per annum.

Sec. 21. All Acts or parts of Acts contrary to the provisions of this Act, and particularly Secs. 107 to 128, both inclusive, of Chapter VII, of Title I of the Revised Statutes of Arizona of 1901, and all amendments thereto, are hereby repealed.

Whereas, the enactment of House Bill 68 repeals the authority for the employment and compensation of necessary help for the office of the State Auditor, and

Whereas, House Bill 68 contains the emergency clause, and

Whereas, it is essential that the business of the State shall at all times have a proper and sufficient audit, and

Whereas, this Act therefore requires an early operation in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this law shall take effect and be in full force from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 20, 1912.

CHAPTER 81.

AN ACT

Ceding to the United States Exclusive Jurisdiction over Certain Lands Acquired for Public Purposes within this State, and Authorizing the Acquisition Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That the consent of the State of Arizona is hereby given, in accordance with the Seventeenth Clause, Eighth Section of the First Article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this state required for sites for custom houses, court houses, postoffices, arsenals, or other public buildings, or for any other purposes of the government.

Section 2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes, except that the right is reserved to the state to serve upon any such sites all civil and criminal processes of the courts of this state; but the jurisdiction so ceded shall continue only so long as the United States shall own such land.

Section 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state.

Section 4. Whereas, there are several bills pending before the Congress of the United States of America to provide for the purchase of land for the erection of federal buildings throughout the State of Arizona; and, whereas, the United States will not, under the law, purchase said lands until the

State of Arizona has ceded to the said United States exclusive jurisdiction over said lands; and, whereas, an early operation of this Act is necessary for the public peace and safety, an emergency is hereby declared, and this Act shall take effedt (effect) and be in force from and after its passage and its approval by the governor, and is hereby exempt from the provisions of the referendum clause of the State Constitution.

Section 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 82.

AN ACT

To Amend Paragraphs 4209 (Section 1.), 4210 (Section 2.), and 4211 (Section 3.) Title LXXIV, Revised Statutes of Arizona, 1901, and Acts Amendatory Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That paragraph 4209 (Section 1.), Title LXXIV, Revised Statutes of Arizona, 1901, and Acts amendatory thereof, be, and the same is hereby amended so that the said paragraph shall read as follows:

4209. (Section 1.) Each board of supervisors in this state shall pay as rewards for the destruction of wild animals in their counties, as follows: Lobos or timber wolves, mountain lions, pumas and panthers ten dollars ($10.00) each; and may pay for the destruction of the following wild animals in their counties, as follows: Coyotes, two dollars ($2.00) each; raccoons, twenty-five cents (0.25) each; lynx and wild cats, one dollar ($1.00) each; and jack rabbits, gophers and prairie dogs, five cents (0.05) each.

Section 2. That paragraph 4210 (Section 2.), Title LXXIV, Revised Statutes of Arizona, 1901, and Acts amendatory thereof, be, and the same is hereby amended so that the said paragraph shall read as follows:

4210. (Section 2). The person who shall kill any of the above named animals, in order to receive the reward mentioned in the preceding paragraph, shall produce the entire hide of such animals, except jack rabbits, the ears of which shall be sufficient before the board of supervisors in and for the county in which such animal was killed.

Section 3. That paragraph 4211 (Section 3.) Title LXXIV, Revised Statutes of Arizona, 1901, and all Acts amendatory thereof, be, and the same is hereby amended so that the said paragraph shall read as follows:

4211. (Section 3.) When the hide of any animal above mentioned is produced it shall be the duty of the board of supervisior to mark or mutilate said hide in such manner that the bounty cannot again be collected on the same; said marking or mutilating to be done in such a way as to injure as little as possible the commercial value of said hide, which hide will then become the property of the county in which the bounty is paid. It shall be the duty of the board of supervisors to diligently examine such person and such other witnesses as such board of supervisors may deem proper, on oath or affirmation, touching the time when, and the place where such animal was taken and killed, by the person producing the hide thereof within the limits of the county in which such board of supervisors shall have jurisdiction; and the affidavit of at least one person other than the claimant shall be filed in which the affiant shall state that he saw the carcass of the animal freshly killed, in the possession of the claimant and in the county; and the date that he saw it, with the description of the animal. Such affidavit may be made before any justice of the peace or notary public within the county where the animal was killed, and the justice of the peace or notary public shall also certify to the facts on the back of the affidavit of the claimant.

Section 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 20, 1912.

CHAPTER 83.

AN ACT

To Amend Paragraph 71, Title IV, Part 1, of the Penal Code, Revised Statutes of Arizona, 1901, Relating to Crime Against the Elective Franchise.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That Paragraph 71, Title IV, Part 1, of the Penal Code, Revised Statutes of Arizona, 1901, be, and the same is hereby amended to read as follows:

71. Every person who wilfully violates any of the provisions of the laws of this state relating to elections is, unless a different punishment is prescribed by this code, punishable by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

The provisions of this Title, defining crimes against the elective franchise, and prescribing penalties and punishment therefor, shall be made to apply to any general or special election, or to any election ordered by the Board of Supervisors for any purpose for which said Board of Supervisors are authorized by law to order an election.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 18, 1912.

CHAPTER 84.

AN ACT

Authorizing the Purchase of a Set of "The North American Indian" by Edward S. Curtis and Providing an Appropriation Therefor.

WHEREAS, there is being published a limited edition of the work by Edward S. Curtis consisting of twenty octavo volumes entitled "The North American Indian", said volumes being accompanied by twenty port folios illustrative of Indian subjects, and

WHEREAS, said work affords the most accurate and complete history published of the Arizona Indian tribes, and

WHEREAS, said work will be an invaluable addition to the historical data of Arizona,

NOW THEREFORE

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the State Historian be authorized and directed to purchase one set of "The North American Indian" said set when so purchased to be the property of the State.

Sec. 2. That the sum of Three Thousand Dollars ($3,000.00) be and the same is hereby appropriated out of the general fund of the State for the purchase of said work.

Sec. 3. That the State Auditor is hereby directed to draw his warrant or warrants upon the general fund of the State in favor of "The North American Indian (Inc.)" in purchase of said work in such sums and at such times as may be provided by the contract between said publisher and the State Historian, and the State Treasurer is hereby directed to pay said warrant or warrants; provided that the total warrants issued shall not exceed the sum of Three Thousand Dollars ($3,000.00).

Approved May 18, 1912.

CHAPTER 85.

AN ACT

Entitled, An Act to Establish a Military Code for the State of Arizona, and to Provide for the Organization, Regulation, Government, Maintenance, Discipline and Compensation of the Militia and of the National Guard of Arizona, and Repealing Sections 3124 to 3213 of the Revised Statutes of Arizona, 1901, as Amended.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The militia of the State of Arizona shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or may hereafter be created by laws of the United States or of this State.

Sec. 2. The following persons are exempt from military duty:

Ministers of religion,

Civil, military, and naval officers of the United States,

All persons who have served three years in the army, navy, or volunteer forces of the United States, and have been honorably discharged therefrom,

All idiots, lunatics, habitual drunkards, paupers, and persons convicted of infamous crimes.

Sec. 3. In case of war, invasion, or imminent danger thereof, the County Assessor of each county in the State, when ordered by the Governor, shall enroll every able-bodied male inhabitant of said county not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. On such enrollment and opposite the name of each person who is exempt from duty under Sec. 2, or who

is unable by reason of physical disability to perform military duty, the assessors shall write the word "exempt", and state the cause of exemption in each case.

The enrollment shall be made in triplicate and shall state the name, residence, age, occupation, and previous or existing military or naval service of each person enrolled.

When complete the rolls shall be verified under oath by the enrolling officer, who shall immediately thereupon file one copy with the Adjutant General of the State and another with the Clerk of the Superior Court, retaining the third copy for himself.

Sec. 4. Any person claiming exemption shall satisfy the Assessor of his right thereto and in case of doubt the burden of the proofs shall be upon the person claiming exemption, and the Assessor shall require him to submit to examination on oath and may administer such oath.

Sec. 5. Any person knowingly and wilfully refusing information or giving false information, to an Assessor or other authorized person making the enrollment, respecting the name, age, residence, occupation, military service, physical or mental condition, or other proper subject of inquiry, of himself or of any person within his knowledge liable to be enrolled, shall for each concealment, refusal, or giving of false information, be guilty of a misdemeanor. The Assessor, or other officer, making the enrollment shall within ten days after the date of delivering the military roll to the Clerk of the Superior Court report all persons violating this section to the Adjutant General.

Sec. 6. If any Assessor wilfully refuses or neglects to perform any duty required of him by this Act he shall be guilty of a misdemeanor and on conviction thereof he shall forfeit a sum not exceeding Five Hundred Dollars ($500.00) and if he is guilty of wilful deceit or falsehood in the discharge of his duty, he shall forfeit a sum not exceeding Two Thousand Dollars ($2,000.00). Any clerk who wilfully re-

fuses or neglects to perform the duty required of him by this Act shall be guilty of a misdemeanor and on conviction thereof shall forfeit not to exceed One Thousand Dollars ($1,000).

Sec. 7. The militia shall be divided into three classes, the National Guard of Arizona, the National Guard Reserve, and the Unorganized Militia.

Sec. 8. The organization, equipment, and discipline of the National Guard shall always conform as nearly as shall be practicable to the regulations for the government of the Armies of the United States.

Sec. 9. The articles of war, rules, and regulation of the Army of the United States, so far as the same may be applicable, and the rules and regulations prescribed by the General Staff, in compliance with the military law of the State and the provisions of this Act, constitute the rules and regulations of the Arizona National Guard, and shall have the same force and effect as the provisions of this military code.

Sec. 10. The systems of tactics and field exercises ordered to be observed by the Army of the United States in the different arms of the service or such other systems as may be prescribed by the War Department for the government of the organized militia, shall be observed by the Arizona National Guard, when called into the service of this State.

Sec. 11. The National Guard shall consist of the necessary staff departments, a medical corps, the commissioned officers heretofore or hereafter retired, the organizations forming the National Guard at this date, and such others as may be organized hereafter and such persons as are or may be enlisted and commissioned therein, not to exceed two thousand five hundred (2,500) men in time of peace, and the Governor shall have power in case of war, invasion, insurrection, or imminent danger thereof to increase the said force and organize the same as the exigencies of the occasion may require.

Sec. 12. The Governor is Commander-in-Chief of the military force of the State.

Sec. 13. The Adjutant General shall be an officer of the National Guard of Arizona of the active or retired list, who shall have served therein not less than six years on the active list and who shall not have been retired more than two years at the time of his appointment, or who shall have served for at least three years in the Regular or Volunteer Army of the United States, who shall not have been discharged from the service of the United States more than two years. No officer shall be appointed the Adjutant General who has been retired for physical disability or because of having reached the age limit either in the Army of the United States or the National Guard of Arizona.

Sec. 14. The Adjutant General of the State shall have the rank of Colonel and in case the organization of the National Guard is such that a Brigadier General in the line is authorized, shall have the rank of Brigadier General, and shall be senior in rank to all officers of the National Guard and shall be in time of peace and under the direction of the Governor, ex-officio, chief of staff, chief quartermaster, chief of ordnance, chief comissary, paymaster, and inspector general of the State. The detail or appointment of any active officer of the National Guard as Adjutant General shall not vacate such officer's commission in the National Guard unless said officer requests that his former commission be declared vacant.

He shall control the military department and may adopt such methods of administration not inconsistent with the laws, regulations, and customs of the service of the regular army so far as the same may be applicable, as he may deem necessary to render the department efficient. He shall appoint such clerical help as may be necessary and remove the same at his discretion.

He shall superintend the preparation of all returns, reports, plans, and estimates required of the State by the War

Department; and shall annually on or before the first day of December make a report to the Governor of the strength and condition of the active militia and of the business transactions of the department, including the detailed statement of expenditures for all military purposes.

He shall be responsible for the care, preservation, and repair of all military property belonging or issued to the State for the arming and equipping of the militia, and he shall dispose of all military property of the State found unserviceable after a proper inspection, account for the proceeds thereof, and deposit the same in the State treasury to the credit of the military fund.

He shall turn in, in such manner as the War Department may require, ordinance, accoutrements, and equipment, belonging to the United States, and receive in substitute therefor such prescribed regulation ordnance, accoutrements, and equipment, as may be necessary to conform to the standards required by the laws and regulations of the United States.

He shall, under the direction of the General Staff, prepare requisitions for, and make purchases and issues of, such military property and supplies as are necessary to equip the organizations of the active militia according to the standard that is now or hereafter may be prescribed by the laws and regulations of the United States; he shall approve the bills of all purchases by whomsoever made and all issues; but no such property shall be issued or otherwise disposed of, to persons or organizations other than those of the active militia, and persons of the reserve militia called into active service, unless otherwise provided in this Act.

He shall keep a just and true account of all expenses necessarily incurred, including pay, transportation and subsistence of officers and enlisted men of the militia, and of all military property; and shall render annually to the Governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition, and other military property on hand and issued.

Sec. 15. Whenever the Adjutant General is absent from the State or is unable from any cause to perform his duties, the Governor shall during his absence or disability detail an officer of the active militia present for duty, to perform the duties of the Adjutant General.

Sec. 16. The Adjutant General shall give a bond to the State, conditioned on the faithful performance of his duties as herein prescribed; and the costs and expenses incurred by entering into such bond shall be paid out of any moneys appropriated for the maintenance of the National Guard.

Sec. 17. Whenever the Adjutant General shall be required to furnish any bond to the United States government for the faithful performance of any duty imposed upon him in the disbursing of funds allotted to the State under Section 1661, as amended, of the Revised Statutes of the United States, the cost and expense incurred by entering into such bond shall be paid out of any moneys appropriated for the maintenance of the National Guard.

Sec. 18. (a) There shall be a General Staff, which shall be an advisory board to the Governor in all military interests of the State, to be appointed by the Governor, and which shall consist of the Adjutant General, and four officers of the Arizona National Guard above the grade of First Lieutenant to be selected for their special knowledge of their arm of the service, three of whom shall be detailed from the line. Two members of the said staff shall be detailed to serve for a period of one year, and two to serve for two years. Thereafter all such details shall be for a period of two years, unless re-appointed. All details made to fill vacancies caused by resignation or other cause shall be for the unexpired term only. All details made for General Staff duty shall not create any vacancy in the organization from which they are made. The senior officer present shall preside. They shall meet semi-annually in the office of the Adjutant General where all records shall be kept for the transaction of such military business as may require their attention.

(b) They are authorized to prepare and promulgate all necessary rules and regulations for the organization, government, armament, equipment, instruction, and compensation of the Arizona National Guard and employees required by this Act, and not herein provided for, to make such change in the military organization of the National Guard as may be necessary to conform said organization to the requirements of the War Department.

They shall have power to transfer, attach, consolidate, or disband any companies or other organizations of the National Guard mentioned or provided for in this Act for good and sufficient cause, or whenever the appropriation shall not be sufficient properly to maintain the present organization, or whenever, in their judgment, the efficiency of the State force will thereby be increased.

(c) They shall designate the amount of bonds required to be given with good and sufficient sureties, by all officers who have State or United States property or public money in their charge or possession, such bonds to be filed with the Adjutant General before commissions are issued.

They shall cause to be procured the uniforms, arms, equipments, and camp and garrison equipage necessary for the use of the National Guard or other State troops.

(d) Whenever the military fund shall be sufficient to warrant such expenditure, they may, with the approval and by direction of the Governor erect upon lands owned by the State armories, drill rooms, headquarter offices, or other buildings for military purposes.

(e) They shall have control of armories and shall prescribe the regulations governing the same. All State and United States property must, as far as possible, be kept in them, and the commanders of troops using the armories will be held responsible for the safe keeping and proper care of such property and its protection against damage, misappropriation, or loss. Armories, while occupied by troops, shall be considered military posts under the exclusive control and

jurisdiction of the officer commanding the post. The General Staff shall make provision for the insuring of all State and United States property.

(f) Three members shall constitute a quorum to do business and may adjourn to such time and place as are required by the interests of the State. The Secretary shall keep in a book prepared for the purpose, an accurate record of all proceedings of the General Staff, shall record all bids presented and allowed, a statement of all contracts for supplies entered into, and all rules and regulations adopted for the government of State troops, which books shall be open to the inspection of the Governor of the State or any committee of the Legislature.

Sec. 19. The General Staff, upon approval of the Governor, when sufficient funds are available, and in order to create greater interest in marksmanship throughout the State, is authorized, through the Adjutant General, to purchase such decorations, cups and trophies as may be deemed necessary.

Sec. 20. The Governor shall, upon recommendation of the General Staff, appoint or detail such officers from the members of the Arizona National Guard as may be necessary in the Adjutant General's, Quartermaster's, Commissary, Medical, and Ordnance Departments. Officers so appointed or detailed shall receive such compensation as the General Staff may prescribe.

Sec. 21. It shall be the duty of the Attorney-General of the State, when so required of him to furnish to the General Staff his opinion upon all legal questions pertaining to the military interests of the State, and he shall be the Judge-Advocate General with the rank of Colonel.

Sec. 22. Rules and regulations made by the General Staff in conformity with this Act, when approved by the Governor, shall be in force from the date of their approval by the Governor.

Sec. 23. Application for the formation of new organizations shall be made to the Governor, accompanied by a signed list of the membership of the proposed organization. The granting of such applications is optional with the Governor.

Sec. 24. The officers and non-commissioned officers of the line shall be the same as prescribed for like organizations of the Army of the United States with such differences as may be prescribed by Congress and the Secretary of War for the Organized Militia.

Sec. 25. Vacancies in the field grades of regiments shall be filled by promoting the senior officer of the regiment of the next lower grade; vacancies in the grade of captain and first lieutenant by promoting the senior officer of the company of the next lower grade, subject in each case to examination as prescribed in Sec. 37. Vacancies in the grade of second lieutenant shall be filled in the following manner: An election shall be ordered by the Adjutant General, and the successful candidate shall be ordered to appear before the examining board, and if found qualified, both physically and mentally, shall be commissioned. Should the candidate be found deficient, a new election shall be ordered and the same procedure gone through, provided that an election shall be ordered by the Adjutant General for first lieutenant in case the second lieutenant of a company fails to pass the examination for promotion.

When new organizations are mustered into the service of the State all officers required shall be elected, and commissioned subject to the requirements of this Act.

Sec. 26. All Staff Officers, unless herein provided for, shall be appointed by the officers upon whose staffs they serve, approved and commissioned by the Governor, provided that such Staff Officers shall be appointed from the officers of the regiment to which they are assigned.

Sec. 27. No person shall be elected, appointed, or commissioned, to any of the following grades, who is over the age

limit prescribed for each of the several grades, namely: colonel and lieutenant-colonel, sixty-one years; major, fifty-six years; captain, fifty years; first lieutenant, forty-five years; and second lieutenant, forty years. Any officer who shall, while serving in any of the above grades, reach the age limit prescribed for said grades, shall, in time of peace, if eligible, be retired; otherwise, honorably discharged.

Sec. 28. All officers of the National Guard shall be commissioned by the Governor, as soon as they have been properly appointed or elected and have passed the required examinations, and shall hold their commissions during good behavior at the will and pleasure of the Governor. The rank of all officers shall date from the date of election or appointment but whenever an officer shall be re-commissioned in the same grade or a lower grade within ninety days after the expiration of his previous commission, he shall take rank from the date of his former commission.

Sec. 29. Every commissioned officer of the National Guard shall provide himself with a suitable uniform, arms, and equipment, within sixty (60) days from the date of his commission, and failure so to equip himself with (will) be considered as a resignation of such officer, and his successor shall be immediately appointed or elected.

Sec. 30. The commanding officer of each infantry, cavalry, artillery, hospital corps, and signal corps, company shall, at such time as the Governor may direct, make a financial return to the Adjutant General, containing an itemized account and statement of all disbursements of allowances during the preceding year by his company, which account and statement shall be verified by the original vouchers for such disbursement and in addition shall make such reports, returns for property, and keep such records as are required of him by general orders.

Sec. 31. The Governor may discharge any officer when such officer tenders his resignation;

When he has been convicted of an infamous crime;

When he has been absent from his command more than thirty days without leave;

Upon address of both houses of the Legislature to the Governor;

Upon sentence of court-martial after trial according to law;

Upon recommendation of the Board of Examination;

Upon the disbanding of an organization;

And as otherwise provided in this Act.

Sec. 32. Resignations of officers shall be in writing, directed to the Adjutant General, and forwarded through military channels. All intermediate officers will endorse the resignation with their approval or disapproval. All officers shall hold office until their resignations shall have been accepted by the proper authorities or until they have been discharged, retired or dismissed in accordance with the provisions of this Act. The Governor shall have authority to vacate the commission of any officer for removal from his command.

Sec. 33. General, Field and Commissioned Staff Officers are hereby authorized and empowered to administer oaths in all matters appertaining to or concerning the National Guard service; and commissioned officers of companies are authorized and empowered to administer oaths and affirmations in the enlistment of recruits for their respective companies. Any person who shall falsely swear or affirm to any oath or affirmation so administered shall, upon conviction, be deemed guilty of perjury, and sentenced for such offense as is now prescribed by law.

Sec. 34. A commissioned officer, responsible for public moneys or public property, who may tender his resignation, and whose accounts are unsettled, may be relieved from active duty and be held as supernumerary, until said accounts are settled, but when relieved from active duty, the position in which he was commissioned shall be considered vacated.

An officer so held as supernumary (supernumerary) shall be amenable to court-martial for military offenses to the same extent as if on the active list.

Sec. 35. Commissioned officers, who shall have served as such for a period of ten years, or who may have served as an officer or soldier for a period of fifteen years, in the National Guard, may, upon their own application, be placed upon the retired list. Time served in the regular or volunteer Armies of the United States or in the Organized Militia of this or any other State shall be allowed in computing the above time and service in time of war shall be computed as of twice its actual length.

Sec. 36. The Governor shall have the power to relieve from active service and place upon the retired list with the next higher rank, any officer who shall have served continuously in any one grade for seven years.

Sec. 37. Before receiving a commission in the National Guard, either upon appointment or election, or before being commissioned to a higher grade by promotion, every officer must have passed a satisfactory physical examination before a surgeon detailed for that purpose and a satisfactory examination before a board of commissioned officers as to his knowledge of military affairs and general knowledge and fitness for the service, and any one failing to pass such examination shall not be eligible for election or appointment to any other office for a period of one year after the date of such failure, excepting that no officer above the rank of major shall be required to take any examination except the physical examination.

Sec. 38. The Adjutant General, by general order, shall provide for the examining boards, who shall conduct the examinations as prescribed by this Act, such boards shall be composed of not less than three or more than five officers, not more than one of whom shall be of less rank than the officers to be examined before it, and they shall have all the

power and authority conferred upon examining boards by the laws of the United States and rules of the War Department. They shall make their reports in such form as may be prescribed by the General Staff.

Sec. 39. Every officer shall take and subscribe to an oath of office in such form as may be prescribed by the General Staff, which shall contain an oath of allegiance to the United States and to the State, of a similar form to that in use in the Armies of the United States, which oath, after being certified by the officer administering the same, shall be filed in the office of the Adjutant General.

Sec. 40. Any enlisted man may apply through military channels for examination for eligibility for a commission and, if such application is approved, may take the examinations at any time that an examining board is convened. If at any time during a term of two years following such examination, an enlisted man, who has passed the examinations, shall be elected or appointed to a commission in the grade in which he has passed or in some lower grade, he may be commissioned without further examination.

Sec. 41. If an officer elected or appointed shall fail to appear before the examining board when summoned by it, without having tendered to the President of said board a just and satisfactory excuse for such absence, there shall be another election held or appointment made to fill the position to which he was appointed or elected. If an officer fails to pass the examinations, the filing of the certificate of the board with the Adjutant General showing that such officer failed to pass the examinations, shall at the end of ten days, create a vacancy in the office to which the said officer was elected or appointed. However, if said officer during the ten days following the filing of the certificate, shall make written application to the Adjutant General for a second examination, he may be accorded such second examination, and if he passes the same shall be commissioned accordingly.

Sec. 42. The Governor may at any time summon any officer of the Arizona National Guard before a board of examination for the purpose of inquiring into his qualifications for the office he holds. An officer reported by such board to be physically, mentally, or professionally disqualified for holding such office, shall be discharged. Any officer failing to appear before said Board, after proper notification, shall be deemed guilty of disobedience of orders, and may be dishonorably dismissed from the service by order of the Governor.

Sec. 43. Any able bodied male citizen resident within the State, of the age of eighteen and under the age of forty-five years, free from disease of any character and of temperate habits may enlist for the term of eight years in the National Guard. After three years' service with the line and at the end of any year's service thereafter, any enlisted man shall, upon application, be transferred to the National Guard Reserve, subject to call to attend maneuvers or State Encampments or for duty in case the organization from which he transferred shall be called into the service of the United States. Any soldier having served one enlistment of eight years and having been honorably discharged may re-enlist for another like term, and may so subsequently re-enlist until he has reached the maximum age limit. No minor shall be enlisted without the consent of his parent or guardian. No man who has been dishonorably discharged from any military organization of this or any other State or of the United States shall be eligible for enlistment or re-enlistment. Every person at the time of enlistment shall sign enlistment papers of such form as may be prescribed by the General Staff, which shall contain an oath of allegiance to the United States and the State of Arizona. Such papers shall be preserved and filed. No enlistment shall be made unless the person enlisting has passed the required physical examination, which examination shall be made by a medical officer,

or, if such officer is not available, by such surgeon or physician as may be designated for the purpose. The certificate of examination shall form a part of the enlistment paper.

Sec. 44. An honorable discharge shall be issued to every man who has faithfully performed his duties during his term of service and has been lawfully relieved from all responsibility for public property issued him and from all military accountability to his organization. Unless unavoidable circumstances intervene, such discharge shall be immediately furnished each enlisted man on the expiration of his term of service, which shall be computed from the date of taking the oath of enlistment. Any enlisted man may be honorably discharged before the expiration of the term of his enlistment for the following reasons:

To accept promotion by commission.

Upon removal from the State.

Upon disability established by the certificate of a medical officer, when such disability is not due to the soldier's own misconduct.

When he is elected to a commission and fails to pass the required examination.

An enlisted man shall be dishonorably discharged for the following reasons:

When so ordered by a general court-martial.

When convicted of a felony in a civil court.

When failing to pay a fine imposed by a military court within thirty days after said fine was imposed.

An enlisted man may be discharged without honor for the following reasons:

For fraudulent enlistment.

When disqualified for service physically or in character through his misconduct.

When imprisoned under sentence of a civil court.

When his service has not been such as to warrant his re-enlistment.

All discharges will be issued by the company commanders or officers on whose staff the enlisted men are serving, but no discharge can be issued without the approval of the Adjutant General.

Any enlisted man or officer may be transferred to the Reserve Battalion when he moves out of the bounds of his command so that, in the opinion of his commanding officer, he cannot properly perform his military duties in the National Guard; when he becomes supernumerary by reason of reduction of the number of men in his organization or when his organization is disbanded.

Sec. 45. When a company commander decides that a soldier's service has not been such as to warrant his re-enlistment he shall notify the Adjutant General thirty (30) days before the expiration of the soldier's term of enlistment, of his intention to give a discharge without honor. The Adjutant General will immediately appoint a board of two officers who shall summon before them the company commander, and the said enlisted man and such witnesses as either of them may wish to summon to determine the merits of the case. They shall report their findings to the Adjutant General, who shall approve the discharge in accordance with the findings of the board. In all cases where a reasonable question of doubt arises in making a decision, the board shall give the enlisted man the benefit of the doubt.

Sec. 46. Non-commissioned officers will be appointed by their immediate commanding officer, subject to the approval of the officer who is authorized to issue them warrants.

Warrants will be issued to non-commissioned officers by the following officers;

To the Infantry, by the commanding officer of the regiment.

To the Cavalry, by the commanding officer of the cavalry.

To the Signal Corps, by the chief signal officer.

To the Hospital Corps, by the Chief Medical Officer.

To the Artillery, by the commanding officer of the artillery.

To the Reserve Battalion, by the Adjutant General.

Sec. 47. Enlistments in the Hospital Corps and the appointment of non-commissioned officers therein, shall be as prescribed in regulations by the General Staff.

Sec. 48. When a soldier re-enlists within sixty days from the expiration of his last preceding enlistment, his services shall be considered as continuous and the re-enlistment shall be dated as of the day following such expiration; and when the term of service of any enlisted man expires during a period of furlough or while he is serving in the military or naval forces of the United States, should he re-enlist in the active militia within sixty days of his muster out of the service of the United States, his service shall be considered as continuous, and shall in like manner commence on the day following such expiration.

Sec. 49. The National Guard Reserve shall be organized into a battalion of four companies which shall be known as the Reserve Battalion. The officers of the Reserve Battalion shall be as follows:

One Major,

One Adjutant, with the rank of captain

One Quartermaster, with the rank of first lieutenant.

One Commissary, with the rank of second lieutenant.

Of each Company:

One Captain,

One First Lieutenant,

And two Second Lieutenants.

Such medical officers as are necessary may be assigned for duty by the chief surgeon.

Sec. 50. All the officers of the Reserve Battalion shall be appointed and commissioned by the Governor of Arizona after they have passed the examination prescribed for officers of like rank in the National Guard, but no person is eligible

for appointment unless he has served three years as a commissioned officer in the Army of the United States, the National Guard of Arizona, or as an officer of the Normal School Cadet Company, or of the University Cadet Battalion. All officers commissioned in the Reserve Battalion shall be for six years and at the expiration of their commissions they may be re-commissioned by the Governor or placed on the retired list of the National Guard of Arizona.

Sec. 51. The term of enlistment in the Reserve Battalion shall be for five years unless sooner discharged by proper authority. Every recruit shall sign an enlistment paper in triplicate, of such form as may be prescribed by the Adjutant General, which shall contain an oath of allegiance to the United States and the State of Arizona and in which he shall agree in case the Reserve Battalion, or any part of it is called into the service of the United States because of war, rebellion, or threatened invasion, to serve for three years from the time he is mustered into the Army of the United States.

Sec. 52. No person shall be accepted for enlistment in the Reserve Battalion until he has passed the medical examination required for enlistment in the National Guard of Arizona, and in time of peace no person shall be enlisted who has not served an enlistment of three years in the Army of the United States, the National Guard of Arizona, the National Guard of any other State or Territory, the Normal Cadet Company, or the University Battalion, excepting in computing time part of the three years may have been served in one or more of the organizations authorized.

Sec. 53. Members of the Reserve Battalion may be called into the service of the State of Arizona to attend maneuvers or in case of invasion or threatened invasion. But in case the National Guard, or any portion of the National Guard is called into the service of the United States as many enlisted men as wish may at once transfer to the organization

so ordered into the service, preference being given to the men whose previous service has been in the same arm of the service as that ordered out, until the organization shall have the maximum number of men allowed by law. The Governor shall at once issue orders for the recruiting of the Reserve Battalion until each company shall have not less than one hundred and fifty men. In case there are not enough voluntary enlistments the Governor shall call the unorganized militia into the service until enough men are secured to complete the organization.

Sec. 54. As vacancies may occur in any organization in the service of the United States from death, desertion, or any other cause men shall be at once transferred from the Reserve Battalion to the organization in the field so that the latter shall at all times have the number of men required by law.

Sec. 55. In case there are not enough officers available in time of war or the required number in the Reserve Battalion, the Governor shall at once assign officers from the retired list of the Arizona National Guard.

Sec. 56. In time of war, when by reason of failure of volunteer enlistments, the Reserve Battalion does not have the number of men required by law, the necessary number of men shall be secured in a similar manner as that provided or as may be provided by the laws of the United States.

Sec. 57. For the purpose of securing competent medical practitioners to conduct the examination of recruits, the medical reserve corps is hereby created. The Governor is authorized to issue commissions as first lieutenant in the medical reserve corps to such surgeons as shall be favorably recommended by the senior officer of the medical corps and the compensation for examination shall be fixed by the General Staff.

Sec. 58. The Adjutant General shall receive the same pay and allowances as a captain in the United States Army,

and shall devote his entire time to the business of the National Guard.

Sec. 59. While under orders on duty, the members of the Arizona National Guard shall receive the following compensation in addition to such allowances as may be made by the United States:

Commissioned Officers shall receive the same pay as prescribed for their respective grades in the United States Army.

Following are the rates of pay per diem for enlisted men:

Regimental Non-Commissioned Staff, First Sergeants, and Cooks, Two Dollars and fifty cents ($2.50).

Battalion Non-Commissioned Staff, Sergeant, and members of the band, Two Dollars ($2.00).

Corporals, One Dollar and seventy-five cents ($1.75).

Privates and Musicians, One Dollar and Fifty cents ($1.50).

Provided that after 30 days' continuous service, the rates of pay shall be the same as for like grades in the United States Army.

After three years of continuous service in the National Guard of Arizona each enlisted man, when on duty, shall receive twenty-five cents per day additional.

After five years' continuous service in the National Guard, each officer, when on duty, shall receive ten per cent additional to the regular pay of his rank.

Sec. 60. Each company organized under this Act, that complies with the regulations prescribed for drills, target practice and general efficiency, shall receive the sum of sixty dollars ($60.00) per month for necessary expenses and in addition thereto each cavalry troop shall receive one dollar ($1.00) per man per month for each man that attends two mounted drills during the month,

Sec. 61. All officers of the National Guard shall receive annually from the State the sum of forty dollars ($40.00) to

assist in uniforming and equipping such officers. Provided that no officer shall receive more money toward such equipment than he has expended for equipment and uniforms during the preceding year, but when an officer expends a greater amount than the annual allowance during one year such excess may be included in the voucher for the succeeding year. Requisitions for the payment of the money authorized by this section will be made through the Adjutant General and such requisitions must be accompanied by the receipted bills for such expenditures as vouchers, and no officer shall receive any allowance for a part of a year, but shall receive such allowance for each full year's service.

Sec. 62. The Auditor of the State of Arizona shall draw his warrant on the Treasurer, to the order of the proper officer, for all payments and expenditures authorized by this Act, requisition being made on the Auditor for the sums required, which requisitions shall be approved by the Adjutant General and the Governor.

Sec. 63. When traveling on orders of the Governor, the officer of the United States Army detailed as Inspector-Instructor, shall receive the same allowance for expenses that is authorized for officers of the National Guard for similar duty.

Sec. 64. When an armed force is called out in aid of the civil authorities, the latter will designate in writing and in general terms the particular object to be accomplished. The mode and means of execution shall be left to the discretion of the commanding officer of the troops present.

Sec. 65. The commanding officer of any troops under arms, while in actual service may cause them to perform any military duties he shall require, and also to put under arrest any officer, non-commissioned officer, musician or private who shall disobey the orders of his superior officers, also any person or persons who shall trespass on parade or camp ground or in any way or manner interrupt or molest the or-

derly discharge of duty of those under arms, and also may prohibit and prevent the sale of spiritous liquors (except by licensed houses) within one mile of such parade grounds or encampment and also in his discretion all hucksters and gambling within such parade or camp ground may be abated as a nuisance.

Sec. 66. Whenever any portion of the National Guard shall have been called into active service to suppress an insurrection or rebellion, to disperse a mob, or to enforce the execution of the laws of the United States or this State, the commanding officer shall use his own discretion with respect to the propriety of attacking or firing upon any mob or unlawful assembly; and his honest and reasonable judgment in the exercise of his duty shall be full protection, civilly and criminally, for any act or acts done while on duty. No officer who has been called out to sustain the civil authorities shall, under any pretence, or in complying with any order, fire blank cartridges upon any mob or unlawful assemblage, under penalty of being cashiered by sentence of court-martial.

Sec. 67. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this Act, or against any person acting under the authority or order of such officer, or by virtue of any warrant issued by him, pursuant to law, the defendant may require the person prosecuting or instituting the suit or proceeding, to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give special matter in evidence. In case the plaintiff shall be nonsuited, or have a verdict or judgment rendered against him, the defendant shall recover treble costs.

Sec. 68. That when it becomes necessary to order the National Guard of Arizona, or any portion thereof, on duty, the necessary funds for pay, transportation of troops, ma-

terial and subsistence, shall be paid out of any funds in the State Treasury, not otherwise appropriated. Provided, however, that the State Auditor shall draw no warrant therefor unless the requisition shall be accompanied by vouchers, approved by the Adjutant General.

Sec. 69. Whenever the National Guard shall prove inadequate to enable the executive department of the State to execute the laws, suppress insurrections, or repel invasion, the Governor shall, by proclamation, require the enrollment of all persons, subject to military duty, or any portion thereof, other than members of the National Guard of Arizona, and shall issue all orders needful and necessary in the premises, and provide penalties for any violation thereof.

Sec. 70. Any person, who, having been enrolled or ordered out, or summoned to aid the conservator of the peace, fails to obey such order, or summons, shall be taken to be a soldier absent without leave, and for each day of such absence, shall forfeit and pay into the county school fund of the county wherein he resides the sum of five ($5.00) dollars.

Sec. 71. When a call is made by the President of the United States upon the Governor of Arizona for troops for the United States service, no volunteers or other organizations shall be mustered into the service until all troops of the National Guard of Arizona have been called into the service of the United States.

Sec. 72. When the militia of the State of Arizona is called forth by the President of the United States as provided in section 5298, Revised Statutes of the United States or the Act of Congress of May 27th, 1908, as amended or as may hereafter be provided, and the Governor of Arizona does not within five days call forth such troops as are required by the President of the United States, the President of the United States or any officer designated by him, shall have the power to call forth such troops as are required.

Sec. 73. The military courts of this State shall be:

1. Courts of inquiry
2. General courts-martial.
3. Delinquency courts, which are of two kinds: (1) for officers; (2) for enlisted men.

Sec. 74. Courts of inquiry, to consist of from one to three officers of at least equal grade with the officer, or with the senior officer, if there be more than one, in regard to whom the court is ordered, may be ordered by the Governor, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier. The court shall, without delay, report to the officer ordering it, the evidence adduced, a statement of the facts, and when required, an opinion thereon. Any officer may request a court of inquiry.

Sec. 75. General courts-martial may be ordered by the Governor, and shall consist of five officers, any three of whom shall constitute a quorum.

Sec. 76. When any officer or enlisted man is put in arrest for the purpose of trial, a copy of the charge and specifications upon which he is to be tried shall be delivered to him or left at his last known place of abode or business within twenty days after his arrest, and a court shall be ordered for his trial within thirty days after the notice of arrest is received by the officer authorized to order the court. If a copy of the charges and specifications be not served, or a court ordered within the time herein limited, the arrest shall cease, but such charges and specifications may be served, a court ordered, and the officer or enlisted men be brought to trial within twelve months after such release from arrest. The appearance of the accused, without objection and pleading to the charges, shall be deemed a waiver of any defect or irregularity of such service or any of the papers mentioned in this section.

Sec. 77. Commissioned officers may be tried by general

court-martial for the following offenses:

1. Drunkenness on duty.

2. Neglect of duty.

3. Disobedience of orders, or any act contrary to the provisions of this Act, or to the provisions of the rules and regulations for the government of the National Guard.

4. Refusing to grant a discharge to an enlisted man when entitled to the same.

5. Oppression or injury of any under his command.

6. Conspiracy or attempt to break, resist, or evade the laws or lawful orders given to a person, or advising any person so to do.

7. Insult or disrespect to a superior officer in the line of military duty.

8. Presuming to exercise his command while under arrest or suspension.

9. Neglect or refusal, when commanding officer, to order out the troops under his command, when required by law or lawfully ordered by his superior officer.

10. Receiving any fee or gratuity for any certificate.

11. Neglect when detailed to drill or instruct a command, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer would be liable.

12. Refusal or neglect to obey an order to call out the National Guard or militia, or an order issued in obedience thereto, or for advising any officer or soldier to do the like.

13. Making a false certificate, account, muster, or return.

14. Conduct unbecoming an officer and a gentleman, or for conduct to the prejudice of good order and military discipline.

15. Any act contrary to the military code, articles of war, or laws for the government of the United States Army, or to the provisions of the rules and regulations for the government of the National Guard.

On conviction of any of the above offenses, an officer

may be sentenced to be dismissed from the service, and he shall thereby become incapacitated for holding any military commission, fined to an amount not exceeding One Hundred dollars ($100.00), or reprimanded, or to all or either of such fines and penalties.

Sec. 78. Enlisted men may be tried by a general court-martial for the following offenses:

1. Disobedience of orders.
2. Disrespect to superiors.
3. Mutiny.
4. Desertion.
5. Drunkenness on duty.
6. Conduct prejudicial to good order and military discipline.
7. Any act contrary to the military code, or to the provisions or the rules or regulations for the government of the National Guard.

On conviction an enlisted man may be sentenced to be discharged with loss of time served, reprimanded, and, if a non-commissioned officer, reduced to the ranks, or fined to an amount not exceeding Fifty Dollars ($50.00), or to all or either of such fines and penalties.

Sec. 79. Any non-commissioned officer, musician, or private, who shall neglect or refuse to obey orders of his commanding officer, in case of invasion, insurrection, riot, tumult, breach of the peace or resistance to process hereinbefore mentioned, shall be liable to a fine of not less than Twenty Dollars ($20.00) nor more than One Hundred Dollars ($100.00), and imprisonment in the county jail for a period not exceeding three months.

Sec. 80. Delinquency courts for the trial of officers shall have jurisdiction over commissioned officers for non-attendance without excuse at any drill, parade, camp or field duty, meetings for instruction, or other duty ordered by competent authority, or failure to render in proper time returns and

accounts required by this Act, or the rules or regulations of the Arizona National Guard and may inflict one or more of the following punishments, namely: Reprimand, forfeiture, in whole or in part of pay and allowances or fine of not more than Ten Dollars ($10.00) nor less than Five Dollars ($5.00) for each offense mentioned in this section.

The Governor shall order or cause to be ordered such courts, which shall consist of three officers of at least equal grade with the accused if possible.

Sec. 81. A delinquency court for the trial of enlisted men shall consist of one commissioned officer, and shall have jurisdiction over the following offenses:

1. Absence without proper excuse from, or tardiness without like excuse in attending any drills, parades, encampments, meeting for instruction, or other duty ordered by competent authority.

2. Disobedience of standing orders.

3. Neglecting to take proper care of arms, equipments, uniforms, or military property, or wilfully injuring or destroying any arm, equipments, uniforms, or military property whatever.

Sec. 82. The sentence of a delinquency court for trial of enlisted men may inflict one or more of the following punishments, namely: Reduction to the ranks of non-commissioned officers, reprimands, forfeiture in whole or part of pay and allowances and fines as follows: (1) For absence without proper excuse from, or tardiness without like excuse, in attending any drill, parade, camp, field duty, meeting for instruction, or other duty ordered by competent authority, a fine not less than One Dollar ($1.00) nor more than Five Dollars ($5.00) for each day or part thereof of such absence; (2) for any other offense, a fine not exceeding Ten Dollars ($10.00) and in addition a sum equal to the value of any property lost or destroyed assessed by the court.

Sec. 83. During camp or field duty a delinquency court

for the trial of enlisted men may sentence the delinquent to a confinement under guard with or without hard labor.

Sec. 84. The commanding officer of each regiment, battalion, or squadron, not a part of a regiment, may appoint not to exceed two delinquency courts, each to consist of one officer of his command, for the trial of enlisted men of his command.

Sec. 85. The Governor may appoint a delinquency court, or delinquency courts, for the trial of enlisted men of any organizations not herein provided for. A delinquency court so appointed shall be permanent and continuous.

Sec. 86. The officer authorized to appoint such delinquency court may, at his pleasure, detail or relieve therefrom any officer holding the same. Proceedings pending before the court shall not abate or be suspended by reason of such relief or new detail, and an officer so detailed shall have full power and authority to do and perform all acts necessary to complete any proceedings pending before the court to which he was appointed, and to carry into effect any judgment, mandate, order, or process made or issued by such court previous to his detail. The court may be held at such times and in such places as the officer holding it may direct.

Sec. 87. The officers constituting courts may appoint, and at any time remove the clerks thereof. Clerks so appointed shall receive such mileage and compensation as may be fixed by the General Staff.

Sec. 88. Every officer absent from any drill, parade, camp, field duty, or meeting for instruction, or other duty ordered by competent authority, shall within three days after such absence, render in writing to his commanding officer, a reason for such absence, which shall immediately be forwarded by such officer, approved or disapproved, to next superior headquarters.

Sec. 89. No officer or man shall be excused for such absence unless prevented from attendance by his own sickness

or sickness on the part of some member of his family requiring his presence at home, or necessary business by which he earns his livelihood, and which cannot reasonably be done at any other time.

Sec. 90. Before entering upon his duties each member of a delinquency court shall take the following oath of office: "You, A. B. ....., do solemnly swear that you will well and truly try and determine, according to evidence, all matters between the State of Arizona and any person or persons who shall come before this court." This oath need not be taken in the presence of delinquents and may be taken before any officer authorized by law to take acknowledgments of deeds, or before any commissioned officer of the Arizona National Guard, all of whom shall administer the oath without fee. When the court is composed of two or more officers the junior member shall administer the oath to the senior member, who in turn shall administer it to the other members. The courts shall keep records showing the cases tried and the fines and the sentences therein, but the evidence taken need not be recorded. No challenges shall be allowed in such courts, nor shall formal charges or specifications be required.

Sec. 91. The President of a delinquency court shall designate and direct a fit person or persons to summon all delinquents to appear before the court. Service of the summons shall be made by delivering to and leaving with each delinquent a copy thereof, or by leaving a copy at his last known place of abode or business, or in towns or cities in which there is a postal delivery, by mailing him a copy directed to his last known place of abode or business.

Sec. 92. A person sentenced by a delinquency court shall be notified of the sentence either by the statement of the same to him by the President of the court or by service on him of a written or printed notice of such sentence. A person sentenced by a delinquency court may appeal to the officer who ordered the court, or his successor in command, by serving a

written notice of appeal on the President of the court within five days after notification of the sentence. The record in the case appealed shall be forthwith transmitted by the court to the reviewing officer, who shall hear and determine the appeal within ten days after receiving such record. The reviewing officer may remit or mitigate the fine or penalty reviewed, and in hearing the appeal he shall possess the same power to take evidence, administer oaths and compel witnesses to attend and testify and to punish their failure so to do as the court whose sentence is appealed from possesses. No sentence of a delinquency court shall be enforced until the proceedings and sentence of the court have been approved by the officer authorized to review the same, and until the time allowed for appeals has expired.

Sec. 93. Fines may be paid to the President of a court, or a marshal thereof, and in a delinquency court the President shall record the fact in the records of the court.

Sec. 94. All fines and penalties imposed by a military court upon any of the officers or enlisted men of a regiment, battalion, squadron, troop, battery, company, or corps shall be turned over by the President of the court within thirty days from the collection thereof to the Adjutant General, who shall deposit the money so collected in the contingent fund and shall apply the same to the use of the National Guard.

Sec. 95. Enlisted men fined by a military court who shall neglect or refuse to pay such fine within thirty days after the same is imposed, may be dishonorably discharged from the service by the officer ordering the court without allowance of the time served, and shall thereby be disqualified from serving in the National Guard.

Sec. 96. The President of every military court shall be the member of the court highest in grade and rank. Whenever a military court consists of one person he shall be deemed the President thereof within the meaning of this Act. In

the absence of the President of a military court the senior officer present shall preside with all the powers of President. All the members of such court shall, when on duty, be in uniform. The court may sit without regard to hours, and may adjourn from time to time, as may be necessary for the transaction of business. Any vacancy in a military court may be filled by the officer who ordered the court, or his successor in command.

Sec. 97. For the purpose of collecting any unpaid fines or penalties imposed by any military court and approved by the reviewing officer thereof, the President of the court shall issue a warrant of commitment within ten days after the expiration of the time to appeal from such fines or penalties, unless appeal has been taken, in which event he shall issue the same within ten days, after the appeal has been disposed of and notification has been given by the reviewing officer. Such warrant shall be directed to the Marshal of such court in the name of the State of Arizona, commanding him to take the body of the delinquent and convey him to the common jail of the city or county in which he may be found, whose jailor shall closely confine him, without bail, for one day for any fine or penalty not exceeding two dollars and for one additional day for every two dollars or fraction thereof above that sum, unless the fine or penalty, together with the costs and jailor's fees be sooner paid. No such imprisonment shall extend beyond the period of twenty days and the prisoner may be liberated at any time by order of the officer who ordered the court that imposed the fines or penalties. All such warrants shall be returnable to the President of such court within thirty days from the receipt thereof by the Marshal.

Sec. 98. The President of a court martial or delinquency court may in his discretion appoint by warrant under his official signature, and at any time remove, one or more Marshals. Each Marshal shall perform the usual duties of such Marshal, and shall execute any process, mandate or order

issued by such President or court, and perform all acts and duties by this Act imposed on or authorized to be performed by any sheriff, marshal or constable, and shall receive such compensation for such service as the General Staff may provide.

Sec. 99. Each military court shall have the same power to compel by subpoena, by subpoena duces tecum, and by attachment the attendance of witnesses, both civil and military, and production of books, papers and documents, and to punish for contempt a witness duly subpoenaed for non-attendance or refusal to be sworn or testify, or to produce books, papers and documents as is possessed by the superior courts of this State. Military courts shall also have power to take by commission the testimony of witnesses who cannot reasonably be produced at the trial to the same extent as the superior courts aforesaid.

Sec. 100. Commissions and subpoenaes may be issued and witnesses summoned by the President or Judge-Advocate, if there be one, of the court, both before and after being sworn, for witnesses whose attendance or testimony before such court may be necessary in behalf of the people of this State, and on application in behalf of any person to be tried by such court; and the President or Judge-Advocate may direct the commanding officer of any organization to cause such subpeona (subpoena) to be served on any of his command.

Sec. 101. A witness not appearing in obedience to a subpeona (subpoena) when served personally with a copy of the same, and not having sufficient excuse, shall forfeit to the people of the State the sum of Twenty-five Dollars ($25.00). The President of each court shall from time to time report to the Judge-Advocate General the names of all such delinquent witnesses, together with the names and places of residence of the person serving such subpoena, and a Judge-Advocate may sue for and recover such penalties in the name of the State of Arizona. Moneys recovered shall be paid to the

Adjutant-General, who shall apply the same to the use of the National Guard.

Sec. 102. If the accused be not present at the convening of the court, or at the time or place appointed for his trial, the President of the court may issue an order to compel his attendance, to be served in the same manner by the same officers as bench warrants in civil cases in courts of record, or by the Marshal of the court, if appointed; or the court may enter a plea of not guilty for the accused and proceed with the trial in his absence, provided satisfactory evidence is submitted to the court, to be noted in or attached to its proceedings, that the accused has been duly notified of the time when, and the place where, his trial would be proceeded with.

Sec. 103. The form and manner in which the proceedings of military courts shall be conducted and recorded and the forms of oaths and affirmations taken in the administration of military law by such courts, shall in all respects, except as otherwise specially provided herein, or in the regulations made hereunder, conform to the law and procedure of the courts-martial of the United States. After the challenges, if any, have been made and determined, the President of the Court, or the Judge-Advocate, shall administer the oath to the members of the court, and the oath shall be administered to him in turn by one of the sworn members. In general courts-martial the oath shall be administered in the presence of the accused, unless after notice he fails to appear, and each member shall take an oath to the effect that he will faithfully try and determine, according to evidence, the matter before him, between the State of Arizona and the prisoner to be tried, and that he will duly administer justice according to the established rules of law for the government of the military forces of the State, and the Judge-Advocate shall take an oath to the effect that he will faithfully discharge the duties of Judge-Advocate of such court according to the established rules of law for the government of the military

forces of the State. Except as otherwise specifically provided in this Act, the President and Judge-Advocate, if there be one, of every military court and board, are authorized to administer all oaths taken by such court or board, or by any person in the course of its proceedings.

Sec. 104. Military courts are empowered to issue all processes and mandates, including writs and warrants necessary and proper to carry into full effect the powers vested in said courts. Such processes and mandates may be directed to the Marshals of the Court, the sheriff of any county, and the constables and marshals of any town or city, and shall be in such form as may from time to time, be prescribed by the General Staff in the rules and regulations issued by them under this Act. It shall be the duty of all officers to whom such process or mandate may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same. The keepers and wardens of all city or county jails shall receive the bodies of persons committed by the process or mandate of a military court and confine them in the manner prescribed by and according to law. Except as otherwise specifically provided in this Act, no fees or charges of any nature shall be demanded or required to be paid into the State, or any military court, or member thereof, or person executing its mandate or process, by any public officer for receiving, executing or returning any such process, or mandate, or for any service in connection therewith, or for receiving or confining a person in jail or custody thereunder.

Sec. 105. Any person who shall be guilty of disorderly contempuous or insolent behavior in, or use any insulting, or contemptuous or insolent behavior in, or use any insulting, or contemptuous or indecorous language, or expression to or before any military court, or member of such court, in open court, tending to interrupt its proceedings or to impair the respect due to its authority, or who shall commit any breach of the peace, or make any noise or other disturbance, directly

tending to interrupt its proceedings, may be committed, by warrant under the hand of the President of the court, to the jail of the city or county in which said court shall sit, there to remain without bail in close confinement for a time to be limited, not exceeding ten days.

Sec. 106. In courts of inquiry, and general courts-martial a Judge-Advocate shall attend. In all the courts provided by this Act the accused shall have the right to assistance of counsel. Any commissioned officer may be detailed as Judge-Advocate of a military court.

Sec. 107. The members and Judge-Advocate of military courts, except delinquency courts, shall keep secret the proceedings and sentences of the court until the same shall have been approved or disapproved by the proper officer, and shall always keep secret the vote and opinion of each member of the court unless required to give evidence thereof by a court of justice.

Sec. 108. The record of the proceedings and sentence of every court-martial shall, without delay, be delivered to the officer ordering the court, or his successor in command, who shall approve or disapprove thereof. The sentence of the court shall be published in orders as approved or modified.

Sec. 109. Every officer authorized to approve or disapprove the proceedings and sentence of a court-martial is authorized to reconvene the court and send back its findings and sentence, or either of them, for revision, and to remit, commit, or mitigate any punishment awarded by the court.

Sec. 110. No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer, or person acting under its authority, or reviewing its proceedings on account of the approval, or imposition, or execution of any sentence, or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, process or mandate of a military court,

Sec. 111. The jurisdiction of the courts and boards established by this Act shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceedings.

Sec. 112. General court-martial, courts of inquiry, and delinquency courts for officers may be wholly or partly composed of officers junior in rank to the officer to be tried or investigated where, in the judgment of the officer appointing the court, the interests of the service so require.

Sec. 113. The jurisdiction and procedure of all courts-martial in the Arizona National Guard, when any part thereof shall be on duty under or pursuant to the order of the Governor; or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to process of this State, or imminent danger thereof, or for any other cause, shall be extended to the trial of all offenses, and the articles of war governing the Army of the United States and the regulations prescribed for the Army of the United States, so far as such regulations are not inconsistent with the military code and laws of this State and regulations issued thereunder, shall be in force and regarded as a part of the military code and laws of this State, until said forces shall be fully relieved from such duty.

As to offenses committed when such articles of war are so in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles or war or the regulations or laws governing the United States Army, or the customs and usages thereof, but no punishment under such rules and articles which shall extend to the infliction of a death penalty shall, in any case, be inflicted, except in time of actual war, invasion or insurrec-

tion, declared by proclamation of the Governor to exist, and then only after the approval by the Governor of the sentence inflicting such punishment.

Sec. 114. When fines assessed by courts-martial are not paid within ten days after the sentence is approved by the reviewing officer and returned to the President of the court, a list thereof and of the delinquents, shall be placed in the hands of a justice of the peace within the district in which the delinquents reside, who shall thereupon render judgment against such delinquents, severally, together with costs of suit, without issuing summons, and shall issue execution thereon without stay, directed to any sheriff or constable of the proper district, who shall collect the same as by execution at law without exemption. If any justice of the peace fail to carry out the provisions of this section, he shall be liable to a fine of three hundred dollars, to be enforced by the Superior Court.

Sec. 115. Oaths or affirmations required in any matter connected with the military service shall be administered by any duly commissioned officer or other officer authorized to administer oaths under the laws of this State, and no charges shall be made for the same.

Sec. 116. The military organization of the University of Arizona, of the State Normal Schools and of such other educational institutions within the State of Arizona as may be supported by National or State funds, are hereby made a part of the military organization of this State. When such military organization consists of a single company, it shall be known and designated by prefixing to the words "Cadet Company" the distinctive name of the institution. When such organization consists of more than one company, it shall be known and designated by prefixing to the words "Cadet Battalion" the distinctive name of the institution.

Sec. 117. The governing board of each such educational institution shall have the full power to prescribe the uniform

and regulations for the organization and government of said companies or battalions in all matters; provided, that military drill and instruction shall conform as closely as practicable to the regulations and customs of the National Guard of Arizona.

Sec. 118. The member of the faculty of each such institution assigned to duty as Commandant of Cadets shall have command of said company or battalion. If he be in command of a company he shall have the rank of Captain. If he be in command of a battalion he shall have the rank of Major. The Governor shall issue commissions to the Commandant of Cadets with rank as herebefore provided, and to such officers as are selected by virtue of the regulations prescribed by the governing board of each such institution. Upon graduating from the institution, or being honorably dismissed therefrom, such officers may resign their commissions or hold the same as retired officers of the Cadets, liable to be called into service by the Governor in case of war, invasion, insurrection or rebellion.

Sec. 119. Said companies or battalions shall be supplied with copies of all orders and publications issued from the headquarters of the National Guard. They shall be subject to the same inspections as the other companies or Battalions, and shall render to the Adjutant General such reports and returns as he may require.

Sec. 120. The Governor shall each year cause to be delivered to said companies or battalions such a quantity of ammunition and accessories as shall enable the regular amount of target practice to be performed and reported; and he shall cause the decorations for proficiency to be awarded; provided that the State shall be under no obligations to furnish said companies or battalions with clothing or other equipment except such as may be necessary for target practice, nor shall said companies or battalions be entitled to receive the customary monthly allowance of money for expense of maintenance.

Sec. 121. Members of said companies or battalions, together with all officers connected therewith, shall not be liable to be called into active service, but in the event of their services being volunteered, with the consent of the presiding officer of the institution, and accepted by the Governor, they shall be, during the period of such service, upon the same footing as other organizations in like service.

Sec. 122. There must be an annual inspection of property and a muster of all the troops of the National Guard in the month of December of each year, and the commanding officer of each company must make out and certify duplicate muster rolls, showing the names and number of the members of the company, the officers in order of their rank, and the privates in alphabetical order. He must transmit one copy of the roll to the Adjutant General, and one copy to the regimental commander. The inspection of property shall be made by such officer as the Adjutant General may direct.

Sec. 123. Each company of the National Guard shall parade at least twice a year; namely, on the twenty-second day of February and thirtieth day of May (unless the same shall fall on Sunday). Where two or more companies are located in the same place, and attached to a battalion, the parade shall be as a battalion.

Sec. 124. Any officer or enlisted man who has served as such in the National Guard of Arizona for a period of ten years, shall be entitled to a long service medal. This medal shall be awarded by the Adjutant General, at the expense of the State only on approved application therefor made by the one entitled to receive it, and subject to such regulations as may be made by the General Staff.

Sec. 125. Other Military Bodies—It shall not be lawful for any body of men whatever, other than the regularly organized National Guard of this State and the troops of the United States, to drill or parade with arms, in any city or town of this State; provided that students in educational in-

stitutions where military science is a part of the course of instrucion, may, with the consent of the Governor, drill and parade with arms in public, under the superintendence of their instructor; provided further, that nothing herein contained shall be constructed so as to prevent benevolent or social organizations from wearing swords for the purpose of display when on parade, and any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 127. The uniform or any part of the uniform of the National Guard of Arizona or a uniform so similar as to be easily mistaken for such shall not be worn by persons other than a member thereof or an officer or enlisted man of the United States army, navy, marine corps, or revenue or forest service, or a member of any service of the United States for whom such uniform has been prescribed by proper authority, or inmate of any veterans' or soldiers' home, or a member of the Grand Army of the Republic, United Spanish War Veterans, provided, that nothing in this Act shall be construed as prohibiting persons in the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in following such profession, and provided that nothing in this Act shall be construed as prohibiting a uniform rank or civic societies parading or traveling in a body or assembling in a lodge room; and provided further, that whenever the active militia or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said active militia is in service.

Sec. 127. It shall be a misdemeanor to violate the preceding section.

Sec. 128. Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn, pledge, retain, or refuse to deliver to any officer entitled to take possession thereof, any uniform, arms, or equipments, or any part or parts thereof, or other State property, which shall have been procured under

the provisions of this Act, or any United States property for which the State is responsible, (and no person not a member of the military forces of this State or of the United States, or duly authorized officer or agent of the State or of the United States, who has possession of any such clothes, arms, military outfit, or accoutrements, which have been the subject of any such unlawful disposition, shall have any right, title, or interest therein; but the same shall be seized and taken wherever found by any officer of the State, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General), and any member of the Arizona National Guard who shall wear, when not on duty, any such uniform or equipment, or any part or parts thereof, with out (without) the permission of his commanding officer shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than thirty days, or by a fine of not less than ten dollars and not more than one hundred dollars. The possession of any such clothes, arms, military outfit, or accoutrments, (accoutrements), by any person not a member of the military forces of the State or of the United States shall be presumptive evidence of such said barter, exchange, pledge, loan or gift. Justice courts shall have jurisdiction of the offenses defined in this section.

Sec. 129. Any proprietor, manager, or employee of a theater or other public place of amusement, who shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the Army, Navy, or Marine Corps service of the United States, or the National Guard of Arizona, because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars or more than five hundred dollars.

Sec. 130. Every member of the National Guard of Arizona traveling under orders shall have the right at all times to carry his arms, either rifle, revolver or saber or all of them, in any passenger car or other vehicle of transportation. Any person attempting to prevent any member of the National Guard of Arizona from so carrying his arms shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than ten dollars ($10) or more than fifty dollars ($50) or to be confined not more than sixty days in the county jail or to both such fine and imprisonment.

Sec. 131. Whenever it shall be necessary for any or all of the officers or men of the National Guard of Arizona to travel upon any railroad in this State, under orders from competent authority, to perform military duty, such railroads shall furnish transportation at the rate of two (2) cents per mile for the whole distance to be traveled upon such railroad or railroads for each officer or enlisted men (man) so carried, and all station or ticket agents or conductors shall furnish first-class tickets or furnish first-class passage at the rate named upon being furnished a transportation request signed by the Adjutant General or upon being notified that such officer or officers, or enlisted men are traveling upon military duty. Such notification must be made by the Adjutant General and may be by telegraph or by filing a copy of the order issued by the Adjutant General for such transportation with the station or ticket agent or conductor. This rate shall apply to officers or men traveling under orders, either singly or in companies.

Sec. 132. Whenever it shall be necessary to transport the stores, materials, camp equipage, horses or arms, belonging to the military department of the State, or any portion thereof, the railroad or railroads of this State over which the same shall be transported shall not charge to exceed two (2) cents per mile per ton for the whole distance transported.

Sec. 133. Any agent, conductor, or officer of any railroad company in this State wilfully refusing or neglecting to transport, or furnish the means to transport, any of the troops of the State, or any of the stores or baggage thereof, as provided in the foregoing sections, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than sixty days nor more than six months, or by both such fine and imprisonment.

Sec. 134. Any person who, either by himself or with another, wilfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs said member of the National Guard or his employer in respect to his trade, business or employment, because said member of said National Guard is such member, or dissuades any person from enlistment in the said National Guard by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten dollars ($10) nor exceeding one hundred dollars ($100), or by imprisonment for not less than ten days nor more than sixty days in the county jail, or by both such fine and imprisonment.

Sec. 135. The National Guard of Arizona, when parading or performing any duty, shall have the right of way through any street or highway through which they may pass; provided, the carriage of the United States mail and legitimate functions of the police shall not be interfered with thereby; and any person belonging to the military forces of the State, going to or returning from any parade, encampment, drill, meeting or other military duties shall, together with his conveyance and the military property of the State in his possession, be allowed to pass free through all toll gates and over all bridges and ferries.

Sec. 136. The uniform, arms, and equipment, including any animal or animals necessary for every active member of the National Guard of Arizona together with all military property of any company, troops, battalion, or regiment shall be exempt from execution or forced sale, suits, execution, or payment of taxes.

Sec. 137. In case of emergency the Governor may order arms and ammunition to be delivered for public defense to the civil authorities, state, county or municipal, but he shall require bond as soon as it can be given.

Sec. 138. Active members of the National Guard of Arizona shall be privileged from arrest during their attendance of drill, parades, inspection, and encampments, and in going to and coming from the same, except in cases of treason, felony, and breaches of the peace.

Sec. 139. All active members of the Arizona National Guard are hereby declared exempt from all military, poll or road tax, service on posse commitatus and jury duty, so long as they continue to be active members of the military organization of the State, and after eight years' service, if honorably discharged or retired, shall be exempt from further jury duty and the Adjutant General shall issue them a certificate to that effect.

Sec. 140. Until January 1, 1913, all expenditures authorized by this Act shall be made from any funds available in the general funds of the State of Arizona, excepting that no expenditures shall be made under paragraph D, Section 18, or Section 19 of this Act before January 1, 1913; provided, that the number of men and officers enrolled under the provisions of this Act shall not exceed eight hundred and fifty (850) men, nor the total expenditure exceed nine thousand dollars ($9,000.00).

Sec. 141. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved May 24, 1912.

CHAPTER 86.

AN ACT

Prescribing the Official Bonds to be Given by State and Judicial Officers in the State of Arizona, and Fixing the Amount Thereof, and the Sureties Thereon.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. All State officers belonging to the Eexecutive Department of the State must execute official bonds in the following amounts:

1. Secretary of State, $10,000.00.
2. State Auditor, $10,000.00.
3. State Treasurer, $100,000.00.
4. Attorney General, $5,000.00.
5. Superintendent of Public Instruction, $5,000.00.

Sec. 2. Each member of the Corporation Commission must execute an official bond in the amount of $10,000.00.

Sec. 3. All official bonds shall be in form, joint and several, and made payable to the State of Arizona.

Sec. 4. The condition of an official bond must be, that the principal will, well, truly, and faithfully perform all official duties then required by law, and also such additional duties as may be imposed on him by law. Such bond must be signed by the principal and at least two sureties or a duly qualified surety company, and said bonds shall comply and be subject to all the terms and conditions of the laws of this State governing official bonds.

Sec. 5. The official bonds of the Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, members of the Corporation Commission, shall be approved by the Governor and the Attorney General. The bond of the Attorney General shall be approved by the Governor.

Sec. 6. All officers who are required to give official bonds, under the provisions of this Act, shall, unless they have already done so, file said bond with the Secretary of State, on or before thirty days from the date this Act shall take effect.

Sec. 7. All premiums necessary to be paid by the various officers enumerated in Secs. 1 and 2 of this Act, shall be paid by the State of Arizona, and the Auditor of the State is hereby directed to draw his warrant for the amount of said premium upon the filing of said bonds, upon the State Treasurer, and the State Treasurer shall pay the same out of the general fund of the State.

Sec. 8. It shall be the duty of the Secretary of State carefully to record said bonds in a book kept by him for that purpose, and to keep and preserve the said bonds, and to give certified copies thereof, under seal, to any person demanding the same, upon payment of a fee at the rate of twenty cents per folio, which shall constitute his entire fee for said copy and certificate, and such certified copy shall be prima facie evidence of the contents thereof in all courts and places in this State.

Sec. 9. Whereas, the Constitution of the State of Arizona does not prescribe what bonds shall be given by State and judicial officers; and

Whereas, it is deemed expedient that all State officers should immediately give and file official bonds, conditioned for the faithful performance of their duties; and

Whereas, this Act requires early operation in order to preserve the public safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 24, 1912.

CHAPTER 87.

AN ACT

To Amend an Act Entitled "An Act to Create and Establish a Horticultural Commission and to Further and Protect Horticultural Interests of the Territory of Arizona", Approved March 11, 1909; and to Create a Commission of Agriculture and Horticulture; and Providing Appropriation for Its Maintenance and Operation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That an Act entitled "An Act to Create and Establish a Horticultural Commission and to Further and Protect Horticultural Interests of the Territory of Arizona," approved March 11th, 1909, be and the same is hereby amended to read as follows:

Sec. 2. The Governor is hereby authorized to appoint, within thirty days after the taking effect of this Act, two members of a Commission which is hereby established, consisting of three members, who shall be residents of the State of Arizona, to be known as the Arizona Commission of Agriculture and Horticulture. Two members of this Commission shall be the owners of orchards, or groves of fruit trees, or vineyards, or of cultivated agricultural lands, within the said State, and shall be appointed by the Governor to hold office, one for a term of two years, the other for a term of three years, and until their successors, who shall hold office for a term of two years each, are appointed by the Governor, and have qualified. The Director of the Agricultural Experiment Station shall be, ex-officio, the third member of the Commission, or in the event of his inability to act, some other member of the Experiment Station Staff who shall be appointed by the Governor at the time of the appointment of the other two mem-

bers, for a term not to exceed two years in length. Before entering upon the duties of his office, each and every Commissioner shall take and subscribe to an oath, before some person authorized to administer the same, that he will faithfully and impartially perform the duties of his office, which shall be filed in the office of the Secretary of State. Each Commissioner shall furnish a bond to the State of Arizona, to be approved by the Governor, in the sum of five hundred dollars ($500.00), for the faithful performance of his duty, which bond shall be filed in the office of the Secretary of State. Any Commissioner may be removed by the Governor for cause.

Sec. 3. Within fifteen days after the notice of their appointment, the persons first appointed as the "Arizona Commission of Agriculture and Horticulture" shall qualify as hereinbefore provided, and shall meet and organize by the election of one of their number as chairman, who shall serve as such Chairman for a period of one year, and until his successor is elected. The Commission shall also at such meeting elect one of their number as Secretary and Treasurer, who shall qualify by furnishing the State of Arizona an additional bond in the sum of five hundred dollars ($500.00), which bond shall be approved by the Governor, and shall be filed in the office of the Secretary of State. Such Secretary and Treasurer shall hold office for a period of one year, and until his successor is elected and qualified.

Sec. 4. The said Commission shall hold annual meetings at such times as shall be fixed by the Commission, at which meetings the Chairman and the Secretary and Treasurer shall be elected, and such other business shall be transacted as the agricultural and horticultural interests of the State shall require. Special meetings may be held from time to time upon call of the Chairman or of any two members of said Commission.

Sec. 5. At the close of each fiscal year the Commission shall make an annual report to the Governor of the State.

Sec. 6. The duties of said Commission shall be to advance and protect the agricultural and horticultural interests of the State, and for that end, they may appoint an Entomologist, and such assistants and inspectors as may be necessary and they may establish agricultural and horticultural districts within the state. They may employ clerks and other persons and may discharge such employees at will, and incur such expenses as may be necessary or proper to carry out the provisons of this Act. They shall determine the compensation and tenure of office of the Entomologist, assistants, and inspectors, and may remove them from office at will.

The Commission may quarantine against other countries, States, counties, districts, or localities, known to be infested with dangerous agricultural or horticultural crop pests or diseases and they may promulgate such rules, regulations, and restrictions, governing the shipment of plants, fruits, or articles from foreign countries, other States and Territories, and counties and districts within such States and Territories, or between districts or localities within the State of Arizona, as the said Commission may deem necessary for the protection of the agricultural and horticultural interests of the State of Arizona, or any section thereof, against any injurious insect, plant disease, or other pest, and such other rules and regulations as they may deem necessary to protect said interests.

Sec. 7. The Entomologist shall be qualified by scientific training and practical experience for the performance of the duties hereinafter prescribed.

The duties of the Entomologist shall be to act as expert adviser to the said Commission, and to their appointees, in matters relating to injurious insects, plant diseases, and other pests; and he shall supervise the work of the assistants and of the inspectors, and shall carry out the purposes and intent of the law, and all provisions, rulings, and orders of the Commission, made in accordance with this law. Said Entomologist and assistants are hereby given all authority granted to the various inspectors under the provisions of this law. Each

of them shall take and subscribe to an oath before some person authorized to administer the same, that he will faithfully and impartially perform the duties of his office, and the Entomologist shall furnish a bond to the State of Arizona to be approved by the Governor in the sum of five hundred dollars ($500.00), for the faithful performance of his duties, which oath and bond shall be filed in the office of the Secretary of State.

Sec. 8. The Inspectors are hereby authorized, and it is their duty whenever the occasion may arise, to enter in and upon any premises, building, or place, where plants may be growing, or vegetables, fruits, seed, and agricultural products, or any article connected with handling, packing, and shipping of the same, may be stored, for the purpose of inspecting, or causing an inspection to be made, to determine whether any injurious pest is present. To this end, and otherwise to carry out the provisions of this Act, said inspectors may open any car, box, bundle, or package with the least possible injury to property or business. Whenever an inspector discovers a pest which is injurious to the agricultural or horticultural interests of the State, and which it is practicable to eradicate or suppress, he may, with the advice and under the direction of the Entomologist or his assistants, notify in writing the owner, owners or person or persons, in charge or in possession of the premises, buildings, or places as aforesaid, that the same are infested or contain or harbor an injurious insect or other pest, and said inspector may require such person or persons to eradicate, destroy, or suppress such pest within a reasonable specified time by means of the most economical and effective method available. In the case of the codling moth, this provision shall apply to trees and orchards on, and in which, infested fruit has been discovered by the said inspector, or his predecessor, at any time previous to the serving of the aforesaid notice.

Any and all such plants, fruit, vegetables, seed, agricultural products, or other articles, infested by or harboring an

injurious insert (insect) or other pest are hereby adjudged and declared to be a public nuisance and shall be contraband pending action taken in compliance with the aforesaid notice or action taken by the inspector as herein authorized and directed, and shall remain contraband until said nuisance is abated. Whenever any such nuisance, practicable to abate, shall exist within the jurisdiction of any inspector, on the property of any non-resident, or any property the owner or owners of which cannot be found by the said inspector after diligent search and publication of said notice in the official newspaper of the county where such nuisance exists, or on the property of any owner or owners upon whom notice aforesaid has been served, and who shall refuse or neglect to abate the same, or who shall in writing request the said inspector to take such action as may be necessary at his or their expense, it shall be the duty of the inspector, and he is hereby authorized, to cause said nuisance to be at once abated in a summary manner, or to take such steps towards the abatement of the nuisance as the danger to agricultural and horticultural interests and the welfare of the community may require. Whenever the circumstances require, the abatement of such public nuisance may include the destruction of the plants, vegetables, fruit, seed, agricultural products, or other articles, infested by an injurious insect, or harboring an injurious insect ot (or) other pest, or any portion of any or all such articles as may be necessary to the public interest.

The expense incurred in connection with such action, unless voluntarily assumed by the owner or owners of the aforesaid property, shall be charged against the State, and paid out of the fund authorized by this Act upon vouchers of the Commission. Except that when special provisions are made for the eradication or control of specified pests, any and all such sums so paid, shall be charged against the owner or owners of the property and premises from which such nuisance has been removed or abated in pursuance of this Act and shall be recovered by the State or county as the case may be by a civil action against such owner or owners.

In the case of shipments of plants, fruits, vegetables, seeds, or agricultural products, or other articles received into the State of Arizona from outside said State conforming to the requirements of Sec. 9 of this Act, and due notice given as specified in Section 14, the inspector detailed by the Commission for service at the station, depot or other point where such shipment is received, shall inspect the plants, fruits, vegetables, seed, agricultural products, or other articles as soon as possible after receiving said notice. Upon completing the inspection of a shipment, and finding it free from any insect or other pests, the inspector shall issue a certificate of release in duplicate, the original to be given the common carrier, or person or persons, bringing the shipment into the State, and the duplicate to be given to the consignee or person who received and removes the shipment or portion thereof from the premises where inspected. A special certificate of release affecting only a portion of any shipment may be issued when said shipment is found to be infested in part, and owing to the nature of the pest found therein, agricultural and horticultural interests of the State of Arizona, or of the locality where received, will not be endangered by authorizing, by means of said special certificates the delivery anl removal of certain varieties or kinds of plants, fruits, vegetables, seeds, agricultural products, or articles contained in said shipment. In the case of shipments containing insects or other pests of common occurrence in the State of Arizona, or in the locality where received, or pests which for any reason are known to be innocuous in Arizona, or in the section of the State where received, certificates of release may be issued by a horticultural inspector in accordance with specific instructions furnished said inspector by the Entomologist, and such rules and restrictions as may be adopted by the Commission of Agriculture and Horticulture.

Sec. 9. All nursery stock shipped into Arizona from any other State or country shall be prominently labeled with the

name and address of both the shipper and consignee, and shall be accompanied by a certificate of inspection dated within one year, or a copy of such certificate, by a duly authorized official of the State or country in which said stock was grown. All shipments from other States or countries into the State, consisting of or containing plants, fruits, vegetables, or seeds, which were not grown in the locality from which shipment was made, must, in addition, specify where such plants or products were grown. Shipments into the State of Arizona shall conform to any rules or regulations promulgated by said Commission.

Sec. 10. For the purpose of carrying out the provisions of this Act, the sum of twelve thousand dollars ($12,000.00) is hereby appropriated annually. All vouchers for the expenditure of money under the provisons of this Act must be signed by the Chairman and one other member of the Commission, and attested by the Secretary; and the State Auditor, upon the presentation of such vouchers, shall draw his warrant upon the State Treasurer for the payment of the same, and the State Treasurer shall pay such warrant out of any money on hand appropriated for the purpose herein set forth; Provided, that every voucher must set forth the purpose for which the money is used; and Provided, also, that all the money remaining in the hands of the Secretary and Treasurer of the said Commission on the 30th day of June of each year, shall be paid into the State Treasury to the credit of the Arizona Agricultural and Horticultural Commission, to be subsequently drawn out as hereinbefore provided.

Sec. 11. Each of the members of the said Commission shall receive a salary of three hundred dollars ($300.00) per annum, payable monthly.

Sec. 12. No Commissioner shall, either directly or indirectly, be interested in any contract made by the Commission, and all such contracts shall be utterly void.

Sec. 13. No expenditure shall be made, or indebtedness contracted, in any one year, in excess of the amount therein appropriated.

Sec. 14. When, within the judgment of the said Commission, or a majority of the members thereof, the importation from designated countries, States, counties, districts, or localities, of specified varieties of plants, fruits,vegetables, seeds, agricultural products, or other articles, is dangerous to the agricultural or horticultural interests of Arizona because of the likelihood of infestation with crop pests or diseases, the said Commission may declare quarantine against all such varieties of plants, fruits, vegetables, seeds, agricultural products, or other articles, from such designated countries, States, counties, districts, or localities; and all common carriers concerned shall be immediately notifed (notified) of all declarations of quarantine, and are hereby prohibited from bringing quarantined plants, fruits, vegetables, seeds, agricultural products, or other articles, from such designated places, into the State.

Any person or persons, firm, corporation, or common carrier, who shall bring, or cause to be brought, into the State, any plants, fruits, vegetables, seeds, agricultural products, or other articles herein provided for, shall immediately after the arrival thereof, notify the inspector detailed by said commission to act at the depot, station, or place, where the same may be received, and hold the same without unnecessarily moving or placing such articles where they may be harmful, for the immediate inspection of such inspector, and shall not deliver same until furnished with a certificate of release by the said inspector. The members of said Commission, the Entomologist, or the inspector, are hereby authorized and empowered to enter into any warehouse, depot, or any other place, where such nursery stock, fruits, or agricultural products, or other described articles, are received, for the purpose of making the investigation or examination herein provided for.

Sec. 15. When any shipment of plants, fruits, vegetables, seeds, agricultural products, or other articles, imported or brought into the State is found to be infested by, or to harbor insect or other pests dangerous to the interests of the State, or a section thereof, or when any portion of such shipment is so infested, or harboring any species of dangerous pests, the Entomologist or inspector shall notify the shipper, consignee, or owner, and shall require the shipper, consignee, or owner, immediately to reship from the State, or immediately destroy such shipment, in whole or in part as said inspector may deem necessary, at the option of the owner, owners, agent, or agents and at his or their expense. In the event that the shipper, consignee, or owner shall neglect or refuse to reship from the State, or destroy, such infested shipment or portion thereof, the Entomologist or inspector shall destroy, or cause to be destroyed, by fire or otherwise, such infested shipment or portion of shipment.

Sec. 16. Wherever in this Act the word "pest" occurs it shall be construed to include any stage in the development of any insect, mite, red spider, or other animal, and any plant disease due to a fungus, bacterium or other organism, or to an unknown cause, which is destructive, or likely to be destructive, in Arizona to any cultivated plant or product of such plant.

Wherever in this Act the word "plant" occurs, it shall be construed to include any tree, bush, shrub, vine, cutting, graft, bud, or scion, intended for the planting and propagating of fruits, vegetables, or other plant products, or for ornamental purposes, or which has been, or may be at any time, used for such purposes.

Wherever in this Act the term "nursery stock" is used, it shall be construed to include ornamental or fruit producing trees, shrubs, and perennial vines which are commonly considered as nursery stock, and which are commonly inspected and certified by official horticultural inspectors of other States.

Wherever in this Act the term "shipment" is used, it shall be construed to include whatever is brought into the State of Arizona or transported within the State by common carriers under one bill of lading, way bill, or express billing, and shall also include all plants and plant products brought into Arizona at any one time by any one conveyance or means other than by common carriers.

Sec. 17. It shall be unlawful to offer for sale, sell, give away, or transport, except from the State as provided in Sec. 15 of this Act, any plants, fruits, vegetables, or seeds, known to be infested by dangerously injurious insects or infested with dangerouly (dangerously) injurious plant diseases, or known to harbor any pest whatsoever, provided that in the case of apples or pears infested by the codling moth, plain evidence of injury by this insect to any such fruit or fruits shall constitute a condition of infestation, and whenever in the judgment of said Commission the protection of horticultural interests of any section of the State requires such action, fruit commonly known as "wormy" together with all other apples or pears in the same package, box, barrel or lot, together with the box, boxes, barrel, barrels, or other containers, shall be declared a public nuisance and contraband by the Entomologist, assistant, or any inspector, and the offering for sale, selling, giving away, or transporting, of such fruit after such declaration shall be unlawful.

Sec. 18. In order to prevent the introduction into, or the spread within, the State, of the insect pest known as the 'alfalfa weevil', now existing in neighboring states, the Commission of Agriculture and Horticulture is hereby given authority to prohibit the introduction of packages or boxes of fruit, vegetables, hay, or other farm products, or any material or articles likely to contain or harbor said pest, from any State, county, district, or locality, where the said alfalfa weevil may exist. Said Commission may promulgate any rules it may deem advisable restricting shipments from countries, States, or counties, districts, or localities, known to be in-

fested by the said alfalfa weevil, into Arizona, by common carrier or otherwise. In the event that the alfalfa weevil becomes introduced into Arizona, the Commission and the Entomologist shall take whatever steps may be practicable to eradicate or restrict the spread of said pest. The sum of fifteen hundred dollars ($1500.00) is hereby appropriated as an emergency reserve fund to be drawn upon by the Commission in the regular manner for the purpose of carrying out the provisions of this Section, if the necessity arises.

Sec. 19. Any person, persons, or corporation violating any of the provisions of this Act or interfering with its administration is guilty of a misdemeanor.

Sec. 20. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved May 24, 1912.

CHAPTER 88

AN ACT

To Provide for the Investigation of the Water Resources of the State of Arizona in Co-Operation with the United States Geological Survey, and also for the Investigation of the Irrigation Possibilities from Surface and Underground Water Resources, and to Determine the Duty of Water Under Such Sources of Supply, in Co-Operation with the Office of Experiment Stations, Irrigation Investigation, of the United States Department of Agriculture, and to Make an Annual Appropriation for the Expense of such Investigations.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. For the purpose of making more extensive stream measurements, investigation of irrigation possibilities from

surface and underground water resources in the various valleys of the State of Arizona, and otherwise investigating and determining the water supply of the state, there is hereby appropriated out of any fund in the State Treasury, not otherwise appropriated, the sum of six thousand dollars ($6000.00), annually; three thousand dollars ($3000.00), for co-operating with the "Water Resources Branch of the United States Geological Survey;" and three thousand dollars ($3000.00), for co-operating with the "Office of Experiment Stations, Irrigation Investigations," of the United States Department of Agriculture.

Sec. 2. This appropriation, however, shall be contingent upon, and not available unless the United States Government appropriate an equal amount to be expended for similar purposes within the State of Arizona; provided, also, that the experiments mentioned above are made in connection with the State experiment work, so that there will not be a duplication of work.

Sec. 3. The director of the Arizona Agricultural Experiment Station is hereby authorized and directed to formulate and enter into such agreements with the director of the U. S. Geological Survey, and with the Chief of the office of experiment Stations, Irrigation Investigations, as shall insure economy of expenditures and promptness of publication; and secure avoidance of duplication of work and other embarrassments incident to operation of State and Federal agencies in the same field.

Sec. 4. The Auditor of the State is hereby authorized and directed to draw warrants from time to time upon properly verified vouchers, approved by the Director of the Arizona Agricultural Exeperiment Station, and the State Treasurer is hereby authorized and directed to pay such warrants.

Sec. 5. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to

enter and cross all lands within the state; provided, in so doing no damage is done to private property. It shall be a misdemeanor, punishable as provided in such cases, for any person or persons to wilfully and maliciously remove or injure any equipment, permanent marks, or monuments made or installed for the purpose of carrying on these investigations.

Sec. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 24, 1912.

CHAPTER 89.

AN ACT

To Provide for Employers' Liability for Injuries to Workmen in Especially Dangerous Occupations.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That this Act is and shall be delcared to be an Employer's Liability law as prescribed in Sec. 7 of Article XVIII of the State Constitution.

Sec. 2. That to protect the safety of employees in all hazardous occupations in mining, smelting, manufacturing, railroad, or street railway, transportation, or any other industry, as provided in said Sec. 7 of Article XVIII of the State Constitution, any employer, whether individual, association, or corporation, shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

Sec. 3. The labor and services of workmen at manual and mechanical labor, in the employment of any person, firm, association, company, or corporation, in the occupations enumerated in Sec. 4 of this Act are hereby declared and determined to be service in a hazardous occupation within the meaning of the terms of Sec. 2 of this Act.

By reason of the nature and conditions of, and the means used and provided for doing the work in, said occupations, such service is especially dangerous and hazardous to the workmen therein, because of risks and hazards which are inherent in such occupations and which are unavoidable by the workmen therein.

Sec. 4. The occupations hereby declared and determined to be hazardous within the meaning of this Act are as follows:

1. The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plant, tracks, switches, bridges, roadbeds, upon, over, and by which such railway business is operated.

2. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive.

3. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require, iron or steel frame work.

4. The operation of all elevators, elevating machines or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure.

5. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath

in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used.

6. All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

7. All work in the construction, alteration, or repair of pole lines for telegraph, telephone or other purposes.

8. All work in or about quarries, open pits, open cuts, mines, ore reduction works and smelters.

9. All work in the construction and repair of tunnels, sub-ways and viaducts.

10. All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

Sec. 5. Every employer, whether individual, firm, association, company or corporation, employing workmen in such occupation, of itself or through an agent, shall by rules, regulations, or instructions, inform all employees in such occupations as to the duties and restrictions of their employment, to the end of protecting the safety of employees in such employment.

Sec. 6. When in the course of work in any of the employments or occupations enumerated in Sec. 4. of this Act, personal injury or death by any accident arising out of and in the course of such labor, service and employment, and due to a condition or conditions of such occupation or employment, is caused to or suffered by any workman engaged therein, in all cases in which such injury or death of such employee shall not have been caused by the negligence of the employee killed or injured, then the employer of such employee shall be liable in damages to employee injured, or, in case death ensues, to the personal representative of the deceased for the benefit of the surviving widow or husband and chil-

dren of such employee; and, if none, then to such employee's parents; and, if none, then to the next of kin dependent upon such employee, and if none then to his personal representative, for the benefit of the estate of the deceased.

Sec. 7. In all actions hereafter brought against any such employer under or by virtue of any of the provisions of this Act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the question whether the employee may have been guilty of contributory negligence, or has assumed the risk, shall be a question of fact and shall at all times be left to the jury, as provided in Sec. 5 of Article XVIII of the State Constitution.

Sec. 8. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any employer to exempt himself or itself from any liability created by this Act, shall to that extent be void; provided, that in any action brought against any such employer under or by virtue of any of the provisions of this Act, such employer may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity or that may have paid to the injured employee or his personal representative on account of the injury or death for which said action was brought.

Sec. 9. In all actions for damages brought under the provisions of this Act, if the plaintiff be successful in obtaining judgment; and if the defendant appeals to a higher court; and if the plaintiff in the lower court be again successful; and the judgment of the lower court is sustained by the higher court or courts; then, and in that event the plaintiff shall have added to the amount of such judgment by such higher court or courts, interest at the rate of 12 per cent per annum on the amount of such judgment from the date of the filing of the suit in the first instance until the full amount of such judgment is paid.

Sec. 10. No action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued.

Sec. 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

WHEREAS, the State Constitution commands the enactment of an Employers' Liability law by the Legislature at its first session; and

WHEREAS, this Act being said Employers' Liability law is immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 24, 1912.

CHAPTER 90.

AN ACT

Relating to Public Service Corporations, Providing for the Regulation of the Same, Fixing Penalties for the Violation Thereof, and Repealing Certain Acts; With an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. This Act shall be known as the "Public Service Corporation Act" and shall apply to the public service corporations herein described and to the Commission herein referred to.

Sec. 2. (a) The term "Commission", when used in this Act means the Corporation Commission of the State of Arizona.

(b) The term "Commissioner," when used in this Act, means one of the members of the Commission.

(c) The term "Corporation", when used in this Act, includes a corporation, a company, an association, and a joint stock association.

(d) The term "Person," when used in this Act, includes an individual, a firm, and a co-partnership.

(e) The term "Transportation of persons," when used in this Act, includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage, and delivery of such person and his baggage.

(f) The term "Transportation of property," when used in this Act, includes every service in connection with or incidental to the transportation of property, including in particular its receipts, delivery, elevation, transfer switching, carriage, ventilation, refrigeration, icing, dunnage, storage, and handling, and the transmission of credit by express corporations.

(g) The term "Street railroad," when used in this Act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above, or below any street, avenue, road, highway, bridge, or public place within any city, county, or town, together with all real estate fixtures and personal property of every kind used in connection therewith, owned, controlled, operated, or managed, for public use in the transportation of persons or property; but the term "street railroad," when used in this Act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) The term "Street railroad corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any street railroad for compensation within this State.

(i) The term "Railroad", when used in this Act, includes every commercial, interurban, and other railway, other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, yards, grounds, terminals, terminal facilities, structures, and equipment, and all other real estate, fixtures, and personal property, of every kind used in connection therewith, owned, controlled, operated, or managed for public use in the transportation of person or property.

(j) The term "Railroad corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any railroad for transportation within this State.

(k) The term "Express corporation", when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise, or other property, for compensation on the line of any common carrier or stage or auto stage line within this State.

(l) The term "Common carrier", when used in this Act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading, and every other car corporation, or person; electrical corporation; transmission corporation; telegraph corporation; telephone corporation; water corporation; or pipe line corporation; for the transportation of persons, or of electricity, messages, water, oil, or other property, for profit, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State.

(m) The term "Pipe line," when used in this Act, includes all real estate, fixtures, and personal property, owned, controlled, operated, or managed, in connection with or to facilitate the transmission, storage, distribution, or delivery, of crude oil, or other fluid substance, except water, through pipe lines; in furnishing hot or cold air or steam for heating or cooling purposes.

(n) The term "Pipe line corporation," when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing, any pipe line for compensation within this State.

(o) The term "Gas plant," when used in this Act, includes all real estate, fixtures, and personal property, owned, controlled, operated, or managed, in connection with or to facilitate the production, generation, transmission, delivery, or furnishing of gas (natural or manufactured) for light, heat, or power.

(p) The term "Gas corporation", when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing, any gas plant for compensation within this State, except where gas is made or produced on, and distributed by the maker or producer through, private property alone solely for his own use or the use of his tenants and not for sale to others.

(q) The term "Electric plant," when used in this Act, includes all real estate, fixtures and personal property owned, controlled, operated, or managed, in connection with or to facilitate the production, generation, transmission, delivery, or furnishing of electricity for light, heat, or power, and all conduits, ducts, or other devices, materials, apparatus, or property, for containing, holding, or carrying conductors used or to be used for containing, holding, or carrying conductors used or to be used for the transmission of electricity for light, heat, or power,

(r) The term "Electrical corporation", when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any electric plant for compensation within this State, except where electricity is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) The term "Telephone line," when used in this Act, includes all conduits, ducts, poles wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property, owned, controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

(t) The term "Telephone corporation", when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this State.

(u) The term "Telegraph line," when used in this Act, includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property, owned, controlled, operated, or managed in connection with or to facilitate communication by telegraph. whether such communication is had with or without the use of transmission wires.

(v) The term "Telegraph corporation", when used in this Act, includes every corporation or person, their lessees, trustees, receiver or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any telegraph line for compensation within this State.

(w) The term "Water system", when used in this Act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures, and personal property, owned, controlled,

operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement, or water for power, fire protection, irrigation, reclamation, or manufacturing, or for municipal, domestic, or other beneficial use.

(x) The term "Water corporation", when used in this Act, includes every corporation or person, their lessees trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any water system for compensation within this State.

(y) The term "Warehouseman", when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any building or structure in which property is regularly stored for compensation within this State, in connection with or to facilitate the transportation of property by a common carrier, or the loading or unloading of the same.

(z) The term "Public service corporation", when used in this Act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, and warehouseman, as these terms are defined in this section, and each thereof is hereby declared to be a public service corporation and to be subject to the jurisdiction, control, and regulation of the Commission and to the provisions of this Act.

Sec. 3. (a) The Corporation Commission shall consist of three members, who shall be elected and hold office for such time as prescribed in Section 1, Article XV of the Constitution of the State of Arizona. The Commissioners shall elect one of their number chairman of the Commission.

(b) Whenever a vacancy in the office of Commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same. Such appointed Commissioner shall fill such vacancy until a Commissioner shall be elected at a general election as provided by law, and shall qualify.

Sec. 4. The Attorney General of the State shall be the attorney of the Commission. It shall be the duty of such Attorney General to represent and appear for the people of the State of Arizona and the Commission in all actions and proceedings involving any question under this Act or under any order or act of the Commission, and, if properly directed to do so by the Commission to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions and proceedings directed or authorized by the Commission; to advise the Commission and each Commissioner, when so requested, in regard to all matters in connection with the powers and duties of the Commission and the members thereof; and generally to perform all duties and services appertaining to the Commission, which the Commission may require of him.

Sec. 5. The Commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the Commission, to issue all necessary process, writs, warrants, and notices, and to perform such other duties as the Commission may require or prescribe. He shall also have all the powers conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county, city or town of this State.

Sec. 6. The Commission shall have power to employ, during its pleasure, such officers, experts, engineers, statisticians, accountants, inspectors, clerks, and employees as it may deem necessary to carry out the provisions of this Act, or to perform the duties and exercise the powers conferred by law upon the Commission.

Sec. 7. Each Commissioner and each person appointed to a civil executive office by the Commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. Each Commisioner shall be a

qualified elector of this State, and no person in the employ of or holding any official relation to any corporation or person, which said corporation or person is subject in whole or in part to regulation by the Commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed to or hold the office of Commissioner or be appointed or employed by the Commission; provided, that if any such person shall become the owner of such stocks, or bonds, or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest; failing to do so, his office or employment shall become vacant.

Sec. 8. (a) The office of the Commission shall be in the city of Phoenix, county of Maricopa. The office shall always be open, legal holidays and non-judicial days excepted. The Commission shall hold its sessions at least once in each calendar month in said city of Phoenix, and may also meet at such other time and in such other places as may be expedient and necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the city of Phoenix, the Commission shall have the power to occupy and use any court room or to rent quarters or offices, and the expense thereof and in connection therewith shall be paid in the same manner as other expenses authorized by this Act. The sessions of the Commission shall be public.

(b) The Commission shall have a seal, bearing the following inscription: "Arizona Corporation Commission." The seal shall be fixed to all writs and authentications of copies of records and to such other instruments as the Commission may direct. All courts shall take judicial notice of said seal.

(c) The Commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, and the same shall be paid for in the same manner as other expenses authorized by this Act.

Sec. 9. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the Commission. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. The act of a majority of the Commissioners when in session as a board shall be deemed to be the act of the Commission; but any investigation, inquiry, or hearing which the Commission has power to undertake or to hold may be undertaken or held by or before any Commissioner designated for the purpose by the Commission, and every finding, order, or decision made by a Commissioner so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the Commission and ordered filed in its office, shall be and be deemed to be the finding, order or decision of the Commission.

Sec. 10. The annual salary of each Commissioner shall be Three Thousand Dollars ($3000.00). All officers, experts, inspectors, statisticians, accountants, engineers, clerks and employees of the Commission shall receive such compensation as may be fixed by the Commission. The Commissioners, secretary and rate expert shall be civil executive officers and their salaries as fixed by law, or the Commission, shall be paid in the same manner as are the salaries of other State officers. The salary or compensation of every other person holding office or employment under the Commission shall be paid monthly from the funds appropriated for the use of the Commission after being approved by the Commission, upon claims therefor to be audited by the board of control.

Sec. 11. All expenses incurred by the Commission pursuant to the provisions of this Act, including the actual and necessary traveling and other expenses and disbursements of the Commissioners, their officers and employees, incurred while on business of the Commission, shall be paid from the funds appropriated for the use of the Commission after be-

ing approved by the Commission, upon claims therefor to be audited by the board of control. No Commissioner and no officer or employee of the Commission shall be denied the right to travel upon any railroad, car, or other vehicle of such common carrier whether such railroad, car or other vehicle be used for the transportation of passengers or freight, and regardless of its class.

Sec. 12. The Commission shall make and submit to the Governor on or before the first day of December of each year subsequent to the year nineteen hundred and twelve, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

Sec. 13. (a) All charges made, demanded or received by any public service corporation, or by any two or more public service corporations, for any product or commodity furnished or to be furnished, or any service rendered to (or) to be rendered, shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

(b) Every public service corporation shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

(c) All rules and regulations made by a public service corporation affecting or pertaining to its charges or service to the public shall be just and reasonable.

Sec. 14. (a) Every common carrier shall file with the Commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classifications for the transportation between termini, within this

State, of persons and property from each point upon its route to all other points thereon; and from each point upon its route to all points upon every other route leased, operated or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the schedules of the several carriers in such through route shall show the separately established rates, fares, charges, and classifications applicable to the through transportation. The schedules printed as afoesaid shall plainly state the places between which property and person will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges and all other charges which the Commission may require to be stated, all privileges or facilities granted or allowed, and all rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such rates, fares, charges and classifications, or the value of the service rendered to the passenger, shipper, or consignee.

Subject to such rules and regulations as the Commission may prescribe, such schedules shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transpotation, when such station or office is in charge of an agent, and in every station or office of such carrier where passenger tickets, or tickets for sleeping, parlor car, or other train accommodations are sold or bills of lading or way bills or receipts for property are issued. Any or all of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open

to inspection by any person, and that the agent will assist any person to determine from such schedules any rates, fares, rules or regulations in force, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the Commission and shall conform in the case of common carriers subject to the act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, as nearly as may be to the form of schedules prescribed by the Interstate Commerce Commission under said act.

(b) Under such rules and regulations as the Commission may prescribe, every public service corporation other than a common carrier shall file with the Commission within such time and in such form as the Commission may designate, and shall print and keep open to public inspection schedules showing all rates, tolls, rentals, charges and classifications collected or enforced, or to be collected or enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service. The rates, tolls, rentals, and charges shown on such schedules when filed by a public service corporation as to which the Commission by this Act acquires the power to fix any rates, tolls, rentals, or charges, shall not, within any portion of the territory as to which the Commission acquires as to such public service corporation such power, exceed the rates, tolls, rentals, or charges in effect on the fourteenth day of February, nineteen hundred and twelve; the rates, tolls, rentals, or charges shown on such schedules, when filed by any public service corporation as to any territory as to which the Commission does not by this Act acquire as to such public service corporation such power, shall not exceed the rates, tolls, rentals, and charges in effect at the time the Commission acquires as to such territory and as to such public service corporation the power to fix

rates, tolls, rentals, or charges. Nothing in this section contained shall prevent the Commission from approving or fixing rates, tolls, rentals, or charges, from time to time, in excess of or less than those shown by said schedules.

(c) The Commission shall have power, from time to time in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this section as it may find expedient, and to modify the requirements of any of its orders, rules, or regulations in respect to any matters in this section referred to.

Sec. 15. Unless the Commission otherwise orders, no change shall be made by any public service corporation in any rate, fare, toll, rental, charge, or classification, or in any rule, regulation, or contract relating to or affecting any rate, toll, fare, rental, charge, classification, or service, or in any privilege or facility, except after thirty days' notice to the Commission and to the public as herein provided. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force, and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes without requiring the thirty days' notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. When any change is proposed in any rate, fare, toll, rental, charge, or classification, or in any form of contract or agreement, or in any rule, regulation or contract relating to or affecting any rate, toll, fare, rental, charge, classification or service, or in any privilege or facility, attention shall be directed to such change on the schedule filed with the Commission, by some character to be designated by the Commission, immediately preceding or following the item.

Sec. 16. The names of the several public service corporations which are parties to any joint tariff, rate, fare, toll, contract, classification, or charge shall be specified in the schedule or schedules showing the same.

Unless otherwise ordered by the Commission, a schedule showing such joint tariff, rate, toll, fare, contract, classification or charge need be filed with the Commission by only one of the parties to it; provided, that there is also filed with the Commission in such form as the Commission may require a concurrence in such joint tariff, rate, toll, fare, contract, classification or charge by each of the other parties thereto.

Sec. 17. (a) (1) No common carrier subject to the provisions of this Act shall engage or participate in the transportation of persons or property, between points within this State, until its schedules of rates, fares, charges and classifications shall have been filed and published in accordance with the provisions of this Act.

(2) No common carrier shall charge, demand, collect or receive a greater or less or different compensation for the transportation of persons or property, or for any service in connection therewith, than the rates, fares, and charges applicable to such transportation as specified in its schedule filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares or charges so specified, except upon order of the Commission as hereinafter provided, nor extend to any corporation or person any privilege or facility in the transportation of passengers or property except such as are regularly and uniformly extended to all corporations and persons.

(3) No common carrier subject to the provisions of this Act shall, directly or indirectly, issue, give or tender any free ticket, free pass, or free or reduced rate transportation for passengers between points within this State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion,

traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for disabled Volunteer Soldiers, and of Soldiers' and Sailors' Home, including those about to enter and those returning after discharge, and Boards of Managers of such Homes; to necessary care takers of live stock, poultry, milk and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone corporations; to Railway Mail Service employees, post office inspectors, custom inspectors, and Immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons; when authorized by the Corporation Commission; provided, that the term "employees" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a common carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood, and minor children, during minority, of persons who died while in the service of any such common carrier. Nothing in this Act shall be construed to prohibit the interchange of passes for the officers, agents, and employees on common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and provided fur-

ther, that these provisions shall not be construed to prohibit the privileges of passes or franks, or the exchange thereof with each other, for the officers, agents, employees, and their families of all common carriers subject to the provisions of this Act.

And, provided further, that with the consent of the Corporation Commission, every common carrier may transport, free, or at reduced rates, contractors and their employees, material, or supplies for use or engaged in carrying out their contracts with said common carriers, for construction, operation, or maintenance work, or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced rate transportation is provided for in the specifications upon which the contract is based and in the contract itself.

Common Carriers may also enter into contracts with each other for an exchange of service.

(4) Every Common Carrier shall, on the first Monday in July of each year, and at such other time as may be required by the Commission, file with the Commission a verified list of all tickets, passes, mileage books, franks, or reduced rate transportation issued for other than actual bona fide money consideration at full established rates during the preceding year, together with the names of the recipients thereof, the amount received therefor, and the reason for issuing the same. This shall not apply to the sale of tickets at reduced rates open to the public.

(b) Except as in this section otherwise provided, no public service corporation shall charge, demand, collect, or receive a greater or less or different compensation for any product or commodity furnished, or to be furnished, or for any service rendered, or to be rendered, than the rates, tolls, rentals, and charges applicable to such product or commodity or service as specified in its schedules on file and in effect at the time, nor shall any such public service corporation refund or remit, directly or indirectly, in any manner or by any

device, any portion of the rates, tolls, rentals and charges so specified, nor extend to any corporation or persons any form of contract or agreement or any rule or regulation, or any facility or privilege except such as are regularly and uniformly extended to all corporations and persons; provided, that the Commission may by rule or order establish such exceptions from the operation of this prohibition as it may consider just and reasonable as to each public service corporation.

Sec. 18. Every common carrier and every telegraph and telephone corporation shall print and file or cause to be filed with the Commission schedules showing all the rates, fares, tolls, rentals, charges and classifications for the transportation of persons or property or the transmission of messages or conversations between all points within this State and all points without the State upon its route, and between all points within this State and all points without the State upon every route leased, operated or controlled by it, and between all points on its route or any route, leased, operated or controlled by it within this State and all points without the State upon the route of any other common carrier or telegraph or telephone corporation, whenever a through route and joint rate shall have been established between any two such points.

Sec. 19. No public service corporation shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public service corporation shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The Commission shall have the power to determine any question of fact arising under this section.

Sec. 20. Nothing in this Act shall be taken to prohibit any public service corporation from itself profiting, to the extent permitted by the Commission, from any economies, ef-

ficiencies or improvements which it may make, and from distributing by way of dividends, or otherwise disposing of the profits to which it may be so entitled, and the Commission is authorized to make or permit such arrangement or arrangements with any public service corporation as it may deem wise for the purpose of encouraging economies, efficiencies or improvements and securing to the public service corporation making the same such portion, if any, of the profits thereof as the Commission may determine.

Sec. 21. Nothing in this Act shall be taken to prohibit a corporation or person engaged in the production, generation, transmission, or furnishing of heat, cold air, light, water, or power, or telegraph, or telephone service, from establishing a sliding scale of charges; provided, that a schedule showing such scale of charges shall first have been filed with the Commission and such schedule and each rate set out therein approved by it. Nothing in this Act shall be taken to prohibit any such corporation or person from entering into an arrangement for a fixed period for the automatic adjustment of charges for heat, cold air, light, water, or power, or telegraph, or telephone service, in relation to the dividends to be paid to stockholders of such corporation, or the profit to be realized by such person; provided, that a schedule showing the scale of charges under such arrangement shall first have been filed with the Commission and such schedule and each rate set out therein approved by it. Nothing in this section shall prevent the Commission from revoking its approval at any time and fixing other rates and charges for the product or commodity or service, as authorized by this Act.

Sec. 22. (a) Every common carrier shall afford all reasonable, proper, and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage, and cars, loaded, or empty, between the lines owned, operated, controlled, or leased by it and the lines of every other common carrier, and shall make such interchange and transfer

promptly without discrimination between shippers, passengers or carriers either as to compensation charged, service rendered or facilities afforded. Every railroad corporation shall receive from every other railroad corporation, at any point of connection, freight cars of proper standard and in proper condition, and shall haul the same either to destination, if the destination be upon a line owned, operated or controlled by such railroad corporation, or to a point of transfer according to route billed, if the destination be upon the line of some other railroad corporation. Nothing in this section contained shall be construed as in any wise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers and property over the lines owned, operated, controlled, or leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the Commission to require the establishment of such joint rates, fares, and charges.

(b) Every telephone corporation and telegraph corporation operating in this State shall receive, transmit and deliver, without delay or discrimination, the conversations and messages of every other telephone or telegraph corporation with whose line a physical connection may have been made.

Sec. 23. (a) No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall, by means of known false billing, classification, weight, weighing or report of weight, or by any other device or means assist, suffer or permit any corporation or person to obtain transportation for any person or property between points within this State, at less than the rates and fares then established and in force as shown by the schedules filed and in effect at the time. No person, corporation, or any officer, agent or employee of a corporation shall, by means of false billing, false or incorrect classification, false weight or weighing, false representation as to contents or substance of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance

of a common carrier or any of its officers, agents or employees, seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor.

(b) No person or corporation, or any officer, agent, or employee of a corporation, shall knowingly, directly or indirectly, by any false statement or representation as to cost or value, or the nature or extent of an injury, or by the use of any false billing, bill or lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, or upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate or payment for damage, in connection with or growing out of the transportation of persons or property, or an agreement to transport such persons or property, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees; nor shall any common carrier, or any officer, agent, or employee thereof, knowingly pay or offer to pay any such allowance, rebate or claim for damage.

Sec. 24. (a) No common carrier subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transportation of persons or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within the longer distance, or charge any greater compensation as a through rate than the aggregate of the intermediate rates; but this shall not be construed as authorizing any such common carrier to charge or receive as great a compensation for a shorter as for a longer distance or haul.

(b) No telephone or telegraph corporation subject to the provisions of this Act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance message or conversation for a shorter than for a longer distance over the same line or route in the same direction, within this State, the shorter being included within

the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates or tolls subject to the provisions of this Act; but this shall not be construed as authorizing any such telephone or telegraph corporation to charge and receive as great a compensation for a shorter as for a longer distance.

(c) Upon application to the Commission, a telephone or telegraph corporation may, in special cases, after investigation, be authorized by the Commission to charge less for a longer than for a shorter distance service for the transmission of messages or conversations, and the Commission may from time to time prescribe the extent to which such telephone or telegraph corporation may be relieved from the operation and requirements of this section.

Sec. 25. (a) Every railroad corporation, upon the application of any corporation or person, being a shipper or receiver or contemplated shipper or receiver of freight, for a connection between the railroad of such railroad corporation and any existing or contemplated private track, tracks, or railroad of such corporation or person, shall make such connection and provide such switches and tracks as may be necessary for that purpose and deliver and receive cars thereover; provided, that such connection is reasonably practicable and can be installed and used without materially increasing the hazard of the operation of the railroad with which such connection is sought, and that the business which may reasonably be expected to be received by such railroad corporation over such connection is sufficient to justify the expense of such connection to such railroad corporation.

(b) Under the conditions specified in the proviso in subsection (a) hereof, every railroad corporation, upon the application of any corporation or person being a shipper or receiver or contemplated shipper or receiver of freight, shall construct upon its right of way a spur or spurs for the purpose of receiving and delivering freight thereby, and shall receive and deliver freight thereby.

Sec. 26. No foreign corporation, other than those which by a compliance with the laws of this State are entitled to transact a public service corporation business within this State, shall henceforth transact within this State any public service corporation business, nor shall any foreign corporation which is at present lawfully transacting business within this State henceforth transact within this State any public service corporation business of a character different from that which it is at present authorized by its charter or articles of incorporation to transact, nor shall any license, permit or franchise to own, control, operate or manage any public service corporation business or any part or incident thereof be henceforth granted or transferred, directly or indirectly, to any foreign corporation which is not at present lawfully transacting within this State a public service corporation business of like character; provided, that foreign corporations engaging in commerce with foreign nations or commerce among the several states of this Union may transact within this State such commerce and intra-state commerce of a like character.

Sec. 27. No street or interurban railroad corporation shall charge, demand, collect or receive more than five cents for one continuous ride in the same general direction within the corporate limits of any city or town, except upon a showing before the Commission that such greater charge is justified; provided, that until the decision of the Commission upon such showing, a street or interurban railroad corporation may continue to demand, collect, and receive the fare in effect on February fourteenth, nineteen hundred and twelve, or at the time the Commission acquires as to such corporation the power to fix fares within such city or town. Every street or interurban railroad corporation shall upon such terms as the Commission shall find to be just and reasonable furnish to its passengers transfers entitling them to one continuous trip in the same general direction over and upon the portions of its lines within the same city and county, or city or town, not reached by the originating car.

Sec. 28. Every public service corporation shall furnish to the Commission in such form and such detail as the Commission shall prescribe all tabulations, computations and all other information required by it to carry into effect any of the provisions of this Act, and shall make specific answers to all questions submitted by the Commission.

(b) Every public service corporation receiving from the Commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(c) Whenever required by the Commission, every public service corporation shall deliver to the Commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers, and records in its possession, or in any way relating to its property or affecting its business, and also a complete inventory of all its property in such form as the Commission may direct.

(d) No information furnished to the Commission by a public service corporation, except such matters as are specifically required to be open to public inspection by the provisions of this Act, shall be open to public inspection or made public except on order of the Commission, or by the Commission, or a Commissioner in the course of a hearing or proceeding. Any officer or employee of the Commission who, in violation of the provisions of this sub-section, divulges any such information shall be guilty of a misdemeanor.

Sec. 29. Every public service corporation shall annually furnish to the Commission at such time and in such form as the Commission may require a report in which the public service corporation shall specifically answer all questions propounded by the Commission upon or concerning which the Commission may desire information. The Commission shall have authority to require any public service corporation to file monthly reports of earnings and expenses, and to file pe-

riodical or special, or both periodical and special reports concerning any matter about which the Commission is authorized by this or any other Act to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the Commissioner.

Sec. 30. Every public service corporation shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the Commission in the matters herein specified, or any other matter in any way relating to or affecting its business as a public service corporation, and shall do every thing (everything) necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its offices, agents, and employees.

Sec. 31. The Commission is hereby vested with power and jurisdiction to supervise and regulate every public service corporation in the State and to do all things, whether herein specifically designated or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

Sec. 32. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares, tolls, rentals, charges, or classifications, or any of them, demanded, observed, charged, or collected by any public service corporation for any service or product or commodity, or in connection therewith, including the rates or fares for excursion, or commutation tickets, or that the rules, regulations, practices, or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges or classifications, or any of them are unjust, unreasonable, discriminatory or preferential, or in anywise in violation of any provision of law, or that such rates, fares, tolls, rentals, charges, or classifications are insufficient, the Commission shall determine the just, reasonable, or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, practices, or con-

tracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

(b) The Commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract, or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts and practices, or any thereof, of any public service corporation, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contract, or practices, or schedule, or schedules, in lieu thereof.

Sec. 33. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares or charges in force over two or more common carriers, between any two points in this State, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare, or charge exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare or charge between such points, the Commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare or charge which will be fair, just, reasonable and sufficient, to be allowed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated.

The Commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through route and joint rate, by the nearest and most practicable route and without being transferred from the originating cars.

In case the common carriers do not agree between them upon the division of the joint rates, fares or charges established by the Commission over such through routes, the Commission shall, after hearing, by supplementary order, estab-

lish such division; provided, that where any railroad corporation which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad corporation shall have the right to require as its division of the joint rate, fare or charge, its local rate, fare or charge over the portion of its lines comprised in such through route, and the Commission may, in its discretion, allow to such railroad corporation more than its local rate, fare or charge, whenever it will be equitable so to do. The Commission shall have the power to establish and fix through routes and joint rates, fares or charges over common carriers and stage or auto stage lines and to fix the division of such joint rates, fares or charges.

Sec. 34. The Commission shall have the power to investigate all existing or proposed interstate rates, fares, tolls, charges and classifications, and all rules and practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this State; and when the same are, in the opinion of the Commission, excessive or discriminatory or in violation of the Act of Congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the Acts amendatory thereof and supplementary thereto, or of any other Act of Congress, or in conflict with the rulings, orders or regulations of the Interstate Commerce Commission, the Commission may apply by petition or otherwise to the Interstate Commerce Commission or to any court of competent jurisdiction for relief.

Sec. 35. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities or service of any public service corporation, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, in-

adequate or insufficient, the Commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed and shall fix the same by its order, rule or regulation. The Commission shall prescribe rules and regulations for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public service corporation, and upon proper demand and tender of rates, such public service corporation shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

Sec. 36. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public service corporation or of any two or more public service corporations ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the Commission shall make and serve an order directing that such additions, extensions, repairs, improvements or changes be made or such structure or structures be erected in the manner and within the time specified in said order. If the Commission orders the erection of a new structure, it may also fix the site thereof. If any additions, extensions, repairs, improvements or changes, or any new structure or structures which the Commission has ordered to be erected, require joint action by two or more public service corporations, the Commission shall notify the said public service corporations that such additions, extensions, repairs, improvements or changes or new structures have been ordered and that the same shall be made at their joint cost, whereupon the said public service corporations shall have such reasonable time as the Commission may grant within

which to agree upon the portion or division of cost of such additions, extensions, repairs, improvements or changes or new structure or structures, which each shall bear. If at the expiration of such time such public service corporations shall fail to file with the Commission a statement that an agreement has been made for a division or apportionment of the cost or expense of such additions, extensions, repairs improvements or changes, or new structure or structures, the Commission shall have the authority, after further hearing, to make an order fixing the proportion of such cost or expense to be born (borne) by each public service corporation and the manner in which the same shall be paid or secured.

Sec. 37. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any railroad corporation or street railroad corporation does not run a sufficient number of trains or cars, or possess or operate sufficient motive power, reasonably to accommodate the traffic, passenger or freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not stop the same at proper places, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or cars, or to change the stopping place or places thereof, or to make any other order that the commission may determine to be reasonably necessary to accomodate (accommodate) and transport the traffic, passenger or freight, transported or offered for transportation.

Sec. 38. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the public convenience and necessity would be subserved by having connections made between the tracks of any two or more

railroad corporations, so that cars may readily be transferred from one to the other, at any of the points hereinafter in this section specified, the commission may order any two or more such corporations owning, controlling, operating or managing tracks of the same gauge to make physical connections at any and all crossings, and at all points where a railroad or street railroad shall begin or terminate or run near to any other railroad or street railroad. After the necessary franchise or permit has been secured from the city, county, or town, the commission may likewise order such physical connection, within such city, county or town, between two or more railroads which enter the limits of the same. The commission shall by order direct whether the expense of the connections referred to in this section shall be born (borne) jointly or otherwise.

Sec. 39. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur as provided in Section twenty-five of this Act, and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him under said Section twenty-five, the commission shall make an order requiring the providing of such connection or spur and the maintenance and use of the same upon reasonable terms which the commission shall have the power to prescribe. Whenever such connection or spur has been so provided, any corporation or person shall be entitled to connect with the private track, tracks or railroad thereby connected with the railroad of the railroad corporation and to use the same or to use the spur so provided upon payment to the party or parties incurring the primary expense of such private track, tracks or railroad, or the connection therewith or of such spur, of a reasonable proportion of the cost thereof to be determined by the Commission after notice to the interested parties and a hearing thereon; provided, that such connection and use

can be made without unreasonable interference with the rights of the party or parties incurring such primary expense.

(b) The Commission shall likewise have the power to require one railroad corporation to switch to private spurs and industrial tracks upon its own railroad the cars of a connecting railroad corporation and to prescribe the terms and compensation for such service.

Sec. 40. Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of two or more telephone corporations or two or more telegraph corporations whose lines can be made to form a continuous line of communication by the construction and maintenance of suitable connections for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that two or more telegraph or telephone corporations have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the Commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city, or town, and that conversations be transmitted and messages transferred over such connections under such rules and regulations as the Commission may establish, and prescribe through lines and joint rates, tolls and charges to be made, and to be used, observed and in force in the future. If such telephone or telegraph corporations do not agree upon the division between them of the cost of such physical connection or connections or the divisions of the joint rates, tolls or charges established by the Commission over such through lines, the Commission shall have authority, after further hearing, to establish such division by supplemental order.

Sec. 41. Whenever the Commission, after a hearing had upon its own motion or upon complaint of a public service corporation affected, shall find that public convenience and necessity require the use by one public service corporation of the conduits, sub-ways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over, or under any street or highway, and belonging to another public service corporation, and that such use will not result in irreparable injury to owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment or in any substantial detriment to the service, and that such public service corporations have failed to agree upon such use or the terms and conditions or compensation for the same, the Commission may by order direct that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public service corporation to whom the use is permitted shall be liable to the owner or other users of such conduits, sub-ways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

Sec. 42. The Commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public service corporation to maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances ,including interlocking and other protective devices at grade crossings or junctions and block or other systems of signalling, to establish uniform or other standards of equipment, and to require the performance, of any other act which the health or safety of its employees, passengers, customers or the public may demand.

Sec. 43. (a) No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track of any railorad (railroad) corporation be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the Commission; provided, that this subsection shall not apply to the replacement of lawfully existing tracks. The Commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

(b) The Commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad and of each crossing of a public road or higway (highway) by a railroad or street railroad and of a street by a railroad or vice versa, and to alter or abolish any such crossing, and to require where, in its judgment, it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the alteration or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the state, county, municipality or other public authority, in interest.

(c) Whenever the Commission shall, after a hearing had upon its own motion or upon complaint, find that public convenience and necessity demands the establishment, creation or construction of a crossing of a street or highway over, under or upon the tracks or lines of any public service corporation, the Commission may by order, decision, rule, or

decree require the establishment, construction or creation of such crossing, and said crossing shall thereupon become a public highway and crossing.

Sec. 44. The Commission shall investigate the cause of all accidents occurring within this State upon the property of any public service corporation or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to persons or property and requiring, in the judgment of the Commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable; provided, that neither the order or recommendation of the Commission nor any accident report filed with the Commission shall be admitted as evidence in any action for damage based on or arising out of the loss of life, or injury to person or property, in this section referred to. Every public service corporation is hereby required to file with the Commission, under such rules and regulations as the Commission may prescribe, a report of each accident so occurring of such kinds or classes as the Commission may from time to time designate.

Sec. 45. (a) The Commission shall have power to provide by proper rules and regulations the time within which all railroad corporations shall furnish, after demand therefor, all cars, equipment and facilities necessary for the handling of freight in car load and less than car load lots, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees or persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide penalties to be paid for failure on the part of the railroad corporations, consignors and consignees, to conform to such rule. Charges for demurrage shall be uniform so that the same penalty shall be paid by both shipper or consignee and railroad corporation for an equal number of cars for each day for which demurrage is charged.

(b) The Commission shall also have power to provide the time within which express packages shall be received, gathered, transported and delivered at destination, and the limits within which express packages shall be gatherd and distributed and telegraph and telephone messages delivered without extra charge.

(c) The Commission shall also have power to provide the time within which baggage shall be received, transported, delivered and stored. The Commission shall have power to enforce reasonable regulations for the weighing of cars and freight offered for shipment over any line of railroad, and to test the weights made by any railroad corporation and scales used in weighing freight on cars.

Sec. 46. (a) The Commission shall have power, after hearing had upon its own motion or upon complaint, to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or service to be furnished, imposed, observed and followed by all electrical, gas and water corporations; to ascertain and fix adequate and serviceable standards for the measurement of quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public service corporation; to prescribe reasonable regulations for the examination and testing of such product, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements; and to provide for the examination and testing of any and all appliances used for the measurement of any product, commodity or service of any such public service corporation.

(b) The Commission and their officers and employees shall have power to enter upon any premises occupied by any public service corporation, for the purpose of making the examinations and tests and exercising any of the other powers provided for in this Act, and to set up and use on such prem-

ises any apparatus and appliances necessary therefor. The agents and employees of such public service corporation shall have the right to be present at the making of such examinations and tests.

(c) Any consumer or user of any product, commodity or service of a public service corporation may have any appliance used in the measurement thereof tested upon paying the fees fixed by the Commission. The Commission shall establish and fix reasonable fees to be paid for testing such appliances on the request of the consumer or user, the fee to be paid by the consumer or user at the time of his request. but to be paid by the public service corporation and repaid to the consumer or user if the appliance is found defective or incorrect to the disadvantage of the consumer or user, under such rules and regulations as may be prescribed by the Commission.

Sec. 47. The Commission shall have power to ascertain the value of the property of every public service corporation in this State, or doing or transacting business in this State, and every fact which in its judgment may or does have any bearing on such value. The Commission shall have power to make revaluations from time to time and to ascertain all new constructions, extensions and additions to the property of every public service corporation.

Sec. 48. The Commission shall have power to establish a system of accounts to be kept by the public service corporations subject to its jurisdiction, or to classify said public service corporations and to establish a system of accounts for each class, and to prescribe the manner in which such accounts shall be kept. It may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such public service corporations, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys, and any other forms, records and memoranda which in the judgment of the Commission may be necessary to carry out any of the provisions of this Act.

The system of accounts established by the Commission and the forms of accounts, records and memoranda prescribed by it shall not be inconsistent in the case of corporations subject to the provisions of the act of congress entitled, "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto, with the systems and forms from time to time established for such corporations by the interstate commerce commission, but nothing herein contained shall affect the power of the Commission to prescribe forms of accounts, records and memoranda covering information in addition to that required by the interstate commerce commission. The Commission may, after hearing had upon its own motion or upon complaint, prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.

Whereas the Commission has prescribed the forms of accounts, records or memoranda to be kept by any public service corporation for any of its business, it shall thereafter be unlawful for such public service corporation to keep any accounts, records or memoranda for such business other than those so prescribed, or those prescribed by or under the authority of any other state or of the United States, excepting such accounts, records or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the Commission.

Sec. 49. The Commission shall have power, after hearing, to require any or all public service corporations to carry a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the Commission may prescribe. The Commission may, from time to time, ascertain and determine and by order fix the proper and adequate rates of depreciation of the several classes of property of each public service corporation. Each public service corporation shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the

moneys so provided for out of earnings and carry the same in a depreciation fund and expend such fund only for such purposes and under such rules and regulations, both as to original expenditure and subsequent replacement as the Commission may prescribe. The income upon investments of moneys in such fund shall likewise be carried in such fund.

Sec. 50. (a) No street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant or system, or of any extension of such street railroad, or line, plant, or system, without having first obtained from the Commission a certificate that the present or future public convenience and necessity require or will require such construction; provided, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city, county or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city, county or town, contiguous to its street railroad or line, plant, or system, and not theretofore served by a public service corporation of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; provided, further, that if any public service corporation, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant or system of any other public service corporation, already constructed, the commission, on complaint of the public service corporation claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

(b) No public service corporation of a class specified in sub-section (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but

not heretofore actually exercised, or the exercise of which have been suspended for more than one year, without first having obtained from the Commission a certificate that public convenience and necessity require the exercise of such right or privilege; provided, that when the Commission shall find, after hearing, that a public service corporation has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public service corporation may proceed, under such rules and regulations as the Commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; and provided, further, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this State.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the Commission. Every applicant for a certificate shall file in the office of the Commission such evidence as shall be required by the Commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority. The Commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require. If a public service corporation desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not yet been granted to it, such public service

corporation may apply to the Commission for an order preliminary to the issue of the certificate. The Commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the desired certificate, upon such terms and conditions as it may designate, after the public service corporation has obtained the contemplated franchise or permit. Upon presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public service corporation, the Commission shall thereupon issue such certificate.

Sec. 51. (a) No railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, or water corporation shall henceforth sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, direct or indirect, merge or consolidate its railroad, street railroad, line, plant or system, or franchises or permits or any part thereof, with any other public service corporation, without having first secured from the Commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumberance, (encumbrance), merger or consolidation made other than in accordance with the order of the Commission authorizing the same shall be void. The permission and approval of the Commission to the exercise of a franchise or permit under Section fifty of this Act, or the sale, lease, assignment, mortgage or other disposition or encumberance (encumbrance) of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this sub-

section contained shall be construed to prevent the sale, lease, or other disposition by any public service corporation of a class designated in this sub-section of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public service corporation shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

(b) No public service corporation shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public service corporation, organized or existing under or by virtue of the laws of this State, without having been first authorized to do so by the Commission. Every assignment, transfer, contract, or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public service corporation. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

Sec. 52. (a) The power of public service corporations to issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this State is a special privilege, the right of supervision, regulation, restriction and control of which is and shall continue to be vested in the State, and such power shall be exercised as provided by law and under such rules and regulations as the Commission may prescribe.

(b) A public service corporation may issue stocks and stock certificates, and bonds, notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, for the following purposes and no other, namely, for the acquisition of property, or for the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the

discharge or lawful refunding of its obligations or for the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the public service corporation not secured by or obtained from the issue of stocks or stock certificates, or bonds, notes or other evidence of indebtedness of such public service corporation, within five years next prior to the filing of an application with the Commission for the required authorization, for any of the aforesaid purposes except maintenance of service and replacements, in cases where the applicant shall have kept its accounts and vouchers for such expenditures in such manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditure was made; provided, that such public service corporation, in addition to the other requirements of law, shall first have secured from the Commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied, and that, in the opinion of the Commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order, and that, except as otherwise permitted in the order in the case of bonds, notes or other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operative expenses or to income. To enable it to determine whether it will issue such order, the Commission shall hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts and require the filing of such data as it may deem of assistance. The Commission may by its order grant permission for the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary. The Commission may authorize

issues of bonds, notes or other evidences of indebtedness, less than, equivalent to or greater than the authorized or subscribed capital stock of a public service corporation, and the provisions of the general law of this State, in so far as they contain inhibitions against the creation by corporations of indebtedness, evidenced by bonds, notes or otherwise, in excess of their total authorized or subscribed capital stock shall have no application to public service corporations. No public service corporation shall, without the consent of the Commission, apply the issue of any stock or stock certificate, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the Commission's order, or to any purpose specified in the Commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof. A public service corporation may issue notes, for proper purposes and not in violation of any provision of this Act or any other act, payable at periods of not more than twelve months after the date of issuance of the same, without the consent of the Commission, but no such note shall, in whole or in part, be refunded by any issue of stocks or stock certificates, or of bonds, notes of any term or character or any other evidence of indebtedness, without the consent of the Commission.

The Commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever, or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public service corporation hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

(c) The Commission shall have the power to require public service corporations to account for the disposition of the proceeds of all sales of stocks and stock certificates, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

(d) All stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public service corporation, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate, and every bond, note or other evidence of indebtedness, of a public service corporation, issued with the authorization of the Commission, but not conforming in its provisions to the provisions, if any, which it is required by the order of authorization of the Commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the Commission shall render void any stock or stock certificate, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

(e) Every public service corporation which, directly or indirectly, issues or causes to be issued, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the Commission authorizing the same, or contrary to the provisions of this Act, or of the Constitution of this State, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the Commission's order, as herein provided, or to any purpose specified in the Commission's order in excess of the amount in said order authorized for such purpose, is subject to a penalty of not less than five hundred dollars nor more than twenty thousand dollars for each offense.

(f) Every officer, agent or employee of a public service corporation, and every other person who knowingly authorizes, directs aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate, or bond, note or other evidence of indebtedness, in non-conformity with the order of the Commission authorizing the same, or contrary to the provisions of this Act, or of the Constitution of this State, or who, in any proceeding before the Commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the Commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the Commission to make an order authorizing the issue of any stock or stock certificate, or any bond, note or other evidence of indebtedness, or which results in procuring from the Commission the making of any such order or who, with knowledge that any false statement or representation was made to the Commission, in any proceeding, tending in any way to influence the Commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate, or bond, note or other evidence of indebtedness, to any purpose not specified in the Commission's order, or to any purpose specified in the Commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this Act, negotiates, or causes the same to be negotiated, shall be guilty of a felony, and on conviction thereof, shall be imprisoned in the State penitentiary for a term not less than two years and not more than ten years.

(g) No privisions (provisions) of this Act, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the State of Arizona to pay or guarantee, in any manner whatsoever, any stock or stock certificate, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this Act.

(h) All stocks and stock certificates, and bonds, notes and other evidence of indebtedness issued by any public service corporation after this Act takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceeding taken or had, previous to the taking effect of this Act, shall be void, unless an order of the Commission authorizing the issue of such stocks or stock certificates, or bonds, notes or other evidences of indebtedness, shall have been obtained from the Commission prior to such issue. The Commission may by its order impose such condition or conditions as it may deem reasonable and necessary.

Sec. 53. All hearings and investigations before the Commission or any commissioner shall be governed by this Act and by rules of practice and procedure to be adopted by the Commission and in conduct thereof neither the Commission nor any commissioner shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the Commission or any commissioner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission.

Sec. 54. The Commission and each commissioner shall have power to issue writs or summons, subpoenas, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in the like manner and to the same extent as courts of record. The process issued by the Commission, or any commissioner shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record, or by any person desig-

nated for that purpose by the Commission or a commissioner. The person executing any such processes shall receive such compensation as may be allowed by law.

Sec. 55. (a) The Commission and each commissioner shall have power to administer oaths, certify to all offiical acts, and to issue subpoenas for the attendance of witnesses and the production of papers, way bills, books, accounts, documents, and testimoney (testimony) in an inquiry, investigation, hearing or proceeding in any part of the State. Each witness who shall appear, by order of the Commission or a commissioner, shall receive for his attendance the same fees allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the Commission, his fees shall be paid from the fund appropriated for the use of the Commission in the same manner as other expenses of the Commission are paid. Any witness subpoenaed except one whose fees may be paid from the funds of the Commission, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend before the Commission or commissioner, as directed in the subpoena. All fees to which any witness is entitled under the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

No witness furnished with free transportation shall receive mileage for the distance he may have traveled on such free transportation.

(b) The superior court in and for the county in which any inquiry, investigation, hearing or proceeding may be held by the Commission or any commissioner shall have the power to compel the attendance of witnesses, the giving of testi-

mony and the production of papers, including way bills, books, account and documents, as required by any subpoena issued by the Commission or any commissioner. The Commission or the commissioner before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this Act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the Commission or commissioner, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce said papers before the Commission. The court, upon the petition of the Commission or such commissioner, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the Commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the Commission or a commissioner, the court shall thereupon enter an order that said witness appear before the Commission or said commissioner at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this subsection is cumulative and shall not be construed to impair or interfere with the power of the Commission or a commissioner to enforce the attendance of witnesses and the produc-

tion of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

(c) The Commission or any commissioner or any party may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like deposition in civil actions in the superior courts of this State and to that end may compel the attendance of witnesses and the production of books, way bills, documents, papers and accounts.

(d) No person shall be excused from testifying or from producing any book, way bill, document, paper or account in any investigation or inquiry by or hearing before the Commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, way bill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath have testified or produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public service corporation immunity of any kind.

Sec. 56. (a) Copies of all official documents and orders filed or deposited according to law in the office of the Commission, certified by a commissioner or by the secretary under the official seal of the Commission to be true copies of the originals, shall be evidence in a like manner as the originals.

(b) Every order, authorization or certificate issued or approved by the Commission under any provision of sections 38, 39, 40, 41, 43, 50, 51, or 52 of this Act shall be in writing and entered on the records of the Commission. Any such order, authorization or certificate, or a copy thereof, or a copy

of the record of any such order, authorization or certificate, certified by a Commissioner or by the secretary under the official seal of the Commission to be a true copy of the original order, authorization, certificate or entry, may be recorded in the office of the County Recorder of any county in which is located the principal place of business of any public service corporation affected thereby, or in which is situated any property of any such public service corporation, and such record shall impart notice of its provisions to all persons. A certificate under the seal of the Commission that any such order, authorization or certificate has not been modified, stayed, suspended or revoked may also be recorded in the same offices in the same manner and with like effect.

Sec. 57. The Commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the Commission, fifteen cents for each folio; for certified copies of official documents and orders filed in its office, twenty cents for each folio and two dollars for every certificate under seal affixed thereto; for certifying a copy of any report made by a public service corporation, two dollars; for each certified copy of the annual report of the Commission, three dollars; for certified copies of evidence and proceedings before the Commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, or other evidences of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of Thirty-five Dollars ($35.00); provided, that no fees shall be required when such issue is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired. No fee shall be charged or collected for

copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the Commission in the ordinary course of distribution, but the Commission may fix reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid, at least once each week, accompanied by a detailed statement thereof into the treasury of the State to the credit of the general fund.

Sec. 58. The Commission, each commissioner and each officer and person employed by the Commission shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service corporation, and the Commission, each commissioner and any officer of the Commission or any employee authorized to administer oaths shall have power to examine under oath any officer, agent or employee of such public service corporation in relation to the business and affairs of said public service corporation; provided, that any person other than a commissioner or an officer of the Commission demanding such inspection shall produce under the hand and seal of the Commission his authority to make such inspection; and, provided, further, that a written record of the testimony or statement so given under oath shall be made and filed with the Commission.

Sec. 59. The Commission may require, by order served on any public service corporation in the manner provided herein for the service of orders, the production within this State at any such time and place as it may designate, of any books, accounts, papers or records kept by said public service corporation in any office or place without this State, or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the Commission or under its direction.

Sec. 60. Complaint may be made by the Commission of its own motion or by any corporation or persons, chamber of commerce, board of trade, or any civic, commercial, mercan-

tile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation including any rules, regulation or charges heretofore established or fixed by or for any public sevice corporation, in violation, or claimed to be in violation, of any provision of law or of any order or rule of the Commission; provided, that no complaint shall be entertained by the Commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, unless the same be signed by the mayor or a majority of the council, commission, or other legislative body of the city or town, if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchaser or prospective consumer or purchasers, of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or non-joinder of parties and in any review by the courts of orders or decisions of the Commission the same rule shall apply with regard to the joinder of causes and parties as herein provided. The Commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the Commission shall cause a copy thereof to be served upon the corporation or person complained of. All public service corporations, domestic or foreign, doing, transacting or soliciting any business in this State, shall appoint a bona fide resident of this State, who has been a resident of this State for at least three years, its agent, upon whom all notices, orders, decrees, charges, and processes, including service of summons, may be served, and when so served, shall be taken and held to be lawful personal service on such corporation. Such appointment of agent shall be filed in the

office of the Corporation Commission. Service may likewise be had in accordance with the provisions of the general laws of this State, and may be made personally or by mailing in a sealed envelope, registered, with postage prepaid. No irregularity regarding service shall be used by any public service corporation as a ground of excuse or defense. The Commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the Commission shall find that the public necessity requires that such hearing be held at an earlier date.

Sec. 61. (a) At the time fixed for any hearing before the Commission or a commissioner, or the time to which the same may have been continued, the complainant and the corporation or persons complained of, and such corporations or persons as the Commission may allow to intervene, shall be entitled to be heard and to introduce evidence. The Commission shall issue process to enforce the attendance of all necessary witnesses. After the conclusion of the hearing, the commission shall make and file its order, containing its decision. A copy of such order, certified under the seal of the Commission, shall be served upon the corporation or person complained of, or his or its attorney. Said order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided, and shall continue in force either for a period which may be designated therein or until changed or abrogated by the Commission. If an order can not in the judgment of the Commission, be complied with within twenty days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the Commission or any commissioner on any formal hearing had, and all testi-

mony shall be taken down by a reporter appointed by the Commission, and the parties shall be entitled to be heard in person or by attorney.

Sec. 62. Any public service corporation shall have a right to complain on any of the grounds upon which complaints are allowed to be filed by other parties, and the same procedure shall be adopted and followed as in other cases except that the complaint may be heard, ex parte by the Commission, or may be served upon any parties designated by the Commission.

Sec. 63. (a) No public service corporation shall raise any rate, fare, toll, rental or charge or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under any circunstances (circumstances) whatsoever, except upon a showing before the commission and a finding by the Commission that such increase is justified.

(b) Whenever there shall be filed with the Commission any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice rule or regulation, not increasing or resulting in an increase in any rate, fare, toll, rental or charge, the Commission shall have power, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleadings, by the interested public service corporation or corporations, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, and pending the hearing and the decision thereon such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect; provided, that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond one hundred and twenty days beyond

the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule, or regulation would otherwise go into effect unless the Commission, in its discretion, extends the period of suspension for a further period not exceeding six months. On such hearing the Commission shall establish the rates, fare, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. All such rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations, not so suspended shall, on the expiration of thirty days from the time of filing the same with the Commission, or of such lesser time as the Commission may grant, go into effect and be the established and effective rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules and regulations subject to the power of the Commission, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 64. The Commission may at any time, upon notice to the public service corporation affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the public service corporation affected, have the same effect as is herein provided for original orders or decisions.

Sec. 65. In all collateral actions or proceedings, the orders and decisions of the Commission which have become final shall be conclusive.

Sec. 66. After any order or decision has been made by the Commission, any party to the action or proceeding, or any stockholder, or bond holder, or other party pecuniarily interested in the public service corporation affected, or the Attorney General on behalf of the State, may apply for a rehearing in respect to any matters determined in said action

or proceeding and specified in the app;ication (application) for rehearing, and the Commission may grant and hold such rehearing on said matters, if in its judgment sufficient reason therefor be made to appear. No cause of action arising out of any order or decision of the Commission shall accrue in any court to any corporation or person, or the State, unless such corporation or person, or the State, shall have made, before the effective date of said order or decision, application to the Commission for a rehearing.

Such application shall set forth specifically the ground or grounds on which the applicant considers said decision or order to be unlawful. No corporation or person, or the State, shall in any court urge or rely on any ground not set forth in said application. Any application for a rehearing made ten days or more before the effective date of the order as to which a rehearing is sought, shall be either granted or denied before such effective date, or the order shall stand suspended until such application is granted or denied Any application for a rehearing made within less than ten days before the effective date of the order as to which a rehearing is sought, and not granted within twenty days, may be taken by the party making the application to be denied, unless the effective date of the order is extended for a period of the pendency of the application. If any application for a rehearing be granted without a suspension of the order involved, the Commission shall forthwith proceed to hear the matter with all despatch and shall determine the same within twenty days after final submission, and if such determination is not made within said time, it may be taken by any party to the rehearing that the order involved is affirmed. An application for rehearing shall not excuse any corporation or person from complying with and obeying any order or decision, or any requirements of any order or decision of the Commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the Commission may by order direct. If, after

such rehearing and a consideration of all the facts, including those arising since the making of the order or decision, the Commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the Commission may abrogate, change, or modify the same. An order or decision made after such rehearing abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the Commission.

Sec. 67. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, then within thirty days after the rendition of the decision on rehearing, any public service corporation governed by the provisions of this Act, or other party in interest, or the Attorney General on behalf of the State, being dissatisfied with any order of the Commission fixing any valuation, rate, joint rate, toll, fare, charge, or findings, rule or regulation, classification or schedule, or any order fixing any regulations, practices, demand or requirement, act or service may commence an action in the superior court of the county in which the Commission has its domicile against the Commission as defendant to vacate and set aside any such order on the ground that the valuation, rate, joint rate, toll, fare, charge or finding, rule or regulation, classification or schedule, practice, demand, requirement, act or service fixed in such order is unlawful, or that any regulation, practice, act or service fixed in such order is unreasonable, in which action the complaint shall be served with the summons.

(b) The answer of the Commission to the complaint shall be served and filed within twenty (20) days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

(c) Such action shall be tried and determined as other civil actions, except as herein provided.

(d) The right to commence any such action, proceeding or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of said thirty days, after the application for a rehearing before the Commission is denied, or, if the application is granted, then at the end of said thirty days after the rendition of the decision on rehearing.

(e) If the Commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon as though made by the Commission in the first instance. If the original order shall not be rescinded or changed by the Commission, judgment shall be rendered affirming, modifying, or setting aside such original order, and said judgment shall be deemed final unless notice of appeal shall be given on the date thereof in open court.

(f) Either party to said action, or the attorney general on behalf of the State, within thirty days after the rendition of the order or judgment of the superior court, may appeal to the supreme court. Where an appeal is taken the cause shall, on the return of the papers to the supreme court, be immediately placed on the calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the calendar.

(g) In all trials, actions and proceedings arising under the provisions of this Act or growing out of the exercise of the authority and powers granted herein to the Commission, the burden of proof shall be upon the party adverse to such Commission or seeking to vacate or set aside any determination, requirement, direction or order of the Commission to show by clear and satisfactory evidence that the determination, requirement, direction or order of the Commission complained of is unreasonable or unlawful as the case may be.

(h) Upon final hearing the court shall enter judgment affirming, modifying, or setting aside the order or decision of the Commission. The provisions of the general laws of this State relating to trials of causes, so far as applicable, and not in conflict with the provisions of this Act, shall apply to proceedings instituted in the courts of this State under the provisions of this section. No court of this State shall have jurisdiction to enjoin, restrain, suspend or delay any order or decision of the Commission, or to enjoin, restrain or interfere with the Commission in the performance of its official duties, and the rules, regulations, orders or decrees fixed by the Commission shall remain in force pending the decision of the courts; provided, that the writ of mandamus shall lie from the supreme court to the Comission in all proper cases.

Sec. 68. All rules, regulations, orders, charges and decrees of the Commission shall remain in full force and effect pending a final decision of the court with reference thereto. No order staying, restraining or suspending any order, rule, regulation, charge, or decree of the Commission shall be made by any court of this State.

Sec. 69. All actions and proceedings under this Act, and all actions or proceedings to which the Commission or the people of the State of Arizona may be parties, and in which any question arises under this Act, or under or concerning any order or decision of the Commission, shall be preferred over all other civil causes except election causes and shall be heard and determined in preference to all other civil business except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the Commission in any action or proceeding in which he may be allowed to intervene.

Sec. 70. For the purpose of ascertaining the matters and things specified in Section forty-seven of this Act, concerning the value of the property of public service corporations, the Commission may cause a hearing or hearings to be held at such time or times and place or places as the Commission

may designate. Before any hearing is had, the Commission shall give the public service corporation affected thereby at least thirty days written notice, specifying the time and place of such hearlng, and such notice shall be sufficient to authorize the Commission to inquire into the matters designated in this section and in said Section forty-seven of this Act, but this provision shall not prevent the Commission from making any preliminary examination or investigation into the matters herein referred to, or from inquiring into such matters in any other investigation or hearing. All public service corporations affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The Commission is empowered to resort to any other sources of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the Commission. The Commission shall make and file its finding of facts in writing upon all matters concerning which evidence shall have been introduced before it which in its judgment have bearing on the value of the property of the public service corporation affected. The findings of the Commission so made and filed, when properly certified under the seal of the Commission, shall be admissible in evidence in any action, proceeding or hearing before the Commission or any court, in which the Commission, the State or any officer, department or institution thereof, or any county, city, municiaplity (municipality) or other body politic and the public service corporation affected may be interested whether arising under the provisions of this Act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated, as of the dates therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The Commission may from time to time cause further hearings and investigations to be had for the purpose of making revaluations or ascertaining the value of any betterments, improvements, addi-

tions or extensions made by any public service corporation subsequent to any prior hearing or investigation, and may examine into all matters which may change, modify or affect any finding of fact previously made, and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearings and findings; provided, that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

Sec. 71. (a) When complaint has been made to the Commission concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public service corporation, and the Commission has found, after investigation, that the public service corporation has charged an excessive or discriminatory amount for such product, commodity or service, the Commission may order that the public service corporation make due reparation to the complainant therefor, with interest at the legal rate from the date of collection; provided, no descrimination (discrimination) will result from such reparation.

(b) If the public service corporation does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning excessive or discriminatory charges shall be filed with the Commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the Commission. The remedy in this Section provided shall be cumulative and in addition to any

other remedy or remedies in this Act provided in case of failure of a public service corporation to obey an order or decision of the Commission.

Sec. 72. It is hereby made the duty of the Commission to see that the provisions of the Constitution and statutes of this State affecting public service corporations, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the State therefor recovered and collected, and to this end it may sue in the name of the people of the State of Arizona. Upon the request of the Commission, it shall be the duty of the Attorney General or the county attorney of the proper county to aid in any investigation, hearing or trial had under the provisions of this Act, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and statutes of this State affecting public service corporations and for the punishment of all violations thereof.

Sec. 73. (a) In case any public service corporation shall do, cause to be done, or permit to be done, any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the Constitution, any law of this State or any order or decision of the Commission, such public service corporation shall be liable to the persons or corporations affected thereby for all loss, damages or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court may in addition to the actual damages award damages for the sake of example and by way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner affect a recovery by the State of the penalties in this Act provided or the exercise by the Commission of its power to punish for contempt.

Sec. 74. (a) This Act shall not have the effect to release or waive any right of action by the State, the Commission, or any person or corporation for any right, penalty or forfeiture which may have arisen or accrued or may hereafter arise or accrue under any law of this State.

(b) All penalties accruing under this Act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public service corporation, or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the Commission of its power to punish for contempt.

Sec. 75. Whenever the Commission shall be of the opinion that any public service corporation is failing or omitting or about to fail or omit, to do any thing required of it by law, or by any order, decision, rule, direction or requirement of the Commission, or is doing any thing or about to do any thing, or permitting any thing or about to permit any thing to be done, contrary to or in violation of law or of any order, decision, rule, direction or requirement of the Commission, it shall direct the Attorney General of the State to commence an action or proceeding in the Superior Court in and for the county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business or an agent for any purpose, or in which the person, if any, complained of, resides, or in which the Commission has its domicile, in the name of the people of the State of Arizona, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The Attorney General shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction.

It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service corporation complained of must answer the petition, and in the meantime said public service corporation may be restrained. In case of default in answer, or after answer, the court shall immediately inquire into the facts and circumstances of the case. Such corporations or persons as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order of or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect, subject to the provisions of this Act, as appeals are taken from judgments the superior court in other actions for mandamus or injunctions.

Sec. 76. (a) Any public service corporation which violates or fails to comply with any provision of the Constitution of this State or of this Act, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement or any part or provision thereof, of the Commission, in a case in which a penalty has not hereinbefore been provided for such public service corporation, is subject to a penalty of not less than one hundred dollars nor more than five thousand dollars for each and every offense.

(b) Every violation of the provisions of this Act, or of any order, decision, decree, rule, direction, demand or requirement of the Commission, or any part or portion thereof by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this Act relating to penalties, the acts, omission or failure of any officer, agent or employee of any public service corporation, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission, or failure of such public service corporation.

Sec. 77. Every officer, agent or employee of any public service corporation, who violates or fails to comply with, or procures, aids or abets any violation by any public service corporation of any provision of the Constitution of this State or of this Act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the Commission, or who procures, aids, or abets any public service corporation in its failure to obey, observe and comply with any such order, decision, rule, direction, demand or requirement, or any part or provision thereof in a case in which a penalty has not hereinbefore been provided for such officer, agent ot (or) employee, is guilty of a misdemeanor and upon conviction thereof is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year or both such fine and imprisonment.

Sec. 78. Every corporation, other than a public service corporation, which violates any provision of this Act, or which fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement, or any part or provision thereof, of the Commission, in a case in which a penalty has not hereinbefore been provided for such corporation, is subject to a penalty of not less than one hundred dollars nor more than five thousand dollars for each and every offense.

Sec. 79. Every person who, either individually, or acting as an officer, agent or employee of a corporation other than a public service corporation, violates any provision of this Act, or fails to obey, observe or comply with any order,

decision, rule, direction, demand or requirement, or any part or portion thereof, of the Commission, or who procures, aids, or abets any such public service corporation in its violation of this Act, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor, and upon conviction thereof shall be punished by being imprisoned in a county jail for a period not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 80. Actions to recover penalties under this Act shall be brought in the name of the people of the State of Arizona, in the Superior Court in and for the county in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or agent for any purpose, or in which the person, if any, resides, or the county in which the Commission has its domicile.

Such action shall be commenced and prosecuted to final judgment by the Attorney-General of the State. In any such action all penalties incurred up to the time of commencing the same may be sued for and recovered.

All fines and penalties recovered by the State in any such action, together with the costs thereof, shall be paid into the State Treasury to the credit of the general fund. Any such action may be compromised or discontinued on application of the Commission upon such terms as the court shall approve and order.

Sec. 81. In case any public service corporation, corporation or person shall fail to observe, obey or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or portion thereof, of the Commission or any commissioner, such public service corporation, corporation or person shall be in contempt of the Commission and

shall be fined by the Commission a sum not less than one hundred dollars nor more than five thousand dollars, to be recovered before any court of competent jurisdiction, in this State.

Procedure had in such contempt proceedings shall be the same as in courts of record in this State. The remedy prescribed in this section shall not be a bar to or affect any other remedy prescribed in this Act, but shall be cumulative and in addition to any such other remedy or remedies.

Sec. 82. Any investigation, hearing or examination undertaken, commenced, instituted or prosecuted prior to the taking effect of this Act may be continued and conducted to a final determination in the same manner and with the same effect as if it had been undertaken, commenced, instituted or prosecuted in accordance with the provisions of this Act. All proceedings hitherto taken by the Commission in any such investigation, hearing or examination are hereby ratified, approved, validated and confirmed and all such proceedings shall have the same force and effect as if they had been undertaken, commenced, instituted and prosecuted under the provisions of this Act and in the manner herein prescribed.

Sec. 83. All orders, rules, decisions or regulations heretofore made, issued or promulgated by the Commission shall continue in force until the further order of the Commission, and have the same effect as though they had been made, issued or promulgated under the provisions of this Act.

Sec. 84. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 85. Chapter 15 of the Session Laws of the twenty-fifth Legislative Assembly of the Territory of Arizona, entitled, "An Act providing for the creation of the Arizona Railway Commission", approved March 10th, 1909, be and the same is hereby expressly repealed.

Sec. 86. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 87. WHEREAS, The Constitution of the State of Arizona creates, provides for the election of, and defines the powers of a Corporation Commission, and,

WHEREAS, The Constitution of the State of Arizona prescribed certain regulations in regard to the duties, requirements and liabilities of public service and other corporations not heretofore enacted into law, and,

WHEREAS, It is essential that a public service corporation act be immediately enacted to conform with the provisions of the Constitution as appertaining thereto, and,

WHEREAS, This Act requires early operation to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved May 28, 1912.

CHAPTER 91.

AN ACT

Creating the Office of State Inspector and City Sealers of Weights and Measures, Defining the Powers and Duties of Such Inspectors and Sealers, Providing for the Inspection and Sealing of Weights, Measures, Weighing and Measuring Devices; Defining the Standards and Weights and Measures to be used, regulating the Weighing and Measuring of Merchandise and Commodities Sold, and Offered for Sale in the State of Arizona, and Providing Penalties for the Violation of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The weights and measures received from the United States under a resolution of Congress approved June 14, 1836, and such new weights and measures as shall be received from the United States as standard weights and measures in addition thereto or in renewal thereof, and such as shall be supplied by the State in conformity therewith and certified by the National Bureau of Standards, shall be the State Standards by which all municipal standards of weights and measures shall be tried, approved, and sealed.

Sec. 2. There shall be a State Inspector of Weights and Measures who shall be appointed by the Governor by and with the advice and consent of the Senate. Such inspector shall be appointed for a term of two years, and shall receive a salary of two thousand dollars ($2,000.00) per year. The State Inspector of Weights and Measures shall be allowed for clerical services and for traveling and contingent expenses for himself such sums as shall be appropriated by the Legislature.

For inspecting, testing, and sealing, weights and measures, the State Inspector shall charge, and collect from, the person owning or using such weight or measure, the following fees;

provided, however, that no fee shall be charged or collected for the inspection of weights or measures, or weighing or measuring devices, of any State Institution.

For each counter scales of capacity of 6 pounds or less....$ .15
For each counter scales of capacity of more than 6 pounds .25
For each counter scales of 1,000 pounds or less..... .50
For each portable platform scales of capacity of more than 1,000 pounds 1.00
For each dormant or floor scales..... 2.50
For each railroad truck scales..... 5.00
For each spring scales of capacity of 30 pounds or more.... .50
For each spring scales of capacity of less than 30 pounds.. .25
For all other scales, instruments, and devices for weighing, not herein specified, each..... .50
For each measure containing 1 gallon or less..... .05
For each measure containing more than 1 gallon, for first gallon, and for each additional gallon or fractional part thereof ..... .05
For each yard measure or fractional part thereof..... .05

Provided, however, that where any weight or weights, measure or measures, scale or scales, balance or balances, scale beam or scale beams, steel yard or steel yards, or any other instrument or device for weighing or measuring, used by or belonging to any person, firm, or corporation, shall be tested by said Inspector oftener than once per year, no fee or fees shall be charged or collected for more than one inspection per year, except in case such instrument or device be found upon a subsequent testing to be false and incorrect, whereupon the regular fee shall be collected and paid.

The Inspector shall keep an itemized list of all fees collected by him in pursuance of this Act, and at the end of each month he shall turn said fees and said itemized list over to the State Treasurer and take his receipt therefor.

Sec. 3. The State Inspector of Weights and Measures shall take charge of the standards adopted by this Act as the standards of the State, and cause them to be kept in a fireproof

building belonging to the State (or in a safe and suitable place in the office of the Inspector,) from which they shall not be removed except for repairs or for certification; and he shall take all other necessary precautions for their safe keeping. He shall maintain the State standards in good order, and shall submit them at least once in 10 years to the National Bureau of standards for cetification. He shall at least once in two years try and prove by the State standards, all standards, weights, measures, and other testing apparatus, which may belong to any city, and shall seal such when found to be accurate by stamping on them the letter "A" and the last two figures of the year, with seals which he shall have and keep for that purpose. He shall procure at the expense of the State a portable set of weights and measures, balances and other necessary testing appliances, to be used in the inspection of all weights, or measures, weighing or measuring devices, owned by the State, by any proprietor, agent, lessee, or employee, in unincorporated or incorporated towns or cities with a population of not more than five thousand (5,000) and not less than one thousand (1,000) inhabitants according to the latest official State or United States census. He shall compare such portable set of weights and measures, balances, and other necessary testing appliances, with the State standards, at least once annually, and in the event such portable set of standards is found to be inaccurate, he shall cause it to correspond with the State standards in his custody. He shall have and keep a general supervision of the weights, measures, and weighing and measuring devices, offered for sale, sold, or in use in the State. He shall upon the written request of any citizen, firm, corporation, or educational institution in the state, test or calibrate weigths, measures, or other weighing or measuring devices and instruments or apparatus used as standards in the State. He shall at least once annually test all scales, weights, and measures, used in checking the receipts or disbursements of supplies in any institution for the maintenance of which moneys are appropriated by the Legislature, and

he shall report in writing his findings to the Supervisory Board and to the executive officers of the institution concerned, and, at the request of such board of executive officers, the state Inspector of Weights and Measures shall appoint one or more employees then in the actual service of such institution who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. He shall keep a complete record of the standards, balances, and other apparatus, belonging to the State, and take a receipt for the same from his successor in office. He shall annually on the first day of June make to the Governor a report of the work done by his office. The state inspector shall inspect all standards and apparatus used by the cities at least once in two years, and shall keep a record of the same. He shall at least once every year visit the various cities of the State having city sealers, in order to inspect the work of such local sealers, and in the performance of such duties he may inspect the weights, measures, balances, or any other weighing or measuring appliances, of any citizen, firm, or corporation, and shall have the same powers as the local sealer of weights and measures. It shall be the duty of the State Inspector in unincorporated or incorporated towns or cities of not less than one thousand (1,000), nor more than five thousand (5,000) population, according to the latest official State or United States census, to inspect, test, try, and ascertain if they are correct, at least once a year and as much oftener as he may deem necessary, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing or measuring, and tools, appliances, or accessories, connected wtih any or all such instruments, kept, offered, or exposed for sale, sold, or used, or employed, within the city by any proprietor, agent, lessee, or employee, in proving the size, quantity, extent, area, or measurements, or quantities, things, produce, or articles for distribution or consumption, offered or submitted by any such person or persons for sale, hire, or award; and he shall have the power to and shall from

time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale, or sold, or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they be offered for sale or sold in a manner in accordance with law. He may for the purpose above mentioned and in the general performance of his official duties, enter and go into or upon and without formal warrant, any stand, place, building, or premises, or stop any vender, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him, if necessary, to proceed to some convenient place for the purpose of making the proper test. When the State Inspector finds a violation of the statutes relating to weights and measures, he may cause the violator to be prosecuted. When the Inspector compares weights or measures, or weighing or measuring instruments, and finds that they correspond with the standards in his possession, he shall seal or mark such weights or measures, or weighing or measuring instruments, with appropriate devices. He shall condemn and seize, and may destroy, incorrect weights, or measures, or weighing or measuring instruments, which in his best judgment are not susceptible of satisfactory repair; but such as are incorrect and yet may be repaired he shall mark or tag as "condemned for repairs." The owner or users of any weights or measures, or weighing or measuring instruments, of which such disposition is made shall have the same repaired or corrected within fifteen (15) days, and they may not use or dispose of the same in any way, but shall hold the same at the disposal of the inspector. Any apparatus which has been "condemned for repairs" and has not been repaired as required above, shall be confiscated by the inspector.

The State Inspector shall keep in a book, together with a card index system to be furnished him by the State, a complete list of all scales, or weights, or weighing or measuring devices, inspected and tested by him, the name of the person, firm, or corporation, owning the same, and the date and result

of all inspections, and shall at all times keep the same open to the inspection of the public.

The State Inspector shall issue from time to time regulations for the guidance of city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties.

The State Inspector shall forthwith on his appoinment give a bond in the penal sum of five thousand ($5,000.00) dollars with sureties to be approved by the Governor for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the Governor to receive them.

Sec. 4. The Common Council of each city required to appoint a sealer under this act, shall procure at the expense of the city, and shall keep at all times, a complete set of weights and measures, and other testing apparatus, of such materials and construction as the said State Inspector may designate. All such weights and measures, and other testing apparatus, having been tried and accurately proved by him, shall be sealed and certified to by the State Inspector, as hereinbefore provided, and shall then be deposited with and preserved by the city sealer as the public standards for such city. Whenever the Common Council of such city shall neglect for six months so to do, the city clerk of such city on notification and request by the State Inspector shall provide such standards and cause the same to be tried, sealed, and deposited, at the expense of the city.

Sec. 5. There shall be a city sealer of weights and measures in unincorporated or incorporated towns or cities of not less than 5,000 population according to the latest official state or United States census, who shall be appointed by the Common Council of such city for a period of one year. He shall be paid a salary determined by such board, said salary not to be less than nine hundred dollars ($900.00) a year.

Where not otherwise provided by law, the city sealer shall have the power within his city to inspect, test, try, and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for weighing and measuring, and tools, appliances, or accessories, connected with all such instruments and measures, kept, offered or exposed for sale, sold, used, or employed, within the city by any proprietor, agent, lessee, or employee, in having the size, quantity, extent, area or measurements, of quantities, things, produce, or articles for distribution or consumption, offered or submitted by such person or persons for sale, hire, or award; he shall have the power to and shall from time to time, weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, or sold, or in the process of delivery, in order to determine whether the same contains the amounts represented, and whether they be offered for sale or sold, in a manner in accordance with law. He shall at least twice each year, and as much oftener as he deems necessary, test the accuracy of weights, measures, and weighing or measuring devices, used in such city. He may for the purpose above mentioned and in the general performance of his duties, enter and go into or upon, without formal warrant, any stand, place, building or premises, or stop any vender, peddler, junk dealer, coal wagon, ice wagon, delivery wagon, or any dealer whatsoever, and require him if necessary, to proceed to some convenient place for the purpose of making the proper test. When the city sealer finds a violation of the statutes relating to weights and measures, he shall cause the violator to be prosecuted. When the sealer compares weights or measures, or weighing or measuring instruments, and finds that they correspond with the standards in his possession, he shall seal or mark such weights, measures, or weighing or measuring instruments, with appropriate devices, to be approved by the State Inspector of Weights and Measures. He shall condemn and seize, and may destroy, incorrect weights and measures, or weighing or measuring instruments, which in his best judg-

ment are not susceptible of satisfactory repairs; but such are incorrect and yet may be repaired, he shall mark or tag as "Condemned for repairs," in a manner prescribed by the State Inspector. The owner or users of any weights or measures, or weighing or measuring instruments, of which such disposition is made, shall have the same repaired or corrected within fifteen (15) days, and they may neither use or dispose of the same in any way, but, shall hold same at the disposal of the sealer, and any apparatus which has been "condemned for repairs," and has not been repaired as required above, shall be confiscated by the sealer.

The city sealer shall keep in a book, together with a card index system to be furnished him by the Common Council, a complete list of all scales, or weights, or weighing or measuring devices, inspected and tested by him, the name of the person, firm, or corporation, using such scales, weights, or weighing or measuring devices, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

The city sealer shall keep a complete record of all of his official acts, and shall make a monthly and an annual report of (to) the Common Council of such city, and a monthly and an annual report duly sworn to, on the first day of each month and year, to the State Inspector of Weights and Measures, on blanks to be furnished by said Inspector.

The city sealer of weights and measures shall forthwith on his appointment give a bond in the penal sum of One Thousand Dollars ($1,000.00), with sureties to be approved by the appointing power, for the faithful performance of the duties of his office.

PROVIDED, however, that nothing in the above shall be construed to prevent two or more cities from combining the whole or any part of their districts as may be agreed upon by the Common Councils of such cities, with one set of standards and one sealer, upon the written consent of said State Inspector. A city sealer appointed in pursuance of an agreement for such

combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to the agreement.

For inspecting, testing, and sealing, weights, and measures, the city sealer shall charge, and collect from the person, owning or using such weight or measure, the following fees:

For each counter scale of capacity of 6 pounds, or less,....$ .15
For each counter scales of capacity of more than 6 pounds, .25
For each portable platform scales of capacity of 1,000 pounds or less, ... .50
For each portable platform scales of capacity of more than 1,000 pounds 1.00
For each dormant or floor scales..... 2.50
For each railroad truck scales..... 5.00
For each spring scales of capacity of 30 pounds or more,.. .50
For each spring scales of capacity of less than 30 pounds.. .25
For all other scales, instruments and devices for weighing not herein specified, each..... .50
For each measure containing 1 gallon or less..... .05
For each measure containing more than 1 gallon, for first gallon, and for each additional gallon or fractional part thereof ..... .05

Provided, however, that where any weight or weights, measure or measures, scale or scales, balance or balances, scale beam or scale beams, steel yard or steel yards, or any other instrument or device for weighing or measuring, used by or belonging to any person, firm, or corporation, shall be tested by said sealer oftener than twice per year, no fee or fees shall be charged or collected for more than the two inspections per year, except in case such instrument or device be found upon such subsequent testing to be false and incorrect, whereupon the regular fee shall be collected and paid.

The sealer shall keep an itemized list of all fees collected by him in pursuance of this Act and at the end of each month he shall turn said fees and said itemized list over to the city treasurer and take his receipt therefor.

Sec. 6. Any person who by himself or by his servant or agent, or as the servant or agent of another, shall offer or expose for sale, sell, or use, or retain in his possession, a false weight or measure, or weighing of measuring device, or any weight or measure, or weighing or measuring device, which has not been sealed by the city sealer or the state inspector of weights and measures within one year, in the buying or selling of any commodity or thing, or for hire or award, or who shall dispose of any condemned weight, measure, or weighing or measuring device, contrary to law, or remove any tag placed thereon by a city sealer or the State Inspector of Weights and Measures, or any person who by himself or his servant, or agent, or as the servant or agent of another, shall use, or offer, or expose for sale less than the quantity he represents, or sell or offer, or expose for sale, any such commodity in a manner contrary to law; or any person who by himself, or by his servant or agent, or as the servant or agent of another, shall sell or offer for sale, or have in his possession for the purpose of selling, any device or instrument to be used or calculated to falsify any weight or measure, shall be guilty of a misdemeanor, and shall be punished by fine of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred and Fifty Dollars ($250.00), or by imprisonment for not more than Three Months, or by both such fine and imprisonment, upon a first conviction; but upon a second or subsequent conviction he shall be punished by a fine of not less than Fifty Dollars ($50.00) or more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than One year, or by both such fine and imprisonment.

Sec. 7. The proximity of any weight, measure, scale, balance, or other instrument or device for weighing or measuring, any goods, wares, or merchandise, kept, sold or offered by any person, firm, or corporation, to any such goods, wares, or merchandise, shall be prima facie evidence of the use of such instrument or device for weighing or measuring the same, and

all such instruments or devices so located as aforesaid are hereby declared to be subject to all the provisions of this Act.

Sec. 8. The said State Inspector and city sealers of weights and measures, are hereby made special policemen, and are authorized and empowered to arrest without formal warrant, any violator of the statutes in relation to weights and measures, and to seize for use as evidence and without formal warrant, any false or unsealed weight, measure, or weighing or measuring device, or package or amounts of commodities found to be used, retained, or offered or exposed for sale, or sold, in violation of law.

Sec. 9. It shall be unlawful for the State Inspector or any city sealer of weights and measures, to keep for sale, expose or offer for sale, or to sell, to any person, firm, or corporation or dealer in goods, wares, and merchandise, doing or intending to do business as such in the State of Arizona, any weights, measures, scales, balances, or weighing or measuring devices of any kind for weighing or measuring goods, wares, merchandise, or to be interested directly or indirectly in the sale of such instruments or devices.

Sec. 10. Any person who shall hinder or obstruct in any way the said State Inspector, or any city sealer of weights and measures, in the performance of his duty, shall be guilty of a misdemeanor, and shall be punished upon conviction thereof in any court of competent jurisdiction, by a fine of not less than Five Dollars ($5.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for not more than Ninety (90) days, or by both such fine and imprisonment.

Sec. 11. Any person who shall impersonate in any way said State Inspector, or any city sealer of weights and measures, by use of his seal, or counterfeit of his seal, or otherwise, shall be guilty of a misdemeanor, and shall be punished by a fine or not less than One Hundred Dollars ($100.00), nor

more than Five Hundred Dollars ($500.00), or by imprisonment for not more than One (1) Year, or by both such fine and imprisonment.

Sec. 12. For weighing grain, hay, coal, groceries, and other like heavy articles of commerce, the standard unit of weight shall be the pound avoirdupois, containing 7,000 grains Troy; for weighing precious metals and jewels the unit shall be the pound Troy, containing 5760 grains; for weighing goods and medicines when same are used in compound, and filling prescriptions by druggists, the unit shall be the pound apothecary's containing 5760 grains Troy, but in all other cases, such drugs and medicines shall be sold by avoirdupois weight; for measuring grain, fruit, coal, and vegetables, the unit shall be the Winchester bushel, containing 2,150.42 cubic inches; and for measuring all liquids, except ale, beer and such liquids as enter into the composition of medical perscriptions, the unit shall be the wine or liquid gallon, containing 231 cubic inches; the unit for measuring ale and beer shall be the ale or beer gallon, containing 282 cubic inches. Such liquids as are used in the composition of medical prescriptions shall be measured by apothecary's fluid measure. The unit of linear measure shall be the yard, containing thirty-six inches in length, and being identical with the imperial yard of Great Britain.

Sec. 13. It shall be unlawful for any person, firm, or corporation or any agent or employee thereof, to make, keep, or offer for sale, or sell any bread in loaves without having written, printed or stamped thereon, or on the label attached thereto, with indelible letters and figures, the name of the manufacturer thereof and the correct net weight thereof, in pounds, or pounds and fractions of a pound, or ounces avoirdupois, at the time when such bread is so wrapped and marked, stamped or labeled.

PROVIDED, however, that an allowance of five per cent (5 per cent) in weight for shrinkage shall be made on all

loaves of bread over one day old, and of ten per cent (10 per cent) on all loaves of bread over two days old, if the age of such loaf be written, printed or stamped thereon, or on the wrapper and label thereof.

AND PROVIDED FURTHER, that all loaves of bread over three days old shall be deemed "stale bread" within the provisions of this section and shall be sold as such.

Sec. 14. It shall be unlawful to sell or offer to sell in the State, any coal in any other manner than by weight, except by an agreement between the seller and the purchaser to the contrary. No person, firm, or corporation shall deliver any coal without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, quantity or quantities of coal contained in the cart, wagon, vehicle, bag, sack, or container, used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the State Inspector or the ctiy sealer of weights and measures, upon his demand, for his inspection; and this ticket, or a weight slip issued by the State Inspector or the city sealer, when the State Inspector or city sealer desires to retain the original, shall be delivered to the said purchaser of said coal or his agent, or his representatives at the time of the delivery of the fuel, and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds delivered to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 15. Bottles used for the sale of distilled water, milk, and cream, shall be of the capacity of one-half gallon, three pints, one quart, one pint, one-half pint, and one gill, filled full to the bottom of the lip.

The following variations of individual bottles or jars may be allowed, but the average content of not less than twenty-

five bottles selected at random from at least four times the number tested, must not be in error by more than one-fourth of the tolerances:

Six drams above and six drams below on the half gallon.
Five drams above and five drams below on the three-pint.
Four drams above and four drams below on the quart.
Three drams above and three drams below on the pint.
Two drams above and two drams below on the half pint.
Two drams above and two drams below on the gill.

Bottles or jars used for the sale of distilled water, milk, or cream, shall have clearly blown or otherwise permanently marked in the side of the bottles the capacity of the bottles and in the side or bottom of the bottles the name, initials, or trademark, of the dealer using same. Any dealer who uses for the purpose of selling distilled water, milk, or cream, jars or bottles purchased after this law takes effect, that do not comply with the requirements of this section as to markings and capacity, shall be deemed guilty of using a false or insufficient measure. The said State Inspector, and city sealers of weights and measures, are not required to seal all bottles or jars used for distilled water, milk, or cream, but they shall from time to time make tests of individual bottles used by the various persons, firms, or corporations, in the State over which they have jurisdiction, in order to ascertain whether the above provisions are being complied with.

Sec. 16. It shall be unlawful for any person, firm, or corporation, to sell or offer to sell in the State, any cut or sawed or split wood, in any other manner than by the cord, or fractional part thereof, except by an agreement between the seller and the purchaser to the contrary.

Where cut or sawed or split wood is sold by the cord or fractional part thereof, no person, firm, or corporation shall deliver such wood without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance distinctly ex-

pressed in cords or fractional parts thereof, the quantity or quantities of wood contained in the cart, wagon, vehicle, bag, sack, or container, used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the State Inspector or city sealer of weights and measures, upon his demand, for his inspection, and this ticket or a weight slip issued by the State Inspector or city sealer, when the Inspector or sealer desires to retain the original, shall be delivered to the said purchaser of said wood, or his agent or representative, at the time of the delivery of the fuel; and the other ticket shall be retained by the seller of the fuel. When the buyer carries away the purchase, a delivery ticket showing the actual number of cords, or fractional part thereof, delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 17. Every person, firm, or corporation, engaged in the business of selling and distributing ice at retail shall sell same by weight.

Sec. 18. It shall be unlawful to sell or offer to sell in the State any hay in any other manner than by weight, except by an agreement between the seller and the purchaser to the contrary. No person, firm, or corporation, shall deliver any hay without such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink or other indelible substance distinctly expressed in pounds, the gross weight of the load, the tare of the delivery vehicle, the quantity or quantities of hay contained in said cart, wagon, or vehicle, used in such deliveries, with the name of the purchaser and the name of the dealer from whom purchased.

One of these tickets shall be surrendered to the State Inspector or city sealer of weights and measures, upon his demand for his inspection, and this ticket or weight slip issued by the State Inspector or city sealer, when the Inspector or sealer desires to retain the original, shall be delivered to the

said purchaser of said hay, or his agent or representative, at the time of the delivery; and the other ticket shall be retained by the seller of the hay. When the buyer carries away the purchase, a delivery ticket, showing the actual number of pounds delivered over to the purchaser, must be given to the purchaser at the time the sale is made.

Where hay is sold in bales, each of such bales shall have printed or stamped or marked thereon the correct weight of such bale in pounds or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm, or corporation, and for any agent or employee thereof, to sell or offer for sale any such bale of hay on which the correct weight of such bale of hay has not been stamped, printed, or marked; PROVIDED, however, that an allowance of three per cent (3 per cent) in weight for shrinkage shall be made on all bales of hay less than six months old, and of five per cent (5%) on all bales of hay over six months old, if the age of such bale of hay be marked, printed, or stamped thereon.

Sec. 19. It shall be unlawful to sell or offer to sell in the State any fresh meat, such as beef, pork, mutton, veal, sausage, or fish, in any other manner than by weight, except by an agreement between the seller and the purchaser to the contrary. No person firm or corporation shall deliver such fresh meat without such delivery being accompanied by a delivery ticket on which shall be in ink or other indelible substance, distinctly expressed in pounds or fractions, of a pound avoirdupois, the correct weight of such fresh meat, with the name of the purchaser thereof and the name of the dealer from whom purchased. When the buyer carries away the purchase, a delivery ticket showing the actual number of pounds or fractional parts thereof delivered over to the purchaser must be given to the purchaser at the time the sale is made.

Sec. 20. Where butter is sold in package or cartons, such package or carton shall have printed or stamped upon the wrapper of such package or carton, or upon the package or carton in pounds and ounces, or fractions of a pound avoir-

dupois, and it shall be unlawful for any person, firm, or corporation, or for any agent or employee thereof, to sell or offer for sale any such package or carton of butter upon the wrapper of which the correct weight of the contents of such package or carton has not been printed or stamped; PROVIDED, however, that an allowance of not exceeding two and one one-half per cent (2 1-2 per cent) in weight shall be made for shrinkage on all packages or cartons of butter. x

Sec. 21. Where coffee or tea is sold in packages or containers, each of such packages or containers shall have printed or stamped upon the wrapper of such package or container, or upon the package or container, the correct weight of the contents of such package or container, in pounds and ounces, or fractions of a pound avoidrupois, (avoirdupois), and it shall be unlawful for any person, firm or corporation, or for any agent or employee thereof, to sell or offer for sale any such package or container of coffee or tea upon the wrapper of which the correct weight of the contents of such package or container has not been printed or stamped.

Sec. 22. Where wheat flour, buckwheat flour, cornmeal, rice, beans, sugar, barley, bran, wheat, corn, potatoes, onions, seed, ham, or bacon, are sold in bags, sacks, or other containers, each of such bags, sacks, or other containers, shall have printed or stamped upon the wrapper of such bag, sack or, other container, or upon the bag, sack or other container, the correct weight of the contents of such bag, sack, or other container, in pounds and ounces, or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm or corporation, or for any agent or employee thereof, to sell or offer for sale any such bag, sack, or other container, of wheat flour, buckwheat flour, corn-meal, rice, sugar, barley, bran, wheat, corn, potatoes, onions, seed, ham, or bacon, upon the wrapper, or upon the bag, sack, or other container, of which the correct weight of the contents of such bag, sack, or other

container has not been printed or stamped; PROVIDED, however, that an allowance of not exceeding two and a half per cent (2½ per cent) shall be made for shrinkage on all such bags, sacks, or other containers, of wheat flour, buckwheat flour, corn-meal, rice, beans, sugar, barley, bran, wheat, corn, potatoes, onions, seed, ham, or bacon.

Sec. 23. Where lard is sold in cans or other containers, each of such can or other containers, shall have printed or stamped upon the wrapper of such can or other container, or upon the can or other container, the correct weight of the contents of such can or other container in pounds and ounces, or fractions of a pound avoirdupois; and it shall be unlawful for any person, firm, or corporation, or for any agent or employee thereof to sell or offer for sale, any such can or other container on which the correct weight of the contents of the can or other container has not been printed or stamped.

Sec. 24. Where vinegar or sweet oil is sold in bottles or cans, each of such bottles or cans shall have printed or stamped upon the wrapper of such bottle or can, or upon the bottle or can, the correct quantity of the contents of such bottles or can, in gallons, quarts, pints, or gills, or fractional parts thereof; and it shall be unlawful for any person, firm, or corporation, or for any agent or employee thereof, to sell or offer for sale any such bottles or can of vinegar or sweet oil upon the wrapper, bottle, or can, of which the correct quantity of the contents of such bottle or can has not been printed or stamped.

Sec. 25. Where soda crackers or dried fruits are sold in boxes or other containers, each of such boxes or other containers shall have printed or stamped upon the wrapper of such box or other container, or upon the box or other container, the correct weight of the contents of such box or other container in pounds or ounces, and in fractions of a pound avoirdupois, and it shall be unlawful for any person, firm or corporation, or any agent or employee thereof, to sell or offer for sale any such box or container or soda crackers or dried

truits upon the wrapper, box, or other container, of which the correct weight of the contents of such box or other container has not been stamped.

Sec. 25 (26). Any person, firm, or corporation, that violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof, by a fine, where such fine is not hereinafter provided, of not less than Five Dollars ($5.00), nor more than Two Hundred and Fifty Dollars ($250.00).

Sec. 26 (27). There is hereby appropriated the sum of Four Thousand Dollars ($4,000.00) to meet the expenses of the office of State Inspector of Weights and Measures, the said amount to be apportioned as follows: for the payment of the salary of the said State Inspector Two Thousand Dollars ($2,000.00); for initial expenses Three Hundred Dollars ($300.00); for clerk hire Twelve Hundred Dollars ($1200.00); for traveling expenses for the State Inspector while in the performance of the duties of his office and contingent expenses of the State Inspector's office, Five Hundred Dollars. ($500.00).

Sec. 27 (28). All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved May 28, 1912.

CHAPTER 92.

AN ACT

Making Appropriations for the Current and Contingent Expenses of the Different Departments of State and State Institutions; and Making Appropriations for the Maintenance of Public Institutions and to Prescribe the Duties of the State Board of Equalization, Board of Control,

State Auditor, State Treasurer, in Carrying out the Provisions of this Act, all of which Constitutes the General Appropriation Bill.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. That the following sums are hereby appropriated for the several objects and purposes hereinafter named, and the State Auditor is hereby authorized and directed to draw his warrant on the general fund for the amounts hereinafter mentioned, and set forth, and the State Treasurer is hereby authorized and directed to pay the said warrants out of the general fund.

Sub. Division 1. The sum of one thousand, five hundred, dollars ($1,500) to pay the salary of the Governor, for the period commencing on the fourteenth day of February 1912, and ending June 30, 1912.

Sub. Division 2. The sum of four thousand dollars ($4,000) to pay the salary of the Governor during the year ending June 30, 1913.

Sub. Division 3. The sum of three thousand dollars ($3,000) to pay the salary of the Secretary to the Governor, during the year ending June 30, 1913.

Sub. Division 4. The sum of four thousand, one hundred dollars ($4,100) or as much thereof as may be necessary to pay for clerical service in the office of the Governor for the period commencing February 14, 1912 and ending June 30, 1913.

Sub. Division 5. The sum of three thousand, three hundred dollars ($3,300), or as much thereof as may be necessary to pay the official contingencies of the Governor and all necessary expenses to be used during the period commencing February 14, 1912 and ending June 30, 1913.

Sub. Division 6. The sum of four thousand eight hundred and twelve dollars and fifty cents (4812.50), to pay the salary of the Secretary of State. To be paid during the period commencing February 14, 1912 and ending June 30, 1913.

Sub. Division 7. The sum of three thousand five hundred and twenty dollars ($3,520), or as much thereof as may be necessary, to pay for postage, printing, office supplies, blue-book, and all other necessary office contingencies or official expenses of the Secretary of State, during the period commencing February 14, 1912 and ending June 30, 1913.

Sub. Division 7 A. The sum of thirty-three hundred dollars ($3,300), or as much thereof as may be necessary for the salary of the Assistant Secretary of State to be paid during the period commencing February 14th, 1912, and ending June 30, 1913.

Sub. Division 7 B. The sum of twenty-eight hundred and thirty seven dollars ($2,837), or as much thereof as may be necessary to pay for stenographers services in the office of the Secretary of State, to be paid during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 8. The sum of two hundred and twenty-five dollars and eighty-four cents ($225.84), to pay the balance heretofore unappropriated for the Auditor's salary for the period commencing February 14, 1912 and ending June 30, 1912; said sum of two hundred and twenty-five dollars and eighty-four cents ($225.84) being the difference between the salary of the State Auditor and the salary of the Territorial Auditor for said period.

Sub. Division 9. The sum of three thousand dollars ($3,000) to pay the salary of the State Auditor, to be paid during the year ending June 30, 1913.

Sub. Division 10. The sum of one thousand dollars ($1,000) or as much thereof as may be necessary to pay the office contingencies of the State Auditor. Used during the period commencing February 14, 1912 and ending June 30, 1913.

Sub. Division 11. The sum of sixteen hundred dollars ($1,600.00), or as much thereof as may be necessary, to pay the necessary traveling expenses of the State Auditor in making official visits and investigations, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 12. The sum of one hundred and eighty-eight dollars and twenty cents ($188.20), to pay the balance heretofore unappropriated for the Treasurer's salary for the period commencing February 14, 1912, and ending June 30, 1912; said sum of one hundred and eighty-eight dollars and twenty cents ($188.20), being the difference between the salary of the State Treasurer and the salary of the Territorial Treasurer for said period.

Sub. Division 13. The sum of three thousand dollars ($3000.00)) to pay the salary of the State Treasurer during the year ending June 30, 1913.

Sub. Division 14. The sum of seven hundred dollars ($700.00), or so much thereof as may be necessary to pay the office contingencies of the State Treasurer, for the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 15. The sum of thirty-seven dollars and fifty-eight cents ($37.58) to pay the balance heretofore unappropriated for the Attorney General's salary for the period commencing February 14, 1912, and ending June 30, 1912; said sum of thirty-seven dollars and fifty-eight cents ($37.58) being the difference between the salary of the State Attorney General and the salary of the Territorial Attorney General during that period.

Sub. Division 16. The sum of two thousand five hundred dollars ($2,500.00), to pay the salary of the Attorney-General during the year ending June 30, 1913.

Sub. Division 17. The sum of two thousand four hundred dollars ($2,400.00), to pay the salary of the Citizen Member of the Board of Control, during the year ending June 30, 1913.

Sub. Division 18. The sum of five thousand six hundred and twenty-five dollars and six cents ($5,625.06), to pay the salaries of the three Justices of the Supreme Court of the State, during the period from February 14, 1912, to June 30, 1912. Payable one thousand eight hundred and seventy-five dollars and two cents ($1,875.02), to each of said Justices, during said period.

Sub. Division 19. The sum of fifteen thousand dollars ($15,000.00), to pay the salaries of the three Justices of the Supreme Court from July 1, 1912, to June 30, 1913. Payable five thousand dollars ($5,000.00), during said year to each of the said Justices.

Sub. Division 20. The sum of one thousand one hundred and twenty-five dollars ($1,125.00), to pay the salary of the Clerk of the Supreme Court, for the period commencing the 14th day of February, 1912, and ending the 30th day of June 1912.

Sub. Division 21. The sum of two thousand seven hundred dollars ($2,700.00), to pay the salary of the Clerk of the Supreme Court during the year ending June 30, 1913.

Sub. Division 22. The sum of nine hundred dollars ($900.00), to pay the salary of the Reporter of the Supreme Court for the period commencing February 14, 1912, and ending June, 30, 1912.

Sub. Division 23. The sum of one thousand two hundred dollars (1,200.00), to pay the salary of the Deputy Clerk of the Supreme Court for the year ending June 30, 1913.

Sub. Division 24. The sum of four hundred and five dollars ($405.00), to pay the salary of the Bailiff of the Supreme Court, from February 14, 1912, to June 30, 1912.

Sub. Division 25. The sum of one thousand and eighty dollars ($1080.00), to pay the salary of the Bailiff of the Supreme Court for the year ending June 30, 1913.

Sub. Division 26. The sum of two thousand dollars ($2000.00), to pay the salary of the Reporter of the Supreme Court during the year ending June 30, 1913.

Sub. Division 27. The sum of two thousand four hundred dollars ($2400.00), or so much thereof as may be necessary to pay the salaries of two stenographers for the use of the Justices of the Supreme Court for the year ending June 30, 1913. Each of said stenographers to be paid the sum of twelve hundred dollars ($1200.00), a piece during the said year.

Sub. Division 28. The sum of three hundred dollars ($300.00), in addition to any amount heretofore appropriated, or so much thereof as may be necessary to pay official contingencies and all of the necessary official expenses of the Judge of the Supreme Court, used during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 29. The sum of two thousand dollars ($2,000.00), or so much thereof as may be necessary for the use of the State Librarian, and to be expended by the Board of Curators during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 30. The sum of twelve thousand three hundred and seventy-five dollars ($12,375.00), to pay the salaries of the three members of the Corporation Commission, for the period commencing February 14, 1912, and ending June 30, 1913. To be paid four thousand one hundred and twenty-five dollars ($4,125.00), to each Commissioner during the said period.

Sub. Division 31. The sum of two thousand four hundred dollars ($2,400.00), to pay the salary of the Chief Clerk of the Corporation Commission during the year ending June 30, 1913.

Sub. Division 32. The sum of two thousand four hundred and seventy-five dollars ($2,475.00), to pay the salary of one Rate Clerk of the Corporation Commission, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 33. The sum of two thousand one hundred dollars ($2,100.00), to pay the salary of a Reporter for the Corporation Commission, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 34. The sum of one thousand six hundred and fifty dollars ($1,650.00), to pay the salary of one expert stenographer for the Corporation Commission, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 35. The sum of one thousand three hundred and five dollars ($1,305.00), to pay the salary of one Stenographer for the Corporation Commission, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 36. The sum of one thousand five hundred dollars ($1,500.00), or as much thereof as may be necessary to pay for additional help in the office of the Corporation Commission during the year ending June, 30, 1913.

Sub. Division 37. The sum of twenty thousand dollars ($20,000.00), or so much thereof as may be necessary, to be expended by the Corporation Commission for contingent expenses and for the employment of Clerks, Inspectors, Engineer experts, and for traveling expenses of members and employees of the members and for expenses of hearings and other incidental expenses, including all official expenses not otherwise in this Act provided for, during the period commencing February 14, 1912, and ending June 30, 1913.

Sub. Division 38. The sum of thirty-two thousand seven hundred fifty-seven dollars and seventy-two cents ($32,757.72), to pay that portion of the salaries of the Judges of the Superior Court in the State of Arizona, required by the Constitution to be paid by the State during the period commencing February 14, 1912, and ending June 30, 1913, to be paid in such amounts to each Judge as the Constitution prescribes.

Sub. Division 39. The sum of three housand three hundred and seventy-five dollars ($3,375.00), to pay the salary of Mine Inspector during the period commencing May 14, 1912, and ending June 30, 1913.

Sub. Division 40. The sum of five thousand eight hundred and fifty dollars ($5850.00), to pay the salaries of three Deputy Mine Inspectors for the period commencing June 1, 1912, and ending June 30, 1913. One thousand nine hundred and fifty dollars ($1950.00), to be paid during the said period to each of the said Deputy Mine Inspectors.

Sub. Division 41. The sum of six thousand one hundred and twenty-five dollars ($6125.00), to pay the traveling expenses of the Mine Inspector and three Deputy Mine Inspectors, as provided by law, during the period commencing May 14, 1912, and ending June 30, 1913.

Sub. Division 42. The sum of six hundred and seventy two dollars ($672.00) to pay the official expenses of the State Veterinarian including salary of clerk, renting of typewriter, and renting of telephone, during the year ending June 30, 1912.

Sub. Division 43. The sum of two thousand, five hundred dollars ($2,500), to pay the salary of the State Superintendent of Public Instruction during the year ending June 30, 1913, to be paid out of the state school fund.

Sub. Division 44. The sum of five thousand dollars ($5,000) in addition to the annual amount appropriated for the use of the Territorial Fair. Said sum of five thousand dollars ($5,000) to be used by the Territorial Fair Commission for the same purpose as the annual appropriation of said Commission.

Sub. Division 45. That the sum of fourteen hundred dollars ($1400); three hundred and fifty dollars for Thos. D. Shaughnessy, and three hundred and fifty dollars for Con P. Cronin, Assistant Secretaries of the Senate; three hundred and fifty dollars for B. F. Thum, Chief Clerk, and three hundred and fifty dollars for L. F. Sweeting, Assistant Chief Clerk of the House, for revising the Journal of the Legislature; for proof reading same, for preparing the proper index thereto, and preparing same for the printer; for preparing daily bulletin of the status of legislative bills after the adjournment of the Legislature; and Miss Lucy Grant, sixty-five dollars; Miss Marjorie F. Grant, Sixty-five dollars; Miss Ory Cantrill, fifty dollars; Miss Clara Freestone, fifty dollars; Miss Maud Whitten, ten dollars; Miss Florence Jones, ten dollars, for assistance in said work; and Antonio Contreras twenty-five dollars for completing the Journal.

Section 2. That there be and is hereby appropriated the sum of twenty-five thousand dollars ($25,000) to be expended

by the Board of Control, for the maintenance of the State Industrial school as hereinafter provided, to be paid by the State Treasurer in the State Industrial School Fund out of the taxes collected for the year 1912. The Board of Control is hereby required to prepare monthly at the end of each month a complete statement with the proper vouchers duly verified and certified by the Secretary of the Board, showing the total expenses of the month, and upon the receipt of the same, the State Auditor is hereby authorized and directed to draw his warrant for the amount so ascertained in favor of said Board of Control and the State Treasurer is hereby authorized and directed to pay such warrant out of the State Industrial Fund, but, in case of a deficit in said fund, to pay same out of the general fund.

Section 3. That there be and is hereby appropriated the sum of ninety thousand dollars ($90,000.00), to be expended by the Board of Control for the maintenance of the Prison as hereinafter provided, said sum to be placed by the State Treasurer in the Prison Fund out of the taxes collected for the year 1912. The Board of Control is hereby authorized and directed to expend the said sum of ninety thousand dollars ($90,000.00), or so much thereof as may be necessary, in their discretion, for the said Institution and the State Auditor is hereby authorized and directed to draw a warrant for the said amount, in favor of the said Board of Control; the State Treasurer is hereby authorized and directed to pay such warrant in favor of said Board of Control, under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay the said warrant out of any money or moneys in the Prison fund, but in case of a deficit in this fund, to pay the same out of the general fund.

Section 4. That there be and is hereby appropriated the (sum) of fifty thousand dollars ($50,000.00), to be expended by the Board of Education for the maintenance of the Tempe Normal School of the State of Arizona for the year 1912, said

sum to be placed by the State Treasurer to the credit of the Tempe Normal School Fund out of taxes collected for the year 1912, and there shall be expended out of said fund, under the provisions of this section, the sum appropriated, or so much thereof as said Board of Education may deem necessary for the purpose of maintenance and incidentals of the said school.

Section 5. That there be and is hereby appropriated the sum of thirty thousand two hunrded dollars ($30,200.00), to be expended by the Board of Education of the Northern Arizona Normal School for the equipment and maintenance of the Northern Normal School as hereinafter provided, said sum to be placed by the State Treasurer to the credit of the Northern Arizona Normal School fund out of the taxes collected for the year 1912. The Board of Education is hereby authorized and directed to expend the said sum of thirty thousand two hundred dollars ($30,200.00), or so much thereof as may be necessary for the maintenance and equipment and necessary incidentals of the said Northern Arizona Normal School.

Sec. 6. That there be and is hereby appropriated the sum of twenty-eight thousand dollars ($28,000.00), to be expended by the Board of Regents of the University of Arizona for the maintenance of the University of Arizona as hereinafter provided, said sum to be placed by the State Treasurer in the University fund, out of the taxes collected for the year 1912.

The Board of Regents is hereby authorized and directed to spend the sum of twenty-eight thousand dollars ($28,000.00), placed to the credit of the University fund or so much thereof as may be necessary for the maintenance and incidental repair of said University.

Section 7. That there be and is hereby appropriated the sum of seventy-five thousand dollars ($75,000) to be expended by the Board of Control for the maintenance of the Asylum for the Insane, as hereinafter provided, said sum to be placed by the State Treasurer in the Asylum for the Insane fund, out

of the taxes collected for the year 1912. The Board of Control is hereby required to prepare monthly at the end of each month a complete statement with the proper vouchers duly verified and certified by the Secretary of the Board, showing the total expenses of the month, and upon the receipt of the same, the State Auditor is hereby authorized and directed to draw his warrant for the amount so ascertained in favor of said Board of Control, and the State Treasurer is hereby authorized and directed to pay such warrant out of the Asylum for the Insane fund; but in case of a deficit of the said fund, out of the general fund.

Section 8. That there be and is hereby appropriated the sum of twelve thousand dollars ($12,000) to be expended by the Board of Control for the maintenance of the Pioneers' Home as hereinafter provided, and the State Treasurer shall place said sum to the credit of the Pioneers' Home fund, out of the taxes collected for the year 1912. The Board of Control is hereby authorized and directed to expend the said sum of twelve thouasnd dollars ($12,000) accruing to the credit of the Pioneer's Home fund or so much thereof as may be necessary for the maintenance of said Institution.

Sec. 9. The unexpended balances that may be at the date of the passage of this Act in any of the above mentioned funds already established, or that may hereafter accrue thereto under existing tax levies or from any other source, are hereby continued in said funds, and said amounts may be expended in accordance with the provisions of this Act, in addition to the appropriations herein expressly provided, which will hereafter accrue to said fund.

Sec. 10. All claims for moneys appropriated or the disposition of which is provided for by the provisions of this Act, shall be itemized and accompanied by proper vouchers, and each claim shall be audited by the State Auditor who shall have the right to reject any voucher or claim or any part

thereof which, in his judgment, does not constitute a proper or legal charge against the State. All said claims shall be verified and the form of said claim, and the verification thereof, shall be prescribed by the State Auditor, and upon the auditing of said claim, the State Auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amounts audited by him, and the State Treasurer is hereby authorized and directed to pay said warrant out of the fund upon which it is drawn.

Sec. 11. WHEREAS, it is necessary to appropriate certain moneys for the support of the various departments of State, and for the maintenance of State Institutions, and

WHEREAS, the provisions of this Act are necessary for the support and maintenance of the departments in the State Government and State Institutions, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the provisions of the referendum clause of the State Constitution.

Approved May 28, 1912.
except as to Subdivision 45.

CHAPTER 93.

AN ACT

Classifying the Several Counties of the State and Fixing the to Repeal All Other Acts in Conflict Herewith.

Be it Enacted by the Legislature of the State of Arizona:

Section 1. For the purpose of this Act, the population of the several counties of this State, is hereby declared and de-

termined to be, and is, as follows: Apache county, thirty-five hundred; Cochise county, thirty-four thousand; Coconino county, five thousand five hundred; Gila county, fourteen thousand five hundred; Graham county, eight thousand; Greenlee county fifteen thousand; Maricopa county, thirty-five thousand five hundred; Mohave county, four thousand; Navajo county, six thousand; Pinal county, six thousand five hundred; Pima county, twenty-three thousand; Santa Cruz county, seven thousand; Yavapai county, sixteen thousand; Yuma county, seven thousand five hundred.

Section 2. For the purpose of regulating and fixing the compensation of all county and precinct officers herein provided for, the several counties of this State are hereby classified, according to their population, as declared and determined in Section 1 of this Act as follows:

First class, counties containing a population of thirty-five thousand and over shall belong to, and be known as, counties of the first class.

Second class, counties containing a population of twenty-five thousand or more, and under thirty-five thousand, shall belong to, and be known as, counties of the second class.

Third class, counties containing a population of twenty thousand or more, and under twenty-five thousand, shall belong to, and be known as, counties of the third class.

Fourth class, counties containing a population of sixteen thousand or more, and under twenty thousand, shall belong to, and be known as, counties of the fourth class.

Fifth class, counties containing a population of fifteen thousand or more, and under sixteen thousand, shall belong to, and be known as, counties of the fifth class.

Sixth class, counties containing a population of ten thousand or more, and under fifteen thousand, shall belong to, and be known as, counties of the sixth class.

Seventh class, counties containing a population of eight thousand or more, and under ten thousand, shall belong to, and be known as, counties of the seventh class.

Eighth class, counties containing a population of seven thousand five hundred or more, and under eight thousand, shall belong to, and be known as, counties of the eighth class.

Ninth class, counties containing a population of seven thousand or more, and under seven thousand five hundred, shall belong to, and be known as, counties of the ninth class.

Tenth class, counties containing a population of six thousand five hundred or more, and under seven thousand, shall belong to, and be known as, counties of the tenth class.

Eleventh class, counties containing a population of six thousand or more, and under six thousand five hundred, shall belong to, and be known as, counties of the eleventh class.

Twelfth class, counties containing a population of five thousand five hundred or more, and under six thousand, shall belong to, and be known as, counties of the twelfth class.

Thirteenth class, counties containing a population of four thousand or more, and under five thousand five hundred, shall belong to, and be known as, counties of the thirteenth class.

Fourteenth class, counties containing a population of less than four thousand shall belong to, and be known as, counties of the fourteenth class.

Section 3. In counties of the first class, the county officers shall receive respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the Superior Court, one Deputy, who shall be appointed by said Clerk, at a salary of one hundred and twenty-five dollars per month; and, by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries not to exceed one hundred dollars each per month.

The Sheriff, four thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and fifty dollars per month, and such other deputies and jail guards, by and with the consent of the Board of Supervisors, as may be necessary to properly perform the business of his office, at salaries of not to exceed one hundred and twenty-five dollars each per month.

The Recorder, twenty-four hundred dollars per annum; provided that in counties of this class there shall be, and there is hereby allowed the Recorder, the following deputies, who shall be appointed by the Recorder of said county, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month; and, by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries not to exceed one hundred dollars each per month.

The Treasurer and Ex-officio Tax Collector, three thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer the following deputies, who shall be appointed by the Treasurer, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and fifty dollars per month, and such extra assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office. The cost of said extra assistants not to exceed in all the sum of twelve hundred dollars per annum.

The County Attorney, twenty-four hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class, there shall be, and there is hereby allowed to the County Attorney, one deputy, who shall be appointed by the County Attorney of said county, and who shall be paid a salary of one hundred and twenty-five dollars per month; and, by and with the consent of the Board of Supervisors, one Stenographer, to be known as County Stenog-

rapher, but attached to the office of the County Attorney, who shall receive a salary, not to exceed one hundred dollars per month. The duties of the County Stenographer shall be, to do and perform such stenographic work as may arise in the various county offices in the Court House.

The Assessor, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class there shall be, and there is hereby allowed to the Assessor, the following deputies, who shall be appointed by the Assessor, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month and necessary traveling expenses; one Office Deputy, to be employed for a period of not more than six months in the year, at a salary of one hundred and twenty-five dollars per month; and such other deputies as may be necessary, who shall be employed for a period of not more than six months in the year, at a salary of not more than one hundred dollars each per month, and necessary traveling expenses.

The Superintendent of Schools, twenty-four hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; he shall be allowed also, actual and necessary traveling expenses; provided, that in counties of this class, there is hereby allowed to the Superintendent of Schools, one Clerk at a salary of one hundred dollars per month.

The County Road Superintendent, two thousand dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office; but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, fifteen hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of twelve hundred dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of eighteen hundred dollars per annum; the Board of Supervisors may appoint one Assistant Clerk of the Board of Supervisors, who shall receive a salary of fifteen hundred dollars per annum.

Justices of the Peace and ex-officio Coroners shall receive as full compensation for the services and all incidental expenses required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where one thousand or more votes were cast at the last general election, one hundred and seventy-five dollars per month.

In Justice Precincts where five hundred or more, and under one thousand votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where two hundred or more and under five hundred votes were cast at the last general election, sixty dollars per month.

In Justice Precincts where one hundred or more and under two hundred votes were cast at the last general election, forty dollars per month.

In Justice Precincts where less than one hundred votes were cast at the last general election, fifteen dollars per month.

Constables shall receive as full compensation for the services and all incidental expenses required of them by law, or by virtue of their office, the following salaries:

In Justice Precincts where one thousand or more votes were cast at the last general election, one hundred and twenty-five dollars per month;

In Justice Precincts where five hundred or more, and under one thousand votes were cast at the last general election, one hundred dollars per month;

In Justice Precincts where two hundred or more, and under five hundred votes were cast at the last general election, fifty dollars per month.

In Justice Precincts where one hundred or more, and under two hundred votes were cast at the last general election, twenty-five dollars per month;

In Justice Precincts where less than one hundred votes were cast at the last general election, one hundred and fifty dollars per annum.

Section 4. In counties of the second class, the county officers shall receive respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, twenty-seven hundred dollars per annum; provided, that in the counties of this class, there shall be, and there is herby (hereby) allowed to the Clerk of the Superior Court, two deputies, who shall be appointed by said Clerk, at a salary of one hundred and twenty-five dollars each per month.

The Sheriff, five thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy, and the following deputies, who shall be appointed by the Sheriff of said county, and shall be paid salaries as follows, to-wit: one Chief Deputy at a salary of one hundred and fifty dollars per month, and five deputies at a salary of one hundred and twenty-five dollars each per month; and, by and with the consent of the Board of Supervisors, such other deputies and jail guards, as may be necessary to properly perform the business of his office, at salaries of, not to exceed one hundred dollars each per month.

The Recorder, twenty-four hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder, the following deputies, who shall be appointed by the Recorder of said county, and who shall be paid salaries as follows: one Chief Deputy at

a salary of one hundred and twenty-five dollars per month, and, by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries of, not to exceed one hundred dollars each per month.

The Treasurer and Ex-officio Tax Collector, three thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer the following deputies, who shall be appointed by the Treasurer, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month, and such extra assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of his office. The cost of said extra assistants, not to exceed in all twelve hundred dollars per annum.

The County Attorney, three thousand dollars per annum and necessary traveling expenses; provided, that in counties of this class, there shall be, and there is hereby allowed to the County Attorney one deputy, who shall be appointed by the County Attorney of said county, and who shall be paid a salary of one hundred and fifty dollars per month; and one Stenographer known as County Stenographer, but attached to the office of the County Attorney, and who shall receive a salary not to exceed one hundred and twenty-five dollars per month. The duties of the County Stenographer shall be to do and perform such stenographic work as may arise in the various county offices in the Court House.

The Assessor, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class, there shall be, and there is hereby allowed to the Assessor, the following deputies, who shall be appointed by the Assessor, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month and necessary traveling expenses; one Office Deputy, to be employed for a period of six months in

the year, at a salary of one hundred and twenty-five dollars per month; and two Field Deputies, who shall be employed for a period of six months in the year, at a salary of one hundred and twenty-five dollars each per month and traveling expenses.

The Superintendent of Schools, twenty-four hundred dollars per annum, which shall be in full for all services, including the conduct of Teachers' examinations, also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, eighteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office; but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The chairman of the Board of Supervisors, fifteen hundred dollars per annum; the other member (members) of the Board of Supervisors shall receive a salary of twelve hundred dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of two thousand dollars per annum; the Board of Supervisors may appoint one Assistant Clerk of the Board of Supervisors, who shall receive a salary of one hundred and twenty-five dollars per month.

Justices of the Peace and Ex-officio Coroners shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts, where five hundred or more votes were cast at the last general election, one hundred and seventy-five dollars per month, except in incorporated cities, where the salary shall be one hundred and fifty dollars per month.

In Justice Precincts where three hundred or more, and under five hundred votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where one hundred or more, and under three hundred votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where not less than twenty-five, and not more than fifty votes were cast at the last general election, twenty-five dollars per month.

In Justice Precincts where less than twenty-five votes were cast at the last general election, fifteen dollars per month.

Constables shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where not less than five hundred, and not more than one thousand votes were cast at the last general election, one hundred and fifty dollars per month.

In Justice Precincts where not less than four hundred, (and) not more than five hundred votes were cast at the last general election, one hundred and twenty-five dollars per month.

In Justice Precincts where not less than three hundred, and not more than four hundred votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where not less than two hundred, and not more than three hundred votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where not less than one hundred, and not more than two hundred votes were cast at the last general election, seventy-five dollars per month.

In Justice Precincts where not less than fifty, and not more than one hundred votes were cast at the last general election, fifty dollars per month.

In Justice Precincts where not less than twenty-five, and not more than fifty votes were cast at the last general election, twenty-five dollars per month.

In Justice Precincts where less than twenty-five votes were cast at the last general election, fifteen dollars per month.

Section 5. In counties of the third class, the county officers shall recieve (receive) respectively as full compensation for the services required from them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the Superior Court, one deputy, who shall be appointed by said Clerk, at a salary of one hundred and fifty dollars per month; and, by and with the advice and consent of the Board of Supervisors, the Clerk of the Superior Court may appoint one other deputy, at a salary of not to exceed one hundred dollars per month.

The Sheriff four thousand dollars per annum; provided, that in counties of this class, there shall be, an (and) there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and twenty-five dollars each per month; and such other deputies and jail guards, as, by and with the consent of the Board of Supervisors, may be necessary to properly perform the business of his office, at salaries not exceeding one hundred dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder, by and with the consent of the Board of Supervisors such deputies as may be necessary to properly perform the business of his office, at salaries of one hundred dollars each per month.

The treasurer, and Ex-officio Tax Collector, twenty two (twenty-two) hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer one deputy at a salary of one hundred and twenty-five dollars per month.

The County Attorney, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class, there shall be, and there is hereby allowed to the County Attorney one deputy, or Stenographer, who shall be appointed by the County Attorney of said county, and who shall be paid a salary of one hundred dollars per month and necessary traveling expenses.

The Assessor, twenty-four hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the Assessor, one deputy at a salary of one hundred and twenty-five dollars per month.

The Superintendent, of Schools fifteen hundred dollars per annum; which shall be in full for all services, including the conduct of teachers' examinations; he shall also be allowed actual and necessary traveling expenses.

The County Road Superintendent, fifteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of the said Board, may be necessary to properly perform the business of his office; but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The members of the Board of Supervisors, eight hundred dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of eighteen hundred dollars per annum.

Justices of the Peace and Ex-officio Coroners, shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where five hundred or more votes were cast at the last general election one hundred and fifty dollars per month.

In Justice Precincts where not less than three hundred, and not more than five hundred votes were cast at the last general election one hundred dollars per month.

In Justice Precincts where one hundred, and under three hundred votes were cast at the last general election, seventy-five dollars per month.

Section 6. In counties of the fourth class, county officers shall receive respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the Superior Court, one deputy who shall be appointed by said Clerk, at a salary of one hundred and fifty dollars per month.

The Sheriff, four thousand dollars per annum; provided, that counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of eighteen hundred dollars per annum; one deputy at a salary of one hundred and twenty-five dollars per month, and such other deputies and jail guards, by and with the consent of the Board of Supervisors as may be necessary to properly perform the business of the office at salaries of not to exceed one hundred dollars each per month.

The Recorder, twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Recorder, the following deputies; who shall be appointed by the Recorder of said county, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month, and such other deputies as by and with the consent of the Board of Supervisors may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The Treasurer, and Ex-officio Tax Collector, twenty-five hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer, the following deputies who shall be appointed by the Treasurer, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and fifty dollars per month, and such extra assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office. The cost of said extra assistants not to exceed in all the sum of nine hundred dollars per annum.

The County Attorney, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class there shall be, and there is hereby allowed to the County Attorney, one deputy who shall be appointed by the County Attorney of said county, and who shall be paid a salary of one hundred dollars per month.

The Assessor, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class there shall be, and there is hereby allowed to the Assessor the following deputies who shall be appointed by the Assessor, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month, and two Field Deputies, who shall be employed for a period of six months in the year, at a salary of one hundred dollars each per month, and necessary traveling expenses.

The Superintendent of Schools, two thousand dollars per annum, which shall be in full for all services, including the conduct of teachers's (teachers') examinations; also, actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, eighteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Over-

seers, as, in the judgment of said Board may be necessary to properly perform the business of his office; but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, fifteen hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of twelve hundred dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of twenty-four hundred dollars per annum.

Justices of the Peace and Ex-officio Coroners, shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where five hundred or more votes were cast at the last general election, one hundred and fifty dollars per month.

In Justice Precincts where not less than three hundred or more than five hundred votes were cast at the last general election, one hundred dollars per month.

In Justice Precincts where not less than one hundred or more than three hundred votes were cast at the last general election, seventy-five dollars per month.

In Justice Precincts where not less than fifty or more than one hundred votes were cast at the last general election, fifty dollars per month.

In Justice Precincts where not less than twenty-five or more than fifty votes were cast at the last general election, twenty-five dollars per month.

In Justice Precincts where less than twenty-five votes were cast at the last general election ten dollars per month.

Section 7. In counties of the fifth class, the county officers shall receive, respectively, as full compensation for the services required of him by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, two thousand dollars per annum; provided, that in counties of this class, there may, by and with the consent of the Board of Supervisors, be allowed to the Clerk of the Superior Court one deputy, who shall be appointed by said Clerk, at a salary of one hundred and eight dollars per month.

The Sheriff, thirty six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and fifty dollars per month, and one deputy at a salary of one hundred and twenty-five dollars per month; and such other deputies and jail guards, by and with the consent of the Board of Supervisors, as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred and twenty-five dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class, there may be, and there is hereby allowed to the Recorder, one Cheif (Chief) Deputy at a salary of one hundred dollars per month, and by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries of one hundred dollars per month.

The Treasurer and Ex-officio Tax Collector twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer, such assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office. The cost of said extra assistants, shall not exceed in all the sum of twelve hundred dollars per annum.

The County Attorney two thousand dollars per anuum, and necessary traveling expenses; provided, that in counties of this class, there is hereby allowed to the County Attorney one deputy, by and with the consent of the Board of Supervisors, who shall be appointed by the County Attorney, and

who shall receive a salary not exceeding one hundred dollars per month.

The Assessor, twenty-four hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class there may be, by and with the consent of the Board of Supervisors, allowed to the Assessor, one deputy at a salary of one hundred and twenty-five dollars per month and necessary traveling expenses.

The Superintendent of Schools, eighteen hundred and fifty dollars per annum, which shall be in full for all services, including the conduct of teachers' examination; also actual and necessary traveling expenses.

The County Road Superintendent, fifteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office; but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, fifteen hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of twelve hundred dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of eighteen hundred dollars per annum; the Board of Supervisors may appoint one Assistant Clerk of the Board of Supervisors, who shall receive a salary not exceeding one hundred dollars per month.

Justices of the Peace and Ex-officio Coroners, shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where three hundred or more votes were cast at the last general election, one hundred and thirty-seven dollars and fifty cents per month.

In Justice Precincts where eighty or more, and under three hundred votes were cast at the last general election, eighty dollars per month.

In all Justice Precincts in the counties of the fifth class in the State of Arizona, Constables shall receive the same salary as the Justice of the Peace in such precinct.

Section 8. In counties of the sixth class, the county officers shall receive respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, twenty-four hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed by the Board of Supervisors to the Clerk of the Superior Court, such deputy hire as may be necessary to properly perform the business of his office not to exceed twelve hundred dollars per annum.

The Sheriff, three thousand three hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and fifty dollars per month, and by and with the consent of the Board of Supervisors such other deputies and jail guards, as may be necessary to properly perform the business of his office, at a salary not to exceed one hundred dollars each per month.

The Recorder, twenty-four hundred dollars per annum; provided, that in counties of this class there shall be, and there hereby is allowed the Recorder the following deputies; who shall be appointed by the Recorder of said county, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred dollars per month, and by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries of not to exceed one hundred dollars each per month.

The Treasurer and Ex-officio Tax Collector, twenty-four hundred dollars per annum; provided, that in counties of this

class, there shall be, and there is hereby allowed to the Treasurer the following deputies, who shall be appointed by the Treasurer, and who shall be paid salaries as follows:

One Chief Deputy at a salary of one hundred and ten dollars per month, and such extra assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of his office. The salaries of said extra assistants, not to exceed in all the sum of twelve hundred dollars per annum.

The County Attorney, twenty-four hundred dollars per annum and necessary traveling expenses; provided, that in counties of this class, there shall be, and there is hereby allowed to the County Attorney one deputy, who shall be appointed by the County Attorney of said county, and who shall be paid a salary of one hundred dollars per month.

The Assessor, twenty-two hundred dollars per annum and necessary traveling expenses, not to exceed three hundred dollars per annum; provided, that in counties of this class the Assessor may appoint such deputy or deputies for such period or periods of time as, in the judgment of the Board of Supervisors, may be necessary to properly perform the business of his office at salaries to be fixed by the Board of Supervisors not to exceed one hundred and twenty-five dollars per month.

The Superintendent of Schools, two thousand dollars per annum, which shall be in full for all services, including the conduct of teachers' examination, also actual and necessary expenses, not to exceed three hundred dollars per annum.

The County Road Superintendent, eighteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case

shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, twelve hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of one thousand dollars each per annum.

The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of eighteen hundred dollars per annum; the Board of Supervisors may appoint one Assistant Clerk of the Board of Supervisors, who shall receive a salary of not to exceed one hundred dollars per month.

Justices of the Peace and Ex-officio Coroners shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where six hundred or more votes were cast at the last general election, one hundred and fifty dollars per month; and the Board of Supervisors may provide such Justices of the Peace with offices.

In Justice Precincts where one hundred or more and under six hundred votes were cast at the last general election, one hundred and twenty-five dollars per month.

Section 9. In counties of the seventh class, the county officers shall receive respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court, fifteen hundred dollars per annum.

The Sheriff, twenty-four hundred dollars per annum; provided that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy, at a salary of one hundred dollars per month; and by and with the consent of the Board of Supervisors, such other deputies and jail

guards as may be necessary to properly perform the business of his office, at salaries of not exceeding seventy-five dollars each per month.

The Recorder fifteen hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder one deputy, who shall be appointed by the Recorder of said county, and who shall be paid a salary of seventy-five dollars per month.

The Treasurer and Ex-officio Tax Collector, fifteen hundred dollars per annum.

The County Attorney, fifteen hundred dollars per annum, and necessary traveling expenses.

The Assessor fifteen hundred dollars per annum, and necessary traveling expenses.

The Superintendent of Schools, twelve hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; also actual and necessary traveling expenses not to exceed one hundred and fifty dollars per annum.

The County Road Superintendent, twelve hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, seven hundred and fifty dollars per annum; the other members of the Board of Supervisors shall receive a salary of six hundred dollars each per annum; provided, that in counties of this class the County Recorder shall be Ex-officio Clerk of the Board of Supervisors, without extra compensation.

Justices of the Peace and Ex-officio Coroners and Constables shall receive, as full compensation for the services re-

quired of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where five hundred or more, and under one thousand votes were cast at the last general election, sixty dollars per month.

In Justice Precincts where four hundred or more, and under five hundred votes were cast at the last general election, fifty-five dollars per month.

In Justice Precincts where two hundred and fifty or more, and under four hundred votes were cast at the last general election, fifty dollars per month.

In Justice Precincts where one hundred and fifty or more, and under two hundred and fifty votes were cast at the last general election, twenty-five dollars per month.

In Justice Precincts where one hundred or more, and under two hundred votes were cast at the last general election, fifteen dollars per month.

In Justice Precincts where less than one hundred votes were cast at the last general election, such salaries as shall be fixed by the Board of Supervisors, not to exceed fifteen dollars per month.

Section 10. In counties of the eighth class, the county officers shall receive, respectively, as full compensation for the servcies required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the Superior Court two thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the Superior Court, one deputy who shall be appointed by said Clerk, at a salary of one hundred dollars per month.

The Sheriff thirty-six hundred dollars per annum; provided, that in counties of this class, there shall be, and there hereby is allowed to the Sheriff, one Chief Deputy, at a salary of one hundred and fifty dollars per month, and by and with the consent of the Board of Supervisors, such

other deputies and jail guards as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder the following deputies, who shall be appointed by the Recorder of said county, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred and twenty-five dollars per month, and by and with the consent of the Board of Supervisors, such other deputies as may be necessary to properly perform the business of his office, at a salary not exceeding seventy-five dollars each per month.

The Treasurer and Ex-officio Tax Collector, twenty-two hundred and fifty dollars per annum; provided, that in counties of this class, there shall be, and there hereby is, allowed to the Treasurer the following deputies, who shall be appointed by the Treasurer, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred dollars per month, and such extra assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office; the cost of said extra assistants not to exceed in all the sum of six hundred dollars per annum.

The County Attorney, twenty-five hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class, the County Attorney by and with the consent of the Board of Supervisors, may appoint one deputy who shall be paid a salary of one hundred dollars per month.

The Assessor, two thousand dollars per annum, and necessary traveling expenses; provided, that in counties of this class there shall be, and there hereby is, allowed to the Assessor the following deputies, who shall be appointed by the Assessor, and who shall be paid salaries as follows: one Chief Deputy at a salary of one hundred dollars per month, for a period not exceeding six months in the year, and

necessary traveling expenses; and, by and with the consent of the Board of Supervisors, two Field Deputies, who shall be employed for a period not exceeding six months in the year at a salary of one hundred dollars each per month, and necessary traveling expenses.

The Superintendent of Schools, eighteen hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations, also actual and necessary traveling expenses, provided, that, by and with the consent of the Board of Supervisors, the County Superintendent of Schools may appoint one Deputy, at a salary not to exceed seventy-five dollars per month, and for such time only as the Superintendent of Schools may be away from the county seat, visiting schools.

The County Road Superintendent, fifteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, twelve hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of one thousand dollars each per annum. The Board of Supervisors shall appoint one Clerk of the Board of Supervisors, who shall receive a salary of eighteen hundred dollars per annum; the Board of Supervisors may appoint one Assistant Clerk of the Board of Supervisors, who shall receive a salary not exceeding one hundred dollars per month.

Justices of the Peace and Ex-officio Coroners shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice Precincts where five hundred or more votes were cast at the last general election, one hundred and fifty dollars per month.

In Justice Precincts where one hundred and under five hundred votes were cast at the last general election, forty dollars per month.

In Justice Precincts where less than fifty votes were cast at the last general election, ten dollars per month.

In all Justice Precincts in the counties of the eighth class in the State of Arizona, Constables shall receive the same salary or fees as the Justice of the Peace in such precinct.

Section 11. In counties of the ninth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively, to-wit:

The Clerk of the Superior Court, twelve hundred dollars per annum.

The Sheriff, eighteen hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff one Chief Deputy at a salary of one hundred dollars per month; and by and with the consent of the Board of Supervisors such other deputies and jail guards as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The Recorder, fifteen hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder, one Chief Deputy at a salary of six hundred dollars per annum.

The Treasurer and ex-officio Tax Collector, eighteen hundred dollars per annum; provided, that in counties of this class, there shall be and there is hereby allowed to the Treasurer, one assistant at a salary not to exceed two hundred dollars per annum.

The County Attorney, twelve hundred and fifty dollars per annum, and necessary traveling expenses.

The Assessor, one thousand dollars per annum.

The Superintendent of Schools, six hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, six hundred dollars per annum.

The members of the Board of Supervisors, five hundred dollars each per annum; provided, that in counties of this class the County Recorder shall be ex-officio Clerk of the Board of Supervisors, without extra compensation.

Justices of the Peace and ex-officio Coroners, and Constables, shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In Justice precincts where two hundred or more votes were cast at the last general election, seventy-five dollars per month.

In Justice precincts where one hundred or more and under two hundred votes were cast at the last general election, fifty dollars per month.

Section 12. In counties of the tenth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively, to-wit:

The Clerk of the Superior Court, eighteen hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the Superior Court, one deputy who shall be appointed by said Clerk at a salary of one hundred dollars per month.

The Sheriff, three thousand three hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief

Deputy at a salary of one hundred and twenty-five dollars per month; and, by and with the consent of the Board of Supervisors, such other deputies and jail guards, as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder, one deputy at a salary of one hundred dollars per month.

The Treasurer and ex-officio Tax Collector, twenty-five hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer such assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office; the cost of said extra assistant not to exceed in all the sum of six hundred dollars per annum.

The County Attorney, twenty-four hundred dollars per annum, and necessary traveling expenses.

The assessor, two thousand two hundred and fifty dollars per annum.

The Superintendent of Schools, fifteen hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations, also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, fifteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as road overseers, as, in the judgment of said board, may be necessary to properly perform the business of his office; but in no case shall the salary of any such road overseers exceed three dollars and fifty cents per day for each day actually employed in work on the county road.

The chairman of the Board of Supervisors, twelve hundred dollars per annum; the other members of the Board

of Supervisors shall receive a salary of one thousand dollars each per annum. The Board of Supervisors shall appoint one clerk of the Board of Supervisors, who shall receive a salary of fifteen hundred dollars per annum.

Justices of the Peace and ex-officio Coroners shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In justice precincts where two hundred and fifty or more votes were cast at the last general election, one hundred and twenty-five dollars per month.

In justice precincts where one hundred or more and under two hundred and fifty votes were cast at the last general election, fifty dollars per month.

In justice precincts where less than one hundred votes were cast at the last general election, salaries fixed by the Board of Supervisors of said county, and not to exceed fifty dollars per month, and that the Deputy Sheriff or Constable serving under said Justices shall receive a like amount as allowed to said Justices by the Board of Supervisors.

Section 13. In counties of the eleventh class, the county officers shall receive respectively as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the superior court, fourteen hundred dollars per annum; provided, that in counties of this class, there may be, and there is hereby allowed to the Clerk of the superior court, by and with the consent of the Board of Supervisors, one Deputy, at a salary not exceeding seventy-five dollars per month.

The Sheriff, thirty-five hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred dollars per month, and by and with the consent of the Board of Supervisors, such other deputies and

jail guards, as may be necessary to properly perform the business of his office, at a salary of not exceeding seventy-five dollars each per month.

The Recorder, eighteen hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder, one Chief Deputy at a salary of seventy-five dollars per month.

The Treasurer and ex-officio Tax Collector, eighteen hundred dollars per annum.

The County Attorney, seventeen hundred and fifty dollars per annum, and necessary traveling expenses.

The Assessor, eighteen hundred dollars per annum, and necessary traveling expenses.

The Superintendent of Schools, fourteen hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations, also actual and necessary traveling expenses.

The County Road Superintendent, twelve hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of Deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The chairman of the Board of Supervisors, one thousand dollars per annum; the other members of the Board of Supervisors shall receive a salary of eight hundred dollars each per annum; provided, that in counties of this class the County Recorder shall be ex-officio Clerk of the Board of Supervisors, without extra compensation.

Justices of the Peace and ex-officio Coroners shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In justice precincts where four hundred or more votes were cast at the last general election, seventy-five dollars per month.

In justice precincts where two hundred or more and under four hundred votes were cast at the last general election, seventy-five dollars per month.

In justice precincts where one hundred or more and under two hundred votes were cast at the last general election, fifty dollars per month.

In justice precincts where twenty-five or more and under seventy-five votes were cast at the last general election, twenty-five dollars per month.

In all justice precincts in the counties of the eleventh class in the State of Arizona, Constables shall receive the same salary or fees, as the Justice of the Peace in such precinct.

Section 14. In counties of the twelfth class, the county officers shall receive respectively as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The Clerk of the superior court eighteen hundred dollars per annum; provided, that in the counties of this class, there may be, and there is hereby allowed, to the Clerk of the superior court by and with the consent of the Board of Supervisors, one Deputy who shall be appointed by said Clerk, at a salary not exceeding one hundred dollars per month.

The Sheriff, thirty-six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and twenty-five dollars per month; and by and with the consent of the Board of Supervisors, such other deputies and jail guards, as may be necessary to properly perform the business of his office, at salaries of not exceeding one hundred dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class there may be, and there

is hereby allowed the Recorder, one Deputy, who shall be appointed by the Recorder of said county, by and with the advice and consent of the Board of Supervisors and who shall be paid a salary of seventy-five dollars per month.

The Treasurer and ex-officio Tax Collector, twenty-two hundred dollars per annum; provided, that in counties of this class, there may be, and there is hereby allowed to the Treasurer one Deputy, who may be appointed by the Treasurer, by and with the consent of the Board of Supervisors, and who shall be paid a salary of one hundred dollars per month.

The County Attorney, twenty-four hundred dollars per annum, and necessary traveling expenses.

The Assessor, two thousand dollars per annum, and necessary traveling expenses; provided, that in counties of this class there may be, and there is hereby allowed to the Assessor, by and with the advice and consent of the Board of Supervisors, one Field Deputy, who shall be employed for a period not to exceed six months in the year, at a salary of one hundred dollars per month, and necessary traveling expenses.

The Superintendent of Schools, fifteen hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations, also actual and necessary traveling expenses.

The County Road Superintendent, eighteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed four dollars per day for each day actually employed in work on the county roads.

The chairman of the Board of Supervisors, twelve hundred dollars per annum; the other members of the Board of Supervisors shall receive a salary of one thousand dollars

each per annum. The Board of Supervisors shall appoint one clerk of the Board of Supervisors, who shall receive a salary of fifteen hundred dollars per annum.

Justices of the Peace and ex-officio Coroners and Constables shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In justice precincts where five hundred or more votes were cast at the last general election, one hundred and twenty-five dollars per month.

In justice precincts where three hundred and under five hundred votes were cast at the last general election, one hundred dollars per month.

In justice precincts where one hundred and under three hundred votes were cast at the last general election, seventy-five dollars per month.

In justice precincts where under one hundred votes were cast in the last general election thirty dollars per month.

Section 15. In counties of the thirteenth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively, to-wit.

The Clerk of the superior court, eighteen hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Clerk of the superior court, by and with the consent of the Board of Supervisors, one Deputy, at a salary not exceeding one hundred dollars per month.

The Sheriff, thirty-six hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Sheriff, one Chief Deputy at a salary of one hundred and twenty-five dollars per month, and by and with the consent of the Board of Supervisors, such other deputies and jail guards, as may be necessary to properly perform the business of his office, at salaries of not exceeding one hundred dollars each per month.

The Recorder, two thousand dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed the Recorder, by and with the consent of the Board of Supervisors, such deputies as may be necessary to properly perform the business of his office, at salaries of not exceeding one hundred dollars each per month.

The Treasurer and ex-officio Tax Collector, eighteen hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treasurer, such assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office; the cost of said extra assistants not to exceed in all the sum of twelve hundred dollars per annum.

The County Attorney, eighteen hundred dollars per annum, and necessary traveling expenses.

The Assessor, eighteen hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class there shall be, and there is hereby allowed to the Assessor, one Deputy, who shall be appointed by the Assessor for a period not exceeding six months in the year, at a salary of one hundred and twenty-five dollars a month, and necessary traveling expenses.

The Superintendent of Schools, nine hundred dollars per annum, which shall be in full for all services, including conduct of teachers' examinations, also actual and necessary traveling expenses not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, fifteen hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The chairman of the Board of Supervisors, one thousand dollars per annum; the other members of the Board of Supervisors shall receive a salary of eight hundred dollars per annum; provided, that in counties of this class the County Recorder shall be ex-officio Clerk of the Board of Supervisors without extra compensation.

Justices of the Peace and ex-officio Coroners shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

In justice precincts where one hundred or more votes were cast at the last general election, one hundred dollars per month.

Section 16. In counties of the fourteenth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively to-wit:

The Clerk of the superior court, one thousand dollars per annum;

The Sheriff, twenty-five hundred dollars per anuum; provided, that in counties of this class, there shall be, and there hereby is, allowed to the Sheriff, one Chief Deputy at a salary of nine hundred dollars per annum, and by and with the consent of the Board of Supervisors, such other deputies, and jail guards, as may be necessary to properly perform the business of his office, at a salary of not exceeding seventy-five dollars each per month.

The Recorder, twelve hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the Recorder by and with the consent of the Board of Supervisors, such deputies as may be necessary to properly perform the business of his office, at a salary of seventy-five dollars each per month.

The Treasurer and ex-officio Tax Collector, fifteen hundred dollars per annum; provided, that in counties of this class, there shall be, and there is hereby allowed to the Treas-

urer, such assistants as, in the judgment of the Board of Supervisors, may be necessary for the proper dispatch of the business of the office; the cost of said extra assistants not to exceed in all the sum of six hundred dollars per annum.

The County Attorney, twelve hundred dollars per annum, and necessary traveling expenses.

The Assessor, one thousand dollars per annum, and necessary traveling expenses.

The Superintendent of Schools, one thousand dollars per annum, which shall be in full for all services including the conduct of teachers' examinations, also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The County Road Superintendent, twelve hundred dollars per annum. By and with the advice and consent of the Board of Supervisors, the Superintendent of Roads may appoint such number of deputies, to be known as Road Overseers, as, in the judgment of said Board, may be necessary to properly perform the business of his office, but in no case shall the salary of any such Road Overseer exceed three dollars and fifty cents per day for each day actually employed in work on the county roads.

The Chairman of the Board of Supervisors, eight hundred and fifty dollars per annum; the other members of the Board of Supervisors, seven hundred dollars each per annum. The Board of Supervisors shall appoint one clerk of the Board of Supervisors, who shall receive a salary of one thousand dollars per annum.

Justices of the Peace and ex-officio Coroners, shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries to-wit:

In justice precincts where two hundred and under three hundred votes were cast at the last general election, twenty-five dollars per month.

In justice precincts where one hundred or more and under two hundred votes were cast at the last general election, twenty dollars per month.

In justice precincts where fifth (fifty) or more and under one hundred votes were cast at the last general election, fifteen dollars per month.

In justice precincts where less than fifty votes were cast at the last general election ten dollars per month.

Section 17. For the purpose of regulating the compensation of the Justices of the Peace and Constables as provided in this Act, the Board of Supervisors shall, on the first Monday of December of the year in which a general election is held, ascertain and determine the total number of votes cast for Governor in each justice precinct, and the total number of votes cast, as so ascertained and determined, shall fix the amount of the salaries of the Justices of the Peace and Constables in each justice precinct for the ensuing two calendar years.

Sec. 18. The Sheriffs of the several counties shall be allowed by the Board of Supervisors of their respective counties, the actual and necessary expenses incurred by them or any of their deputies, for pursuing criminals, or for transacting all criminal business, and their actual and necessary expenses for the service of all processes and notices, or for transacting all civil business, and all such expenses of their office shall be a charge against the county, and shall be allowed by the Board of Supervisors, and paid as other county charges are paid. The Sheriffs shall pay into the county Treasurer, on the first Monday of each month, all fees and mileage earned and collected by them for the service of all papers or processes issued by any court of this State; but the Sheriffs may retain their actual and necessary expenses in keeping and preserving property seized on attachments or execution, to be paid out of the fees collected in the action.

Section 19. The County Surveyor of any county, when directed by the Board of Supervisors to perform any services for the county, shall receive ten dollars per day for each day's work in the field or in his office and all necessary expenses actually incurred by him in doing the work.

Section 20. Each juror, for each day's attendance in court, shall be paid by the county, three dollars, and for each mile actually and necessarily traveled by the juror from his residence to the court, ten cents, to be computed one way only, and to be paid by the county.

Section 21. By and with the advice and consent of the Board of Supervisors, the Sheriff may appoint one or more deputies who shall be known as Ranger Deputies and whose compensation shall be fixed by the Board of Supervisors, but in no case shall the salary of any such Ranger Deputy exceed one hundred and twenty-five dollars per month, which shall be in full for all salary and expenses incurred by him. Every Ranger Deputy shall provide and keep at his own expense, one or more saddle horses and equipment to be used by him in the discharge of his official duty.

Section 22. All deputies shall hold their offices at the will and pleasure of the officer who appointed them. Deputies appointed by and with the advice and consent of the Board of Supervisors may be removed from their offices at any time by the Board of Supervisors or by the officer who appointed them.

Section 23. The salaries of all county and precinct officers shall be county charges; and all county and precinct officers shall be paid their salaries in equal monthly installments; and the deputies of all county officers shall be paid their salaries in equal monthly installments, at the same time, in the same manner, and out of the same funds as the salary of the officer who appointed them is paid.

Section 24. The expense which may be incurred by any public officer, or by any of his deputies or clerks, for surety-

ship upon the official bond given by such public officer or any of his deputies or clerks, shall be allowed to such public officer as part of the expense of his office, and paid him out of the funds from which such expenses are paid; provided, that such expense shall not exceed one half of one per cent per annum on the amount of such bond, and shall be payable by him to a company authorized under the laws of this State to become surety on such bond.

Section 25. The salaries provided in this Act shall be in full compensation for all services of every kind and description rendered by the officers named in this Act either as officers, ex-officio officers, deputies or assistants.

Section 26. All acts and parts of acts in conflict with this Act are hereby repealed.

Section 27. Whereas, an urgent necessity exists for a speedy remedy for the uniform adjustment of the salaries of county and precinct officers in the several counties of the State, and for a permanent system regulating the payment of the same among the several counties to preserve the public peace and safety, an emergency is hereby declared to exist, and that this Act shall be in full force and effect from and after its passage and approval by the Governor of the State of Arizona, and is hereby exempt from the provisions of the Referendum provided for in the State Constitution."

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"This bill having remained with the Governor ten days, Sundays excluded, and the Legislature not being in session, it has become a law this thirty-first day of May, A. D. 1912."

SIDNEY P. OSBORN,
Secretary of Arizona.

CHAPTER 94.

AN ACT

Providing for the Examination and Appointment of Court Reporters for the Superior Courts and Divisions Thereof, and Defining Their Duties and Fixing Their Qualifications and Compensation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The judge of the Superior Court and each division thereof in each county in the state shall appoint a court reporter, who shall be a ministerial officer of the court, and who shall hold his office during the pleasure of the judge appointing him.

Sec. 2. Before entering upon his duties, such court reporter shall take and subscribe to the official oath prescribed by law, which oath shall be administered by the judge of said court.

Sec. 3. No person shall be appointed court reporter of the Superior Court nor of any division thereof until he has been examined as to his competency by a committee of at least three members of the bar practicing in said court, to be designated by the judge thereof; and has written in the presence of such committee at the rate of not less than one hundred fifty words a minute for five consecutive minutes upon matter not previously written or known to him; and has immediately thereafter and in the presence of the committee read back from his notes the matter so read to him; and has, within twenty-four hours thereafter, delivered to said committee an accurate transcript thereof. If the applicant pass such examination, the committee shall make a certificate to that effect, showing the number of words per minute so written and transcribed, to which certificate shall be attached the matter so read to the

applicant, or a copy thereof, and also the original notes and transcript of the same made by the applicant upon such examination, and file the same in the office of the clerk of said court.

Sec. 4. It shall be the duty of said court reporter to be in attendance upon said court during the hearing of all matters before it, unless excused therefrom by the judge of said court, and he shall make stenographic notes of all oral proceedings had upon the hearing of all matters before the court; but, unless requested by court or counsel so to do, he shall not be required to make stenographic notes of arguments of counsel to a jury, nor of argument of counsel to the court in the absence of a jury. Upon the payment or tender to him of the fees hereinafter prescribed, it shall be the duty of such reporter to furnish, without unneccessary delay, to any person who may request same, a typewritten transcript of all or any part of the proceedings so reported by him in any matter in said court, and upon request so to do he shall certify that such transcript is a correct and complete statement of such proceedings.

Sec. 5. The court reporters of the Superior Courts, and the divisions thereof, in the counties of Maricopa, Pima, Yavapai, Gila, and Conchise, shall each receive a salary of two thousand dollars per annum, and in the counties of Greenlee, Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, and Mojave, the salaries of said court reporters shall be fixed by the judges of said Superior Courts, which salary shall be approved by the Board of County Supervisors of each of said counties. The salaries of court reporters shall be paid monthly by the respective counties in which they are appointed. Such reporters shall also receive, for transcribing shorthand notes, fifteen cents per folio of one hundred words for the first copy, and five cents per folio for each carbon copy thereof, if ordered at the same time as the first copy, and by the person requesting the first copy. The reporter, when requested in advance, shall furnish to the county attorney, or the attorney general of the state, free of charge, a copy of the transcript

of testimony in every instance where a transcrpt is made on an appeal taken in a criminal case, and to the attorney general when the state is a party.

Sec. 6. The reporter may employ such deputies or assistants as he may deem necessary for the efficient conduct of his office, and such deputies or assistants shall be compensated by him.

Sec. 7. The necessary supplies for the conduct of the office of court reporter shall be furnished by the county in which he holds his office.

Sec. 8. The court reporters of the counties of Greenlee, Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, and Mojave, shall, with the consent of the judge, when requested by the county attorney of said counties so to do, render stenographic services, without charge, exclusive of transcripts of, or work in, the Superior and other courts.

Sec. 9. Paragraphs 13 and 14 of Section 15 of Chapter 74 of the Session Laws of the Territory of Arizona for the year 1907, entitled "An Act to Revise and Correct the Procedure in the District and Supreme Courts," and all other acts and parts of acts in conflict with this Act, are hereby repealed.

Sec. 10. WHEREAS, an urgent necessity exists for the provisions of this Act, for the reason that the change from a District Court system under the Territorial form of government, to a Superior Court system, under the Constitution of the State, deprives the Superior Courts of court reporters and the means of compensating them, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor of the State of Arizona, and is exempt from the operation of the Referendum provision of the State Constitution.

"This bill having remained with the Governor ten days,

Sundays excluded, and the Legislature not being in session, it has become a law this thirty-first day of May, A. D. 1912."

SIDNEY P. OSBORN,
Secretary of Arizona.

CHAPTER 95.

AN ACT

To Provide for the Retirement of Persons Having Served as Teachers for Twenty-five (25) Years, or More, in the Public Schools of Arizona, and to Provide a Pension for Such Persons, and Prescribing the Manner and Method of the Payment of Said Pension to Said Persons out of the School Fund of the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Whenever any person at the taking effect of this Act or thereafter, shall have served for twenty-five (25) years, or more, in the aggregate as a teacher in the public schools of any school district, or school districts of Arizona, the State Board of Education may order and direct that such person be retired from further service in the schools of Arizona; and from the date of the making of said order, service of such person as teacher in said public schools shall cease and such person shall retire, and thereafter, during his or her life-time shall be paid from the school fund of the state an annual pension of Six Hundred Dollars ($600.00), to be paid in quarterly installments.

Sec. 2. The State Board of Education at the time of making said order of retirement, shall cause the same to be recorded in a book to be kept by them for that purpose, and

shall immeditely file with the State Auditor a certified copy of said order, which certified copy shall be evidence to said Auditor that the person retired from service in the public schools of Arizona is entitled to the pension provided for by the provisions of this Act.

Sec. 3. Any person entitled to a pension under the provisions of this Act shall quarterly file a verified claim with the Auditor of the State, said claim having the approval of the State Superintendent of Public Instruction endorsed thereon, and upon the filing of said claim, the State Auditor shall allow the same and draw a warrant in favor of the person entitled to such pension, upon said school fund of the State, and the State Treasurer shall pay the same out of the school fund of the State in the same manner as other warrants out of said fund are paid.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

"This bill having remained with the Governor ten days, Sundays excluded, and the Legislature not being in session, it has become a law this thirty-first day of May, A. D. 1912."

SIDNEY P. OSBORN,
Secretary of Arizona.

CHAPTER 96.

AN ACT

To Provide for the Acceptance by the State of Arizona, of the Benefits of the Act of Congress Regarding the Desert Lands, Approved August 18, 1894, and the Acts Amendatory and Supplementary Thereof, and to Provide for the Administration, Irrigation, Reclamation and Disposal of Said Lands.

Be it Enacted by the Legislature of the State of Arizona:

Acceptance.

Section 1. That the State of Arizona hereby accepts the conditions of Sec. 4 of an Act of Congress entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and other purposes" approved August 18, A. D. 1894, and the acts amendatory thereof and supplementary thereto, known as the Carey Land Acts, and hereby accepts the grants of land to said state under the conditions and provisions imposed by the Acts of Congress aforesaid; and all the acts of Congress and parts of Acts, now or hereafter, enacted by Congress for the reclamation of desert lands within the State of Arizona, and any and all interests therein, with all the rights and priveleges (privileges) thereunder.

Selection and Disposal of Lands by Land Boards.

Section 2. The selection, management and disposal of the said lands shall be vested in the Land Board of the State of Arizona, which is hereby created or designated for that purpose; such Board to consist of the Governor, the State Engineer, Chairman of Corporation Commission, State Auditor and the Attorney General.

The Attorney General of the state shall be the legal alviser of said Board.

Application to Board for Selection of Arid Lands.

Section 3. Any person, company, association or corporation desiring to construct ditches, canals, reservoirs, pumping plants operated by water power, or other power, or other irrigation works, or by a combination of two or more of said methods, to reclaim lands under the provisions of this chapter, shall file, with the Board, an application for the selection of the lands to be reclaimed, designating such lands by legal subdivisions. This application shall be accompanied by a proposal to utilize or extend an irrigation system already constructed, or one in process of construction, or the rights to construct which have been acquired, or to construct ditches, canals, reservoirs, pumping plants, operated by water power, or other powers, or other irrigation works, for the complete reclamation of the lands so designated. The proposal shall be prepared in accordance with the rules of the board and the rules, practice, and regulations of the department of the interior, which shall state the source of the water supply, whether the right to the same has been acquired, or is sought to be acquired, the location and dimensions of the works already constructed, or in process of construction, or the location and dimensions of the proposed works, the maximum price and terms per acre at which perpetual water rights will be sold to settlers on the land to be reclaimed, and the maximum price per acre per annum for maintenance tax. In case of corporations, it shall state the name of the corporation, the purpose of the corporation, names and places of residence of its directors and officers, the amount of its authorized and its paid-up capital. If the applicant is not a corporation, the proposal shall set forth the name or names of the party or parties, and such other facts as shall enable the board to determine as to their financial ability to carry out the proposed enterprise.

Certified Check to Accompany Proposal.

Section 4. A certified check in such reasonable sum as may be required by the rules of the board, not less than two hundred and fifty dollars ($250.00) shall accompany each such

proposal, the same to be held as guaranty for the execution of the contract with the state in accordance with its terms, by the party submitting such proposal, in case of the approval of the same, and the selection of the land by the board, and to be forfeited to the state in accordance with the provisions of this chapter.

Land Board to Examine Notice. Protest.

Section 5. Upon receipt of such application and proposal, the board shall examine the same, and if it does not comply with the regulations of the department of the interior, and the rules of the board, it must be returned to the applicant for correction; but if it does so comply, the board shall determine whether the reclamation of the land applied for can be secured by means of the irrigation system or systems proposed to be extended to such lands for the purposes of its reclamation, whether there are sufficient water rights vested in the applicant, or there is sufficient unappropriated water in the source of supply, and whether the capacity of the constructed or proposed works is adequate to reclaim the lands described; whether or not the proposed cost of construction is reasonable, and whether or not the lands proposed to be irrigated are desert in character and such as may properly be set apart under the provisions of the said act of congress, and the regulations of the department of the interior thereunder. The said application shall then be submitted to the state engineer, who shall examine the same, and make a written report to the board stating whether the proposed works are feasible, and whether the capacity of the proposed works is adequate to reclaim the land described, whether the maps filed in his office comply with the requirements of said office and the regulations of the department of the interior, and shall report his recommendations upon said application, and whether or not in his opinion the same should be granted. Whenever the state engineer shall be unable, from the examination of the maps and field notes submitted, to determine whether or not the proposed irrigation works are feasible, he

shall so report to the board, and also report the estimated cost of the survey and examination, and it shall be his duty to make, or cause to be made, by some qualified assistant, such survey or examination as will enable him to report intelligently thereon to the board when directed by said board to make such examination or survey.

Request for Withdrawal of Land From Entry.

Section 6. On receipt of the report of the state engineer, the board shall consider the same, together with said application. In case of approval, the board shall instruct the Secretary to file, in the local land office, a request for the withdrawal of the land described in said proposal or application, from entry. In case the board shall not approve said application, it shall cause the parties making such proposal, to be notified of such action, and the reasons therefor; and the parties so notified shall have sixty days in which to submit another proposal, which time may be extended from time to time at the descretion (discretion) of the board.

Contract Between State and Applicant.
Price of Land and Water to be Fixed. Bond.

Section 7. Upon the withdrawal of the land by the department of the interior, it shall be the duty of the board to enter into a contract with the applicant, which contract shall contain complete specifications of the location, dimensions, character of material, class of work, and estimated cost of the proposed works, and the maximum price per acre at which perpetual water rights shall be sold to settlers, and the maximum cost per annum for the maintenance tax, and the price and terms upon which the state is to dispose of the land to settlers. The contract shall provide that the sale, to a settler, of a tract of land with a permanent water right, shall include a pro rata interest in the reservoir, irrigation works, and any power plants that may be built, equal to the proportion that the tract of land, purchased by him, bears to the entire tract to be reclaimed by the said irrigation system; and that upon full payment of the purchase price of the said land and water

right, capital stock of the corporation, representing such interest, shall be transferred to such settler; if the said irrigation system shall be constructed by a corporation, or if by a person, or company, then such interest shall be conveyed to the settler by the person or company constructing the said irrigation system. The price and terms of water rights, maintenance tax, and land, shall, in all cases, be reasonable; and said contracting party, or parties, shall have the power to fix in the contract with the applicant for the land and permanent water right, the amount or quantity of the annual water supply; and said party, parties or corporation, shall have the right to provide reasonable rules and regulations for the use and distribution of the annual supply of water, such rules and regulations to be approved by the board; and said contractor shall enter into satisfactory bond, in a penal sum equal to five per cent of the estimated cost of the works, for the faithful performance of the provisions of the contract with the state; but in no case shall said bond exceed the sum of fifty thousand dollars ($50,000).

Time for Completion. Forfeitures.

Section 8. All contracts shall state that the works covered by the contract shall begin within six months of the day of contract, and that the construction shall be prosecuted diligently and continuously to completion; and that the cessation of work under a contract, for a period of six months, shall be a ground of forfeiture of all rights under the contract upon which the state may proceed to obtain a decree of forfeiture, according to law, and for the recovery of the penal sum named in the bond; provided, that no property or right, which was vested in the applicant or contractor at the date of the contract, shall be forfeited; and provided, also, that in cases of contractors who, at the date of the application, own or have vested rights in water, and in a reservoir, a reservoir site, canals, or other irrigation works, the forfeiture shall extend only to such portions of the system unconstructed at the time of default, and to the penalty of the bond given by such contractor.

Notice of Failure to Comply with Contract.
State May Complete Work.

Section 9. Upon the failure of the contractor to comply with any requirements of his contract, it shall be the duty of the board to notify such contractor of such failure, and that, unless the contractor shall comply with such requirements within sixty days from the date of such notice, the bond and contract shall be at once and thereby foreited (forfeited) to the state, as above provided. The board thereafter shall advertise for proposals to complete the said work, and may, in proper cases, contract with the bidder who will pay the original contractor the highest sum for the works partially completed, and complete the said works, and supply water rights to the settlers on the lands to be reclaimed, for the price, and upon the terms, stated in the original contract. If no bid be received for the completion of said works and furnishing water rights to such settlers, for the price and upon the terms stated in the original contract, then the board shall bring the proper action for recovering the amount of the bond of the contractor.

Citizens May Enter Land. Conditions.

Section 10. Any citizen of the United States, or any person having declared his intention to become a citizen of the United States, over the age of twenty-one years, may make application to the board to enter any of said lands not exceeding 160 acres, under the regulations of the department of the interior, and the rules of the board. Each application must be accompanied by a certified copy of a contract for a perpetual water right, made by the applicant with the person or corporation authorized by the board to furnish water for the reclamation of said lands, together with twenty-five cents per acre for the land applied for, and contain the declaration that he will settle upon and improve said land, and if said application is allowed, the board shall cause to be issued a certificate of the location to the applicant. If the application is not allowed, the twenty-five cents per acre accompanying it shall

be returned to the applicant. If the construction company fails to furnish water to any settler under the provisions of its contract with the state, the state shall refund to such settler all payments that he shall have made to the state. The board shall dispose of all lands accepted by the state under the provisions of this chapter, at a price not to exceed fifty cents per acre; twenty-five cents per acre to be paid at the time of entry, and the remainder at the time of making final proof by the settler; but no settler shall be entitled to make more than one entry; provided also, that the settlers shall be required to pay to the board at the time of making final proof, whatever additional sum per acre, which the state shall be required to pay, to the United States, for the land so entered under any law of Congress, or regulation of the Secretary of the Interior, applicable.

Proceeds to Constitute a Reclamation Fund.

Section 11. All moneys received by the board for the sale of lands selected under the provisions of this chapter, except such amounts of money as shall be required to be paid to the United States as aforesaid, shall be deposited with the state treasurer; and such sums, as may be necessary, shall be available for the payment of the expenses of the board in carrying out the provisions of this chapter, and such expenses shall be paid, by a warrant drawn by the state auditor, in the manner that other expenses of the board are paid; and any balance remaining, over and above the expenses necessary to carry out the provisions of this chapter, shall constitute a trust fund to be used only for the reclamation of other arid lands.

Completion of Irrigation Works.

Section 12. Upon the completion of the said works, or any section thereof, the contractor shall notify the board that he is prepared to supply water to the land designated in his application, or any particular tract thereof, whereupon the board shall cause proof of that fact to be made to the department of the interior, with a request that a patent to such land be issued to the state; and shall cause notice to be given to

each settler, of such fact, and within three years thereafter, each settler shall appear before the board and make a final proof of reclamation, settlement and occupation, in accordance with the regulations of the department of the interior and the rules of the board; and shall make final payment for the land entered by him. Upon final payment by any settler, the state shall issue a patent for the land entered, which shall be executed in the same manner that other patents are executed.

Water Rights Appurtenant to Lands.

Lien Thereon for Water. Foreclosure. Redemption.

Section 13. The water rights to all lands, acquired under the provisions of this chapter, shall attach to and become appurtenant to the land as soon as title passes from the United States to the state. Any person or corporation furnishing water for any tract of land, so acquired, shall be entitled to receive directly, when due under said water contracts, all payments upon the same; and shall have a first prior lien on said water rights, the said lien to be in all respects prior to any or all other liens created, or attempted to be created by the owner and possessor of said land, and shall remain in force and effect until the last deferred payment for the water rights is fully paid and settled according to the terms of the contract under which said water rights were acquired. The contract for the water rights, upon which the aforesaid lien is founded, shall be recorded in the office of the county recorder of the county where said land is situated. Upon default of any deferred payments secured by any lien under the provisions of this chapter, the person or corporation holding or owning said lien, may foreclose the same, according to the terms and conditions of the contract granting and selling to the settler the water rights; and such foreclosure shall be in the manner that mortgages are foreclosed in this state; provided, that such settler or settlers shall have the right, within one year from the date of foreclosure, as provided in this section, to redeem such land and water rights, by payment of the sum of such deferred payment or payments, with interest at not to exceed ten per cent per annum, with accrued interest and cost of maintenance.

Lien on Land For Cost of Reclamation.

Section 14. Under the provisions and subject to the conditions of the act of Congress entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1897, and for other purposes," approved June 11, 1896, and under a section of the subtitle of said act, "Surveying the public lands," a lien is hereby created, in favor of the contractor, on and against the separate legal subdivisions of land reclaimed, for the actual cost and necessary expenses of reclamation, and interest thereon, at the rate of six per cent per annum, from the date of reclamation until disposed of to actual settlers.

Maps of Canals and Other Irrigation Works.

Section 15. The maps of the lands selected under the provisions of this act, in the office of the board, shall show the location of the canals, reservoirs, dams, pumping and power plants, or other irrigation works, approved in the contract with the board; and certified copies of said maps shall be filed and recorded in each of the counties into which such irrigation works, or the lands to be reclaimed thereby, shall extend; and all lands, filed upon by settlers in connection with any such reclamation project, shall be subject to the right of way and easements of such canals, reservoirs, dams and irrigation works, and the said rights of way and easements shall embrace the entire width of the canal, the entire side of the reservoir or other works, and such additional width or area as may be required for its proper operation and maintenance, as specified in the contracts provided for in this act. And the said provisions for easements and right of way for irrigation works shall also extend to dams, canals, and other structures and water works constructed for and connected with the acquisition and control of water powers to be used, directly or indirectly, for the purpose of said irrigation works.

Board May Employ Clerks and Make Rules.

Section 16. The board may employ clerks and such other assistants as may be necessary, and prescribe their duties; and

shall have power to make such rules for the conduct of the business of the board as shall be found proper and necessary and not inconsistent with the laws of this state, the acts of Congress or the regulations of the department of the interior of the United States.

Contractors to Make Annual Reports.

Section 17. The board shall require annual reports from each contractor, giving such details, respecting the fulfillment of the contract, as the board may require.

Section 18. This Act shall not apply to any lands in the State of Arizona, except lands embraced within the Indian Reservations, until June 1, 1914.

Section 19. This Act shall take effect and be in force ninety days after the close of this session of the Legislature.

Approved May 30, 1912.

Resolutions

Joint Resolutions

JOINT RESOLUTION.

I

Of the Legislature of the State of Arizona, Ratifying the Sixteenth Amendment to the Constitution of the United States.

Be it Resolved by the Legislature of the State of Arizona:

Whereas, both houses of the Sixty-first Congress of the United States of America at its first session, begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine, by a Constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intetnts and purposes as a part of the Constitution:

"ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

THEREFORE BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ARIZONA:

That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Arizona;

AND, BE IT FURTHER RESOLVED, That certified copies of this joint resolution be forwarded by the Governor of this State to the Secretary of State of the United States of America, at Washington, to the President of the United States Senate, and to the Speaker of the House of Representatives of the National Congress.

Approved April 8th, 1912.

JOINT RESOLUTION.

II.

Of the Legislature of the State of Arizona Providing for the Appointment of a Commission for the Panama-California Exposition to be held at San Diego, California, in 1915, and the Participation of the State of Arizona in the Panama-California Exposition at San Diego, California, in 1915.

Be it Enacted by the Legislature of the State of Arizona:

WHEREAS, there will be held at San Diego, California, in the year 1915 an Exposition to celebrate the opening of the

Panama Canal, and especially to exploit the resources of the Southwest; therefore

Be it resolved by the Senate and House of Representatives of the Legislature of the State of Arizona, that the Governor of the State be and is hereby authorized to appoint a commission of five resident citizens of the State of Arizona, the members of which will serve without pay as the State Commission for the Panama-California Exposition to be held in San Diego, in 1915.

Said commission shall proceed to San Diego, California, at as early a date as shall be convenient after the passage of this resolution, with authorization to select a suitable site, make plans, and determine upon the scope, character, and extent of an exhibit to be made by the State of Arizona, and shall report to the Governor, before the next session of the Legislature, such recommendations as they may deem necessary for the participation of Arizona at said Exposition.

Approved April 24, 1912.

A JOINT RESOLUTION.

III.

Of the Legislataure of the State of Arizona, Authorizing and directing the Board of Control of the State of Arizona, to cause an Investigation to be made in All State Institutions, and the Accounts of All Offices of the State Government, and All Offices under the Late Territorial Administration, for the Purpose of Reporting to the Legislature a Systematic and Economical Method of Conducting the State Affairs, and for the Purpose of Carrying out said Investigation to Employ Expert Account-

ants to Examine into the Books of All State Institutions, and to Examine the Financial Accounts of the Territorial Offices under the Territorial Administration.

Be it Enacted by the Legislature of the State of Arizona:

WHEREAS, the Legislature of the State of Arizona considers it necessary to cause an investigation to be made of the accounts of the State institutions, and of the method of administration of the financial affairs of the various State officers, for the purpose of devising a systematic, uniform, and economical method of conducting the administration of the various institutions and offices of the State in an efficient manner, and to cause an investigation of the accounts and method of administration of said institutions and offices under the Territorial administration;

THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the Legislature of the State of Arizona, that the Board of Control is hereby authorized, empowered, and directed to cause an investigation to be made of the accounts and the administration of the finances of all State institutions, as they were conducted under the Territorial administration, and are now conducted under the State administration; to cause to be investigated the administration of the finances of the various Territorial offices under the Territorial administration; and to make a report of the result of said investigation and of a systematic and economical method of conducting said State institutions and State offices, to the Legislature, prior to the close and adjournment of this session of the Legislature; and

BE IT FURTHER RESOLVED, that, in order to properly and systematically carry out said investigation, the said Board of Control is hereby authorized, empowered, and directed to employ a sufficient number of expert accountants to examine the books of said institutions of the State of Arizona, and the financial affairs of said institutions, and to investigate

the administration of the financial affairs of the Territory by the various Territorial offices during the Territorial administration.

Approved April 27, 1912.

JOINT RESOLUTION.

IV.

To Amend Article II of the Constitution of the State of Arizona, and to Provide for the Submission of Such Proposed Amendment to the Vote of the People of the State of Arizona.

Be it Resolved by the Legislature of the State of Arizona:

Sec. 1 That it is hereby proposed that Article II of the Constitution of the State of Arizona, shall be amended by creating and adding to said Article II another section to read as follows: "Sec. 34. The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits."

Sec. 2. The said proposed amendment as set forth in Sec. 1 of this Act is hereby approved.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election, provided that if there be no regular or general election on the first Tuesday after the first Monday in November of the year 1912, then the Secretary of State shall

submit said proposed amendment to the qualified electors of the State at a special election, in lieu thereof, which is hereby called to take place upon said date for the purpose of having said proposed amendment voted upon.

Adopted by the Senate April 19, 1912.
M. G. CUNNIFF,
President of the Senate.

Adopted by House April 29, 1912.
SAM B. BRADNER,
Speaker of the House of Representatives.

JOINT RESOLUTION.

V.

Requesting that the Sixty-second Congress of the United States Submit to the Several States an Amendment to the Constitution of the United States Providing for the Election of United States Senators by a Direct Vote of the People.

WHEREAS, Article V of the Constitution of the United States provides that whenever two-thirds of both Houses (of Congress) shall deem it necessary, Congress shall propose Amendments to the Constitution, or, on application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments.

AND, WHEREAS, The Legislatures of twenty-nine States have applied to the Congress of the United States for the submission to the States of an Amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people; therefore,

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ARIZONA: That the Sixty-second Congress of the United States is requested, and by this resolution application is made by the Legislature of the State of Arizona to the Congress of the United States in its Sixty-second session, to submit to the several States an Amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people; and

RESOLVED, further, That a copy of this resolution be certified by the Chief Clerk of the House and the Secretary of the Senate to the Speaker of the House and the President of the Senate of the Congress of the United States.

Approved May 2, 1912.

JOINT RESOLUTION.

VI

Of the Legislataure of the State of Arizona, Providing for the Appointment of a Commission for the Panama Pacific International Exposition to be Held at San Francisco, California, in 1915, and the Participation of the State of Arizona in the Panama Pacific International Exposition at San Francisco, California, in 1915.

Be it Resolved by the Legislature of the State of Arizona:

WHEREAS, there will be held at San Francisco, California, in the year 1915 an Exposition to celebrate the opening of the Panama Canal, and especially to exploit the resources of the Southwest; therefore

Be it resolved by the Senate and House of Representatives of the Legislature of the State of Arizona, that the Governor of the State be and is hereby authorized to appoint a commission of five resident citizens of the State of Arizona, the members of which will serve without pay as the State Commission for the Panama Pacific International Exposition to be held in San Francisco in 1915.

Said commission shall proceed to San Francisco, California, at as early a date as shall be convenient after the passage of this resolution, and is hereby authorized to select a suitable site, make plans, and determine upon the scope, character, and extent of an exhibit to be made by the State of Arizona, and shall report to the Governor before the next session of the Legislature, such recommendations as they may deem necessary for the participation of Arizona at said Exposition.

Approved May 4, 1912.

HOUSE CONCURRENT RESOLUTION

I

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE FIRST LEGISLATURE OF THE STATE OF ARIZONA, THE SENATE CONCURRING HEREIN,

That an invitation be, and the same is hereby, extended to the Honorable Champ Clark, Speaker of the House of Representatives of the United States Congress, to address the Legislature of the State of Arizona, at such time before the adjournment thereof, as may be convenient to him.

AND BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representativess, be, and he is hereby, instructed to forward a copy of this resolution to the said Honorable Champ Clark at Washington, D. C.

Adopted by the Senate April 12, 1912.
Adopted by House April 11, 1912.

Memorials

Memorials

MEMORIAL
I

To the Senate and House of Representatives of the United States of America, in Congress assembled.

Your Memorialists, the First Legislature of the State of Arizona, in session convened, respectfully represent:

WHEREAS, by an Act of the Congress of the United States, passed March 3rd, 1865, certain lands lying along the east side of the Colorado River, in Yuma County, Arizona, now known as the Colorado River Indian Reservation, were set apart for Indian purposes; and

WHEREAS, by executive orders dated November 22, 1873, November 16, 1874, and May 15, 1876, the boundaries of said Indian Reservation were described as follows, to-wit:

"Beginning at a point where La Paz Arroyo enters the Colorado River about four miles above Ehrenburg, Arizona; thence easterly following the course of said arroyo to a point south of the crest of La Paz Mountains; thence following the crest of said mountain, in a northerly direction, to the top of Black Mountain; thence in a northwesterly direction over the Colorado River to the top of Monument Peak in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain in California; thence in a direct line towards the place of beginning to the west bank of the

Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning; and

WHEREAS, the description as given in said executive orders is ambiguous and uncertain, in that there is much dispute as to which mountain peak is meant by La Paz Mountain, as well as the crest of that mountain to be followed in a northerly direction; and

WHEREAS, the Commissioner of the General Land office at Washington, D. C., has recently had surveyed the lands embraced within said Indian reservation as per executive orders as above set forth, and the southeast corner of said reservation has been established on a certain mountain peak, purporting to be the particular mountain described, in said executive orders, as La Paz Mountain and a line run from said point to a certain mountain called Black Mountain; and

WHEREAS, the line so run has established the south and east lines of said reservation; and

WHEREAS, the said survey, as now established, will include within the said reservation, a large amount of mineral land, including mines and mining claims that have been owned and worked by citizens of Arizona since 1861; and

WHEREAS, owing to the uncertainty, during the past thirty-five years, of the exact location of the boundary lines of said reservation, many prospectors have located, worked or sold their mining claims to innocent purchasers, who have in turn expended large amounts of money in development work, erecting costly hoisting works, building roads, and otherwise building up this section of the country; and

WHEREAS, the citizens of that community firmly believe that it was the intention of the Congress of the United States, in setting apart the lands embraced within the Colorado River Indian reservation, to include within its boundaries only such lands as could be used for agricultural purposes, and did not intend to include mineral land; and

WHEREAS, the only land within said reservation, which can be used for agricultural purposes, grazing or timber lands, lies in the valley along the eastern side of the Colorado River; and,

WHEREAS, that portion of the land now taken in by recent survey, as set forth above, which lies on the mesas or the mountains east of the valley, does not contain one single acre of tillable land, contains no timber nor pasture, hence is of no value whatever, except for the mineral contained in the gravel on the mesas or in the veins of ore in the mountains;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives and the Senate of the State of Arizona, that we call upon the Congress of the United States to enact such law as may be necessary to furnish relief to owners of mines and mining claims, located and worked prior to the recent survey, as above set forth, lying within the boundary lines of the said Colorado River Indian reservation, the end that title to said mineral lands be confirmed to their present owners or their assigns;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to our Representatives in Congress, the Honorable Marcus A. Smith, the Honorable Henry F. Ashurst, and the Honorable Carl F. Hayden, and that they be requested to do all in their power to bring about the passage of an Act that will afford the relief as above prayed for.

Adopted by the Senate, May 17, 1912.
Adopted by the House, May 13, 1912.

MEMORIAL

II

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialists, the First Legislature of Arizona, in session convened, respectfully represent:

Whereas, by an Act of the Congress of the United States, passed June 18, 1910, an additional court was added to the already complex judicial system of the United States, the said court being officially known as the United States Commerce Court, and designed to hear a particular class of cases arising under the Interstate Commerce Act of the United States; and

Whereas, we believe that the said Commerce Court is being used by the railroad corporations for the purpose of blocking the work of the Interstate Commerce Commission and preventing relief from extortionate freight rates, a notable example of which is seen in the treatment of the inter-mountain cases; wherein, by the action of the said Commerce Court, the railroads are permitted to continue to charge extortionate freight rates, extorting the sum of five hundred thousand ($500,000.00) dollars per month from the people of Arizona in excess of the amount they would receive under equitable rates established by the Interstate Commerce Commission; and

Whereas, the said railroad companies have the right of appeal to the United States Supreme Court from the decision of the Interstate Commerce Commission, and the said United States Commerce Court does not occupy any needed or useful place in the judicial system of the United States; and

Whereas, a bill has been introduced into the Congress of the United States by the Honorable T. W. Sims, member of Congress from the State of Tennessee, looking to, and having for its purpose the abolition of the said Commerce Court; and

Whereas, the State of Arizona is now represented in Congress by the Honorable Marcus A. Smith, the Honorable Henry F. Ashurst, and the Honorable Carl Hayden;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives and the Senate of the State of Arizona, that we hereby call upon the Congress of the United States and petition it to pass the said Sims bill, or in some other way to provide for the abolition of the said Commerce Court, to the end that the people may have relief from the oppressive freight rates, which the court, by its ruinous rulings, foster and maintains.

RESOLVED, that a copy of this resolution be forwarded to our Representatives in Congress, and that they be requested to do all in their power to bring about the passage of the said Sims bill, or some other measure having for its purpose the abolition of the said Commerce Court.

HOUSE MEMORIAL

III

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Your Memorialists, the House of Representatives of the First Legislature of the State of Arizona, the Senate concurring herein, respectfully represents:

That between the years 1878 and 1892, many pioneers settled in the southern part of Arizona, and, with their wives and children, formed the nucleus of a community of bona fide citizens.

In the belief that they had settled upon lands that were part of the public domain, these hardy pioneers built their homes, cultivated the soil, and, always menaced by the ravages

of the Apache Indians, reared their families amidst great hardships and privations.

Secure in the belief that the soil upon which their homes were built would sooner or later be allotted to them, these pioneers continued their brave struggle against the many adverse conditions and circumstances which confront the settler in a new and undeveloped country.

Now that it is too late for these worthy citizens of our new state to make a new start in life, it develops that the lands upon which they have built their homes are included in Spanish or Mexican land grants, the holders of which have successfully maintained suits for confirmation of these grants, and have dispossessed the settlers thereon, and have confiscated the improvements which represent years of toil, hardship and privation.

These people are poor, but are good citizens of this state, and great injustice has been done them, inasmuch as they settled upon these lands in good faith, not knowing that they were claimed as land grants, but believing that they were part of the unoccupied and unappropriated public domain of the United States, open to settlement and occupation under the laws of the United States.

In view of the foregoing facts, and in justice and equity, your Memorialists respectfully petition this Honorable Body that a court be established in Arizona, in the vicinity of these lands, and that said court be empowered, authorized and directed to inquire into the damages sustained by the locators upon the various land grants within the confines of the Gadsden Purchase, and that when such damages have been determined and assessed, the Government of the United States provide for reimbursement of these settlers, to the extent of the damage actually suffered by them.

Adopted by the House May 2, 1912.

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ACTS, RESOLUTIONS AND MEMORIALS

OF THE

SPECIAL SESSION

FIRST LEGISLATURE

OF THE

STATE OF ARIZONA

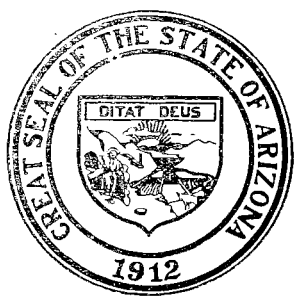
SESSION BEGUN ON THE TWENTY-THIRD DAY OF MAY,
A. D. 1912, AND ENDED ON THE TWENTY-
SECOND DAY OF JUNE, A. D. 1912
PHOENIX, ARIZONA

THE McNEIL CO., PRINTERS
PHOENIX, ARIZONA
1912

CERTIFICATE

STATE OF ARIZONA. }
Office of the Secretary. } ss.

I, Sidney P. Osborn, Secretary of the State of Arizona, do hereby certify that the Acts, Resolutions and Memorials herein contained are printed as passed by the (Special Session) First Legislature of the State of Arizona according to the enrolled and engrossed copies on file in my office.



Witness, my hand and seal of the State of Arizona, given at Phoenix this 8th day of July, A. D., 1912.

SIDNEY P. OSBORN,
Secretary of Arizona

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5. Concurrent Resolution Providing Payments During Interim for the Attaches of the Legislature between the Regular and Special Session of the First State Legislature of the State of Arizona 309-11

ACTS

CHAPTER 1.

AN ACT

Making Appropriation for the Current and Contingent Expense of Carrying On and Conducting and Defraying the Expenses of the Special Session of the First State Legislature of the State of Arizona Convened May 23rd, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Twenty-five Thousand Dollars ($25,000.00) is hereby appropriated out of the general fund now in the hands of the State Treasurer of the State of Arizona, or as much thereof as may be necessary, for the several objects and purposes hereinafter named.

(1) That the sum of Eleven Thousand Three Hundred and Forty Dollars ($11,340.00) is hereby appropriated for the payment of the salaries of the members of the First State Legislature for the Special Session of said Legislature of the State of Arizona, convened May 23rd, 1912, or so much thereof as may be needed.

(2) That the sum of Eight Thousand Three Hundred and Sixty ($8,360.00) is hereby appropriated for the payment of the employees of the said Legislature of the State of Arizona for said Special Session, or as much thereof as may be needed.

(3) That the sum of Two Thousand Three Hundred Dollars ($2,300.00) is hereby appropriated for the payment of the mileage of the members of said Legislature for said Special Session, or as much thereof as may be needed.

(4) That the sum of Three Thousand Dollars ($3,000.00) is hereby appropriated for the payment of contingent expenses of said Legislature for said Special Session, or as much thereof as may be needed.

Sec. 2. All claims for salaries and mileage for the members of the respective Houses of the said Legislature for said Special Session shall be honored by the State Auditor upon the presentation of a certificate signed by the presiding officers of the respective Houses of the said Legislature, whereupon the State Auditor shall issue his warrant upon the State Treasurer for the payment of the same, and the State Treasurer upon presentation shall pay the same out of the fund herein provided for.

Sec. 3. All salaries of clerks, employees, and attaches of the respective Houses of the Legislature shall be paid in like manner as provided for in Sec. 2 of this Act.

Sec. 4. It is provided that said salaries for the said Special Session of the members of the Legislature and the salaries of the said clerks, employees, and attaches shall be payable on Monday of each and every week during the said Special Session of said Legislature and that the incidental expenses shall be payable whenever the proper vouchers shall be presented.

WHEREAS, an urgent necessity exists for the appropriation of funds to pay the salary and mileage of the members of the Legislature and the salaries of the various employees of said Legislature, and to provide funds for the contingent expenses of said Legislature, for said Special Session, and the provisions of this Act are necessary for the support and maintenance of said Legislature to keep it intact and to preserve the public peace, health and safety, an emergency is

hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the provisions of the Referendum provided for in the State Constitution.

Approved May 27, 1912.

CHAPTER 2.

AN ACT

Providing for the Payment of the Expenses of Superior Court Judges Incurred While Holding Court in Other Counties, and While Sitting for Disqualified Members of the Supreme Court.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Whenever the Judge of the Superior Court of any county of the State is called into another county of the State, by the Superior Judge thereof, or by the Governor, to hold session of a Superior Court, or preside over any proceeding connected therewith, he shall be paid by the county into which he is called, his actual expenses incurred in holding said Superior Court, or in presiding over said proceeding connected therewith.

Sec. 2. There is hereby appropriated, annually, from the general fund of the State, such sums as may be necessary to defray the expenses of Superior Court Judges called to sit with the Supreme Court in the hearing of causes in which any member or members thereof are disqualified.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 4. Whereas, an urgent necessity exists to provide for the payment of the expenses incurred by Superior Court

Judges while performing official duties in counties, of the State, other than their own, and while performing duties for disqualified members of the Supreme Court, and,

Whereas, an immediate operation of this Act is necessary to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 5, 1912.

CHAPTER 3.

AN ACT

To Provide for Appointment of Court Commissioners; Defining Their Powers and Duties, and Fixing Their Compensation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Judge of each Superior Court in the State of Arizona may appoint a Court Commissioner for such court.

The person so appointed shall be a citizen of the United States, a resident of the county in which he is appointed, and shall reside at the county seat thereof. He shall hold his office during the pleasure of the Judge appointing him.

Sec. 2. Every Court Commissioner shall have power:

(a) To hear and determine ex parte motions for orders and writs, except orders for permanent injunctions, provided, that he shall have such power only in the absence or inability to act of the Judge of the Superior Court of said county;

(b) To take proof and report his conclusions thereon as to any matter of fact, other than an issue of fact raised by

the pleadings, upon which information is required by the Court; but any party to the proceedings may except to such report, within five days after receipt of written notice that the same has been filed, and may argue his exceptions before the Court on giving notice of motion for that purpose;

(c) To take and approve bonds and undertakings whenever the same may be required in actions or proceedings in said Superior Courts, and to examine the sureties thereon, when an exception has been taken to their sufficiency; to administer oaths and affirmations, and take affidavits and depositions, in any actions or proceedings in any of the courts of this State, or in any matter or proceedings whatever, and to take acknowledgments and proof of deeds and all other instruments requiring proof or acknowledgment under the laws of the State for any purpose;

(d) To charge and collect the same fees for the performance of official acts as notaries public, for like services, provided, however, that when engaged in performing services in place of the Judge of the Superior Court, he shall be entitled to compensation, to be paid by the county and State, in such proportion as Superior Judges are paid, at the rate of Five Dollars per day, or any part of a day, when so engaged;

(e) To provide an official seal, upon which must be engraved the words "Court Commissioner,_____ County, Arizona," the name of the county being designated, and to authenticate with his seal all official acts.

Sec. 3. The Court Commissioner shall immediately transfer and remit to the Clerk of the Superior Court all his records and proceedings in actions and proceedings pending in said courts, and shall keep an official register of his proceedings, with a statement of the fees charged, which shall be open to inspection as any other public record.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 5. Whereas, it is necessary that such Court Commissioners for the respective Superior Courts be immediately

appointed, for the purpose of the speedy and adequate administration of justice, and

Whereas, the provisions of this Act are necessary to the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the referendum clause of the State Constitution.

Approved June 5, 1912.

CHAPTER 4.

AN ACT

To Amend Paragraph 398, Title XII, of the Penal Code of the Revised Statutes of Arizona, 1901, Relating to Crimes Against the Revenues and Property of the State.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 398, Title XII, of the Penal Code of the Revised Statutes of Arizona, 1901, be and is hereby amended to read as follows:

398. Every officer of the State, or of any county, city, town, or district of this State, and every other person charged with the receipt, safe-keeping, transfer, or disbursement of public moneys, who either:

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or,

2. Loans the same, or any portion thereof; or

3. Fails to keep the same in his possession until disbursed or paid out by authority of law; or

4. Without authority of law deposits the same, or any

portion thereof, in any bank, or with any banker or other person; but he may deposit the same on special deposit for safe-keeping; or,

5. Changes or converts any portion thereof from coin into currency, or from currency into coin or other currency, without authority of law; or,

6. Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, the same; or,

7. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or

8. Wilfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,

9. Wilfully omits or refuses to transfer the same, when such transfer is required by law; or transfers the same when not authorized or directed by law; or

10. Wilfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him under any duty imposed by law to pay over the same;

Is punishable by imprisonment in the State prison for not less than One (1) Year nor more than Ten (10) Years, and is disqualified from holding any office in this State.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 5, 1912.

CHAPTER 5.

AN ACT

To Provide for and to Regulate Transportation of Passengers by Common Carriers on Railroads within the State of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No company, or corporation, operating a railroad, other than a street or electric railroad, in whole or in part, within this State, shall ask, demand, or receive, for first class transportation, for each passenger between points within this State, on the portion of its railroad operated within this State, more than three cents per mile, until otherwise provided by law; Provided, however, that the Corporation Commission shall have the power to exempt any railroad from the operation of this section, upon satisfactory proof that such railroad cannot earn a just and reasonable compensation for the services rendered by it to the public, if not permitted to charge more than three cents per mile for the transportation of passengers within this State.

Sec. 2. Any company, or corporation, operating a railroad, as provided in the preceding section, that shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars ($50.00) and not more than Three Hundred Dollars ($300.00) for each offense. Each and every violation shall constitute a separate offense.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 5, 1912.

CHAPTER 6.

AN ACT

To Amend Section 8 of Article IX of the Constitution of the State of Arizona, and to Provide for the Submission of Such Proposed Amendment to the Vote of the People of the State of Arizona:

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That it is hereby proposed that Section 8 of Article IX of the Constitution of the State of Arizona, shall be amended to read as follows:

"Sec. 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof; and Provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality."

Sec. 2. The said proposed amendment as set forth in Sec. 1. of this Act is hereby approved, as provided in Sec. 1. of Article XXI of the State Constitution.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election, provided that if there be no regular or general election on the first Tuesday after the first Monday in November of the year 1912, then the Secretary of State shall submit said proposed amendment to the qualified electors of the State at a special election, in lieu thereof, which is hereby called to take place upon said date for the purpose of having said proposed amendment voted upon.

Adopted by Senate May 31, 1912.

M. G. CUNNIFF,
Preisdent of the Senate.

Adopted by House June 6, 1912.

SAM. B. BRADNER,
Speaker of the House of Representatives.

CHAPTER 7.

AN ACT

To Make an Appropriation for the Office of the Secretary of State for the Purpose of the Payment of Additional Stenographers in said Office of said Secretary of State.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That a sum not to exceed Three Hundred Dollars ($300.00), or such amount thereof as may be necessary, is hereby appropriated out of the general fund of the State for the use

of the office of the Secretary of State to pay for additional stenographers to assist the Secretary of State in making certified copies of Acts passed at the regular and special sessions of the First State Legislature of the State of Arizona, and other emergency work of the Secretary of State's office.

Sec. 2. The State Auditor is hereby authorized and directed to draw his warrants in payment of the salaries of said stenographers and help to the Secretary of State, as herein provided, upon the general fund of the State, and the State Treasurer is hereby authorized and directed to pay the same.

Whereas, it is necessary that an appropriation be immediately made to pay for the services of additional stenographers to assist the Secretary of State in getting out certified copies of the laws passed by the First State Legislature, at its general and special sessions, and other emergency work, and,

Whereas, the provisions of this Act are necessary for the maintenance of a Department of State, the Secretary of State's office, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 7, 1912.

CHAPTER 8.

AN ACT

To Amend Paragraphs 2047 (Sec. 839.), 2048 (Sec. 840.), and 2050 (Sec. 842.), of Chapter 1, Part V, Title 17, Revised Statutes of Arizona, 1901, relating to Jurisdiction of Justices of the Peace.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 2047 (Sec. 839.), of Chapter 1,

Part V, Title 17, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2047. (Sec. 839.) They shall have jurisdiction to try and determine all civil actions when the amount involved, exclusive of interest and costs, is less than two hundred dollars.

Sec. 2. That Paragraph 2048 (Sec. 840.), of Chapter 1. Part V, Title 17, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2048. (Sec. 840.) They shall also have jurisdiction over all criminal cases other than felonies, where the punishment is a fine of less than two hundred dollars, or imprisonment in the county jail not exceeding three months, or both such fine and imprisonment.

Sec. 3. That Paragraph 2050 (Sec. 842.), of Chapter 1, Part V, Title 17, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2050. (Sec. 842.) No Justice of the Peace shall have jurisdiction over real property, nor over any action the determination of which involves a question as to the ownership of real property; provided, that Justices of the Peace shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damage claimed is less than two hundred dollars. If, in any case brought for the possession of real property before a Justice of the Peace, the title thereto or the ownership thereof becomes a legimate (legitimate) question, in every such event the Justice shall so certify in his docket, and shall at once stop further proceedings in the case, and shall transfer the same and all papers connected therewith, together with a certified copy of his docket entries in the case, to the Superior Court, where the case shall be docketed, proceeded with, tried and determined as though originally brought in such Superior Court.

Sec. 4. All Acts and parts of Acts in conflict with this Act are herby repealed.

Approved June 8, 1912.

CHAPTER 9.

AN ACT

To Provide for the Care, Maintenance, and Instruction of Blind Children Under School age, Residing in the State.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The State Board of Education shall have power to provide for the suitable care, maintenance, and instruction of blind children under school age residing in this State, where, by reason of lack of means or other cause, the parent or parents of such children are unable to properly care for, maintain, and educate such children.

Sec. 2. For the purpose of providing such care, maintenance, and instruction the said Board of Education shall have power to contract with any institution having or furnishing facilities for such care, maintenance, and instruction in this or any other State at a contract price to be agreed upon, not exceeding One Dollar per day; provided, that such contract shall be made upon the written consent of the parents or surviving parent of any such child.

Sec. 3. Such contract shall continue in force, and the care, maintenance, and instruction provided therein shall continue, until such child attains the age of six years; provided, however, that the said Board of Education may in its discretion continue such contract in force until such child attains the age of twelve years.

Sec. 4. There shall be included in the tax to be levied for State school purposes, a rate sufficient to raise the sum of Twenty-five Hundred Dollars ($2,500.00) in addition to all other sums provided by law, which sum, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this Act.

Sec. 5. Nothing in this Act contained shall be deemed to repeal or in any way modify any existing law with reference to the education of the deaf, dumb and blind.

Approved June 8, 1912.

CHAPTER 10.

AN ACT

To Amend Paragraphs 615 and 617 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, said Title Relating to Miscellaneous Crimes.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Pargraph 615 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

615. The State of Arizona, every department and institution of the State, every county and municipal corporation within the State, every contractor (whether individual, firm, partnership, association, or corporation) employed under contract by the State or by any of said departments, institutions, counties, or municipal corporations, and every company or corporation doing business in the State, shall designate regular days not more than sixteen days apart as days fixed for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written, in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days." And the State, and every such department, institution, corporation, or individual, shall pay on each of said days to its or his employees in lawful money of the United States, or in negotiable bank check, payable on demand, of the date of said day, all wages due said employees up to such pay day, except that said State, department, institution, corporation, or individual may withhold wages for not more than five days' labor due any employee remaining in the service thereof.

Sec. 2. That Paragraph 617 of Part 1, Title XVII of the Penal Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows;

617. Every Contractor mentioned in Paragraph 615 hereof and every corporation (except municipal corporations) violating any of the provisions of the two preceding sections shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars($500.00) for each offense.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved June 8, 1912.

CHAPTER 11.

AN ACT

To Enable all Cities, now or Hereafter Containing A Population of More Than Three Thousand Five Hundred, to Frame and Adopt Charters for Their Own Government, and to Extend and Define Their Powers.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any city, containing now or hereafter, a population of more than three thousand five hundred inhabitants, may frame a charter for its own government, consistent with, and subject to, the Constitution and the laws of this State, by causing a board of freeholders, composed of fourteen qualified electors of said city, to be elected at large by the qualified electors thereof, at a general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with the chief executive officer of such city and the other

with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published, and of general circulation, within said city, for at least twenty-one days if in a daily paper, or in three consecutive issues if in a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty (30) days, and not earlier than twenty (20) days, after such publication, said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the Governor of this State for his approval, and the Governor shall approve it if it shall not be in conflict with the Constitution or the laws of this State. Upon such approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal, of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the Governor, be made in duplicate and filed, one copy in the office of the Secretary of State and the other in the archives of the city after being recorded in the office of said county recorder, and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city, to the qualified electors thereof, or by petition as hereinafter provided, at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the Governor as herein provided for the approval of the charter.

Sec. 2. An election of such board of freeholders may be called at any time by the legislative authority of any such

city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty (30) days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

Sec. 3. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said municipal corporation, and every city containing a population of more than three thousand five hundred inhabitants shall have the right and power to acquire, own, and maintain, within or without the corporate limits of such city, real estate for sites and rights of way for public utility and public park purposes, and for the location thereon of water works, electric light and gas plants, municipal quarantine stations, garbage reduction plants, pipe lines for the transmission and transportation of gas, water, and sewerage, and for any plant for the manufacture of any material for public improvement purposes or public buildings, and for all such purposes shall have the power to exercise the right of eminent domain, either within or without the corporate limits of such city, and to establish, lay, and operate any such plant or pipe line upon any land or right of way taken thereunder; and shall have and exercise the right to manufacture any material for public improvement purposes and to barter or exchange the same for other material to be used in public improvements in such city, or to

sell the same to other cities for like purposes, and for any or all such purposes, in order to raise means to carry out the same, shall have the power to issue and sell bonds bearing interest not to exceed five per centum per annum, maturing in twenty-five years and redeemable at will in not less than ten years; and whenever any such public improvement shall have been constructed by means derived from the sale of bonds as above provided, it shall be the duty of such city to fix the rates charged for service to the public as nearly as practicable so as to pay the interest and not less thon three per cent per annum on the principal of such bonds, in excess of the expense of maintenance and operation; Provided, that whenever it shall be found impracticable to issue bonds, as above provided, for any improvement deemed by the city necessary for the public welfare without increasing the total indebtedness of such city beyond the constitutional limit, it shall be lawful for such city to lease at a stipulated rental any public improvement or utility, from any person, firm, or corporation, which will contract to furnish the same; Provided, that any such rental contract shall reserve to such city the option to purchase such improvement or utility in the future.

Sec. 4. When the charter of any such city in this State shall have been framed, adopted, and approved according to the provisions of this Act, and any provisions of such charter shall be in conflict with any law or laws relating to cities now or hereafter containing a population of more than three thousand five hundred inhabitants, in force at the time of the adoption and approval of such charter, the provisions of such charter shall prevail and be in full force notwithstanding such conflict, and shall operate as a repeal or suspension of such State law or laws to the extent of such conflict; and such State law or laws shall not thereafter be operative in so far as they are in conflict with such charter; Provided that such charter shall be consistent with and subject to the provisions of the State Constitution and not in conflict with

the provisions of the State Constitution and laws relating to the exercise of the initiative and referendum and other general laws of the State not relative to such cities.

Sec. 5. When any city shall have adopted a charter under the provisions of this Act, the chief executive and legislative authority of such city shall have the power to provide for the payment of the expeness of the board of freeholders necessarily incurred in the framing of such charter, including clerical assistance which shall not exceed Three Dollars ($3.00) per day for the time actually employed.

Sec. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 7. Whereas, many cities in the State of Arizona are desirous of forthwith adopting new charters, and whereas, the provisions in this law are necessary to preserve the public peace, health, and safety, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 8, 1912.

CHAPTER 12.

AN ACT

Providing With Whom Recall Petitions Shall Be Filed, and Providing for the Payment of the Reasonable Campaign Expenses of Elective Public Officers, Occasioned by the Filing of a Recall Petition Against Such Officers.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Recall petitions against any public officer in the State of Arizona, holding an elective office, either by election

or appointment, shall be filed with the Secretary of State, if for a State officer or for a member of the Legislature; with the Clerk of the Board of Supervisors, if for a county officer; or with the City Clerk, if for a city officer.

Sec. 2. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, and against whom a Recall Petition shall have been filed, and who shall not offer his resignation within five (5) days thereafter, shall be paid from the general fund of the State, county, or other municipality, his reasonable special election campaign expenses, which shall not exceed, respectively, the following sums:

If for a State elective officer, $500.00;
If for a member of the Legislature, $200.00;
If for a county elective officer, $200.00;
If for a municipal elective officer, $150.00;

Provided, however, that such sum shall be paid only after such special election shall have been held, and after the certificate that said election was held shall have been filed with the Secretary of State, if for a State officer or for a member of the Legislature; with the Clerk of the Board of Supervisors, if for a county officer and with the City Clerk, if for a city officer, and upon an order by the officer with whom the Recall Petition of said elective officer was filed, after said elective officer shall have filed a verified itemized account of his said campaign expense.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 8, 1912.

CHAPTER 13.

AN ACT

Giving the Board of Education of the Tempe Normal School Power Forthwith to Take Possession and Control of That Certain Section of School Land Adjacent to the Town of Tempe, in the County of Maricopa, State of Arizona, To-Wit, Section 16, in Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, Heretofore Donated and Reserved to the Tempe Normal School of Arizona as a School Farm Under the Laws of the United States and the Revised Statutes of the Territory of Arizona and Providing for the Removal of All Persons in Possession of said Premises and Defining and Prescribing the Further Duties and Powers of Said Board of Education Relative to Said Lands.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Board of Education of the Tempe Normal School of Arizona is hereby authorized, empowered, and directed forthwith to take possession and control of that certain section of school land adjacent to the town of Tempe, in the County of Maricopa, State of Arizona, to-wit, Section 16, in Township 1 North, Range 4 East, of the Gila and Salt River Base and Meridian, heretofore donated and reserved to the Tempe Normal School of Arizona as a School Farm under the laws of the United States and the Revised Statutes of the Territory of Arizona. In case any person or persons in possession of said land, or any portion thereof, shall, for a period of five (5) days after service upon him or them of a written notice signed by the Secretary of said Board, demanding possession of the said premises, fails or refuses to deliver to said Board the possession of such land; then and in such event the Secretary of said Board shall thereupon notify the Attorney-General of the State of Arizona of such demand for

the possession of said land by said board and the failure or refusal of said person or persons to deliver to said Board the possession of the same. The Attorney-General shall forthwith commence and prosecute in the name of the State of Arizona for the use and benefit of the said Tempe Normal School of Arizona any and all such actions of ejectment, forcible entry or detainer, or suitable and proper actions as may be necessary to obtain possession of such land.

Sec. 2. The Board of Education of the Tempe Normal School is hereby authorized and empowered to lease said section of school land, or otherwise to handle and control the same, as may be requisite for the best interest and benefit of the Tempe Normal School, but no such lease shall be made for a greater term than two (2) years and the said Board of Education of the Tempe Normal School of Arizona shall at all times lease said land in such parts or parcels as shall be to the best interest and advantage of said School, provided, however, that nothing in this section shall be construed to give said Board of Education the power to sell said land or any portion thereof or to vest title to said section of school land in said Tempe Normal School.

Sec. 3. All revenues derived from said land, by lease or otherwise, shall, after the expenses incident to the leasing, handling, or otherwise controlling, of said land, be paid by said Board of Education into the State Treasury for the credit of the fund known as the Tempe Normal School Fund.

Sec. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 5. Whereas, it is essential that the Board of Education of the Tempe Normal School of Arizona take immediate possession of the lands described in this Act, and,

Whereas, the provisions of this Act are necessary for the support and maintenance of a State Institution, to-wit, the Tempe Normal School of Arizona, an emergency is hereby declared and this Act shall take effect and be in force from

and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 8, 1912.

CHAPTER 14.

AN ACT

Securing Compensation for Injuries to Workmen and Their Dependents Received While Engaged in Dangerous and Hazardous Service, and Providing Remedies Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That this Act is a Workman's Compulsory Compensation law as provided in Sec. 8 of Article XVIII of the State Constitution.

Sec. 2. Compulsory compensation shall be paid by his employer to any workman engaged in any employment declared and determined as in Sec. 3 of this Act (as provided in Sec. 8 of Article XVIII of the State Constitution) to be especially dangerous, whether said employer be a person, firm, association, company, or corporation, if in the course of the employment of said employee personal injury thereto from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee or employees, to exercise due care, or to comply with any law affecting such employment.

Sec. 3. The employments hereby declared and determined to be especially dangerous (as provided in Sec. 8 of

Article XVIII of the State Constitution) within the meaning of this Act are as follows:

1. The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by a steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plant, tracks, switches, bridges, roadbeds, upon, over, and by which such railway business is operated.

2. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive.

3. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require, iron or steel frame work.

4. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure.

5. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used.

6. All work of construction, operation, alteration or repair, where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

7. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes.

8. All work in mines; and all work in quarries.

9. All work in the construction and repair of tunnels, sub-ways and viaducts.

10. All work in mills, shops, works, yards, plants, and factories where steam, electricity, or any other mechanical power, is used to operate machinery and appliances in and about such premises.

Sec. 4. In case such employee or his personal representative shall refuse to settle for such compensation (as provided in Sec. 8 of Article XVIII of the State Constitution, and chooses to retain the right to sue said employer (as provided in any law provided for in Sec. 7, Article XVIII of the State Constitution) he may so refuse to settle and may retain said right.

Sec. 5. It is hereby declared and determined to be contrary to public policy that any employer conducting any especially dangerous industry, through any of his or its officers, agents, or employee or employees, shall fail to exercise due care, or fail to comply with any law affecting such employment, in such manner as to endanger the lives and safety of employees thereof, without assuming the burden of the financial loss through disability entailed upon such employees, or their dependents, through such failure; and it is further declared and determined to be contrary to public policy that the burden of the financial loss to employees in such dangerous employments, or to their dependents, due to injuries to such employees received through such accidents as are hereinbefore mentioned shall be borne by said employees without due compensation paid to said employees, or their dependents, by the employer conducting such employment, owing to the inability of said employees to secure employment in said employments under a free contract as to the conditions under which they will work.

Sec. 6. The common law doctrine of no liability without fault is hereby declared and determined to be abrogated in Arizona as far as it shall be sought to be applied to the accidents hereinbefore mentioned.

Sec. 7. When, in the course of work in any of the employments described in Sec. 3 above, personal injury by accident arising out of and in the course of such labor, service, or employment, is caused to or suffered by any workman engaged therein, by any risk or failure specified in Sec. 2

hereof, then such employer shall be liable to and must make and pay compensation to the workman injured, and his personal representative, when death ensues, for the benefit of the estate of the deceased, for such injury at the rates and in the manner hereinafter set out in this Act;

PROVIDED, That the employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least two weeks after the date of the accident from earning full wages at the work at which he was employed at the time of the injury, and

PROVIDED, Further, that the employer shall not be liable under this Act in case the employee refuses to settle for such compensation and retains his right to sue as provided in Sec. 4 of this Act.

Sec. 8. When an injury is received by a workman engaged in any labor or service specified in Sec. 3, and for which the employer is made liable as specified in Sec. 7, then the measure and amount of compensation to be made by the employer to such workman or his personal representative for such injuries, shall be as follows:

1. If the injury by accident does not result in death within six months from the date of the accident, but does produce or result in total incapacity of the workman for work at any gainful employment for more than two (2) weeks after the accident then the compensation to be made to such workman by his employer shall be a semi-monthly payment commencing from the date of the accident and continuing during such total incapacity, of a sum equal to fifty (50) per centum of the workman's average semi-monthly earnings when at work on full time during the preceding year, if he shall have been in the employment of such employer for such length of time; but if not for a full year, then fifty (50) per centum of the average wages, whether semi-monthly, weekly, or daily, being earned by such workman during the time he was at work for his employer before and at the time of the accident.

2. In case (1) the accident does not wholly incapacitate the workman from the same or other gainful employment; or (2) in case the workman, being at first wholly incapacitated, thereafter recovers so as to be able to engage at labor in the same or other gainful employment, thereby earning wages, then in each case the amount of the semi-monthly payment shall be one-half of the difference between the average earnings of the workman at the time of the accident determined as above provided, and the average amount he is earning, or is capable of earning, thereafter, semi-monthly in the same or other employment—it being the intent and purpose of this Act, that the semi-monthly payments shall not exceed, but equal, from time to time one-half the difference between the amount of average earnings ascertained as aforesaid at the time of the accident, and the average amount which the workman is earning, or is capable of earning, in the same or other employment or otherwise, after the accident, and at the time of such semi-monthly payment. Such payments shall cease upon the workman covering and earning, or being capable of earning, in the same or other gainful employment or otherwise, wages equal to the amount being earned at the time of the accident.

PROVIDED, HOWEVER, that the payments shall continue to be made as herein determined to the workman so long as incapacity to earn wages in the same or other employment continues, but in no case shall the total amount of such payments as provided in sub-sections 1 and 2 of this section exceed Four Thousand ($4.000.00) Dollars.

3. When the death of the workman results from the accident within six months thereafter, and the workman, at the time of his death, leaves a widow, and a minor child, or children dependent on such workman's earnings for support and education, then the employer shall pay to the personal representative of the deceased workman for the exclusive benefit of such widow and child, or children, a sum equal to twenty-four hundred times one-half the daily wages or earn-

ings of the decedent, determined as aforesaid, but in no event more than the sum of Four Thousand Dollars ($4,000.00). Such sum shall be paid in lump and held in trust by such representative for such widow and children and applied by him to the support of the widow while she remains unmarried, and to the support and education of the children so long as necessary, and until eighteen (18) years of age, in such way and manner as to him shall seem best and just, under and in accordance with the directions of the court having jurisdiction of the estate of the decedent; any balance remaining unapplied at the closing of the estate of the decedent shall be distributed to the decedent's widow (if still his widow), and the children or next of kin, as provided by the law of descents. The personal representative may pay out of said fund the reasonable and necessary expenses of medical attendance and burial of the decedent. If the workman leaves no widow or child, or children, but a father or mother or sister dependent on him for support, then said sum shall be for their benefit to be applied as above provided. If the deceased workman leaves no widow, children, or other dependents, then the employer shall pay the reasonable expenses of medical attendance upon the decedent and also provide and secure his burial in a proper cemetery, which may be chosen by the friends of the decedent.

Sec. 9. Any workman claiming compensation under the provisions of this Act shall, if requested by the employer, or upon written notice by him given to the employer, submit himself for bodily examination by some competent licensed medical practitioner or surgeon of the county in which the workman then resides, to ascertain and determine the nature, character, extent, and effect of the injury to such workman at the time of such examination for the purpose of ascertaining the semi-monthly compensation then and thereafter to be made. The employer or the workman not having requested the examination may have present at the examination a medical representative by him chosen. Each party shall pay his

chosen representative the expenses of such examination. The said notice shall be given at least ten (10) days before the date fixed for the examination, and the place shall be convenient for the workman to be examined. In case the employer is a corporation, the notice may be served on any officer or agent thereof in the said county, and if none there, then elsewhere in the State. The examiner shall make a verified report in writing in duplicate within ten (10) days after the examination and furnish one copy to the employer and one to the workman. If any workman neglects or refuses to submit to an examination, his right to compensation, if any, shall be suspended until he notifies the employer in writing of his readiness to submit thereto. No persons other than the physicians and surgeons aforesaid shall attend any examination except by agreement of the parties. If the employer and the workman each have an examiner, and they shall agree upon and join in a report, the same shall be conclusive so long as it remains in force. If either the employer or the employee, having opportunity, fails to provide an examiner, then the report of the examiner making such examination shall likewise be conclusive so long as the same remains in force. If the workman and the employer each have an examiner present, and they disagree as to the nature, character, extent, or effect of the injury, and the degree of incapacity, if any, for labor on the part of the workman at the time of such examination, then they shall join in a written report stating the matters in which they agree, and in which they disagree, and mutually select some disinterested medical practitioner or surgeon of the county to whom the same shall be referred, and who shall proceed promptly to make an examination of the workman as to the matters in disagreement, and the same shall be conclusive so long as such report remains in force, which report shall be made by such disinterested examiner and verified, and a copy thereof furnished to the employer and the workman. For making such examination, such examiner shall be entitled to a fee of Ten Dollars

($10.00), to be paid one-half by the employer and one-half by the workman at the time of such examination. Such examination may be required by the workman or the employer at periods not shorter than three months from the date of the last examination. The report of any examination shall supersede all previous reports. When there is disagreement between the examiners aforesaid, and they cannot agree upon a third person as above provided, then it shall be the duty of the Chairman of the Board of Supervisors of the county, on written notice of either the workman or employer, to appoint some licensed medical practitioner or surgeon, who shall be a resident of the county, to make such examination, and said appointee shall be entitled to the same compensation.

Sec. 10. Every workman seeking compensation under the provisions of this Act, where the same is not fatal or does not render him incompetent to give the notice, shall, within two weeks after the day of the accident, give notice in writing to the employer, or his representative employing such workman, or to the foreman or other employee of the employer under whom he was working at the time of the accident, and before the workman has voluntarily left the service of the employer and during his disability. The notice shall state (1) the name and address of such workman, (2) the date and place of the accident, (3) and state in simple words the cause thereof, (4) the nature and degree of the injury sustained, (5) and that compensation is claimed under this Act. The notice may be written and served personally by the workman or by any one in his behalf on any person named above in this section, or by mail, postpaid, to such person, addressed to the office, place of business or residence of the person notified. No want or defect or inaccuracy of the notice shall be a bar to the right of the workman to claim and receive compensation under this Act, or to maintain any proceeding to secure the same, unless the employer proves that he has been seriously prejudiced by such lack of notice.

No compensation shall be claimed or allowed so long as such notice is not given. If the workman is killed, or otherwise rendered incompetent to give the notice, the same is not hereby required, nor is any notice required to be given by the personal representative of such deceased person. It shall be the duty of any one giving a notice as in this section provided, to mail a duplicate copy to the Attorney General of this State.

Sec. 11. Any question which may arise between the employer and the workman or his personal representative, under this Act, shall be determined either (1) by written agreement between the parties, or (2) by arbitration, or (3) by reference and submission to the Attorney General of this State; and in case of a refusal or failure of the employer and workman, or such personal representative, to agree upon a settlement by either of the modes above provided, then by a civil action at law, showing such refusal or failure as a reason for suit. If any employer fails to make and pay compensation, as in this Act provided, for a period of three months after the date of the accident, or for any two months or more after payment of the last monthly compensation, then the injured workman, if surviving, or the personal representative, in case of death, may bring an action in any court of competent jurisdiction to recover and enforce the compensation herein provided. Such action shall be conducted as near as may be in the same manner as other civil actions at law. The action shall be brought within one year after the happening of the accident, or after the non-payment of any semi-monthly installment theretofore fixed by agreement or otherwise; or within one year after the appointment of a personal representative of the decedent. The judgment in such action, when in favor of the plaintiff, shall be for a sum equal to the amount of payments then due and prospectively due under the provisions of this Act. The judgment shall be for the total amount thereof and collectible without relief from valuation or appraisement laws. And the court awarding the judgment

shall, by proper order, direct that the same shall be paid ratably to the workman, if living, in semi-monthly installments until the determination of the periods provided in this Act the same as if such payments were being made voluntarily or without suit in conformity with this Act. The judgment by agreement, if it appears to the court to be for the best interests of the workman, may be paid in lump and not otherwise. The court rendering the judgment is hereby given power from time to time to make such orders touching the matter of payments as may appear best to provide for the maintenance and support of the workman and his family during his infirmity, and for his and their benefit and security. The employer shall have the right to stay the judgment in whole, whether the same is to be paid in lump sum or monthly installments, upon securing the same by one or more freehold sureties or a surety company, to be approved by the court rendering the judgment, who shall enter into a recognizance acknowledging themselves bound for the defendant for the payment of the judgment in lump or in partial payments as the same is, or shall be made, payable, together with interest and costs. On failure of any one or more of such payments by the employer, execution may issue out of said court and cause, against such defendant, and his bail from time to time leviable and collectible without relief from valuation or appraisement or stay laws. The recognizance shall be written upon the order book of the court and immediately following the entry of the judgment and signed by such bail and docketed in the judgment docket of the court against such defendant and bailors, which shall bind the property of the same in the same manner as the judgment binds the property of the employer. In an action by a personal representative of a deceased workman, the court shall determine the proportions of the judgment, whether in lump or in installments, to be distributed between the widow and child, or children, with power to alter and amend the proportionment from time to time on petition of any party interested as the court

may deem best for the support, maintenance, and education of such widow and children.

In any action under this Act the court shall fix and allow, at the time of entering the judgment against the employer, a reasonable fee to the workman's attorney, to be taxed against the employer as costs, and collectible in the same manner. From such allowance there shall be no right of appeal. Such attorney shall have no claim for compensation upon the judgment or its proceeds, other than as herein provided. But no allowance, or any fee payable by the workman to an attorney for services, or any fee payable by the workman to an attorney for services in securing a recovery or disbursement, shall ever exceed twenty-five (25) per centum of the principal of the sum recovered; and the same shall not be made a lien on the recovery of its proceeds, except as may be determined and allowed and fixed by the court.

Sec. 12. Any workman entitled to monthly or other payments from or to any judgment against any employer as above provided, as compensation shall have the same preferential claim therefor against the property and assets of the employer and any bailor, as now is allowed by law for unpaid wages or personal services. No judgment or any part thereof, nor monthly payments due, or coming due, under this Act shall be assignable by the workman or subject to mortgage, levy, execution, or attachment. But the same shall stand as a continuing provision for the maintenance and support of such injured workman during his incapacity for the periods provided in this Act.

Sec. 13. In case an injured workman, having a right of action under the provisions of this Act, shall be mentally incompetent at the time when any right or privilege accrues thereunder to him, a guardian may be appointed by any court having jurisdiction, to secure and protect the rights of such workman; and the guardian may claim and exercise any and all of such rights or privileges with the same force and effect

as if the workman himself had been competent and had claimed or exercised any such right or privilege; and no limitation of time provided in any of the foregoing sections shall run so long as said incompetent workman has no guardian.

Sec. 14. This Act shall take effect on the 1st day of September, 1912; and ten days from and thereafter, it shall be taken and held in law that all workmen then in the employ, and all workmen afterwards employed by an employer at manual and mechanical labor of the kinds defined in Sec. 3 of this Act, are employed and working under this Act, and the employer and workman shall alike be bound by and shall have each and every benefit and right given in this Act the same as if a mutual contract to that effect were entered into between the employer and the workman at any time before the happening of the accident. It shall be lawful, however, for the employer or workman to disaffirm an employment under the provisions of this Act by written contract between them, or by written notice by one to, and served upon, the other to that effect before the day of the accident;

PROVIDED, such written contract does not provide for less compensation than as provided in this Act. And in the absence of such written contract or written notice, served as above provided, it shall be taken and held that the employment and service is under this Act; and the same shall be the sole measure of their respective rights and liabilities when and as provided in this Act;

PROVIDED, if, after the accident, either the employer or the workman shall refuse to make or accept compensation under this Act or to proceed under or rely upon the provisions hereof for relief, then the other may pursue his remedy or make his defense under other existing statutes, the State Constitution, or the common law, except as herein provided, as his rights may at the time exist. Any suit brought by the workman for a recovery shall be held as an election to pursue such remedy exclusively.

Sec. 15. Any employer employing workman (workmen) to perform labor or services of other kinds than as defined in this Act, and such workmen and employees may, by agreement, at any time during the employment, accept and adopt the provisions of this Act as to liability for accident, compensation, and the methods and means of paying and securing and enforcing the same. And in every such case the provisions of this Act shall be taken in law and fact to bind the parties as fully as if they were specifically mentioned and embraced in the provisions of this Act.

Sec. 16. This Act is remedial in its purpose and shall be construed and applied so as to secure promptly and without burdensome expense to the workmen the compensation herein provided and apportioned so as to provide support during the periods named for the loss of ability to earn full wages.

Sec. 17. Nothing in this Act shall be deemed or taken to repeal or affect in any way any other Acts or laws passed by the First Legislature of the State of Arizona, and as in so far as it refers to the same subject in other Acts it shall be deemed to be accumulative only.

Approved June 8, 1912.

CHAPTER 15.

AN ACT

Providing for the Taxing of Gifts, Legacies, and Inheritances, and for the Collection of Such Taxes.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. All property within the jurisdiction of the State, and any interest therein, whether belonging to the inhabitants of this State or not, and whether tangible or intangible,

which shall pass by will or by statutes of inheritance of this or any other State, or by deed, grant, bargain, sale, or gift, made in contemplation of the death of the grantor, or bargainor, or intended to take effect in possession or enjoyment after the death of the grantor, bargainor, or donor, to any person or persons, or to any body, or bodies, politic or corporate, in trust or otherwise, or by reason whereof any person, or body politic or corporate, shall become beneficially entitled, in possession or expectation, to any property or income thereof, shall be and is subject to a tax at the rate hereinafter specified in Sec. 2 of this Act, to be paid to the State Treasurer for the use of the State; and all heirs, legatees, and devisees, administrators, executors, and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the life of the grantor or donor, shall be respectively liable for any and all such taxes with interest thereon until the same shall have been paid, as hereinafter provided.

Sec. 2. When such inheritance, devise, bequest, legacy, gift, or beneficial interest to any property or income therefrom shall pass to or for the use or benefit of any grandfather, grandmother, father, mother, husband, wife, child, brother, sister, wife or widow of son, or the husband of a daughter, or any child or children adopted as such in conformity with the laws of the State of Arizona, or to any person to whom the decedent for not less than ten years prior to death stood in the acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock, and in every such case the tax shall be at the rate of one per centum (1%) on the appraised value thereof received by each person; provided, that in the above cases any estate which may be valued at a less sum than Ten Thousand Dollars ($10,000.00) shall not be subject to any such duty or tax, and the tax is to be levied in the above cases only on the excess of Five Thousand Dollars ($5,000.00) received by each person.

When such inheritance, devise, bequest, legacy, gift, or the beneficial interest to any property or income therefrom shall pass to or for the use or benefit of any uncle, aunt, niece, nephew, or any lineal descendant of the same, in every such case the tax shall be at the rate of two per centum (2%) on the appraised value thereof received by each person; provided, that in the above cases any estate which may be valued at a less sum than Five Thousand Dollars ($5,000.00) shall not be subject to any such duty or tax, and the tax is to be levied in the above cases only on the excess of Two Thousand Dollars ($2,000.00) received by each person.

In all other cases the tax shall be at the rate of three per centum (3%) on the appraised value thereof received by each person, body politic or corporate, on the whole of all amounts received not exceeding Ten Thousand Dollars ($10,000.00); four per centum (4%) on the whole of all amounts received over Ten Thousand Dollars ($10,000.00), and not exceeding Twenty Thousand Dollars ($20,000.00); five per centum (5%) on the whole of all amounts received over Twenty Thousand Dollars ($20,000.00) and not exceeding Fifty Thousand Dollars ($50,000.00); six per centum (6%) on the whole of all amounts received over Fifty Thousand Dollars ($50,000.00); provided, that in the above cases any estate which may be valued at a less sum than Five Hundred Dollars ($500.00) shall not be subject to any such duty or tax, and the tax is to be levied in the above cases only when the amount received by a person, body politic or corporate, amounts to Five Hundred Dollars ($500.00) or more.

Sec. 3. All taxes imposed by this Act shall take effect at and accrue upon the death of the decedent, or donor, and shall be due and payable at the expiration of eight months from such death except as otherwise provided in this Act; provided, however, that taxes upon any devise, bequest, legacy, or gift, limited, conditioned, dependent, or determinable, upon the happening of any contingency or future event by

reason of which the full and true value thereof cannot be ascertained at or before the time when the taxes become due and payable as aforesaid, shall accrue and become due and payable when the person or corporation beneficially entitled thereto shall come into actual possession or enjoyment thereof.

Sec. 4. Any administrator, executor, or trustee, having in charge, or in trust, any property for distribution, embraced in or belonging to any inheritance, devise, bequest, legacy, or gift, subject to the tax thereon as imposed by this Act, shall deduct the tax therefrom, and within thirty (30) days thereafter he shall pay over the same to the State Treasurer, as herein provided. If such property be not in money, he shall collect the tax on such inheritance, devise, bequest, legacy, or gift, upon the appraised value thereof from the person entitled thereto. He shall not deliver, or be compelled to deliver, any property embraced in any inheritance, devise, bequest, legacy, or gift, subject to tax under this Act, to any person until he shall have collected the tax thereon.

Sec. 5. The tax imposed by this Act upon inheritances, devises, bequests, or legacies shall be payable to the State Treasurer, and the Treasurer shall give the executor, administrator, trustee, or person paying such tax, a receipt, whereupon it shall be a proper voucher in the settlement of his accounts. No executor, administrator, or trustee shall be entitled to a final accounting of an estate in the settlement of which a tax may become due under the provisions of this Act, unless he shall produce such a receipt or a copy thereof, certified by the said Treasurer, or unless a bond shall have been filed, as prescribed by Sec. 13 of this Act. All taxes paid into the State treasury under the provisions of this Act shall belong to and be a part of the inheritance tax fund of the State; provided, that whenever the amount of money in this fund exceeds Ten Thousand Dollars ($10,000.00), then all moneys in excess of Five Thousand Dollars ($5,000.00) shall be transferred to the general fund.

Sec. 6. Every tax imposed by this Act shall be a lien upon the property embraced in any inheritance, devise, bequest, legacy, or gift, until paid, and the person to whom such property is transferred, and the administrators, executors, and trustees of every estate embracing such property shall be personally liable for such tax until its payment, to the extent of the value of such property; and provided, further, that all inheritance taxes shall be sued for within five years after they are due and legally demandable, otherwise they shall be conclusively presumed to be paid and cease to be a lien as against the estate, or any part thereof, of the decedent.

Sec. 7. If such tax is paid within eight (8) months from the accruing thereof, a discount of five per centum (5%) shall be allowed and deducted therefrom. If such tax is not paid within eight (8) months from the accruing thereof, interest shall be charged and collected thereon at the rate of eight per centum (8%) per annum from the time the tax is due and payable, unless by reason of claims upon the estate, necessary litigation, or other unavoidable delay such tax cannot be determined and paid as herein provided, in which case interest at the rate of six per centum (6%) per annum shall be charged upon such tax from the time from the accruing thereof until the cause of such delay is removed, after which eight per centum (8%) shall be charged. In all cases when a bond shall be given, under the provisions of Sec. 13 of this Act, interest shall be charged at the rate of six per centum (6%) from the accrual of the tax until the date of the payment thereof.

Sec. 8. Every executor, administrator, or trustee, shall have full power to sell so much of the property embraced in any inheritance, devise, bequest, or legacy, as will enable him to pay the tax imposed by this Act, in the same manner as he might be entitled by law to do for the payment of the debts of a testator or intestate.

Sec. 9. If any bequest or legacy shall be charges upon or payable out of any property, the heir or devises (devisee) shall

deduct such tax therefrom and pay such tax to the administrator, executor, or trustee, and the tax shall remain a lien or charge on such property until paid; and the payment thereof shall be enforced by the executor, administrator, or trustee in the same manner that payment of the bequest or legacy might be enforced; or by the County Attorney under Sec. 27 of this Act. If any bequest or legacy shall be given in money for a limited period, the administrator, executor, or trustee shall retain the tax upon the whole amount; but, if it be not in money, he shall make application to the court having jurisdiction of an accounting by him to make an apportionment, if the case requires, of the sum to be paid into his hands by such legatee or beneficiary, and for such further order relative thereto as the case may require.

Sec. 10. When any tax imposed by this Act shall have been erroneously paid, wholly or in part, the person paying the same shall be entitled to a refund of the amount so erroneously paid, and the Secretary of State shall, upon satisfactory proofs presented to him of the facts relating thereto, draw his warrant upon the State Treasurer for the amount thereof in favor of the person entitled thereto, payable from the inheritance tax fund; provided, however, that all applications for such refunding or erroneous taxes shall be made within three years from the payment thereof.

Sec. 11. If a foreign executor, administrator, or trustee shall assign or transfer any stock or obligations in this State standing in the name of the decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the State Treasurer on or before the transfer thereof, and no such assignment or transfer shall be valid unless such tax is paid.

Sec. 12. No safe deposit company, trust company, bank, corporation, or other institution, person, or persons, holding securities or assets of a decedent, or corporation in which said decedent, at the time of his death, owned any stock, shall deliver or transfer the same to the executors, adminis-

trators, or legal representatives of said decedent, or upon their order or request, unless notice of the said time and place of such intended transfer be served upon the State Treasurer in writing at least five days prior to the said transfer; and it shall be lawful for the said State Treasurer, personally or by representative, to examine said securities prior to the time of such delivery or transfer. If upon such examination the State Treasurer, or his said representative, shall, for any cause, deem it advisable that such securities or assets should not be immediately delivered or transferred, he may forthwith notify, in writing, such company, bank, institution, or person, to defer delivery or transfer thereof for a period not to exceed ten (10) days from the date of such notice, and thereupon it shall be the duty of the party notified to defer such delivery until the time stated in such notice, or until the revocation thereof within such ten (10) days; failure to serve the notice first above-mentioned or to allow such examination, or to defer the delivery of such securities or assets for the time stated in the second of said notices, shall render said safe deposit company, trust company, corporation, bank, or other institution, person or persons, liable to the payment of the tax due on said securities or assets, pursuant to the provisions of this Act.

Sec. 13. Any person or corporation beneficially interested in any property chargeable with a tax under this Act, and executors, administrators, and trustees, thereof, may elect, within six (6) months from the death of the decedent, not to pay such tax until the person or persons beneficially interested therein shall come into actual possession or enjoyment thereof. If it be personal property, the person or persons so electing shall give a bond to the State in the penal sum of three times the amount of such tax, with such sureties as the Superior Judge of the proper county may approve, conditioned upon the payment of such tax and interest thereon, at such time and period as the person or persons beneficially interested therein may come into actual possession or

enjoyment of such property, which bond shall be executed and filed, and a full return of such property upon oath made to the Superior Court within six (6) months from the date of transfer thereof, as herein provided, and such bond must be renewed every five years.

Sec. 14. Whenever a decedent appoints one or more executors or trustees, and in lieu of their allowance or commission, makes a bequest or devise of property to them, which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the State Treasurer, shall fix such compensation.

Sec. 15. The Superior Court of every county in this State having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this Act, or to give ancillary letters thereon, or to appoint a trustee of such estate, or any part thereof, shall have jurisdiction to hear and determine all questions arising under the provisions of this Act, and to do any act in relation thereto authorized by law to be done by such court in other matters or proceedings coming within his jurisdiction; and if two or more Superior Courts shall be entitled to exercise any such jurisdiction, the Superior Court first acquiring jurisdiction hereunder shall retain the same to the exclusion of every other Superior Court.

Sec. 16. The Judge of the Superior Court having jurisdiction of the estate of any decedent shall, within ten days after the filing of a will or the application for letters of administration, or the granting of letters testamentary or of letters of administration, if in his opinion said estate is subject to a tax under any of the provisions of this Act, cause the clerk of the Superior Court to send to the State Treasurer

a certificate of the filing of such will or application, or the granting of such letters of administration. The court shall thereupon, and as soon as practicable after the granting of any such letters, proceed to ascertain and determine the value of every inheritance, devise, bequest, or legacy, embraced in or payable out of the estate in which such letters are granted, and the tax due thereon. The State Treasurer shall have the same right to apply for letters of administration as that conferred by law upon creditors.

Sec. 17. It shall be the duty of the executor, administrator, or trustee of every estate, within one month from the date of his appointment, or, if a trustee, from the acceptance of this trust, or, if necessary, such further time as the clerk of the Superior Court or judge thereof may allow, to make an inventory, verified by his own oath, of all the real and personal property of the deceased which shall come to his possession or knowledge, any will or directions of the decedent to the contrary notwithstanding, and to cause the same to be appraised, as by law required, and filed with the clerk of the court having jurisdiction of said estate.

Sec. 18. Whenever, by reason of the complicated nature of an estate, or by reason of the confused condition of the decedent's affairs, it is impracticable for the executor, administrator, trustee, or beneficiary, of said estate to file with the clerk of the court a full, complete, and itemized inventory of the personal assets belonging to the estate within the time required by statute for filing inventories of estates of decedents, the court may, upon the application of such representative or parties in interest, extend the time for filing the appraisement for a period not to exceed three (3) months beyond the time fixed by law, or such further times as may be necessary upon good cause shown.

Sec. 19. Every executor or administrator, or trustee of any estate subject to the tax herein provided, shall, at least ten days prior to the first appraisement thereof, as provided

by law, notify the State Treasurer in writing of the time and place of such appraisement, and shall file due proof of such notice with a copy thereof with the clerk of the court having jurisdiction of such estate or trust. Every executor, administrator, or trustee, within ten days after such appraisement, or appraisement of any beneficial interest or reappraisement thereof, and before payment and distribution to the legatees or any parties entitled to beneficiary interest therein, shall make and render to the said State Treasurer a copy of the said inventory and appraisement, duly certified as such by the clerk of the court having jurisdiction of said estate, and shall also make and file with the said State Treasurer a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of tax which has accrued or will accrue thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the State Treasurer, which schedule, list, or statement, shall contain the name of each and every person entitled to any beneficiary interest therein, together with the clear value of such interest therein, as found and determined by the court having jurisdiction of said estate. One of said schedules shall be kept and retained by the State Treasurer, and the other delivered by him to the Secretary of State.

Sec. 20. In ascertaining and determining the value of any inheritance, devise, bequest, or legacy, embraced in or payable out of any estate or trust, and the tax due thereon, the court may act upon the inventory and appraisement of such estate as prepared and filed by the executor, administrator, or trustee thereof, pursuant to law, or it may require an appraisement or reappraisement, as herein provided, of the true and full value of the property embraced in any inheritance, devise, bequest, or legacy, subject to the payment of any tax imposed by this Act.

Sec. 21. The Superior Court may, in any matter mentioned in Sections 16, 17, and 18, or if no inventory or appraisement has been made, or if it deem it for any cause insufficient or inadequate, either upon its own motion or upon the application of any interested party, including the State Treasurer, and as often as and when occasion requires, appoint one or more persons as appraisers to appraise the true and full value of the property embraced in any inheritance, devise, bequest, or legacy, subject to the payment of any tax imposed by this Act.

Sec. 22. Every inheritance, devise, bequest, legacy, or gift, upon which a tax is imposed under this Act, shall be appraised at its full and true value immediately upon the death of the decedent, or as soon thereafter as may be practicable; provided, however, that when such devise, bequest, legacy, or gift, shall be of such a nature that its full and true value cannot be ascertained at such time, it shall be appraised in like manner at the time when such value first becomes ascertainable. The value of every future or contingent or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be determined by the rules or standard of mortality, and of value commonly used by actuaries' combined experience tables, except that the rates of interest on computing the present value of all future and contingent interest or estates shall be four per centum (4%) per annum.

Sec. 23. The Superior Court shall by order fix the time and place when the appraisers appointed under the provisions of Sec. 20 of this Act shall make said appraisement. The clerk of the Superior Court shall forthwith give notice to the State Treasurer, and to all persons known to have a claim or interest in the property, inheritance, devise, bequest, legacy, or gift, to be appraised, and to such persons as the Superior Court may by order direct, of the time and place when said appraisers will make such appraisal. Such notice

shall be given by mail. They shall, at such time and place, appraise the same at its full and true value, as herein prescribed, and for that purpose the said appraisers are authorized to issue subpoenas and to compel the attendance of witnesses before them, and to take evidence of such witnesses under oath concerning such property and the value thereof, and they shall make report thereof, and of such value, in writing, to the said Superior Court, together with the testimony of the witnesses examined, and such other facts in relation thereto, and to the said matter, as said Superior Court may order or require. Every appraiser shall be entitled to compensation at the rate of Three Dollars ($3.00) per day for each day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses, and such witnesses, and the officer or person serving any such subpoena, shall be entitled to the same fees as those allowed witnesses or sheriffs for similar service in courts of record. The compensation and fees claimed by any person for services performed under this Act shall be approved by the Superior Judge, who shall certify the amount therof, as so approved, to the Secretary of State, who shall examine the same, and, if found correct, he shall draw his warrant upon the State Treasurer for the amount thereof in favor of the person entitled thereto, payable from the inheritance tax fund.

Sec. 24. The report of the appraisers shall be filed with the Superior Court, and from such report, and other proof relating to any such estate, before the Superior Court, the court shall forthwith, as of course, determine the full and true value of all such estates, and the amount of the tax to which the same are liable; or the Superior Court may so determine the full and true value of all such estates, and the amount of tax to which the same are liable; without appointing appraisers, as herein provided.

Sec. 25. The Superior Court shall immediately give notice upon the determination of the value of any inheritance,

devise, bequest, legacy, or gift, which is taxable under this Act and of the tax to which it is liable, to all parties known to be interested therein, including the Secretary of State and the State Treasurer. Such notices shall be given by mail.

Sec. 26. Within thirty (30) days after the assessment and determination by the Superior Court of any tax imposed by this Act, the State Treasurer, or any person interested in such tax, may file with the said court objections thereto in writing, and praying for a reassessment and redetermination of such tax. Upon any objection being so filed, the Superior Court shall appoint a time for the hearing thereof, and cause notice of such hearing to be given by mail to the State Treasurer, and all parties interested, at least ten days before the hearing thereof; at the time appointed in such notice, the court shall proceed to hear such objection, and any evidence which may be offered in support thereof or opposition thereto; and if, after such hearing, the said court finds the amount at which the property is appraised is its market value, and the appraisement was made fairly and in good faith, it shall approve such appraisement; but if it finds that the appraisement was made at a greater or less sum than the market value of the property, or that the same was not made fairly or in good faith, it shall be set aside by the Superior Court and an appraisement made to determine such value. The State Treasurer, or any one interested in the property appraised, may appeal to the Supreme Court from the judgment, order and decree of the Superior Court in the premises. All evidence heard on such reappraisement shall be reduced to writing and filed with the clerk of the court. All appeals taken from the judgment or decree of the court shall be had and tried on appeal in the same manner and with like effect as appeals in suits in equity are now heard and tried.

Sec. 27. If the State Treasurer shall have reason to believe that any tax is due and unpaid under this Act, after the refusal or neglect of the persons liable therefor to pay the

same, he shall notify the County Attorney in writing of such failure or neglect, and such County Attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the Superior Court for a citation citing the persons liable to pay such tax to appear before the court on the day specified, not more than thirty (30) days from the date of such citation, unless the court, for good cause shown, grants a longer time, and show cause why the tax should not be paid. The Superior Court, upon such application, and whenever it shall appear to him that any such tax accruing under this Act has not been paid as required by law, shall issue such citation, and the service of such citation, and the time, manner, and proof, thereof, and the hearing and determination thereon, shall conform as nearly as may be to the provisions of the probate practice; provided, that where no provision is made for manner of such service or proof of same, the court or judge, at the time such order or citation is issued, shall direct the manner of giving notice and proof of the same; and whenever it shall appear that any such tax is due and payable and the payment thereof cannot be enforced under the provisions of this Act in said Superior Court, the person or corporation from whom the same is due is hereby made liable to the State for the amount of such tax, and it shall be the duty of the County Attorney of the proper county to sue for in the name of the State, and enforce the collection of, such tax; and all taxes so collected shall be forthwith paid into the inheritance tax fund of the State. It shall be the duty of said County Attorney to appear for and represent the State Treasurer on the hearing of such citation, or of any other hearing. Whenever the Superior Judge shall certify that there was probable cause for issuing a citation and taking the proceeding specified in this section, the State Treasurer shall file with the Secretary of State a duly verified itemized account of all expenses incurred for the service of the citation, and other lawful disbursements not otherwise paid, and the Secretary of State shall thereupon

draw his warrant upon the State Treasurer for the payment thereof, and in favor of said Treasurer, payable from the inheritance tax fund.

Sec. 28. The Secretary of State shall furnish to each Superior Court a book, which shall be a public record, and in which shall be entered by the judge or clerk of said court, under the direction of said judge, the name of every decedent upon whose estate an application has been made for the issue of letters of administration or letters testamentary, or ancillary letters; the date and place of death of such decedent; the estimated value of the property of such decedent; names and places of residence and relationship to decedent of the heirs at law of such decedent; the names and places of residence of the legatees, devisees, and other beneficiaries in any will of such decedent; the amount of each legacy, and the estimated value of any property devised therein, and to whom devised. These entries shall be made from data contained in the papers filed on any such application, or in any proceeding relating to the estate of the deceased. The Superior Judge, or the clerk of the court under his direction, shall also enter in such book the amount of the property of any such decedent, as shown by the inventory thereof, when made and filed in his office, and the returns made by appraisers appointed by him under this Act, and the value of all inheritances, devises, bequests, legacies, and gifts, inherited from such decedent, or given by such decedent in his will, or otherwise, as fixed by the Superior Court; and the tax assessed thereon, and the amounts of any receipts for payment thereof filed in said court. The Secretary of State shall also furnish to each Superior Court forms for the reports to be made by such judge, which shall correspond with the entry to be made in such book. He shall also furnish, for the use of the courts and appraisers throughout the State, tables showing the average expectancy of life, and the value of annuities of life and term estates, and the present worth or value of remainders and reversions, as

prescribed in Sec. 20 of this Act. The taxable value of life, or term, deferred or future, estates, shall be computed at the rate of four per cent (4%) per annum interest.

Sec. 29. Each Superior Judge shall, on the first Monday of January, April, July, and October, of each year, under the seal of the court, make a report, in duplicate, upon the forms furnished by the Secretary of State, containing all the data and matters required to be entered in such book, one of which shall be immediately transmitted to the State Treasurer, and the other to the Secretary of State. The County Recorder of each county having custody of records of deeds shall, at the same time, make reports, in duplicate, containing a statement of any conveyance filed or recorded in his office of any property which appears to have been made or intended to take effect in possession or enjoyment after the death of the grantor or vendor, with the name and place of residence of the vendor and vendee, and a description of the property transferred as shown by such instrument, one of which duplicates shall be immediately transmitted to the State Treasurer, and the other to the Secretary of State.

Sec. 30. It shall be the duty of the State Treasurer upon the payment of the sum of twenty-five cents ($ .25), to issue to any person demanding the same, a copy of a receipt that may have been given by such Treasurer for the payment of any tax under this Act, which receipt shall designate upon what real property, if any, of which any decedent may have died seized, such tax shall have been paid, by whom paid, and whether in full of such tax. Such receipts may be recorded in the office of the County Recorder of the county in which such property is situated, in a book to be kept by him for that purpose, which shall be labeled "transfer tax."

Sec. 31. The County Supervisors of each county shall provide a book for the recording of said receipts. The Coun-

ty Recorder of each county shall charge and collect, at the time said receipt is presented for record, for the use of the county, the sum of twenty-five cents ($ .25) for recording each receipt. The sum paid to the State Treasurer for copies of receipts shall be paid by him into the inheritance tax fund.

Sec. 32. Whenever an estate charged, or sought to be charged, with the inheritance tax, is of such a nature or is so disposed that the liability of the estate is doubtful, or the value thereof cannot with reasonable certainty be ascertained under the provisions of law, the State Treasurer may, with the written approval of the Attorney General, which approval shall set forth the reasons therefor, compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the Superior Court having jurisdiction of the estate, and after such approval the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

Sec. 33. Administrators, executors, or trustees, of the estates subject to the inheritance tax shall, when required by the State Treasurer, send to such Treasurer certified copies of such parts of their reports as may be required by him, and, upon refusal of said parties to comply with the Treasurer's demand, it is the duty of the clerk of the court to comply with such demand, and the expense of making such copies and transcripts shall be charged against the estate, as are other costs in probate.

Sec. 34. Appeals may be taken to the Supreme Court from all final orders, judgments, and decrees, entered under the provisions of this Act, in the same manner and with the same effect as other appeals are taken from final orders and judgments made or rendered by the Superior Court. All such appeals shall be had and tried in the same manner and with like effect as appeals in suits in equity are now heard and tried.

Sec. 35. Any person who shall wilfully sequester or secrete any last will or testament of a person then deceased, or who, having the custody of any such will and testament, shall wilfully fail or neglect to produce and deliver the same to the judge of the Superior Court having jurisdiction of its probate, or to any executor named therein, within a reasonable time after the death of the testator thereof, with intention to injure or defraud any person interested therein, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding Five Hundred Dollars ($500.00).

Sec. 36. Every person who shall administer the personal estate of any person dying after the taking effect of this Act, or any part thereof, without proving the will of the deceased or taking out letters of administration of such personal estate within six calendar months after the death of the person so dying, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding Five Hundred Dollars ($500.00).

Sec. 37. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator, or trustee, of such decedent to give information thereof in writing to the State Treasurer within three (3) months after undertaking the execution of his expected duties, or, if the fact be not known to him within that period then within one month after the same shall have come to his knowledge.

Sec. 38. Except as to real property located outside of the State passing in fee from the decedent owner, the tax imposed under Sec. 2 shall hereafter be assessed against and be collected from property of every kind, which, at the death of the decedent owner, is subject to, or thereafter, for the purpose of distribution, is brought into this State and becomes

subject to the jurisdiction of the courts of this State for distributive purposes, or which was owned by any decedent domiciled within the State at the time of the death of such decedent, even though the property of said decedent so domiciled was situated outside of the State.

Sec. 39. In case of any property belonging to a foreign estate, which estate in whole or in part is liable to pay an inheritance tax in this State, the said tax shall be assessed upon the market value of said property remaining after the payment of such debts and expenses as are chargeable to the property under the laws of this State. In the event that the executor, administrator, or trustee, of such foreign estates files with the clerk of the court having ancillary jurisdiction, and with the State Treasurer, duly certified statements exhibiting the true market value of the entire estate of the decedent owner, and the indebtedness for which the said estate has been adjudged liable, which statements shall be duly attested by the judge of the court having original jurisdiction, the beneficiaries of said estate shall then be entitled to have deducted such proportion of the said indebtedness of the decedent from the value of the property as the value of the property within this State bears to the value of the entire estate.

Sec. 40. Except as otherwise provided in this Act, no officer shall receive any additional compensation to that now allowed him by law, by reason of any duties imposed upon him by the provisions of this Act.

Sec. 41. The State Treasurer shall file with the Secretary of State a duly verified itemized account of all expenses incurred and disbursements made by him in examining or having examined any securities under Sec. 12 of this Act, or any other expense actually incurred by him in enforcing or carrying out the provisions of this Act, and the Secretary of State shall thereupon draw his warrant upon the State Treasurer for the payment thereof and in favor of said Treasurer, payable from the inheritance tax fund.

Sec. 42. Any appraiser appointed by this Act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof he shall be fined not less than Two Hundred and Fifty Dollars ($250.00), nor more than Five Hundred Dollars ($500.00), and imprisoned not exceeding Ninety (90) days, and, in addition thereto, the Superior Judge shall dismiss him from such service.

Sec. 43. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved June 8, 1912.

CHAPTER 16.

AN ACT

Defining the Obtaining of Labor Under False Representation and Pretense, Prescribing a Penalty Therefor, and Regulating the Recovery in Civil Process of Wages for Labor So Obtained.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any person, persons, partnership, association, company, or corporation, (his or its officers, directors, or agents), who or which shall employ upon wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall not have sufficient assets within the State, over and above the exemptions allowed by law, to cover the amount of wages accruing to said employee or employees for the term of two (2) weeks, and who shall make any false representation, or pretenses

as to having such assets, and who after labor has been done under such employment by said employee or employees shall fail upon the discharge or resignation of such employee or employees, or for a period of five days after such wages are legally payable, to pay said employee or employees on demand the wages due said employee or employees for such labor, shall be deemed guilty of obtaining labor under false pretense, and, upon conviction therefor shall be punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding three (3) times the amount of the wages so due, and upon the facts being shown shall be liable to the plaintiff, in civil process for the collection of said wages, for the amount of said wages and costs of recovery including a reasonable compensation to plaintiff for time lost and an attorney's fee to be fixed by the judge who hears the case.

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved June 11, 1912.

CHAPTER 17.

AN ACT

To Create the Office of State Examiner and Prescribe the Duties Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That one competent person, who shall be a skillful accountant and well versed as an expert in the theory and practice of bookkeeping and who is not an incumbent of any public office under the State or any county or public institution (institution) therein, and who is not a stockholder, officer, trustee, assignee, or employee of any banking, moneyed, or savings institution or corporation created under the laws thereof, shall be appointed by the Governor, by and with the

advice and consent of the Senate, who shall be styled "State Examiner," and who shall take and file with the Secretary of State an oath of office and execute to the State a surety bond to be approved by the Governor, in the penal sum of ten thousand dollars for the faithful discharge of his duties. He shall hold the office for the term of two years, and shall execute the duties thereof as herein prescribed until his successor shall be appointed and qualified, and, in case of a vacancy by death, removal, resignation, or otherwise, the Governor shall fill the same by appointment.

Sec. 2. It shall be the duty of the State Examiner to order and enforce a correct and, as far as practicable, uniform system of bookkeeping by county treasurers and other county officers, so as to afford a suitable check upon their mutual action and insure the thorough supervision and safety of county funds.

He shall have full authority to expose false or erroneous systems of accounting, and, when necessary, shall instruct county officers in the proper mode of keeping the accounts of their offices.

It shall be his duty to ascertain the character and financial standing of all present and proposed sureties on the official bonds of county officers, and he shall have full power to reject any or all such sureties in accordance with the knowledge so obtained, and require new and satisfactory bonds to be filed. He shall require of county treasurers, as often as he shall deem necessary, a verified statement of their accounts, and he shall personally visit each county seat of the respective counties of the State, without prior notice and at irregular intervals, at least twice in each year, and at such times shall make a thorough investigation of the books, accounts, and vouchers of the respective offices of County Treasurer, Assessor, Tax Collector, Sheriff, Clerk of the Board of Supervisors, Recorder, Superintendent of Public Schools, and all other county officers, and shall make a thorough investigation of the books, accounts, and vouchers of precinct of-

ficers, at least once in each year, ascertaining in detail the various items of receipts and expenditures. It shall be his duty to inspect and verify the character and amount of any and all moneys, securities, and other assets held by said officers on public account, and to ascertain the character and amount of any and all claims, by, or allowances to, such officers for commissions, fees, percentages, or charges.

The State Examiner shall report to the Attorney-General the refusal or neglect of any county officer to obey his instructions, and it shall be the duty of the Attorney-General to take prompt action to enforce compliance therewith.

The State Examiner shall report to the Governor the result of his examinations, as well as any failure of duty by financial officers, as often as he thinks it is required by the public interest, and the Governor may cause the result of such examinations to be published, or, at his discretion, may take such action for the public safety as the exigency may demand; and if he shall deem the public interest to require such action, he may suspend any such officer from the further performance of his duties until an examination be had, or such security obtained as may be demanded for the prompt protection of the public interests.

Sec. 3. To enable said State Examiner to perform the services herein required of him, the county officers hereinbefore mentioned and referred to shall afford all reasonable and needed facilities, and it is hereby made the duty of all such officers and employees to make returns and exhibits to the said State Examiner under oath, in such form and at such time or times as he may prescribe; and each and every person so required, who shall wilfully refuse or neglect to make such returns or exhibits or to give such information as may be required by said State Examiner, shall be deemed guilty of a felony; and if any person, in making such exhibits or statement or in giving such information required under this Act on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and shall be punished accordingly.

Every person who shall wilfully obstruct or mislead the State Examiner in the execution of his duties as herein prescribed, shall be subject to conviction and punishment therefor in the same way as is provided for the conviction and punishment of persons obstructing or hindering other officers, ministerial, judicial or executive, under the authority and laws of this State.

Sec. 4. The State Examiner shall have full power and authority, for the various purposes herein named, to examine any of the books, papers, accounts, bills, vouchers, or other documents or property of any or all of the aforesaid county officers and custodians of county funds, and to examine under oath any and all of said officers and employees and custodians of county funds aforesaid.

The State Examiner is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereof in the performance of his said duties as belong and pertain to courts of law in this State; and any person refusing to allow access by said State Examiner to any such books or papers, and any officer, agent, clerk, employee or other person aforesaid, who shall obstruct said access or refuse to furnish any required infomation, or who shall in any manner hinder the thorough examination required by this Act of such officers, or of the various books, accounts, papers, and finances of any county, or pertaining to the county officers aforesaid, shall be deemed guilty of a felony and shall be liable on conviction to a fine of not less than One Thousand Dollars ($1000.00), or imprisonment in the State prison for a period of one year, or both such fine and imprisonment.

Sec. 5. Said State Examiner shall, on or before the fourth Monday of December of each year, make a written report to the Governor, of his various proceedings, embodying therein an abstract of the conditions and statistics of the several institutions as ascertained by him.

Sec. 6. For the services rendered by him under this Act, the State Examiner shall receive a salary of Twenty-five Hundred Dollars per annum, and shall be allowed a contingent fund of Twelve Hundred Dollars per annum, or so much thereof as may be necessary for the incidental expenses of his office, including traveling expenses; he shall also be allowed the sum of Four Hundred Dollars per annum, or so much thereof as may be necessary, for clerk hire, all of which sums shall be paid by the State Treasurer in the same manner as the salary and expenses of other State officers are paid; and if the said State Examiner shall, directly or indirectly, receive any compensation or pay for services or extra services or for neglect of service, other than is provided in this Act, he shall be deemed guilty of a felony, and upon conviction thereof shall be subject to a fine of not to exceed Ten Thousand Dollars ($10,000.00), or to imprisonment in the State prison not to exceed ten (10) years, or to both such fine and imprisonment in the discretion of the court.

Sec. 7. When so required by the State Examiner, it shall be the duty of the Attorney-General and of the County Attorneys of the respective counties to aid in any investigation or matter wherein legal services may be necessary; and the Attorney-General shall supervise the prosecution of all offenders under this Act.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 11, 1912.

CHAPTER 18.

AN ACT

To Define Contributory Dependency and Contributory Delinquency and to Make the Same a Misdemeanor and to Provide for the Punishment of Persons Guilty Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any person who shall by any act cause, encourage, or contribute to, the dependency or delinquency of a child, as these terms with reference to children are defined by the statutes of this State, or who shall for any cause be responsible therefor, shall be guilty of a misdemeanor, and upon trial and conviction thereof, shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a period not exceeding One (1) Year, or by both such fine and imprisonment. When the charge against any person under this Act concerns the dependency of a child or children, the offense for convenience may be termed contributory dependency and when it concerns the delinquency of a child or children for convenience it may be termed contributory delinquency.

Sec. 2. The Superior Courts of the several counties shall have original jurisdiction in all prosecutions brought under this Act. The prosecution shall be begun by information filed in the Superior Court. Said information shall be signed by the County Attorney or his assistant or by any probation officer of the county having the powers of sheriffs or police officers and shall be sworn to by the officer signing the same or by any reputable resident of the county and may be in substantially the following form, to-wit:

In the Superior Court of the State of Arizona in and for the county of (here insert name of county).

The State of Arizona vs. (here insert name of defendant) —Information.

Comes now (here insert name and official title of officer signing information) in the name and by the authority of the State of Arizona, this ..... day of ....., and informs said court that (here insert name of defendant), is accused by this information of the offense (here insert contributory dependency or contributory delinquency as the case may be) committed as follows, to-wit: (here insert a brief statement of the wrongful acts or neglect with which the defendant is charged).

(Signature and official title of signing officer).

State of Arizona, County of ....., ss.

Personaly (personally) appeared before me....., who being duly sworn says that he has read (or heard read) the foregoing information, and that he has good reason to believe, and does believe, the statements contained therein to be true.

(Signature of affiant.)

Subscribed and sworn to before me this ..... day of .....

(Signature and seal of officer before whom affidavit is made.)

Sec. 3. Whenever such information is laid before a judge of the court in which the same is filed, he may, if he deems it necessary, examine the prosecuting officer or any witness that may be produced before him, and if he is satisfied from the information or from such examination, if an examination be had, and there is reasonable ground to believe the defendant guilty of the offense charged, he shall issue a warrant of arrest, which shall be addressed to probation officers having the powers of sheriffs or police officers in addition to the other officers to whom warrants of arrest in other cases of misdemeanor are addressed, and shall be returnable to any judge of the court in which the information has been filed. Said warrant may be in substantially the following form, to-wit:

The State of Arizona, ss.

To any sheriff, constable, marshal, policeman, or probation officer, having the powers of sheriffs or police officers in the State of Arizona or the county of (here insert name of county).

An information having been filed in the Superior Court of the State of Arizona in and for the county (here insert name of county) by (here insert name and official title of officer signing information) accusing (here insert name of accused) of the offense of (here insert contributory dependency or contributory delinquency as the case may be) you are commanded to arrest the said (here insert name of accused) and bring him before the undersigned Judge at (naming the place) or before any other judge of the said Superior Court.

Dated at..... this ..... day of.....

(Signature of Judge.)

Sec. 4. When the accused is brought before the judge, the judge may appoint a day for trial, and order the accused to be released on his promise to appear for trial at the appointed time, or order him to give bail and in default thereof to be held until the trial in the county jail, or make such other order as in his discretion the circumstances of the case may seem to warrant. If the accused pleads guilty to the charge, the judge may proceed to inquire into the particulars of the matter and impose sentence immediately.

Sec. 5. Probation officers having the powers of sheriffs or police officers shall have the right and be vested with all powers necessary to prosecute any cases under this Act. It shall be the duty of the county prosecuting officer representing the people to prepare the information and prosecute any case under this Act when so requested by a probation officer having the powers of sheriffs or police officers or by a Superior Judge, but nothing herein contained shall be construed to prevent any county prosecuting officer representing the people from prosecuting any case under this act as other criminal cases.

Sec. 6. Prosecutions under this act may be informal. Where no method of procedure is prescribed, the method prescribed by the laws of this State in other criminal cases may be followed; but a departure therefrom shall not be error unless it results in depriving the accused of rights secured to him by the Constitution of this State or by the Constitution of the United States. It shall be the duty of the judge to see that the accused is not deprived of rights secured to him by the Constitution of this State or the Constitution of the United States; Appeal may be taken in all cases brought under this Act as in other cases of misdemeanor.

Sec. 7. The court may suspend any sentence, stay or postpone the enforcement of execution, or release from custody any person found guilty in any case under this Act upon such conditions as shall be imposed by the court in accordance with the provisions of this Act.

Sec. 8. Any person found guilty under this act of contributory dependency may be required to furnish a good and sufficient bond to the State of Arizona in such penal sum as the court shall determine, not exceeding One Thousand Dollars ($1,000.00), conditioned for the payment of such amount as the court may order not exceeding Thirty Dollars ($30.00) per month for the support, care, and maintenance of the child to whose dependency such person has contributed, such sum to be expended under the directions and orders of the court for the purposes mentioned.

The court may permit any child to remain in the custody of the person found guilty of contributing to its dependency, under such suspended sentence, upon such conditions for the treatment and care of such child as may seem to the court to be for its best welfare, or as may be calculated to secure obedience to the law or to remove the cause of such dependency or neglect, and while such conditions are accepted and complied with by any such person, such sentence may remain suspended subject to be enforced upon the violation of

any of the conditions imposed by the court; and such bond may be forfeited upon a failure to comply with any such conditions, as well as upon the failure to pay any amount required for the maintenance of such child.

Sec. 9. As a part of the conditions of any such bond mentioned in Sec. 8 hereof it shall be understood that it shall not be necessary to bring a separate suit to recover the penalty of any such bond which has become forfeited, but the court may cause a citation or summons to issue to the surety or sureties thereon, requiring that he or they appear at a time named by the court, which time shall be not less than ten (10) days nor more than twenty (20) days from the issuance thereof, and show cause, if any there be, why a judgment should not be entered for the penalty of such bond, and execution issue for the amount thereof, against the property of the surety or sureties thereon, as in civil cases, and upon failure to appear or failure to show any such sufficient cause, the court shall enter such judgment in behalf of the State of Arizona against the principal and such surety or sureties on such bond not to exceed the sum of One Thousand Dollars ($1,000.00) incouding (including) the costs. Any moneys collected or paid upon any such execution or in any case upon such bond, shall be turned over to the clerk of the Superior Court, (Juvenile Court) of the county in which such bond is given, to be applied first to the payment of all court costs and then to the care or maintenance of the child or children for whose dependency such conviction was had, in such manner and upon such terms as the court may direct. If any such moneys so collected be unnecessary for the purposes last mentioned, it shall be turned over within one year to the County Treasurer of the county.

Sec. 10. Whenever in the case of any person found guilty of contributory dependency or contributory delinquency in which the court has suspended the execution of the sentence during the good behavior and satisfactory conduct of the defendant or upon any other terms and conditions which may

have been imposed by the court, it shall be made to appear to the satisfaction of the court at any time during such suspended sentence or stay of execution, that it ought to be enforced, the court may thereupon enforce the same, and any jail sentence thereunder shall commence from the date upon which such sentence is ordered to be enforced.

Sec. 11. No sentence shall be suspended or final judgment or execution shall be stayed in the case of any person found guilty under this Act, to exceed a period of two (2) years. If at any time within two (2) years from the date on which any such sentence is imposed or judgment rendered it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of such suspended sentence, judgment, or execution, or is for any cause in the opinion of the court entitled to be released therefrom, the court may suspend such sentence, judgment, or execution, indefinitely, in which case such person shall be finally released and discharged, as he shall be in any event at the end of two years from imposition of any such sentence, judgment or execution; provided, that if any defendant be actually serving a jail sentence imposed under this Act and enforced before the expiration of said two years in accordance with the provisions of this Act, then in such case the defendant shall not be finally released and discharged from the control of said court until the expiration of the period of any such sentence.

Sec. 12. In order to find any person guilty of violating this Act it shall not be necessary to prove that the child has actually become dependent or delinquent, provided that it appears from the evidence that through any act of neglect or omission of duty or by any improper act or conduct on the part of any such person the dependency or delinquency of any child may have been caused or merely encouraged.

This Act shall always be liberally construed in favor of the State for the purpose of the protection of the child from neglect or omission of parental duty toward the child by the

parents, and also to protect the children of the State from the effects of the improper conduct, acts, or the bad example of any person or persons whomsoever, which may be calculated to cause, encourage, or contribute to, the dependency or delinquency of children, although such persons are in no way related to the child.

Nothing in this Act shall be construed to be in conflict with or repeal or prevent proceedings under any Act or statute of this State which may have otherwise defined any specific act of any person as a crime of any character which act might also constitute contributory delinquency or contributory dependency, or to prevent or interfere with proceedings under any such Acts, nor shall it be construed to be inconsistent with or to repeal any Act providing for the support by the parent or parants (parents) of their minor children or any Act providing for the punishment of cruelty to children or the taking of indecent liberties with, or selling liquor, tobacco, or firearms to, children, or permitting them in evil or disreputable places, and nothing in any such Acts or similar Acts shall be construed to be inconsistent with or to repeal this Act or prevent proceeding hereunder, but in all cases where there shall be more than one prosecution for the same offense under any acts of the character herein described the fact may be given in evidence to the judge of the court, and may be considered in the discretion of the court in mitigation of any sentence in any such cases.

Invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Sec. 12. The effect of this Act shall be deemed and held to be that this Act is cumulative to all Acts and parts of Acts relating to the matter herein contained.

Approved June 11, 1912.

CHAPTER 19.

AN ACT

Defining and Providing the Powers and Duties of the State Treasurer, Permitting Him to Appoint a Deputy and Stenographer and Prescribing Their Duties and Compensation; Defining What Shall Constitute the General Fund; Providing How Other Funds in the State Treasury Shall Be Carried and Credited by the State Treasurer and Directing the Manner and Method of Payment by the State Treasurer of State Warrants out of Public Moneys in His Custody or Possession and the Manner of Meeting Outstanding Warrants; and Providing the Manner in Which the Receipts and Expenditures of the Public Moneys Shall Be Published by the State Treasurer.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The State Treasurer shall keep his office at the seat of government, and shall not absent himself from the State without leave of the Legislature or the Governor.

Sec. 2. Before entering on the duties of his office, he shall take the oath of office prescribed by law, and file the same in the office of the Secretary of State.

Sec. 3. He may appoint a deputy treasurer and remove him at pleasure, and for whose acts as well as for all clerks and servants employed in his office, he shall be responsible, and may demand of said deputy a bond for the performance of his duties of not less than Twenty Thousand Dollars ($20,000.00). Said deputy shall take the oath prescribed by law, which, with his appointment, shall be filed in the office of the Secretary of State, and he shall have power in the name of the Treasurer to perform all the duties of the office.

Sec. 4. He may appoint one stenographer who shall receive compensation at the rate of not more than the sum of One Hundred Dollars ($100.00) per month.

Sec. 5. The Secretary of the State shall procure and deliver to the Treasurer a seal of office, with some suitable device, having engraved around the margin thereof the words, "Office of the State Treasurer—Arizona", a description of which said seal shall be retained in the office of the Secretary as a record; said seal shall be used to authenticate all writings, papers, and documents certified from said office.

Sec. 6. It is the duty of the Treasurer:

1. To receive and keep securely in his custody all moneys belonging to the State not required to be received and kept by some other person;

2. To file and keep the certificates of the State Auditor delivered to him when moneys are paid into the treasury;

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one at the commencement of each fiscal year, and deliver a duplicate thereof to the State Auditor.

4. To pay warrants drawn by the auditor in the order in which they are presented.

5. Upon payment of any warrant to take upon the back thereof the receipt of the person to whom it is paid, and file and preserve the same;

6. To keep an account of all moneys received and disbursed;

7. To keep separate accounts of the different funds and appropriations of money;

8. To give information in writing as to the condition of the Treasury, or upon any subject relating to the duties of his office, at the request of any member of the Legislature, or any Committee thereof.

9. To keep the books, papers, and documents of his office open at all time during office hours for inspection by any tax payer or elector of the State;

10. To deliver to the Governor, and the Auditor, on the first day of each month an accurate statement of the receipts and expenditures of the public moneys for the preceding month. Such statement shall be a complete exhibit of all the public moneys received and paid out of the State Treasury by him, showing, under separate and appropriate heads on what accounts and from what sources received, and for what particular object or service the same has been paid out by him during the preceding month.

11. To deliver to the Governor, and Auditor, on or before the first day of August of each year, an accurate statement of the receipts and expenditures of the public moneys. Such statement shall be a complete exhibit of all public moneys received and paid out of the State Treasury by him, showing, under separate and appropriate heads, on what accounts or from what source received, and for what particular object or service the same has been paid out by him, during the preceding fiscal year. He shall cause to be published six (6) consecutive times in a daily newspaper of general circulation published at the capital of the State, a statement of the receipts and expenditures referred to in this sub-section.

Sec. 7. The general fund consists of money received into the treasury and not especially appropriated to any other fund, and out of such fund all salaries of State Officers, and expenses incident to the Offices thereof, as authorized by law shall be paid.

Sec. 8. All funds of the State, other than a general fund, and all moneys received and credited to such funds shall be considered and carried as appropriations for the use and benefit of such purposes for which such funds were created.

Sec. 9. No transfers of money or moneys, or credit, shall be made from one fund to another, or from one appropriated sum to another, unless such transfers shall expressly authorized and directed by law.

Sec. 10. No sum of money or moneys, in excess of the amount appropriated for any purpose, or credited to any specific fund or funds, shall be paid out of, or from, any of the public money or moneys in the custody or possession of the State Treasurer.

Sec. 11. All sums appropriated, and each and every State Fund, shall be considered and carried on the books of the State Treasurer as a debit against the public money or moneys in the custody or possession of the State Treasurer, and against the credit of the State of Arizona.

Sec. 12. All public money or moneys in the custody or possession of the State Treasurer shall be debited against the State Treasurer under the head of one account entitled "cash" or "cash fund or account" in a suitable book for that purpose to be known as the cash book; and all funds and appropriations of money shall be considered and carried as charges or debits against such "cash" or "cash fund or account," and all warrants and payment of public money shall be met and paid from such "cash" or "cash fund or account" and as warrants and payments of public money or moneys are met and paid as authorized and directed by law, such "cash" or "cash fund or account" shall be credited to the amount of such warrants or payments.

Sec. 13. All State warrants shall be paid by the treasurer in the order in which they are issued upon presentation; provided, that they are drawn in accordance with the State laws. If upon presentation to the Treasurer of any warrant he has not the funds in hand to pay the same, he shall endorse the day of its presentation upon the back of the warrant, and whenever it is paid, interest, at the rate of five (5) per cent per annum, in lawful money of the United States, shall be allowed from said day, and paid in addition to the principal thereof; provided, however, that the interest paid under and by the authority of this section shall be paid from the general fund.

Sec. 14. Nothing in this Act shall affect or be construed to affect the funds required to be established by Sec. 7, Article X, entitled State and School Lands, of the Constitution of Arizona.

Sec. 15. On or before the 15th day of January in each year the State Treasurer shall furnish to each County Treasurer an account current, exhibiting all the transactions between his office and the office of such County Treasurer, and what amount of money is due to or from the same, and on what account. Upon the settlement of any accounts with the County Treasurer, the State Treasurer shall pay such County Treasurer any balance that may be found due such county, out of any moneys appropriated by law for that purpose.

Sec. 16. He shall have power to administer all oaths or affirmations required or allowed by law, in matters touching the duties of his office, and shall perform all duties not enumerated in this Act which may be required by the revenue and other laws of the State.

Sec. 17. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 18. Whereas it is immediately necessary to provide sufficient help and an assistant for the State Treasurer in his office; and

Whereas, this Act must have an early operation to provide for the proper handling of the public moneys in the custody and possession of the State Treasurer, and for the preservation of the public peace, health, or safety, and for the support and maintenance of the departments of the State Government and State Institutions, an emergency is hereby declared and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 11, 1912.

CHAPTER 20.

AN ACT

To Amend Paragraph 909 (Sec. 149) Chapter IX, Title XIII of the Civil Code, Revised Statutes of Arizona, 1901; to Amend Paragraph 911 (Sec. 151) Chapter IX, Title XIII of the Civil Code, Revised Statutes of Arizona, 1901; Prescribing a Penalty for any Violation of This Act; and Providing for the Issuance of a License to a Foreign Corporation to do Business in This State; With an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 909 (Sec. 149) Chapter IX, Title XIII of the Civil Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

909 (Sec. 149). Any company incorporated under the laws of any other State, Territory, or any foreign country, which shall carry on, do, or transact any business, enterprise, or occupation, in this State shall, before entering upon, doing, or transacting such business, enterprise, or occupation, in this State:

First. File a certified and duly authenticated copy of its articles of incorporation or charter, and the appointment of an agent as hereinafter specified, with the Corporation Commission of this State.

Second. Publish at least six (6) times in some newspaper published in each of the counties in this State, in which such business, enterprise, or occupation, is to be carried on, a copy of its articles of incorporation, and upon the expiration of such publication, file an affidavit in the office of the Corporation Commission, stating that such publication has been made according to law.

Third. Pay a license fee of fifteen dollars to the Corporation Commission, and obtain from said Corporation Commission, a license to do business in this State.

This Section however, shall not apply to insurance corporations.

Sec. 2. That Paragraph 911 (Sec. 151) of Chapter IX, Title XIII of the Civil Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

911 (Sec. 151). No Corporation such as is mentioned in Section 149 of this Title shall transact any business whatsoever in this State until and unless it shall have first filed its articles of incorporation and the appointment of an agent and shall have paid its license fee and shall have received from the Corporation Commission a license authorizing said Company to do and transact business in this State, as required in the two preceding sections, and every act done by said corporation prior to said filing, payment of fees, and the procurement of said license, shall be utterly void.

And if any company mentioned in Section 149 of this Title shall without the consent of the other party to any suit or proceeding brought by or against it in any Court of this State, remove said suit or proceeding to any Federal Court, or shall institute any suit or proceeding against any citizen of this State in any Federal Court, it shall be the duty of the Corporation Commission forthwith to revoke the license issued to said company to do, or transact business in this State, and to publish such revocation in some newspaper of general circulation published in this State; and every act done by said corporation subsequent to said revocation of said license shall be utterly void.

Sec. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 4. WHEREAS, the Constitution of the State of Arizona prescribes that all articles of incorporation shall be filed with the Corporation Commission of the State of Arizona, and that said Corporation Commission shall have sole power to issue licenses to foreign corporations to do business in this State, and,

WHEREAS, the existing laws of the State of Arizona conflict with said provisions of said Constitution, and,

WHEREAS, it is essential that immediate provision be made to give the Corporation Commission power to issue licenses to foreign corporations to do business in the State of Arizona, and,

WHEREAS, this Act requires early operation in order to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 12, 1912.

CHAPTER 21.

AN ACT

To Provide for the Publication of the Decisions of the Supreme Court and for the Purchase and Distribution of Such Reports and Making an Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Reporter of Decisions of the Supreme Court, who shall be chief stenographer for the judges of the Supreme Court and State Law Librarian shall, as soon as practicable after the decisions of the Supreme Court are announced, publish the same in suitable volumes, with a brief abstract of the cases and briefs of counsel when necessary, with suitable notes of the points decided in each case, and with an index. Each of said volumes shall contain at least six hundred (600) pages and not more than one thousand (1000) pages, to be printed and bound in good substantial manner and form, of good material for law books, to be approved by the judges of the Supreme Court or a majority of them.

Sec. 2. The Reporter of Decisions shall have no pecuniary interest in such reports, but they shall be published under his supervision. He shall, with the approval of a majority of the judges of the Supreme Court, enter into a contract with the person or persons, firm or corporation, who shall agree to publish and sell such reports on the most advantageous terms to the people of this State, at a price not to exceed four dollars per volume of not less than six hundred pages, nor more than one thousand pages. If any such volume shall in any way or for any cause contain more than one thousand pages, no increased or additional price shall be charged therefor. Such contractor shall further agree to publish and deliver to the Secretary of State at the earliest practicable date within sixty days after the delivery to him of the manuscript of any volume of reports, two hundred and fifty copies of such volume at a price not to exceed four dollars per volume. He shall further agree to keep such reports on sale at all times in suitable quantities and at such price or prices as may be designated by the Secretary of State, such reports to be sold to the residents of the State at the contract price. He shall also furnish the State, at contract price, any additional number of copies that may thereafter be required. The copyrights of all reports hereafter published shall be assigned by the said Reporter to the Secretary of State for the benefit of the people of the State; but this shall not be construed to prevent the contractor by whom any volume is published, his representatives or assigns, from continuing the publication and sale of such reports so long as he or they shall comply in all respects with the requirements of this Act respecting the character, sale, and price of such reports.

Sec. 3. The Secretary of State shall deliver to the State Librarian, as soon after publication as possible, as many copies of the Supreme Court Reports as may be necessary for the purpose of effecting exchanges with the libraries of other States and foreign countries. The Secretary of State shall further distribute the Supreme Court Reports as fol-

lows: To each of the judges of the Supreme Court, to the judge of the United States Court in this State, to each judge of a court of record of this State, to each clerk of a court of record of this State and to the State University, one copy.

Sec. 4. The copies of the Supreme Court Reports delivered to any person on account of any office held by such person shall have stamped or written thereon the name of the office held by such person, and shall be kept for the use of such office, and when he ceases to hold such office he shall deliver to his successor such reports so received by him and take the receipt of his successor therefor.

Sec. 5. When the reports are published and delivered to the Secretary of State, as provided in Sec. 2 of this Act, it shall be the duty of the State Auditor to draw his warrant upon the State Treasurer in favor of the publisher of said reports for the purchase price of such volumes as provided for in said Sec. 2, which warrant shall be paid by the State Treasurer out of any money in the general fund of the State not otherwise appropriated.

Sec. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 12, 1912.

CHAPTER 22.

AN ACT

To Amend Sec. 9 of Substitute Senate Bill 101 of the First Legislature of the State of Arizona at the Regular Session, Being an Act Entitled "An Act to Provide for the Assessment of Taxes on the Property of Telegraph and Telephone Companies; Defining What Constitutes Such Companies; Requiring Annual Reports, and Providing a

Penalty for Neglect or Refusal to Make the Same; and Providing the Duties of the State Board of Equalization in Relation to Said Assessment of Taxes on Said Property of Telegraph and Telephone Companies; and Repealing All Acts and Parts of Acts in Conflict Herewith," Approved May 17th, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Sec. 9 of Substitute Senate Bill 101, of the First State Legislature of the State of Arizona, at the regular Session, being an Act entitled "AN ACT TO PROVIDE FOR THE ASSESSMENT OF TAXES ON THE PROPERTY OF TELEGRAPH AND TELEPHONE COMPANIES; DEFINING WHAT CONSTITUTES SUCH COMPANIES; REQUIRING ANNUAL REPORTS, AND PROVIDING A PENALTY FOR NEGLECT OR REFUSAL TO MAKE THE SAME; AND PROVIDING THE DUTIES OF THE STATE BOARD OF EQUALIZATION IN RELATION TO SAID ASSESSMENT OF TAXES ON SAID PROPERTY OF TELEGRAPH AND TELEPHONE COMPANIES; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH," approved May 17, 1912, be and the same is hereby amended to read as follows:

"Sec. 9. The State Board of Equalization shall, on or before the second Monday of July in the Year 1912, and on or before the third Monday of June in every year succeeding the Year 1912, certify to the county Board of Supervisors the amount apportioned to their county. Said Board of Supervisors shall cause to be entered upon the assessment roll of the county the returns of said assessment as made by the State Board of Equalization under the proper heads therefor, and the total value of said assessed property, franchises, and intangible values thereof, carried out. At the first meeting of the Board of Supervisors held after said returns are received

by it, it shall make and cause to be entered in its minutes an order stating and declaring the assessed value of said telegraph or telephone company situate in each municipal corporation within its county through which the lines of such companies run, as fixed by the said State Board of Equalization, which shall constitute the taxable value of said property for taxable purposes, and the Clerk of said Board of Supervisors shall transmit a copy of said order to the city council or trustees of such municipal corporation; and all such telegraph and telephone property, franchises, and intangible values thereof, shall be taxable upon said assessment by the same officers, and for the same purposes, as the property of individuals within such counties and municipalities."

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. Whereas, it is deemed necessary to amend the law providing for the manner of assessment of taxes on the part of telegraph and telephone companies; and

Whereas, it is necessary that said amendment should go into effect immediately; and

Whereas, the provisions of this Act are necessary for the support and maintenance of State institutions and Departments of State, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 12, 1912.

CHAPTER 23.

AN ACT

To Amend Section 6 of Substitute Senate Bill 102 of the First Legislature of the State of Arizona at the Regular Session. Being an Act Entitled "An Act to Provide for the Assessment of Taxes on the Property of Railroad Corporations: Requiring Annual Reports, and Providing a Penalty for Neglect or Refusal to Make the Same; and Prescribing the Duties of the State Board of Equalization in Relation to Said Assessment of Taxes on Said Property of Railroads and Railroad Corporations, and Repealing All Acts and Parts of Acts in Conflict Herewith," Approved May 17th, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Section 6 of the Substitute Senate Bill 102, of the First Legislature of the State of Arizona, at the regular Session, being an Act entitled "AN ACT TO PROVIDE FOR THE ASSESSMENT OF TAXES ON THE PROPERTY OF RAILROAD CORPORATIONS: REQUIRING ANNUAL REPORTS, AND PROVIDING A PENALTY FOR NEGLECT OR REFUSAL TO MAKE THE SAME; AND PRESCRIBING THE DUTIES OF THE STATE BOARD OF EQUALIZATION IN RELATION TO SAID ASSESSMENT OF TAXES ON SAID PROPERTY OF RAILROADS AND RAILROAD CORPORATIONS, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH," approved May 17th, 1912, be and the same is hereby amended to read as follows:

"Sec. 6. On or before the second Monday in July in the year 1912, and on or before the third Monday in June in each year subsequent to the year 1912, said Board shall transmit to the Board of Supervisors of each county through or into which any railroad may run, a statement showing the length

of the main track of such railroad within the county, and the assessed value per mile of the same as fixed by a pro rata distribution per mile of the assessed value of the whole property herein specified, with a description of the whole of the said assessed property within the county, by metes and bounds or other description sufficient for identification. And the said assessment and pro rata shall be made with reference to the value of the property belonging to said railroad other than the main track situate in each county and municipality through which said railway extends. Where the railroad of a railroad corporation lies in several counties, its rolling stock must be apportioned between them so that a portion thereof may be assessed in each county, and each county's portion must bear to the whole rolling stock the same ratio which the number of miles of the railroad in such county bears to the whole number of miles of such railroad lying in this State. Said Board of Supervisors shall cause to be entered said statement with the said description upon the assessment roll of said county under the proper heads therefor, with the total value of said assessed property carried out. At the first meeting of the Board of Supervisors held after said statement is received by it, said Board of Supervisors shall make and cause to be entered in its minutes, an order stating and declaring the length of the main track and the assessed value of such portion of such railroad, lying in each municipal corporation within its county, as fixed by the said State Board of Equalization, which assessed value shall constitute the taxable value of said property for taxable purposes; and the clerk of said Board of Supervisors shall transmit a copy of said order to the city council or trustees of such municipal corporation. All such railroad property shall be taxable upon said assessment by the same officers and for the same purposes as the property of individuals within such counties and municipalities. If any railroad company or any person shall not be satisfied with the assessment by the State Board of Equalization of the property belonging to said com-

pany, it or they may appear before said Board at its meeting in August and show why such assessment should be lowered or changed.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. Whereas, it has been deemed essential by the Legislature of the State of Arizona to amend the law providing for the method of appraisement and assessment of railroad companies, and the taxable property of railroad corporations; and,

Whereas, in order for this Act to become effective, it is essential that this Act go into immediate operation; and,

Whereas, an early operation of this Act is required to preserve the public peace, health and safety, and for the support and maintenance of the Departments of State and State institutions, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 12, 1912.

CHAPTER 24.

AN ACT

Providing for General Elections of Representatives in Congress, of State, County, and Precinct Officers, and of Presidential Electors in the State of Arizona; Providing for the Method of Canvassing the Vote at Said Elections; Prescribing the Method of Contesting Said Elections; and Fixing the Time at Which Said Elections Shall Be Held.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There shall be a general election of Representatives in Congress, and of State, County, and Precinct Officers

on the first Tuesday after the first Monday in November, 1912, and on the same day of every even numbered year thereafter.

Sec. 2. Such number of Presidential Electors as shall equal the number of United States Senators and Representatives in Congress from Arizona shall be elected at an election to be held on the first Tuesday after the first Monday in November, 1912, and quadrennially thereafter.

Sec. 3. Such elections shall be held under the provisions of the Revised Statutes of Arizona, 1901, and amendments thereto, relating to elections, subject to the provisions thereof.

Sec. 4. Upon the completion of the canvass of the returns by the Board of Supervisors in each county, in any of said elections, such board shall make out in duplicate a complete statement of the votes cast for all candidates for all State offices and for Presidential Electors and Representatives in Congress voted for at any such election, and shall forward such duplicate statements to the Secretary of State. On the first Monday in December of any year in which any of said elections is held, the Board of Canvassers, consisting of the Governor, Secretary of State, and the Chief Justice of the Supreme Court, shall meet at the office of the Secretary of State and shall proceed to canvass the returns so forwarded to the Secretary of State by the Boards of Supervisors of the various counties. Such board shall act without compensation and shall complete said canvass as speedily as possible, and upon completion thereof shall issue certificates of election, which shall be signed by the Governor, who shall be ex-officio chairman of said board, and by the Secretary of State, who shall be ex-officio secretary of said board; and such certificates of election shall be immediately transmitted to the various persons named therein, and the same shall be prima facie evidence of the election of such persons to the office named therein.

Sec. 5. The provisions relating to contested elections shall apply to all county officers as provided in the Revised Statutes of Arizona, 1901, and amendments thereto. Contests for State offices, other than members of the Legislature, shall be heard by the Supreme Court of the State of Arizona, which is hereby given jurisdiction to hear and determine such questions and contests; each House of the Legislature when assembled shall judge of the election and qualification of its members.

Sec. 6. The qualifications of electors shall be as provided for by the Revised Statutes of Arizona, 1901, and amendments thereto.

Sec. 7. If any of the foregoing sections shall be held to be unconstitutional, the validity of the remaining sections shall not be affected thereby.

Sec. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 9. WHEREAS, this Act must have an early operation to provide for the election of officers as required by the Constitution and laws of the State, and for the preservation of the public peace, health, and safety, and for the support and maintenance of the departments of the State and State Institutions, an emergency is hereby declared and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 14, 1912.

CHAPTER 25.

AN ACT

Authorizing the Board of Control to Employ the Board of Special Examiners to prepare forms for an accounting system to pay for said work out of the General Fund, and providing publicity for said system.

WHEREAS, the Board of Special Examiners have, in the pursuance of their various duties, made exhaustive painstaking and able examinations of the accounting systems now existing in the various State Institutions; and,

WHEREAS, their examinations have disclosed non-uniformity in the systems of accounting in the various State Institutions, and in some instances very crude and imperfect systems of accounting; and,

WHEREAS, the Board of Special Examiners have prepared a set of forms for a uniform and comprehensive system of accounting for the University of Arizona; have nearly completed a set of forms for the Prison; and

WHEREAS, the forms necessary for the accounting systems of the other institutions, necessary to bring them into uniformity with the comprehensive forms already prepared for the University of Arizona, and nearly completed for the Prison, are comparatively simple; and,

WHEREAS, this extremely valuable work, only possible after such exhaustive work as has been done by the Board of Special Examiners, will be lost to this State if nothing is done to provide for its completion and preservation; therefore,

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Board of Control be and it is hereby authorized and directed to employ said Board of Special Examiners, or so many of the members of said Board as may be

necessary, to complete the work of preparing forms for a uniform and comprehensive system of accounting for the various State Institutions; with such directions for the proper use of said system as to them may seem necessary; and they are hereby further authorized and directed to authorize the payment for said services, and the State Auditor is hereby directed to issue his warrant, upon said authorization, to the members of the said Board of Special Examiners, or so many of them as may be employed in the work mentioned herein, payable out of the general fund of the State.

Sec. 2. Said forms, and all of them, together with such directions for the proper use of said forms as may be prepared by said Board of Special Examiners, shall become public documents, and shall be preserved in the State Auditor's office for the inspection of the public at all times during office hours, and for the direction of the State Auditor in the installation of a uniform and comprehensive system of accounting in the State Institutions.

Approved June 14, 1912.

CHAPTER 26.

AN ACT

To Amend Senate Bill No. 79, of the First Legislature of the State of Arizona, Passed at the Regular Session of Said Legislature, Being an Act Entitled "An Act to Declare Employment in All Underground Mines, Underground Workings, Open Cut Workings, Open Pit Workings, in or About, and in Connection With, the Operation of Smelters, Reduction Works, Stamp Mills, Concentrating Mills, Chlorinating Processes, Cyanide Processes, Cement Works, Rolling Mills, Rod Mills and at Coke Ovens and

Blast Furnaces, to be Injurious to Health and Dangerous to Life and Limb; to Regulate and Limit the Hours of Employment in Said Occupations; to Declare the Violation of the Provisions of This Act a Misdemeanor, and to Provide a Penalty Therefor; and to Repeal All Acts and Parts of Acts in Conflict With This Act," Approved May 11, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Sec. 2, of Senate Bill No. 79, of the First Legislature of the State of Arizona, passed at the regular session of said Legislature, being an Act entitled "An Act to declare employment in all underground mines, underground workings, open cut workings, open pit workings, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorinating processes, cyanide processes, cement works, rollings mills, rod mills and at coke ovens and blast furnaces, to be injurious to health and dangerous to life and limb; to regulate and limit the hours of employment in said occupations; to declare the violation of the provisions of this Act a misdemeanor, and to provide a penalty therefor; and to repeal all Acts and parts of Acts in conflict with this Act," approved May 11, 1912, be and the same is hereby amended to read as follows:

"Sec. 2. That the period of employment for all persons who are employed, occupied, or engaged, in work or labor, of any kind or nature, in underground mines, underground workings, open cut workings or open pit workings, in search for, or in the extraction of, minerals, whether base or precious, or who are engaged in such underground mines, underground workings, open cut workings, or open pit workings, for other purposes, or who are employed, engaged, or occupied, in other underground workings of any kind or nature, open cut workings or open pit workings, for the purpose of tunneling, making excavations, or to accomplish any other purpose or de-

sign, or who are employed, engaged, or who work, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorinating processes, cyanide processes, cement works, rolling mills, rod mills, and at coke ovens and blast furnaces, shall not exceed eight (8) hours within any twenty-four (24) hours, and the said eight (8) hours shall include the time employed, occupied, or consumed, in descending to and ascending from the point or place of work in any underground mine or underground workings, or the time employed, occupied or consumed in leaving the surface of any tunnel, open cut, or open pit workings, for the point or place of work therein, and in returning thereto from said point or place of work, and that it is the purpose and intent of this Act that the period of time between leaving the surface of underground mines, underground workings, open cut workings, open pit workings, and tunnels, for the point, or place of work and in returning thereto from said point or place of work, shall not exceed eight (8) hours within any twenty-four (24) hours; Provided, that in the case of emergency, where life or property is in imminent danger, the period may be prolonged during the continuance of such emergency; and provided, further, that nothing in this Act contained shall be deemed to prevent a change in the hours of employment from one part of the day to another at stated periods, nor to prevent the employment of any of the persons mentioned in this Act for more than eight (8) hours during the day in which such change is made; and provided, however, that such change in the hours of employment shall not occur more than once in any two weeks."

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 15, 1912.

CHAPTER 27.

AN ACT

To Regulate the Operation of Motor Vehicles on Public Highways, and Making an Appropriation for the Purpose of Carrying Out the Objects of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The words and phrases used in this Act shall, for the purposes of this Act, unless the same be contrary to, or inconsistent with, the context, be construed as follows:

(1) "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, provided that nothing herein contained shall, except the provisions of subdivisions 3, 4 and 5 of Sec. 3, and subdivision 1 of Sec. 4 of this Act, apply to traction engines or road rollers;

(2) "Public highways" shall include any highway, county road, State road, public street, avenue, alley, park, parkway, driveway or public place in any county, or incorporated city or town;

(3) "Closely built up" shall mean

(a) The territory of any county, or incorporated city or town, contiguous to a public highway which is at that point built up with structures devoted to business;

(b) The territory of any county, or incorporated city or town, contiguous to a public highway not devoted to business, where, for not less than one quarter of a mile, the dwelling-houses on such highway average less than one hundred feet apart; provided, that the local authorities having charge of such highway shall have placed in a conspicuous place on one side thereof, at both ends of such closely built up section, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down

to ———— miles," inserting in the blank space the number of miles to which the speed is to be reduced, and also an arrow pointing in the direction where the speed is to be reduced;

(4) "Local authorities" shall include all boards of supervisors, trustees or councils, committees and other public officials of counties, or incorporated cities and counties, cities or towns;

(5) "Chauffeur" shall mean any person operating a motor vehicle as mechanic or employee or for hire.

Sec. 2. Sub-division 1. Every owner of a motor vehicle shall, for every such vehicle owned by him, file annually in the office of the Secretary of State, on a blank to be prepared and furnished by such Secretary of State for that purpose, a statement of his name and address, with a brief description of the vehicle to be registered including the name of the maker, factory number, style of vehicle and motor power. An annual license tax shall be assessed of Five Dollars ($5.00) for motor vehicles of forty (40) horse power, by the A. L. A. M. rating, or less, and Ten Dollars ($10.00) for motor vehicles of more than forty (40) horse power, by the A. L. A. M. rating, and Two Dollars ($2.00) for motor cycles.

Sub-division 2. The Secretary of State shall thereupon file such statement in his office, register such motor vehicle in a book or index kept for such purpose, and assign it a distinctive number.

Sub-division 3. The Secretary of State shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle, a seal of aluminum or other suitable metal, which shall be circular in form, approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No.———, State of Arizona," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Sub-division 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the Secretary of State, and in lieu thereof such Secretary shall issue to said owner a registration seal containing the number of such previous registration, upon payment of a fee of Three Dollars ($3.00). Upon the sale of a motor vehicle, the vender, except a manufacturer or dealer, shall, within ten (10) days, return to the Secretary of State the registration seal affixed to such vehicle.

Sub-division 5. Every motor vehicle shall also at all times have the number assigned to it displayed on the back of such vehicle in such a manner as to be plainly visible, the numbers to be in Arabic numberals (numerals), black, on white background, or white on black background, each to be not less than three inches in height, and each stroke to be of a width of not less than half an inch; and also, as a part of such number the abbreviated name of the State, in black, on white ground, or white on black background, such letters to be not less than one inch in height.

Sub-division 6. A manufacturer of, or dealer in, motor vehicles, shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in, as he may desire, on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with sub-divisions 1, 3, 5, and 8 of this section, until such vehicle shall be sold or let for hire. Nothing in this sub-division shall be construed to apply to a motor vehicle employed for private use or for hire by a manufacturer of or dealer in automobiles.

Sub-division 7. No motor vehicle shall be used or operated upon the public highways after this Act takes effect,

which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Sub-division 8. No motor vehicle shall be used or operated on the public highways after this Act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from the manufacturer, dealer, or other person, after this Act goes into effect, shall be allowed to operate such motor vehicle upon the public highways for a period of five (5) days after the purchase and delivery thereof; provided, that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Sub-division 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this State and only temporarily within this State, provided, the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the State, territory, federal district or foreign country of their residence, and the registration number showing the initial of such State, territory, federal district or foreign country shall be displayed on such vehicle substantially as in this section provided. All non-residents shall be required to pay the tax of Five Dollars ($5.00), after six (6) months residence in the State.

Sec. 3. Sub-division 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one (1) mile in six (6) minutes, or elsewhere in any incorporated city or town, at a greater rate than one (1) mile in four (4) minutes, or elsewhere outside of any incorporated city and

county, city or town, at a greater rate than one (1) mile in two (2) minutes; subject, however, to the other provisions of this Act.

Sub-division 2. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control, and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways, at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Sub-division 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other live stock, being ridden led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other live stock, to prevent frightening the same.

Sub-division 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other live stock, bring such motor vehicle immediately to a stop; and, if traveling in the opposite direction, remain stationary as long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided that, in case such horse or animal appears badly frightened, or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure safety to others.

Sub-division 5. In case of accident or injury to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Sub-division 6. Local authorities may, notwithstanding the other provisions of this section, set aside, for a given time, a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Sec. 4. Sub-division 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other live stock, or any other vehicles, the person, so operating such motor vehicle, shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle, shall, on overtaking any such horse, live stock or other vehicle, pass on the left side thereof, and the rider or driver of such horse, live stock or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways, when turning to the right, and pass to the right of such intersection when turning to the left. Nothing in this sub-division shall, however, be construed as limiting the meaning or effect of the provisions of Sec. 3 of this Act.

Sub-division 2. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, and also a red light visible in the reverse drection; provided that motor cycles shall be required to exhibit but one white light during the period herein specified.

Sub-division 3. Subject to the provisions of this Act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation, requiring of any owner or operator of a motor vehicle, any license or permit

to use the public highways, or excluding or prohibiting any motor vehicle, whose owner has complied with Sec. 2 of this Act, from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages; or, except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed, than is herein specified, at which such vehicles may be operated, or the use of the public highways, contrary or inconsistent with the provisions of this Act; and all such ordinances, rules or regulations now in force, are hereby declared to be of no validity or effect; provided, however, that the local authorities of incorporated cities and towns may limit, by ordinance, rule or regulation hereafter adopted, the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one (1) mile in six (6) minutes, and on further condition that such incorporated city or town shall also have placed conspicuously on the side of each main public highway where the boundary of such municipality crosses the same, and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by persons using the highway, bearing the words "Slow down to————miles" (the rate being inserted), and, also, an arrow pointing in the direction where the speed is to be reduced or changed; and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof, similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles; which penalties shall, during the existence of the ordinance, rule or regulation, supersede those specified in Sec. 6 of this Act; and, provided further, that nothing in this Act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further

ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Sub-division 4. Local authorities may, notwithstanding the provisions of this Act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park or parkways, but in that event, signs must be placed at each entrance of such park and along such parkway, conspicuously indicating the rate of speed permitted or required; and may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

Sub-division 5. Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employes (employee) or agent.

Sec. 5. Sub-division 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the Secretary of State, on a blank, to be supplied by such Secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate; and shall pay a regiatration (registration) fee of Five Dollars ($5.00).

Sub-division 2. The Secretary of State shall thereupon, file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Sub-division 3. The Secretary of State shall forthwith, upon such registration and without other fee, issue and deliver to such chauffeur a badge of aluminum, or other suitable metal, which shall be oval in form, and the greater diameter of which shall not be more than two (2) inches; and such badge shall have stamped thereon the words, "Registered Chauffeur, No.————, State of Arizona," with

the registration number inserted therein; which badge shall thereafter be worn by such Chauffeur, pinned upon his clothing in a conspicuous place, at all times while he is operating a motor vehicle upon the public highways.

Sub-division 4. No chauffeur, having registered as herein provided, shall voluntarily permit any other person to wear his badge, nor shall any person, while operating a motor vehicle, wear any badge belonging to another person, or a fictitious badge.

Sub-division 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty (30) days after this Act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Sec. 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not exceeding One Hundred Dollars ($100.00), or by imprisonment not exceeding thirty (30) days; or by both such fine and imprisonment for the first offense; and punishable by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment for a second offense; and punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred and Fifty Dollars ($250.00) or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment for a third or subsequent offense.

Sec. 7. The amount of the fees received by the Secretary of State, as in this Act provided, shall be paid into the State Treasury, to be paid into the road fund of the State.

Sec. 8. There is hereby appropriated out of any money in the State Road Fund, the sum of One Thousand Dollars ($1,000.00), for the purpose of carrying out the objects of this Act, to be used by the Secretary of State in the purchase

of the necessary stationery, books, and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges. The State Auditor is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the State Auditor, and the State Treasurer is hereby directed to pay the same.

Sec. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 15, 1912.

CHAPTER 28.

AN ACT

To Make Additional Appropriations for Improvements, Betterments, Equipment of the Northern Arizona Normal School and for the Purchase of Lots Fronting the School Grounds of Said Northern Arizona Normal School.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That there be and is hereby appropriated in addition to all other appropriations, the sum of Nineteen Thousand Seven Hundred Dollars ($19,700.00), to be raised by tax levy; said sum to be expended by the Board of Education of the Northern Arizona Normal School for the purchase of lots as hereinafter provided; said taxes when collected to be placed by the State Treasurer to the credit of the Northern Arizona Normal School Fund. The Board of Education of the Northern Arizona Normal School is hereby authorized and directed to expend said Nineteen Thousand Seven Hundred Dollars ($19,700.00), accruing to the credit of said fund, in its discretion, for general improvements, betterments, equipment, plans and specifications for the girls'

dormitory, for a dining hall and for the purchase of lots fronting upon the school grounds. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for all claims approved and allowed by the Board of Education of the Northern Arizona Normal School under the provisions of this Act on the Northern Arizona Normal School Fund, and the State Treasurer is hereby authorized and directed to pay said warrant out of said fund.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State institution, to-wit, the Northern Arizona Normal School, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 29.

AN ACT

To Provide a Funding and Loan Commission, Prescribing the Duties Thereof and Prescribing a Method for the Funding and Redemption of State, County, Municipal, and School District Indebtedness, and to Provide for the Issuance of Bonds for the Payment of Existing and Future State, County, Municipal, and School District Indebtedness and to provide for the Form of Said Bonds, the Time of Payment Thereof, and the Interest to Be Paid Thereon, Making Appropriation for the Necessary Incidental Expenses Incurred in Carrying Out the Provisions of This Act, and Providing for the Payment of the Principal and Interest of Said Bonds.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. For the purpose of liquidating and providing for

the payment of the outstanding and existing indebtedness of the State of Arizona, or of the Territory of Arizona assumed by the State of Arizona, and such future indebtedness as may be or is now authorized by law, the Governor of the said State together with the State Auditor and State Treasurer, and their successors in office, shall constitute a board of commissioners, to be styled the Loan Commissioners of the State of Arizona, and shall have and exercise the powers and perform the duties hereinafter provided.

Sec. 2. It shall be and is hereby declared the duty of the said Loan Commissioners to provide for the payment of the existing State indebtedness due, and to become due, or that is now, or may hereafter be authorized by law; and for the purpose of paying, redeeming, and refunding all or any part of the principal and interest of the existing and subsisting State legal indebtedness, and also that which may at any time become due, or is now or may be hereafter authorized by law, the said Commissioners shall, from time to time, issue negotiable coupon bonds of this State when the same can be issued at a lower rate of interest than previously paid on State indebtedness and to the profit and benefit of the State.

Sec. 3. Said bonds shall be issued as nearly as practicable in denomination of One Thousand Dollars ($1,000.00), but bonds of a lower denomination, of not less than One Hundred Dollars ($100.00), may be issued when necessary. Said bonds shall bear interest at a rate to be fixed by said Loan Commissioners, but in no case to exceed five (5) per centum per annum, which interest shall be paid in gold coin, or its equivalent in lawful money of the United States, on the fifteenth day of January in each year, at the office of the State Treasurer, the place of payment being mentioned in said bonds. The principal of said bonds shall be made payable in lawful money of the United States within twenty-five years after the date of their issue. The State reserves the

right to redeem at par any of said bonds, in their numerical order, at any time after fifteen (15) years after the date thereof.

They shall bear the date of their issue; state when, where, and to whom, payable; rate of interest, and when and where such interest is payable; shall be signed by said Loan Commissioners; shall have the seal of the State affixed thereto; shall be countersigned by the State Treasurer and bear his official seal, and shall be registered by the State Auditor in a book to be kept by him for that purpose, which record shall show amount sold for, or, if exchanged, for what exchanged; and the faith and credit of the State is hereby pledged for the payment of said bonds and the interest accruing thereon, as herein provided.

Sec. 4. Coupons for the interest shall be attached to each bond, so that they may be removed without injury to, or mutilation of such bond.

They shall be consecutively numbered and bear the same number of the bond to which they are attached, and shall be signed by the State Treasurer.

The said coupons shall cover the interest expressed in said bond from the date of issue until paid; but in no case shall bonds bear interest, nor shall interest be paid thereon for any time before their delivery to the purchaser, as hereinafter provided.

Sec. 5. Whenever the said Loan Commissioners may be authorized by law to issue bonds, or shall have decided to refund or redeem all or any part of the existing indebtedness of this State they shall direct the State Treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of such sale to be published once a week for the period of one month in three newspapers published in the State, no two of which shall be published in the same county, and they may further direct the State Treasurer, if in their opinion such action is desirable, to advertise as

hereinbefore mentioned by at least one insertion in a publication published in the City of New York, in the State of New York, and in one in the City of San Francisco, in the State of California; such notice shall specify the amount of bonds to be sold, the place, day, and hour of sale, and that bids will be received by said Treasurer for the purchase of said bonds within one month from the expiration of said publication; and at the place and time named in said notice, the said Treasurer and Loan Commissioners shall open all bids received by him and shall award the purchase of said bonds, or any part thereof, to the bidder or bidders making the best offer therefor; Provided, that said Loan Commissioners shall have the right to reject any and all bids; And provided further, that they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids.

Sec. 6. When the sale of said bonds shall be awarded by the Loan Commissioners, they shall provide and procure the necessary bonds as in this Act provided, and any expense incurred by them therefor, for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds, and all necessary incidental expenses under the provisions of this Act, shall be paid out of the general fund of the State, upon the order of the State Auditor, countersigned by the Governor; and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said fund.

They shall, from time to time after signing said bonds, deliver them to the State Treasurer, taking his receipt therefor, and charge him therewith.

Sec. 7. The State Treasurer shall sell said bonds for cash, or exchange them for any of the indebtedness for the redemption of which they were so issued, but in no case shall said bonds be sold or exchanged for less than their face or par value and the accrued interest at the time of disposal, nor

must any indebtedness be redeemed at more than its face value and any interest that may be due thereon.

That said Treasurer shall endorse by writing or stamping in ink on the face of the paper evidencing the indebtedness received by him in exchange for said bonds, the time when and the amount for which exchanged.

Sec. 8. Moneys received by Treasurer shall be applied by him to the redemption of the indebtedness for the redemption of which bonds were issued, and the Treasurer shall give notice, as is provided by law in case of payment and redemption of State warrants, of his readiness to redeem such indebtedness, and thereafter interest on all such indebtedness due and outstanding shall cease.

Before any such indebtedness shall be paid, the State Auditor shall endorse on each certificate the amount due thereon, and shall write across the face of each the date of its surrender and the name of the person surrendering, and shall keep proper record thereof.

Sec. 9. There shall be levied annually upon the taxable property in this State, and in addition to the levy, for other authorized taxes, a sufficient sum to pay the interest on all bonds issued and disposed of in pursuance of the provisions of this Act, to be placed in the State Treasury, in the fund to be known as the "Interest Fund." And each year after such bonds shall have been issued such additional amount shall be levied annually as will pay four per cent (4%) of the total amount issued until all the bonds issued under the provisions of this Act are paid and discharged.

The State Board of Equalization, or, on their failure, the State Auditor, shall determine the rate of tax to be levied in the different counties in the State to carry out the provisions of this Act, and shall certify the same to the Board of Supervisors in each county and to the municipal or school authorities; and the said Board of Supervisors, or authorities, are hereby directed and required to enter such rate on their as-

sessment rolls in the same manner and with the same effect as is provided by law in relation to other State, county, municipal, and school taxes. Every tax levied under the against the property assessed.

All moneys derived from taxes authorized by provisions of this Act shall be paid into the State Treasury, and shall be applied:

First—To the payment of the interest on the bonds issued hereunder.

Second—to the payment of the principal of such bonds;

Provided, that all moneys remaining in the interest fund after the payment of the interest and all moneys remaining in the "redemption fund" after all of said bonds shall have been paid and discharged, shall be transferred by the State Treasurer to the State "general fund."

Sec. 10. Whenever, after the expiration of the fifteen years from the date of issuance of any bonds under this Act, there remains after the payment of the interest, as provided in the preceding section, a surplus of Ten Thousand Dollars ($10,000.00), or more, it shall be the duty of the State Treasurer to advertise, as in the manner of advertising by the Loan Commissioners for bids for sale of bonds, which advertisement shall state the amount of moneys in the said redemption fund, and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which said fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the State Auditor, who shall endorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The State Auditor shall

keep a record of all bonds issued and disposed of by the State Treasurer, showing their number, rate of interest, date, and amount of sale, when, where, and to whom, payable, and if exchanged, for what, and when presented for redemption, the date, amount due thereon, and person surrendering. The Boards of Supervisors of the counties, the municipal and school authorities, are hereby authorized and directed to report to the Loan Commissioners of the State their bonded and outstanding indebtedness, and said Loan Commissioners may, on written demand, require an official report from the Board of Supervisors of counties, the muincipal or school authorities, of their bonded and outstanding indebtedness, and said Loan Commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, upon the official demand of said authorities, in the same manner of other State indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district upon official demand by said authorities. The county, municipality, or school district shall pay into the State Treasury, in addition to all other taxes authorized by law, such amounts as may be directed by the State Board of Equalization, or on their failure by the State Auditor, to be levied for the payment of the principal of such bonds issued in redemption, or refunding, or of other bonds issued to such county, municipality, or school district, as herein provided, in the same manner as is herein provided for the payment of the principal and interest of State indebtedness, and, in addition, the interest paid by the State on such bonds.

Sec. 11. When the Treasurer pays or redeems any indebtedness he shall endorse, by writing or stamping in ink, on the face of the paper evidencing such indebtedness so paid or redeemed, the words "redeemed and cancelled", with the date of cancellation. He shall keep a full and particular account and record of all his proceedings under this Act and of the bonds redeemed and surrendered, and he shall trans-

mit to the Governor an abstract of all his proceedings under this Act with his annual report, to be by the Governor laid before the Legislature at its meeting. All books and papers pertaining to the matter provided in this Act shall at all times be open to the inspection of the party interested, or to the Governor, or a committee of either branch of the Legislature, or a joint committee of both.

Sec. 12. It shall be the duty of the State Treasurer to pay the interest on said bonds when the same falls due out of the said interest fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the general fund; Provided, that the State Auditor shall first draw his warrant on the State Treasurer, payable to the order of said Treasurer, for the amount of such deficiency, out of the general fund.

Sec. 13. It shall be the duty of said Loan Commissioners to make a full report of all their proceedings had under the provisions of this Act to the Governor on or before the first day of January of each year, and said reports shall be transmitted by the Governor to the State Legislature.

Sec. 14. No bond issued under the provisions of this Act shall be taxed within this State.

Sec. 15. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 15, 1912.

CHAPTER 30.

AN ACT

Providing for the Formation of Road Districts.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Special Road Districts may be formed as follows:

Whenever a petition shall be presented to the Board of Supervisors of any county in this State requesting the formation of a special Road District, said petition signed by twenty-five (25) taxpayers within such proposed district, requesting the formation of a special Road District under the provisions of this Act and defining the boundaries of such proposed district, it shall be the duty of the Board of Supervisors within twenty (20) days to call an election of the resident taxpayers within such proposed district, to determine for or against the formation of such special Road District. Notice of the time, place, and purpose of such election shall be posted in three of the most public places in said proposed district and at the front door of the court house of the county in which such proposed district is located, at least ten (10) days before said election.

Said election shall be conducted as nearly as may be in the manner prescribed by law for the conducting of school elections. The Board of Supervisors shall select the clerks and judges of election from among the electors resident within said district. If none are so appointed, or if those appointed are not present at the time of opening the polls, the electors present may select them.

Sec. 2. No person shall be eligible to vote at such election except he be an elector within said county and the owner of real property subject to taxation within the proposed district at the time of said election and as shown by the last assessment roll for the State and county taxes.

The ballots of such election shall be provided by the Board of Supervisors and shall contain the words: "For Special Road District" and the voter shall write or print thereafter on the ballot the word "yes" or the word "no". It shall be the duty of the officers of such election to report the result with the returns of said election to the Board of Supervisors of the county.

Sec. 3. If two-thirds of the votes cast be in favor of the formation of such special Road District, the Board of Supervisors shall enter in their records an order declaring the formation of such special Road District and setting forth its boundaries and designating it as "Spècial Road District No.———" and thereupon the Board of Supervisors shall appoint from among the electors of said district three trustees of said district, one of whom shall serve until the first annual election of trustees as hereinafter provided, one until one year from said annual election and one until two years therefrom.

Sec. 4. An election shall be held in such district on the first Saturday in January of each year, at which time shall be elected one trustee of said Road District, who shall hold his office for three years from the first Saturday in February next succeeding his election. Such election shall be noticed and conducted as nearly as may be as is provided for the election of school trustees; Provided, that the returns of such election shall be made to the Board of Supervisors, who shall issue a certificate of election to the persons elected to the office of trustee as shown by such returns.

Sec. 5. The trustees of said special Road District shall have exclusive charge and control of the establishment, maintenance, and repair of all the roads, driveways, highways, and bridges within such district, and to that end shall have power in the name of said district to hold and convey property for the use and benefit of such district; to sue and to be sued; to contract and to be contracted with; to employ labor and purchase material for the construction, maintenance, and repair of all the roads, driveways, highways, and bridges within such district, free from obstructions; by resolution or ordinance duly passed by said Board of Trustees, to regulate the width or tires to be used on all draft vehicles driven over the roads and highways within such district, and the maximum rate of speed at which vehicles may be driven over said roads and highways, and to establish such other

reasonable rules and regulations for the governance of those riding, driving, or hauling over and upon such roads and driveways as may be necessary and expedient for the maintenance thereof and the safety of all persons using the same, which resolutions or ordinances so passed by said Board of Trustees shall thereupon be published in a newspaper of general circulation within such road district published in the county in which such road district is situated, for a period of thirty (30) days, and shall take effect and be in force upon the completion of such publication. A violation of any rule or regulation so adopted and published by the Board of Trustees of such road district is hereby declared to be a misdemeanor and is punishable by a fine of not to exceed Three Hundred Dollars ($300.00) or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court; Provided, that the provisions of this Act shall not apply to State, State and county, or county roads, constructed, improved, or maintained, by State or county.

Sec. 6. The trustees shall have control of all the funds of such road district and the same shall be paid out only on their written order, signed by the chairman and clerk of the Board.

Sec. 7. For the purpose of construction, maintenance, and repair of the roads, driveways, highways, and bridges, within such special road district, a special road tax shall be levied on all taxable lands within said district as follows:

The trustees of said district shall on or before July 1, in each year certify to the Board of Supervisors of the county in which such district is located, the amount of money required by said district for the construction, maintenance, and repair of the roads, driveways, highways, and bridges, within said district for the ensuing fiscal year, and thereupon it shall be the duty of the Board of Supervisors to levy such a special tax upon all the taxable lands within such road district as

will produce the amount so certified by the trustees of said district; Provided, that the tax so levied shall not exceed a rate of Seventy-five Cents on each One Hundred Dollars of the assessed valuation of the lands in said district, except as hereinafter provided. Such tax shall be levied and collected as county taxes are levied and collected, and when collected shall be kept by the County Treasurer in a special fund to be designated as "Road District No.———— Fund", and shall be paid out only on the order of the trustees of said road district.

Sec. 8. In case it shall be deemed necessary or advisable by the Board of Trustees of such a district to expend in construction or maintenance of the roads, driveways, and highways within such district a larger amount of money annually, for a period not exceeding five (5) years than can be raised by the taxes above provided, they shall call a special election of taxpayers of said road district to determine whether or not a greater tax levy than that above provided for shall be made annually for such period. Such election shall be called by the trustees by posting notices thereof in three of the most public places in said district and at the front door of the court house at least ten days before such election, stating the time, place and purpose of such election. The ballots at such election shall have printed on them "for a tax levy to produce the sum of (here insert amount desired) Dollars annually, for————————years", and the voter shall write or print the word "yes" or the word "no" on such ballot to indicate his choice. Such election shall be conducted as nearly as may be as elections of trustees are conducted, and the returns thereof shall be made to the Board of Supervisors.

Sec. 9. In case two-thirds of the votes cast at such election shall be in favor of such increased tax levy, the Board of Supervisors shall levy annually for such period upon all the taxable lands of such district such a tax as will produce the amount so voted, which tax shall be collected as other

county taxes are collected and shall be placed to the credit of said road district. In case it shall be deemed necessary or advisable by the Board of Trustees of said road district to expend in the construction or maintenance of roads, driveways, and highways, within such district a larger amount of money than can be raised by the Seventy-five cent tax on the One Hundred Dollars ($100.00) as herein specified, the Board of Trustees of said district may, in lieu of raising the tax as provided by Sec. 8 and Sec. 9 of this Act, call an election and submit to the tax payers of the district, whether the bonds of said district shall be issued and sold for the purpose of raising money for the purpose of making the district road improvements within such district, and such election must be called by posting notices signed by the Board in three of the most public places in the district, for not less than twenty (20) days before the election; and if there is a newspaper published in the county, by also publishing such notice therein, for not less than once a week for two successive weeks prior to such election. Such notice must contain the name and place of holding such election; the name of three judges to conduct the same; the hours during the day, (not less than six hours), in which the polls will be open; the amount and denomination of the bonds, the rate of interest, (which shall not exceed six (6) per cent per annum); the number of years (not exceeding twenty years), the whole or any part of such bonds are to run. Such election shall be held, except as otherwise herein provided, in conformity with the general election laws of the State of Arizona, except that the words to appear on the ballots shall be "Bonds, Yes □" "Bonds, No □". On the seventh day after such election, at one o'clock P. M., the returns having been made to the Board of Trustees, the trustees must meet and canvass such returns, and if it appears that two-thirds of the vote (votes) cast at such election were in favor of the issuing such bonds, then the trustees shall cause an entry of that fact to be made upon their minutes, and shall certify to the Board of Supervisors

of the county all of the proceedings had in the premises, and thereupon said Board of Supervisors shall, and they are hereby authorized and directed to issue the bonds of such district in the number and amount provided in such proceedings, payable out of the Road Fund of such district, naming the same, and that the money shall be raised by taxation upon all of the taxable property in such district for the redemption of the bonds and the payment of the interest thereon.

The Board of Supervisors, by an order entered upon its minutes, shall prescribe the form of such bonds and of the interest coupons attached thereto, and must fix the time when the whole or any part of the principal of such bonds shall be payable, which shall not be more than twenty (20) years from the date thereof. Such bonds must not bear a greater rate of interest than six per cent; said interest to be payable annually, and such bonds must be sold in the manner prescribed by the Board of Supervisors, but not less than par, and the proceeds of the sale thereof must be deposited with the County Treasurer to the credit of such road district and to be drawn out for the purposes aforesaid as the other road district money is drawn.

The Board of Supervisors, at the time of making the levy of taxes for county purposes, must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds, and such tax must not be less than sufficient to pay the interest on said bonds for that year, and such portion of the principal as is to become due during such year, and in any event, must be high enough to raise annually, for the first half of the term such bonds have to run, a sufficient amount to pay the interest thereon, and during the balance of the term, high enough to pay such annual interest, and to pay annually, a portion of the principal of such bonds equal to a sum produced by taking the whole amount of such bonds outstanding and dividing it by the number of years such bonds have to run; and all moneys so levied, when collected, shall be paid into the county treasury to the credit

of the Bond Fund of such district, and be used for the payment of principal and interest on said bonds and for no other purpose. The principal and interest on such bonds shall be paid by the County Treasurer on the warrant of the trustees of such district, out of the fund provided therefor, and it shall be the duty of such trustees of said road district to cancel and file with the County Supervisors, such bonds, as rapidly as they are paid.

Sec. 10. The levy and collection of the road tax within said district shall not exempt the property within such district from the levy and collection of the general county road tax by the Board of Supervisors.

Sec. 11. No Road District shall be more than ten miles in length nor more than one mile in width.

Sec. 12. The provisions of this Act, so far as they are substantially the same as existing statutes, shall be construed as continuations thereof, and not as new enactments; and all road districts heretofore formed under existing statutes and in conformity with this Act are hereby declared valid and continued in existence under this Act; and all bonds of such road districts legally issued under existing statutes shall be unaffected by this Act.

Approved June 15, 1912.

CHAPTER 31.

AN ACT

In Relation to Pandering, to Define and Prohibit the Same, and to Provide for the Punishment Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any person who shall place any female in the charge or custody of any other person or persons for im-

moral purposes, or in a house of prostitution with the intent that she shall lead a life of prostitution, or any person who shall compel any female to reside with him, or with any other person, for immoral purposes, or for the purposes of prostitution, or compel her to lead a life of prostitution, is guilty of pandering, and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) and by imprisonment for not less than One (1) Year nor more than Ten (10) Years.

Sec. 2. Any person who shall receive any money, or other valuable thing, for, or on account of, procuring, or placing in a house of prostitution, or elsewhere, any female for the purpose of causing her to co-habit with any male person, or persons, shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not less than One (1) Year nor more than Ten (10) Years.

Sec. 3. Any person, who by force, fraud, intimidation, or threats, places or leaves, or procures any other person or persons to place or leave his wife, in a house of prostitution, to lead a life of prostitution, shall be guilty of a felony and upon conviction thereof shall be imprisoned not less than One (1) Year nor more than Ten (10) Years.

Sec. 4. Any person, or persons, who knowingly receives any money or other valuable thing, from the earnings of any woman or girl engaged in prostitution, shall be guilty of a felony and on conviction shall be imprisoned for a term not exceeding Ten (10) Years and fined not less than Five Hundred Dollars ($500.00).

Sec. 5. Any person, or persons, who attempts to detain any girl, or woman, in a disorderly house, or house of prostitution, because of any debt or debts she has contracted, or is said to have contracted, shall be guilty of a felony and on conviction thereof shall be imprisoned for a term of not less than One (1) Year nor more than Ten (10) Years.

Sec. 6. Any person or persons, transporting or attempting to transport, by any railroad, steamboat, railway, or by

any other means of conveyance, through or across this State, any woman or child for the purposes within the intent of this Act, may be prosecuted, informed against, indicted, tried and convicted in any county or city in which the said offender may be apprehended, and on arrest shall be taken to any court of competent jurisdiction in any such county or city; and the said prosecution, information, indictment, and trial, shall be had in the same county, or city, in which the arrest occurs.

Sec. 7. Any such female referred to in the foregoing shall be a competent witness in any prosecution under this Act to testify to any and all matters, including conversation with the accused, or by him, with or by third persons in her presence notwithstanding her having married the accused either before or after the violation of any of the provisions of this Act.

Sec. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 15, 1912.

CHAPTER 32.

AN ACT

To Make Additional Appropriation for the Maintenance and Improvements of the University of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That there be and is hereby appropriated, in addition to all other appropriations, the sum of Forty-four Thousand Two Hundred Dollars ($44,200.00), to be raised by tax levy, said sum to be expended by the Board of Regents of the University of Arizona as hereinafter provided; said

tax when collected to be placed by the State Treasurer in the following funds:

Twenty Thousand Dollars ($20,000.00), to the credit of the University Fund, and Twenty-four Thousand Two Hundred Dollars ($24,200.00), to the credit of the University Building Fund. The Board of Regents of the University of Arizona are hereby authorized to expend said sum of Twenty Thousand Dollars ($20,000.00), accruing to the credit of the University Fund, for the maintenance of and for furnishing additional equipment for said University, and the said sum of Twenty-four Thousand Two Hundred Dollars ($24,-200.00), accruing to the credit of the University Building Fund, for the construction and furnishing of a new building or buildings, for the purchase of land, and for such improvements to the buildings or grounds as may be necessary, and for the purchase of such farm equipment as they may deem expedient. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for claims approved and allowed by the Board of Regents under the provisions of this Act, and the State Treasurer is hereby authorized and directed to pay said warrants out out of the respective University Funds.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State Institution, to-wit, the University of Arizona, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 33.

AN ACT

To Provide for an Appropriation of Seven Hundred Fifty Dollars ($750.00) for the Use of the Pioneer Historical Society.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Seven Hundred Fifty Dollars ($750.00) be and is hereby appropriated to be disbursed by the Board of Directors of the Arizona Pioneer Historical Society, to enable it to carry on its work and duties for the year 1912, in the manner provided for and set forth in Sections 1, 2, 3 and 4 of Act No. 53 of the Nineteenth Legislative Assembly incorporating such society.

Approved June 15, 1912.

CHAPTER 34.

AN ACT

To Make Additional Appropriation for the Pioneer Home.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. In addition to all other sums appropriated for the Pioneer Home, the sum of Twelve Hundred Dollars ($1200.00) is hereby appropriated, said sum to be raised by tax levy, in addition to all other taxes otherwise directed to be levied and collected, for the purpose of making necessary improvements and for the purpose of purchasing a safe and a phonograph and records for use in the Pioneer Home of the State of Arizona. When such taxes are collected, they shall be placed by the State Treasurer in the Pioneer Home Fund

The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for all claims approved and allowed by the Board of Control, under the provisions of this Act, and the State Treasurer is hereby authorized and directed to pay said warrants out of the said fund.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State institution, to-wit, The Pioneer Home, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 35.

AN ACT

To Make Additional Appropriation for the Fair Commission of the State of Arizona for the Purpose of Making Improvements on the State Fair Grounds.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. In addition to all other sums heretofore appropriated, there be and is hereby appropriated the sum of Ten Thousand Dollars ($10,000.00), to be raised by a tax levy, said sum to be expended by the State Fair Commission as hereinafter provided. The taxes, when collected, shall be placed by the State Treasurer in a fund to be known as the State Fair Improvement Fund. The Fair Commission is hereby authorized and directed to expend said Ten Thousand Dollars ($10,000.00), accruing to the credit of the State Fair Improvement Fund for such improvements to the buildings

or grounds of the State Fair as they may deem expedient. All vouchers for the expenditure of money under the provisions of this Act must be signed by the Chairman and one other member of the Commission, and attested by the Secretary; upon presentation of such vouchers, the State Auditor shall draw his warrants upon the State Treasurer for the payment of the same, and the State Treasurer shall pay such warrants out of any money on hand and appropriated for the purpose herein set forth.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State institution, to-wit, the Arizona State Fair, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 36.

AN ACT

Making It Unlawful for Any Corporation, Organized or Doing Business in the State to Contribute Money or Anything of Value to Influence Elections or Official Actions, and Providing Penalties for Any Violation of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. It shall be unlawful for any corporation, organized or doing business in the State to make any contribution of money or anything of value for the purpose of influencing any election or official action.

Sec. 2. Any such corporation, its officers or agents acting on behalf thereof, violating any of the provisions of this Act shall be punishable by a fine of not less than Five Hundred Dollars ($500.00) and not to exceed Two Thousand Dollars ($2000.00); and the agent, or agents, through whom any such violation shall be executed shall be punishable further by imprisonment in the State penitentiary for not less than One Year, and not to exceed Three years.

Approved June 15, 1912.

CHAPTER 37.

AN ACT

To Amend Paragraph 3741 (Sec. 9), of Chapter IX, Title LVI, Revised Statutes of Arizona, 1901, as Amended by Section 1, Chapter 48, of the Acts of the Twenty-fourth Legislative Assembly, Approved March 18, 1907.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That paragraph 3741 (Sec. 9), Chapter IX, Title LVI, Revised Statutes of Arizona, 1901, as amended by Section 1, Chapter 48, of the Acts of the Twenty-fourth Legislative Assembly of the Territory of Arizona, approved March 18, 1907, be, and the same is hereby amended to read as follows:

3741. (Sec. 9). The Board of Control shall appoint a Superintendent of said Industrial School, whose salary shall be fixed by said Board of Control, not to exceed Eighteen Hundred Dollars ($1800.00) per annum. Said board shall also appoint an Assistant Superintendent of said Industrial School, whose salary shall be fixed by said board, not to exceed One Thousand Dollars ($1000.00) per annum. Said

board shall also appoint such other officers and assistants as the wants of the institution shall from time to time require, and shall prescribe their duties, and fix such salaries as may be deemed reasonable.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 15, 1912.

CHAPTER 38.

AN ACT

To Make An Appropriation for Improvements, Purchase of Land, Furniture, and Repairs, for the Tempe Normal School, and for Obtaining Plans and Specifications for a New Building.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That in addition to all other sums heretofore appropriated, there be and is hereby appropriated the sum of Nineteen Thousand Five Hundred Dollars ($19,500.00), to be raised by tax levy, said sum to be expended by the Board of Education of the Tempe Normal School for improvements of, and for the purchase of land and furniture for, the Tempe Normal School, as hereinafter provided; said taxes when collected to be placed by the State Treasurer in the Tempe Normal School Building Fund. The Board of Education of the Tempe Normal School is hereby authorized and directed to expend said Nineteen Thousand Five Hundred Dollars ($19,500.00), accruing to the credit of said Tempe Normal School Building Fund, in its discretion, for the construction, furnishing, equipment, and repairs of such building or buildings, either detached or connected with the main building of said

School, for a new boiler, cess-pool, and furniture, and for the purchase of land and for the obtaining of plans and specifications for a new building, such plans and specifications to be accompanied by bids, and for the making of such other improvements as may be deemed expedient. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims approved and allowed by the Board of Education of the Tempe Normal School, under the provisions of this Act, from the Tempe Normal School Building Fund, and the State Treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State institution, to-wit, the Tempe Normal School, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 39.

AN ACT

To Make Appropriations for the Improvement of the State Asylum for the Insane.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That in addition to all other sums heretofore appropriated, there be and is hereby appropriated the sum of Fifteen Thousand Dollars ($15,000.00), to be raised by tax levy, said sum to be expended by the Board of Contral

for improvements at the Asylum for the Insane as hereinafter provided; said taxes when collected to be placed by the State Treasurer in a fund to be known as the Asylum for the Insane Improvement Fund. The Board of Control is hereby authorized and directed to expend said Fifteen Thousand Dollars ($15,000.00), or so much thereof as may be necessary accruing to the credit of the Asylum for the Insane Improvement Fund, in its discretion, for such general improvements and buildings for the Asylum for the Insane as it may deem expedient. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims approved and allowed by said Board of Control under the provisions of this Act, from the Asylum for the Insane Improvement Fund, and the State Treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 2. Whereas, the provisions of this Act are necessary for the support and maintenance of a State institution, to-wit, the Asylum for the Insane, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 15, 1912.

CHAPTER 40.

AN ACT

To Make Appropriation for the Expenses of Judges of the Superior Court When Sitting as Judges of the Supreme Court.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Seven Hundred Dollars ($700.00), or so much thereof as is necessary, is hereby appropriated

from the general fund to pay the expenses of Judges of the Superior Court when sitting as Judges of the Supreme Court, for the period commencing February 14, 1912, and ending June 30, 1913.

Sec. 2. Any Judge of the Superior Court when called upon to sit as Judge of the Supreme Court shall file his claim for expenses under the provisions of this Act, accompanied by proper vouchers, with the State Auditor, after having sat as said Judge of the Supreme Court, and such claims shall be audited and allowed by the State Auditor, who shall have the right to reject any voucher or claim which, in his judgment, does not constitute a proper or legal charge against the State, and the State Auditor is hereby authorized and directed to draw his warrant in payment of the expenses specified in this Act, upon the general fund, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 3. Whereas, the provisions of this Act are necessary for the support and maintenance of a Department of State, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 18, 1912.

CHAPTER 41.

AN ACT

Making Appropriation to Pay the Salary, Office Expenses, and Clerk Hire of the State Inspector of Weights and Measures.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby appropriated out of the general fund the sum of Two Thousand Dollars ($2,000.00) to pay

the salary of the State Inspector of Weights and Measures for the fiscal year commencing July 1, 1912, and ending June 30, 1913.

Sec. 2. There is hereby appropriated out of the general fund the sum of One Thousand Two Hundred Dollars ($1,200.00) to pay the salary of a clerk for the Inspector of Weights and Measures for the fiscal year commencing July 1, 1912, and ending June 30, 1913.

Sec. 3. There is hereby appropriated out of the general fund the sum of Eight Hundred Dollars ($800.00) for the purpose of paying traveling expenses and official expenses of the State Inspector of Weights and Measures for the fiscal year commencing July 1, 1912, and ending June 30, 1913.

Sec. 4. The State Auditor is hereby authorized and directed to draw his warrants for the payment of the salary and expense accounts as herein provided, upon the general fund, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 5. Whereas, the provisions of this Act are necessary for the support and maintenance of a Department of State, to-wit, State Inspector of Weights and Measures, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 18, 1912.

CHAPTER 42.

AN ACT

Amending Paragraph 2354, (Sec. 83), of Chapter VII, Title XX, Revised Statutes of Arizona, 1901, Relating to the Opening and Closing of the Polls.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 2354 (Sec. 83), of Chapter VII, Title XX, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

2354. (Sec. 83.) The polls shall be opened in every precinct not earlier than Five o'clock nor later than Six o'clock A. M. on the day of the election, and shall be closed at Six o'clock P. M. The Inspector shall cause the election marshal to make proclamation of the opening of the polls; also to make proclamation of the closing of the polls one hour and thirty minutes before closing; fifteen minutes before closing; and at the moment of closing the polls. The inspector and two judges shall determine between them when the hour for closing the polls has arrived; Provided, that any person who may at the moment of closing be within the polling place shall be allowed ten minutes in which to fill out and deposit his ballot, the same as if the polls were still open.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 18, 1912.

CHAPTER 43.

AN ACT

To Make An Appropriation to Pay the Salary, Office Expenses and Traveling Expenses of the State Examiner for the Fiscal Year Commencing July 1, 1912, and Ending June 30, 1913.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby appropriated out of the general fund the sum of Two Thousand Five Hundred Dollars ($2,500.00), to pay the salary of the State Examiner for the fiscal year commencing July 1, 1912, and ending June 30, 1913.

Sec. 2. There is hereby appropriated out of the general fund the sum of One Thousand Six Hundred Dollars ($1,600.00), to pay the necessary expenses of the office of the State Examiner, including his traveling expenses, stationery, and all other expenses thereof, for the fiscal year commencing July 1, 1912, and ending June 30, 1913.

The State Examiner shall file his claim for expenses with the State Auditor at the end of each month, accompanied by proper vouchers, and such claims shall be audited and allowed by the State Auditor, who shall have the right to reject any voucher or claim which, in his judgment, does not constitute a proper or legal charge against the State. All of said accounts shall be verified, and the form of said accounts and the verification thereof may be prescribed by the State Auditor.

Sec. 3. The State Auditor is hereby authorized and directed to draw his warrants in payment of the salary and expense account as herein provided, upon the general fund, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 4. Whereas, the provisions of this Act are necessary for the support and maintenance of a department of State, to-wit, the office of the State Examiner, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 18, 1912.

CHAPTER 44.

AN ACT

To Amend Paragraphs 811, 812, 813, 815 and 816 of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, Concerning Foreign Insurance Companies.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 811 (Sec. 51) of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

811 (Sec. 51) First, filed its articles of incorporation with the Corporation Commission of the State of Arizona, and shall also file with the County Recorder of each county in which it transacts any business, a lawful appointment of an agent, who shall be a resident of such county, upon whom all notices and processes, including service of summons may be served, and when so served, shall be deemed taken and held to be a lawful personal service on such company for all purposes whatsoever.

Sec. 2. That Paragraph 812 (Sec. 52) of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

812. (Sec. 52) Second, filed with the Corporation Commission of the State of Arizona, a statement under oath, showing:

1. The name and locality of the Company.
2. The amount of capital stock;
3. The capital stock paid up;
4. The amount of its accumulations and assets and liabilities;
5. Surplus as to policy holders.

When the foregoing provisions are complied with by the insurance company, the Corporation Commission of the State is authorized and directed to issue a certificate of authority to such insurance company to transact the business of insurance in this State.

And if any company shall, without the consent of the other party to any suit or proceeding brought by or against it in any court of this State, remove said suit or proceeding to any Federal court, or shall institute any suit or proceeding against any citizen of this State in any Federal court, it shall be the duty of the Corporation Commission forthwith to revoke all authority to such company and its agents to do business in this State, and to publish such revocation in some newspaper of general circulation published in the State.

Sec. 3. That Paragraph 813, (Sec. 53) of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

813. (Sec. 53) The statement referred to in the foregoing section shall be renewed annually, commencing in the year 1913, in the month of July of each year at the time of filing their annual report and making payment of their annual registration fee as provided by law. The first statement may be made at any time. Upon filing such renewed statement the company shall also file therewith a statement under oath of the sum total of the premium receipts collected within this State for the period elapsing since the filing of the previous

statement, and shall cause such statement to be published in at least one newspaper published within the State, and thereupon the Corporation Commission of the State shall levy a tax of two per cent upon said gross premium receipts, which shall be paid by said company to the Corporation Commission of the State before any certificate of authority can issue; the said tax to go to the school fund of the State, and which tax shall be payment in full of all demands of any tax on said company in the State of Arizona.

Sec. 4. That Paragraph 815 (Sec. 55) of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

815 (Sec. 55) The Corporation Commission of the State shall be entitled to the following fees herein;

For filing statement mentioned in Section 52 of this Chapter	$5.00
For issuing certificate of authority	5.00
For issuing such subsequent certificate of authority to other agents of same company	2.00
For filing articles of incorporation	10.00
For printing statement in newspaper	2.50

Sec. 5. That Paragraph 816 (Sec. 56) of Chapter IV, Title XIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

816 (Sec. 56) It shall be the duty of the Corporation Commission of the State to furnish each of the county recorders of this State, quarterly, a certified statement of all companies, corporations, or associations, doing business in this State under and by authority of this Title, and such certificate shall be posted in the office of such county recorder for the inspection of the public.

That all books, papers, documents, files, and filing cases, now in the office of the Secretary of State in any way relating to foreign insurance companies under the laws of this State, transacting business in this State, shall be at once delivered by the Secretary of State to the Corporation Commission.

All filings of statements filed with the Secretary of State under the heretofore existing law shall be considered as a filing of said statement with the Corporation Commission and all certificates of authority to foreign insurance companies heretofore issued by the Secretary of State since the 14th day of February, 1912, shall be deemed and considered as issued by the Corporation Commission.

Sec. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

WHEREAS, this Act requires early operation in order to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage, and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 18, 1912.

CHAPTER 45.

A BILL
for
AN ACT

Making It Unlawful for Any Person Holding Public Office in the State, Except Members of the National Guard of Arizona traveling under orders, to Accept or Use a Pass or to Purchase Transportation from Any Railroad or Other Corporation Than As Such Transportation May Be Purchased by the General Public, and Providing a Penalty for Any Violation of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. It shall be unlawful for any person holding a public office in this State to accept or use a pass or to pur-

chase transportation from any railroad or other corporation, other than as such transportation may be purchased by the general public; Provided, that this shall not apply to members of the National Guard of Arizona traveling under orders.

Sec. 2. Any person violating any of the provisions of this Act shall be punishable by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or imprisonment in the county jail for not less than Six (6) Months nor more than One (1) Year or both such fine and imprisonment, in the discretion of the court.

Sec. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 18, 1912.

CHAPTER 46.

AN ACT

To Make An Appropriation for the Purpose of Paying the Salaries of the Members of the Land Commission, the Salary of the Secretary of the Land Commission, and the Salaries of Clerical Help in the Office of Said Land Commission, and to Make Appropriation for the Office Expenses, Traveling Expenses and Incidental Expenses of the Members of the Land Commission, All of Which Appropriations Constitute an Appropriation for the Land Commission for the State of Arizona, to Carry Out the Provisions of House Bill No. 120. Said House Bill No. 120 Being an Act of the First Legislature of the State of Arizona, Entitled, "An Act to Provide for a Method of Compliance With the Enabling Act of the United States Congress, and the Constitution of (of) the

State of Arizona, With Reference to the Selection, Disposition and Control of the Public Lands of Every Description Belonging to the State of Arizona", Approved May 20, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby appropriated the sum of Seven Thousand One Hundred and Twenty-five Dollars ($7,125.00) or so much thereof as may be necessary, out of the general fund of the State of Arizona, to pay the salaries of the three members of the State Land Commission, appointed by the Governor of the State of Arizona, for the period commencing June 1, 1912, and ending March 15, 1913; the sum of $2,375.00 to be paid to each of the said Commissioners during the said period.

Sec. 2. There is hereby appropriated out of the general fund of the State of Arizona the sum of Three Thousand Nine Hundred and Fifty Dollars ($3,950.00) or so much thereof as may be necessary, to pay the salary of the Secretary of the said Land Commission, and for such additional clerical and other help as may be required by the said Land Commission, for the period commencing June 1, 1912, and ending March 15, 1913.

Sec. 3. There is hereby appropriated out of the general fund of the State of Arizona such sums as may be necessary to pay the traveling expenses, office expenses, and incidental expenses of the members of the Land Commission of the State of Arizona, in carrying out the provisions of House Bill No. 120, said House Bill No. 120 being an Act of the First Legislature of the State of Arizona, entitled, "An Act to provide for a method of compliance with the Enbaling Act of the United States Congress, and the Constitution of the State of Arizona with reference to the selection, disposition and control of the public lands of every description belong-

ing to the State of Arizona", approved May 20, 1912, said amounts and said sums by this section appropriated to be expended between June 1, 1912, and March 15, 1913.

Sec. 4. The said Land Commissioners shall file their claims for salaries and expenses with the State Auditor at the end of each month, accompanied by proper vouchers, and such claims shall be audited and allowed by said Auditor. All of the said accounts shall be verified, and the form of said accounts and the verification thereof may be as prescribed by the State Auditor.

Sec. 5. The State Auditor is hereby authorized and directed to draw his warrants in payment of the salaries and expense accounts, as herein provided, upon the general fund, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 6. WHEREAS, it is essential that an immediate appropriation be made for the purpose of paying the salaries of the members of the Land Commission, and for the clerical and other help employed by them, and to provide for the payment of the traveling, office, and incidental expenses of the said Land Commission of the State of Arizona, and

WHEREAS, the provisions of this Act are necessary for the support and maintenance of a department of the State of Arizona, to-wit, the State Land Commission, an emergency is hereby declared, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 47.

AN ACT

To Make Appropriation to Pay the Salary of the Secretary to the Governor for the Period Commencing May 20, 1912, and Ending June 30, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Three Hundred Forty-six Dollars and Seventy-seven Cents ($346.77) is hereby appropriated out of the general fund to pay the salary of the Secretary to the Governor for the period commencing May 20, 1912, and ending June 30, 1912.

Sec. 2. The State Auditor is hereby authorized and directed to draw his warrant on the general fund for the amount of the appropriation in this Act specified, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 3. Whereas, the provisions of this Act are necessary for the support and maintenance of a Department of State, to-wit, the Governor's office, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 48.

AN ACT

Prohibiting the Charging or Collecting of Fees Against the State or Any County Thereof or the State Corporation Commission or the State Tax Commission in Any Action, Suit, or Proceeding, in Which Said State, County or State Corporation Commission or State Tax Commission is a Party.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No fee shall be charged against or collected from the State of Arizona or any County thereof or the State Corporation Commission of Arizona or the State Tax Commission of Arizona, in any action, suit, or other proceeding, in which said State, County, State Tax Commission of Arizona, or State Corporation Commission of Arizona is a party.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. WHEREAS, the provisions of this Act are necessary to preserve the public peace, health and safety and for the support and maintenance of the departments of the State, an emergency is hereby declared and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 49.

AN ACT

Making Appropriation for the Payment of the Salary of the Secretary of the State Board of Health, and the Salary of the Registrar of Vital Statistics, for the Year Ending June 30, 1913, and for Expenses of Said State Board of Health.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby appropriated out of the general fund the sum of One Thousand Dollars ($1,000.00) to pay the salary of the Secretary of the State Board of Health for the fiscal year commencing July 1st, 1912, and ending June 30th, 1913.

Sec. 2. There is hereby appropriated out of the general fund the sum of One Thousand Dollars ($1,000.00) to pay the salary of the Registrar of Vital Statistics for the fiscal year commencing July 1st, 1912, and ending June 30th, 1913.

Sec. 3. There is hereby appropriated out of the general fund the sum of Two Thousand Five Hundred Dollars ($2,-500.00) or so much thereof as is necessary for the purchase of official books, records, files, office supplies, and necessary office expenses of the State Board of Health for the fiscal year commencing July 1st, 1912, and ending June 30th, 1913.

Sec. 4. The State Auditor is hereby authorized and directed to draw his warrants in payment of salary and expense account as herein provided, upon the general fund, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 5. Whereas, the provisions of this Act are necessary for the support and maintenance of a Department of State, to-wit, the State Board of Health, an emergency is

hereby declared and this Act shall be in force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 50.

AN ACT

To Amend Paragraph 414 (Sec. 2.), Paragraph 415 (Sec. 3.), Paragraph 416 (Sec. 4.) of Chapter 1, Title VIII, Revised Statutes of Arizona, 1901; to Tax the Gross Premium Receipts of Surety Companies Doing Business in This State, With an Emergency Clause.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 414 (Sec. 2.) of Chapter 1, Title VIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

414 (Sec. 2.) That no company shall do business under the provisions of this Act until it shall, by a written power of attorney, appoint some person residing within the State of Arizona, and who shall be a citizen of said State, as its agent, upon whom may be served all lawful processes against such company and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the Corporation Commission of the State and with the County Recorder of each county wherein such company shall carry on its business, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this Act. If any such agent shall be removed or shall resign, die, become insane, be absent from the State, or shall be otherwise in-

capable of acting, it shall be the duty of such company to appoint another agent in his place, as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from the State, service of process may be had upon the Clerk of the Court wherein suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof, by mail, to the company, and state such fact in his return. A judgment, decree, or order of court entered or made after service of process as aforesaid,, shall be as valid and binding as if such company had been served with process in the county where suit is brought.

Sec. 2. That Paragraph 415 (Sec. 3.) of Chapter 1, Title VIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

415. (Sec. 3.) That every domestic company, before transacting any business under this Act, shall deposit with the Corporation Commission its articles of incorporation, and every foreign company, before transacting any business under this Act, shall file with the Corporation Commission a certified copy of its articles of incorporation, and such company, either foreign or domestic, shall also file in the office of said Corporation Commission a statement, subscribed and sworn to by its president and secretary, showing its assets and liabilities, and such other information as may be required by the Corporation Commission. If the said Corporation Commission shall be satisfied that such company has authority under its articles of incorporation to do the business provided for in this Act, and that it has a paid up capital of not less than $100,000, in cash, or its equivalent, has fully complied with the requirements of law for the transacting and doing of business within this State, and is able to keep and perform its contracts, the said Corporation Commission shall then grant authority in writing to such company to do business under this Act.

Sec. 3. That Paragraph 416 (Sec. 4.) of Chapter 1, Title VIII, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

416. (Sec. 4.) (a) That every such company, domestic or foreign, shall, in the month of June of each year, and at such other times as may be demanded by the Corporation Commission, file with the said Corporation Commission a statement, subscribed and sworn to by its president and secretary, showing its assets and liabilities and such other information as may be required by the Corporation Commission, and said Corporation Commission shall have the power, and it shall be its duty, to revoke the authority of any such company to transact any new business under this Act, whenever in its judgment such company is not solvent or is conducting its business in violation of this Act, or in violation of any rule of the Corporation Commission appertaining thereto. The Corporation Commission may institute inquiry at any time into the solvency of such company, and whenever it deems such company no longer sufficient surety, it shall give written notice of that fact to such company, by mail, registered, prepaid, and addressed to any agent of such company within this State, and shall also publish a notice to that effect in some newspaper published at the domicile of said Commission, which notice shall be published for a period of at least thirty (30) days, and upon the publication of such notice, additional security shall, by the judge, court, officer, or board having authority or jurisdiction in the premises, be required to be given by any principal whose recognizance, bond, or undertaking has been guaranteed by such company or upon whose recognizance, bond, or undertaking such company is a surety.

(b) Upon filing such annual statement in the month of June of each year, such company shall file therewith a statement, under oath, showing the sum total of the gross premium receipts collected within this State for the period of twelve (12) months next preceding the filing of said state-

ment, and shall cause such statement to be published in at least one daily newspaper published in the county in which the Commission has its domicile, and thereupon the corporation Commission of the State shall levy a tax of two per centum (2%) upon said gross premium receipts, which said tax shall be paid by such company to the Corporation Commission of the State before any certificate of authority can issue, the said tax to go to the State School Fund, and said tax shall be payment in full of all demands of any tax on said company for conducting such surety business in the State of Arizona.

(c) Such company shall pay, and the said Corporation Commission shall charge, collect, and receive as fees for matters required to be performed herein, the following:

Fees for filing statement.....$5.00
Issuing certificate of authority.....$5.00
Each additional certificate of authority issued to other agents of same company.....$2.00
Printing statement in newspaper as required by Sec. 3 of this Act.....$2.50

The fees designated herein are exclusive of fees required to be paid by corporations under any law heretofore enacted.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 5. Whereas, the Constitution of the State of Arizona prescribes that all articles of incorporation shall be filed with the Corporation Commission, and,

Whereas, the existing laws of the State of Arizona conflict with said provisions of said Constitution in that they provide that all articles of incorporation shall be filed otherwise than with the Corporation Commission, and,

Whereas, it is essential that immediate provisions be made to give the Corporation Commission power to receive filings of the articles of incorporation of companies, and to collect fees therefor, and to carry on the business relative to

corporations heretofore conducted by the other departments of the State government, and,

Whereas, this Act requires early operation to preserve the public peace, health, and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 51.

AN ACT

Providing for Printing and Publishing the Acts of the Regular Session of the First Legislature; for Printing and Publishing the Acts of the Special Session of the First Legislature; for Printing and Publishing the Journals of Said Sessions of the First Legislature; Providing for Distributing the Same, and Providing Appropriations Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Secretary of State shall cause to be printed and published the Acts of the first and second sessions of the First Legislature of the State of Arizona.

Sec. 2. Said Acts shall be printed on pages approximately five and three-quarters by eight and three-quarters (5¾ x 8¾) inches in size. The stock to be used shall be finished book paper of weight equivalent to 48 pounds to the ream, of sheets size twenty-four by thirty-six (24 x 36) inches. The body of the book shall be set in 10-point Roman type; the lines to be twenty-four (24) ems pica in length and single lead-

ed. Index shall be set in 8-point Roman type. Not more than Two Thousand (2000) copies shall be printed, Two Hundred (200) copies of which shall be bound in full law calf, and all other copies shall be bound in paper.

Sec. 3. The Secretary of State shall cause to be printed and published the journals of the first and second sessions of the First Legislature of the State of Arizona.

Sec. 4. Said Journals shall be printed on pages approximately five and three-quarters by eight and three-quarters (5¾ x 8¾) inches in size. The stock to be used shall be finished book paper of weight equivalent to forty-eight (48) pounds to the ream of sheet size twenty-four by thirty-six (24 x 36) inches. The body of the book shall be set in 10-point Roman type, the lines to be twenty-four (24) ems pica in length and to be single leaded. The index shall be set in 8-point Roman type. Five hundred (500) copies shall be printed and bound in paper.

Sec. 5. When the manuscripts of the session laws and the journals have been prepared for publication, the Secretary of State shall call for competitive bids for printing and binding same, and he shall award the printing thereof to the lowest, best, and most responsible bidders; provided, however, that the Secretary of State shall have power to reject any and all bids and again call for competitive bids for such publication and binding; provided, further, that the Secretary of State is hereby given discretion to call for bids for said printing separately from said binding, and he may award separate contracts for each.

Sec. 6. For the purpose of defraying the cost of printing and publishing said session laws and journals, the Secretary of State is hereby authorized to draw upon the general fund in favor of any contractor as herein provided; the State Auditor is hereby authorized and directed to draw his warrant, specifying thereon the purpose for which it is drawn,

in payment for such publication; and the State Treasurer shall pay the same from any funds in the general fund not otherwise appropriated.

Sec. 7. Immediately after publication the Secretary of State shall send, at the expense of the State, bound volumes of the Acts of the first and second sessions herein provided for as follows: To the Governor, Judges of the Supreme Court, the Attorney-General, State Engineer, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, The Corporation Commission, The Tax Commission, The Land Commission, The Fair Commission, each one copy; to the Superior Court of each county, the Board of Supervisors, the County Attorney, the Treasurer, the Sheriff, the Assessor, the Recorder, the County School Superintendent, and to each Justice of the Peace, for the use of his office and to be transmitted to his successor in office, each one copy; to each State Senator and Representative and to the Secretary of the Senate and Clerk of the House of the Legislature which enacted said Acts, one copy each; to the Library of Congress, two copies; to the State University and Normal Schools, each one copy; to each State and Territory which practices like comity with this State, one copy; and to effect exchanges with foreign governments, twenty-five copies; to the United States court and to the United States District Attorney for this district, and to his assistants, one copy each. The Clerk of the Board of Supervisors of each county shall, within one month after the adjournment of the Legislature, forward to the Secretary of State a statement containing the names and addresses of all officers in his county entitled by law to receive a copy of the Acts of the Legislature.

Sec. 8. The Secretary of State shall distribute, at the expense of the State, bound copies of the journals of the Legislature as follows: to each member of the Legislature of which such journals are the record, one copy; to the Governor, Attorney-General, Secretary of State, State Auditor,

State Treasurer, Superintendent of Public Instuction, the Judges of the Supreme Court, the members of the Corporation Commission, each one copy; to the Library of Congress, two copies; to the University and the Normal Schools, each one copy; to each State and Territory which prcatices (practices) like comity with this State, one copy; and to effect exchanges with foreign governments, twenty-five copies.

Sec. 9. All public documents shall be delivered to and receipted for by the Secretary of State. When distributed according to law his records shall show the number of documents delivered, to whom delivered and the date of delivery.

Sec. 10. The Secretary of State shall indelibly mark each book delivered to officers in this State (except members of the Legislature) with the name of the county to which, and the official designation of the officer to whom it is sent. Such books shall remain the property of the State and shall be, by the officers receiving them, delivered to their successors.

Sec. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 12. Whereas, an early operation of this Act is necessary for the public peace, health, and safety, an emergency is hereby declared and this Act shall take effect and be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 19, 1912.

CHAPTER 52.

AN ACT

Providing for the Sale of Water, Gas, and Electricity by Meter Measurement; for Inspection of Water, Gas, and Electric Meters, and Prescribing Additional Powers and Duties of the State Inspector and City Sealers of Weights and Measures.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. In addition to the powers and duties vested in the State Inspector and City Sealers of Weights and Measures by an Act of the First Legislature of the State of Arizona, entitled "An Act creating the office of State Inspector and City Sealers of Weights and Measures, defining the powers and duties of such Inspectors and Sealers, providing for the inspection and sealing of weights, measures, weighing and measuring devices; defining the standards and weights and measures to be used, regulating the weighing and measuring of merchandise and commodities sold, and offered for sale in the State of Arizona, and providing penalties for the violation of this Act," approved May 28, 1912, they shall have the powers and perform the duties provided in this Act.

Sec. 2. It shall be the duty of the State Inspector of Weights and Measures, in unincorporated or incorporated cities or towns with a population of not more than five thousand nor less than one thousand inhabitants, according to the latest official State or United States census, at least once in every two years, and as much oftener as he may deem necessary, to test the accuracy of every meter used or to be used in the measuring of any water, electricity or gas furnished or to be furnished to the consumer through such meter. If the meter tested shall, upon test thereof by the Inspector, be found to measure too fast or too slow by as

much as three per centum (3%), such meter shall be condemned by him and shall not be again used or used at all until corrected and made to measure accurately. Unless any water, gas, or electric meter is made to conform with the standard of such State Inspector within thirty days after the date of the condemnation by such Inspector, the said State Inspector is not required to re-test such condemned water, gas, or electric meter for a period of one year thereafter.

The State Inspector shall keep in a book, together with a card index system to be furnished him by the State, a complete list of all meters inspected and tested by him, the name of the person, firm, or corporation owning the same, the name of the furnisher of the water, gas, or electricity, the name of the consumer thereof, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

Sec. 3. He shall, upon the written request of any citizen, firm, or corporation, or educational institution in the State, test any water, gas, or electric meters used as Standards in the State. He shall, at least once every year, test all water, gas, and electric meters used in any institution for the maintenance of which moneys are appropriated by the Legislature, and he shall report in writing his findings to the supervisory board and to the executive officers of the institution concerned.

Sec. 4. It shall be the duty of the City Sealer in unincorporated or incorporated cities of not less than five thousand population, according to the latest official State or United States census, at least once in every two years, and as much oftener as may in his judgment be necessary, or whenever requested in writing by either the furnisher of water, electricity, or gas, or by the consumer of the same, to test the accuracy of any meter used or to be used in the measuring of any water, electricity, or gas, furnished or to be furnished to the consumer through such meter. If the

meter tested shall, upon test thereof by the Sealer, be found to measure too fast or too slow by as much as three per cent. (3%), such meter shall be condemned by him, and the owner or owners of the same shall be notified of the condemnation at the time when such condemnation is made by the City Sealer, and such meter shall not be again used or used at all until corrected and made to measure accurately.

The City Sealer shall keep in a book, together with a card index system to be furnished him by the City, a complete list of all meters inspected and tested by him, the name of the person, firm or corporation owning the same, the name of the furnisher of the water, gas, or electricity, the name of the consumer thereof, and the date and result of all inspections, and shall at all times keep the same open to the inspection of the public.

Sec. 5. Where water, electrical energy, or illuminating gas is or shall hereafter be sold for the purpose of lighting, heating, or other domestic uses, in the State of Arizona, the same shall be furnished, sold, delivered, charged, and paid for by meter measurement, if the consumer shall so request of the furnisher; and the meter to be used in measuring the same shall be of standard make, and may be furnished and installed in position for use by either the furnisher of the water, electricity, or gas, or by the consumer of the same.

Sec. 6. It shall be unlawful for any person, firm, or corporation, in any city having a City Sealer of Weights and Measures, to install any water, electric, or gas meter, for measuring water, electricity, or gas for purposes of lighting, heating, or other commercial or domestic uses, without first having had such meter tested by the City Sealer of Weights and Measures.

Sec. 7. It shall be unlawful for any person, firm, or corporation, to sell and deliver, charge and collect for, or pay for, water, electrical energy, or illuminating gas, used or to be used for lighting, heating, or other commercial or domes-

tic purposes, except by meter measurement, if the consumer shall request that the same be sold by meter measurement; or to charge and collect for, or pay for, a greater amount of such water, electrical energy, or illuminating gas, than actually furnished during the period for which the charge was made; Provided, however, that an allowance of not exceeding three per centum (3%) may be made for inaccuracy in meter measurement.

Sec. 8. It shall be unlawful for any person, firm, or corporation to use any water, electric, or gas meter which shall have been tested and condemned by the State Inspector or City Sealer of Weights and Measures, for the purpose of measuring water, electricity, or gas, without first having had the same corrected and made to record the measurement of the same accurately.

Sec. 9. In cities having a Sealer of Weights and Measures, where water, illuminating gas, or electrical energy is or shall hereafter be sold, every person, firm, or corporation funishing such water, gas, or electricity shall file at the office of the City Sealer a complete written list of the readings of all water, gas, or electric meters, together with the individual meter numbers, and the address of the premises upon which such meter is located, upon the day such readings are made.

Sec. 10. The fee for making the test of any water, gas, or electric meter shall be the sum of One Dollar ($1.00), and shall in all cases be advanced and paid by the party demanding the test, but in case the meter be one already in use and be found to be measuring too fast by as much as three per centum (3%), the Inspector or Sealer shall return the fee to the consumer if same was advanced by him, and the same shall be and become a lawful charge against the furnisher, and the Inspector or Sealer shall collect the fee from the said furnisher of water, gas, or electricity.

Sec. 11. Any person, firm, or corporation, or any agent or employee thereof, violating any of the provisions of this

Act shall, upon conviction thereof, be punished by a fine of not less than Ten Dollars ($10.00), nor more than Two Hundred and Fifty Dollars ($250.00), or by imprisonment in the county jail for not less than One (1) Day nor more than Ninety (90) Days, or by both such fine and imprisonment.

Sec. 12. The continuance of such violation from day to day shall be deemed a separate offense as to each day on which such violation is continued.

Sec. 13. Such State Inspector and City Sealer of Weights and Measures shall be under the direction and control of the Corporation Commission in all functions connected with the inspection of water, gas, and electric meters, as herein provided.

Sec. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 19, 1912.

CHAPTER 53.

AN ACT

To Fix the Salary of the Assistant Secretary of State.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Assistant Secretary of State shall receive a salary of Two Thousand Four Hundred Dollars ($2,400.00) per annum.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 20, 1912.

CHAPTER 54.

AN ACT

Amending Paragraph 3568 (Sec. 6) of Chapter 1, Title 56, Revised Statutes of Arizona, 1901, Relating to Clerk Hire and Office Expense of the Board of Control of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 3568 (Sec. 6) of Chapter 1, Title 56, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

"3568 (Sec. 6) Said board shall be provided with an office at the State Capitol, which shall be in the State Auditor's office, and shall hold thereat regular meetings at least once in each month for the transaction of business, and shall be furnished with all necessary blanks and blank books, and extra clerk hire for the proper discharge of their duties at an expense not to exceed nine hundred dollars per annum. On or before the 31st day of December in each year, said board shall make a full and detailed report to the Governor of the expenses of each separate institution, together with an itemized statement of individual expenses incurred while in discharge of their several duties as members of said board, and the Governor shall lay the same before the Legislature at its next session, together with an estimate of the cost of maintaining each separate institution for the then ensuing two years. Said board shall also have the power to appoint a clerk for the said board of control who shall receive a salary of One Hundred Dollars ($100.00) per month.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas, an immediate operation of the provisions of this Act is necessary for the support and maintenance of a State institution, an emergency is hereby de-

clared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 55.

AN ACT

Making an Appropriation for the Payment of Certain Expenses Incurred in and About the Canvass of the Votes Cast at the Primary Election Held on October 24, 1911, in the Then Territory of Arizona.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The sum of Eleven Dollars and Seventy-five cents ($11.75) is hereby appropriated out of the general fund of the State of Arizona to reimburse Homer R. Wood for certain expenses incurred by him in and about the canvass of the votes cast at the primary election for Representative in Congress and for State officers, held on October 24, 1911. The State Auditor is hereby authorized and directed to draw his warrant on the general fund for said sum, payable to Homer R. Wood, and the State Treasurer is hereby authorized and directed to pay said warrant out of the general fund.

Sec. 2. The sum of Twenty-nine Dollars and Sixty Cents ($29.60) is hereby appropriated out of the general fund of the State of Arizona to reimburse Fred L. Ingraham for certain expenses incurred by him in and about the canvass of the votes cast at the primary election for Representative in Congress and for State officers, held October 24, 1911. The State Auditor is hereby authorized and directed to draw his

warrant on the general fund for said sum, payable to Fred L. Ingraham, and the State Treasurer is hereby authorized and diercted to pay said warrant out of the general fund.

Sec. 3. The sum of Thirty-eight Dollars and Fifty-five Cents ($38.55) is hereby appropriated out of the general fund of the State of Arizona to reimburse George U. Young, for certain expenses incurred by him in and about the canvass of the votes cast at the primary election for Representative in Congress and for State officers, held on October 24, 1911. The State Auditor is hereby authorized and directed to draw his warrant on the geenral fund for said sum, payable to George U. Young, and the State Treasurer is hereby authorized and directed to pay said warrant out of the general fund.

Sec. 4. The sum of Thirty-five Dollars ($35.00) is hereby appropriated out of the general fund for the payment to George U. Young for fourteen certificates of names entitled to be placed on the ballot at the primary election held October 24, 1911, and so certified to the several counties. The State Auditor is hereby authorized and directed to draw his warrant on the general fund for the sum of Thirty-five Dollars ($35.00) in favor of George U. Young, and the State Treasurer is hereby authorized and directed to pay said warrant out of the general fund.

Approved June 20, 1912.

CHAPTER 56.

AN ACT

To Amend Sec. 4. of House Bill No. 120, passed at the regular session of the First State Legislature, being an Act entitled: "An Act to Provide for a Method of Compliance With the Enabling Act of the United States Con-

gress and the Constitution of the State of Arizona, with Reference to the Selection, Disposition and Control of the Public Lands of Every Description", approved May 20, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Sec. 4. of House Bill No. 120, passed at the regular session of the First State Legislature, being an Act entitled: "An Act to provide for a method of compliance with the Enabling Act of the United States Congress and the Constitution of the State of Arizona, with reference to the selection, disposition and control of the public lands of every description", approved May 20, 1912, be and the same is hereby amended to read as follows:

"Sec. 4. It shall be the duty of said Board of Land Commissioners to make a thorough examination of the public lands within the State of Arizona, and to make a record of their examination, together with any other information relating to said lands; the purpose of such examination being to ascertain, as nearly as may be, the character and value of the various bodies of land constituting the public land within the State of Arizona; to classify the same as agricultural, mineral, timber, etc.; to obtain all possible information with reference to such lands as are irrigable, describing them fully and adequately, and in case of agricultural lands giving the number of acres in cultivation and the value thereof; and such report shall be based upon examination from actual inspection of said land. It shall be the duty of the said Board of Land Commissioners, from time to time, as provided herein, to include in their report to the Governor, recommendations, pointing out such lands as, in the opinion of the Board, are desirable for selection by the State from the body of public lands; the said Land Commissioners, at the end of each month during their continuance in office, shall file a report covering the work performed by them; and the said Board, at a date not less

than thirty days before the convening of the next session of the Legislature, shall file a final report, giving a complete summary of all their preceding reports; all of said reports herein referred to shall be sworn to, and subscribed by, the members of the Board of Land Commissioners, and filed in the office of the Governor; and it shall be the duty of the Governor to submit the same to the next Legislature, with such recommendations relating thereto, having for their purpose the establishment of a permanent policy for handling the public lands of this State, as may seem to him to be for the best interests of the State. The Governor shall also cause all of the reports made by the Board of Land Commissioners, and filed in his office, to be presented to the next Legislature for its use in determining upon a permanent policy and plan for holding and disposing of public lands, belonging to this State, which have already been selected or acquired, and which are hereafter to be selected in accordance with the terms of the Enabling Act.

It shall also be the duty of the said Board of Land Commissioners to determine the character and value of the improvements on the public lands of every description, including School lands, of the State of Arizona, heretofore leased, and cause the same to be properly appraised, and to cause such appraisement to be embodied in the report referred to in the previous section hereof, giving such information as will afford the next Legislature ample means of knowledge for properly and adequately providing a systematic method for handling the public lands of the State, and for the equitable adjustment of the reciprocal rights of the lessee, residing on any of said land, and of the State.

In order to carry out the purpose and intent of this Act, said Board of Land Commissioners shall have power to summon witnesses to appear and give testimony, and to compel said witnesses to produce records books, papers, and documents relating to any subject or matter with (which) the said Commission shall have the authority to investigate or deter-

mine; to cause the deposition of witnesses residing within or without the State, or absent therefrom, to be taken upon notice to the interested parties, if any, in like manner as depositions of witnesses are taken in civil actions pending in the Superior Court, in any matter which the Commission shall have authority to investigate or determine.

Any member of the Commission may administer oaths to witnesses. In case any witness shall fail to obey the summons to appear, or refuse to testify, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00). Any person who shall tetstify falsely, under oath, shall be guilty of, and punished for perjury.

It shall be the duty of the various Boards of Supervisors of the State, and of the Clerks of said Boards, to furnish all information desired by the said Commission relating to any subject or matter which said Commission shall have the authority to investigate or determine."

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas, it is essential that the Board of Land Commissioners should have the power and authority to summon witnesses and to require the various Boards of Supervisors of the State and the Clerks of said Boards to furnish all information desired by the said Commission relating to their duties; and,

Whereas, the laws heretofore enacted relating to the said Land Commission do not empower said Commission to summon witnesses or to require the Boards of Supervisors of the various counties and Clerks of said Boards to furnish information to the said Land Commission; and,

Whereas, unless this law is made immediately operative, the State of Arizona may lose valuable public lands which it is now privileged to select; and,

Whereas, an early operation of this Act is necessary to preserve the public peace, health, and safety, an emergency is hereby declared and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 57.

AN ACT

To Make Appropriation to Pay the Salary of Persons Appointed by the Bank Comptroller for the Purpose of Making Examinations of Banks, Building and Loan Companies, or Associations Doing Business in the State of Arizona; or Any Other Company, Society, or Association, Coming Under the Provisions of Paragraph 131 (Sec. 131), Chapter 7, Title 1, Revised Statutes of Arizona, 1901, as Amended by Chapter 33, of the Session Laws of the Twenty-Third Legislative Assembly of the Territory of Arizona, Approved March 16, 1905.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The sum of Two Thousand Five Hundred Dollars ($2500.00), or so much thereof as may be necessary, is hereby appropriated from the general fund for the purpose of paying the appointees of the Bank Comptroller, appointed for the purpose of making examinations of banks, building and loan companies, or associations doing business in the State of Arizona; or any other company, society, or association coming under the provisions of Paragraph 131, (Sec. 131), Chapter 7, Title 1, Revised Statutes of Arizona,

1901, as amended by Chapter 33, of the Session Laws of the Twenty-third Legislative Assembly of the Territory of Arizona, approved March 16, 1905. The Bank Comptroller is hereby authorized to pay said appointees such sum or sums, out of the appropriation herein named, as he may deem necessary for such examinations as are made during the fiscal year ending June 30, 1913.

Sec. 2. The State Auditor is hereby authorized to draw his warrant on the general fund for the sum herein appropriated, or such part of the same as may be necessary, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 3. Whereas, the provisions of this law are necessary for the support and maintenance of a State institution, to-wit, the office of the Bank Comptroller, an emergency is hereby declared, and this Act shall take effect and be in full force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 58.

AN ACT

Making Appropriation for the State Auditor's Office.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The sum of One Thousand Two Hundred Dollars ($1200.00), or so much thereof as is necessary, is hereby appropriated out of the general fund to pay the traveling expenses of the Auditor, while acting in the capacity of Bank Comptroller, for the fiscal year ending June 30, 1913.

Sec. 2. The sum of Two Thousand Six Hundred Seventy-seven Dollars and Forty Cents ($2,677.40), is hereby appropriated out of the general fund to pay the salary of the Deputy Auditor, for the period commencing May 20, 1912, and ending June 30, 1913.

Sec. 3. The sum of One Thousand Three Hundred Thirty-eight Dollars and Seventy Cents ($1,338.70), is hereby appropriated out of the general fund to pay the salary of the Warrant Registrar in the Auditor's Office, for the period commencing May 20, 1912, and ending June 30, 1913.

Sec. 4. The sum of One Thousand Three Hundred Thirty-eight Dollars and Seventy Cents ($1,338.70), is hereby appropriated out of the general fund to pay the salary of stenographer in the Auditor's office, for the period commencing May 20, 1912, and ending June 30, 1913.

Sec. 5. The sum of Two Thousand Eight Dollars and Eight Cents ($2,008.08), is hereby appropriated out of the general fund to pay for additional office assistance in the Auditor's office, for the period commencing May 20, 1912, and ending June 30, 1913.

Sec. 6. The State Auditor is hereby authorized and directed to draw his warrants upon the general fund of the State for the salary and expenses in this Act specified, and the State Treasurer is hereby authorized and directed to pay the same.

Sec. 7. Whereas, the provisions of this Act are necessary for the maintenance and support of a Department of State, to-wit, the Auditor's office, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 59.

AN ACT

To Amend Secs. 9, 17, and 23, of House Bill No. 63 of the First Legislature of the State of Arizona, Passed at the Regular Session of Said Legislature, Being an Act Entitled, "An Act Relating to Corporations and Providing a Method for the Organization of the Same Under the Laws of This State, Prescribing the Requirements, Duties, and Liabilities Thereof, and Prescribing the Conditions Under Which Corporations May Be Dissolved, Granting Powers to the Corporation Commission to Enforce the Provisions of This Act; and to Repeal Chapters I and II, Title XIII of the Revised Statutes of Arizona, 1901, Relating to Corporations and Corporations in General; to Repeal Paragraph 1324 (Sec. 115) of Chapter VI, Title XVII of the Revised Statutes of Arizona, 1901, Relating to Process and Returns; to Repeal Act No. 82, Session Laws of the Twenty-Second Legislative Assembly of Arizona, Concerning the Dissolution of Corporations, and to Repeal Act No. 88, Session Laws of the Twenty-Second Legislative Assembly of Arizona, to Amend Paragraphs 766 and 770 of the Revised Statutes of Arizona of 1901," Approved May 16, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Sec. 9 of House Bill No. 63 of the First Legislature of the State of Arizona, passed at the regular session of said Legislature, being an Act entitled: "An Act relating to corporations and providing a method for the organization of the same under the laws of this State, prescribing the requirements, duties, and liabilities thereof, and prescribing the conditions under which corporations may be dissolved, granting powers to the Corporation Commission to

enforce the provisions of this Act; and to repeal Chapters I and II, Title XIII of the Revised Statutes of Arizona, 1901, relating to corporations and corporations in general; to repeal Paragraph 1324 (Sec. 115.) of Chapter VI, Title XVII of the Revised Statutes of Arizona, 1901, relating to process and returns; to repeal Act No. 82, Session Laws of the Twenty-second Legislative Assembly of Arizona, concerning the dissolution of corporations, and to repeal Act No. 88, Session Laws of the Twenty-second Legislative Assembly of Arizona, to amend Paragraphs 766 and 770 of the Revised Statutes of Arizona of 1901," approved May 16, 1912, be and the same is hereby amended to read as follows:

"Sec. 9. Every corporation organized under the provisions of this title shall publish at least six times in some newspaper published in the county in which the principal place of business is located or works established, if there be one, and if not, in some newspaper having a general circulation in such county, a copy of its articles of incorporation, and, upon the expiration thereof, File an affidavit in the office of the Coproration (Corporation) Commission of Arizona, stating that such publication has been made according to law.

Any corporation organized under the laws of this State may commence business as soon as its articles of incorporation are filed for record in the office of the Corporation Commission, and a certified copy thereof recorded in the office of the County Recorder of the County where its principal place of business is to be, and a certificate of incorporation delivered to said company by the Corporation Commission. Its Acts shall be valid if the publication of its articles of incorporation is made and an affidavit thereof filed in the office of the Corporation Commission within three months after date of the recording of its articles in the office of the County Recorder. Said corporation shall have one or more known places of business, and an authorized agent or agents in the State upon whom processes may be served."

Sec. 2. That Sec. 17 of said House Bill No. 63, entitled as aforesaid, be and the same is hereby amended to read as follows:

"Sec. 17. Nothing herein shall exempt the stockholders of any corporation from individual liability to the amount of the unpaid installments on the stock owned by them or transferred to them for the purpose of defrauding creditors; and an execution against the corporation to that extent may be levied upon the private property of such individual or individuals."

Sec. 3. That Sec. 23 of said House Bill 63, entitled as aforesaid, be and the same is hereby amended to read as follows:

"Sec. 23. No person or persons to whom shares of stock in any corporation organized under the laws of this State have been or hereafter shall be transferred, or by whom such shares are held as security for money advanced thereon, or which are now or shall be held by any such person or persons as security for any indebtedness whatever, shall have the right to vote at any election, either general or special, called or held by such corporation for any purpose whatever; but the absolute right to vote and represent all stock in any such corporation transferred to or held by any person or persons as security for any money advanced thereon or for any other indebtedness whatever, at any election held by such corporation as aforesaid, shall belong to the person or persons who deposit or transfer such stock as security for any such indebtedness, and any vote cast by any person or persons holding shares of stock in any such corporation as aforesaid, as hereinbefore described, shall be absolutely void and of no effect. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he should be entitled to vote under its charter, multiplied by the number of directors or managers to be elected at such election; each shareholder may cast the whole number of votes, either in person or by proxy,

for one candidate, or distribute such votes among two or more of such candidates, and such directors or managers shall not be elected otherwise."

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 5. Whereas, the State Constitution provides that all articles of incorporation shall be filed with the Corporation Commission, and that the Corporation Commission shall have sole power to issue certificates of incorporation to companies organized under the laws of this State, and

Whereas, the State Constitution prescribes certain regulations in regard to the duties, requirements, and liabilities of corporations, not heretofore enacted into law, and

Whereas, it is essential that a general corporation act be immediately enacted to conform with the State Constitution, and

Whereas, this Act requires early operation in order to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 60.

AN ACT

Relating to Salaries for Chaplains of the State Penitentiary and Amending Paragraph 3577 (Sec. 2.) of Chapter II, Title LVI, of the Civil Code, of the Revised Statutes of Arizona, 1901, Said Chapter Relating to Territorial Prison.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That paragraph 3577 (Sec. 2) of Chapter II, of Title LVI, of the Civil Code, Revised Statutes of Arizona, 1901, be and the same is hereby amended to read as follows:

3577 (Sec. 2) Said Chaplains shall each receive an annual salary of Two Hundred Dollars ($200.00) to be paid at the same time and in the same manner as the salaries of the other employees of the State Prison are paid.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved June 20, 1912.

CHAPTER 61.

AN ACT

Granting Rights of Way to Public Service Corporations Under Regulation and Control of County Boards of Supervisors.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Every public service corporation organized or authorized under the laws of the State to do any transporta-

tion or transmission on business within the State, or any person or association of persons engaged in transportation or transmission business within the State, shall have the right to construct and operate lines connecting any points within the State and to connect at the State boundary with like lines; provided, that within the confines of municipal corporations the use and occupancy of streets, alleys or other thoroughfares shall be under such rights as may be acquired by franchises according to law, and subject to control and regulation by the municipal authorities; and, provided further, that the use of highways, roads and thoroughfares, except State highways, by public utilities not within the confines of any incorporated city, town or village shall be regulated by the Board of Supervisors of the county, by license or franchise for constructing and operating public utilities along, over and across the said public roads and highways, except State highways, and under such restrictions and limitations and upon such terms as such Board of Supervisors may provide, and not inconsistent with law or the order or rules of the Corporation Commission. Provided, however, that such Board of Supervisors in granting any such license or franchise, or at any time after the same is granted, shall have power to impose such restriction and limitations as to the use of such public roads as may be deemed best for the public safety or welfare; and provided further, that every franchise granted hereunder shall include provisions requiring the grantee thereof to bear all expenses, including damage and compensation for any alteration of the course, direction, surface, grade or alignment of any county road necessarily made by such grantee or by the county on behalf of such grantee, for the purpose of such franchise, and in the event that the surface of any county highway is used by any grantee for trackage, all such franchises granted hereunder shall include reasonable regulations for the maintenance by such grantee of such portion of the highway as may be so used.

Sec. 2. That the Board of Supervisors of any county before granting any of the privileges herein contemplated, shall give public notice of its intention to make such grant, by publishing such notice in some newspaper of general circulation, published within the county, for at least once a week for three weeks prior to the certain day set for the consideration of such action.

If on or before such date, more than fifty per cent (50%) of the qualified electors of such county, shall petition said Board of Supervisors to deny such privilege, they shall so act, and any privilege granted against the petition of more than fifty per cent (50%) of the qualified electors of any county, shall be void and of no effect.

Approved June 20, 1912.

CHAPTER 62.

AN ACT

To Prevent the Manufacture, Sale, or Transportation, of Adulterated, Mislabeled, or Misbranded, Foods and Liquors, and Regulating the Traffic Therein, Providing Penalties for the Violation of the Provisions of This Act, Establishing a State Laboratory for the Analysis of Foods, Potable Waters, Liquors, and Drugs, and Making an Appropriation for the Maintenance of Such Laboratory.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale, within the State of Arizona, or the introduction into this State from any other State, Territory, or the District of Co-

lumbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled or misbranded, within the meaning of this Act, is hereby prohibited. Any person, firm, company, or corporation, who shall import or receive from any other State or Territory or the District of Columbia or from any foreign country, or who, having received, shall deliver for pay or otherwise, or offer to deliver to any other person, any article of food or liquor, adulterated, mislabeled, or misbranded, within the meaning of this Act, or any person who shall manufacture, produce, prepare, compound, pack, sell, or offer for sale, or keep for sale, in the State of Arizona, any such adulterated, mislabeled, or misbranded, food or liquor, shall be guilty of a misdemeanor; provided that no article of food shall be deemed adulterated, mislabeled, or misbranded, within the provisions of this Act, when prepared for export beyond the jurisdiction of the United States, and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept, or offered for sale, for domestic use and consumption, then this proviso shall not exempt said article from the operation of any provisions of this Act.

Sec. 2. The term "food" as used in this Act shall include all articles (whether simple, mixed or compound) used for food, drink, liquor, confectionery, or condiment, by man or other animals.

Sec. 3. The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

Sec. 4. Food shall be deemed adulterated within the meaning of this Act, in any of the following cases: (1) If any substance has been mixed or packed, or mixed and packed, with any food, so as to reduce or lower or injuriously affect its quality, purity, strength or food value. (2) If any sub-

stance has been substituted wholly or in part for the article of food. (3) If any essential, or any valuable, constituent or ingredient of the article of food has been wholly or in part abstracted. (4) If said food be mixed, colored, powdered, coated or stained in any manner whereby damage or inferiority is concealed. (5) If said food contain any added poisonous or other added deleterious ingredient. (6) If said food consists in whole or in part of a filthy, decomposed, or putrid, animal or vegetable substance, or any portion of any animal or vegetable unfit for food, whether said food be manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided that an article of liquor shall not be deemed adulterated, mislabeled, or misbranded, if it be blended or mixed with like substance so as not injuriously to reduce, or injuriously to affect, its quality, purity or strength. (7) In the case of confectionery, if said confectionery contains terra-alba, barytes, talc, chrome yellow, or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor, compound, or narcotic drug. (8) If said confectionery does not conform to the standard of purity therefor as proclaimed by the Secretary of the United States Department of Agriculture.

Potable waters requiring bacteriological or chemical examination are included under the provisions of this Act.

Sec. 5. The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any false statement, design, or device, regarding such article, or regarding the ingredients, or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city, town, State, Territory, (or the District of Columbia) or foreign country, in which it has been manufactured, or produced.

Sec. 6. Food or liquor shall be deemed mislabeled or misbranded within the meaning of this Act in any of the following cases: (1) If it be an imitation of or offered for sale under the distinctive name of another liquor or article of food. (2) If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead the purchaser; or if it be falsely labeled in any respect, or if it purport (with intent to mislead the purchaser) to be a foreign product, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents placed in such package. (3) If when in package, and the contents are stated in terms of weight and measure, such weight and measure are not plainly and correctly stated on the outside of the package. (4) If the package containing it, or the label of said package, shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device, shall be false or misleading in any particular. (5) Unless when any package bears the name of the manufacturers, jobbers, or sellers, or the grade or the class, of the product contained therein, it bear the name of the real manufacturers, jobbers, or sellers, and the true grade or class of the product, same expressed in clear and distinct English words in legible type; provided that an article of food shall not be deemed misbranded, if it be a well known food product of a nature, quality, and appearance, and so exposed to public inspection, as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions of subdivisions one to four of this section. (6) If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description, or misrepresentation, which is false or misleading in any particular whatever; and in case of butter, eggs, and poultry, when offered or exposed for sale, if they have been kept or packed in cold storage, or otherwise preserved, unless they be so indicated by written

or printed label or placard plainly designating such fact, and the date of the placing in cold storage.

Sec. 7. The term "package" as used in this Act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box, or barrel, or any receptacle, vessel, or container, of whatsoever material or nature, which may be used by a manufacturer, producer, jobber, packer, or dealer, for enclosing any article of food.

Sec. 8. The possession of any adulterated, mislabeled, or misbranded article of food or liquor by any manufacturer, producer, jobber, packer, or dealer in, food, or broker, commission merchant, agent, employee, or servant, of any such manufacturer, producer, jobber, packer or dealer, shall be prima facie evidence of the violation of this Act.

Sec. 9. For the purpose of this Act there is hereby established a State Laboratory for the analysis and examination of foods, water supplies, and drugs, said Laboratory shall be under the supervision of a director, and shall be located in rooms set aside for the purpose by the University of Arizona.

The Board of Regents of the University of Arizona, acting in joint session with the Superintendent of Public Health, shall appoint a director of said Laboratory, who shall be a skilled pharmaceutical chemist or bacteriologist and analyst of foods, water supplies, and drugs. Said director shall perform all duties required by this Act and by the Board of Regents of the University of Arizona, acting in joint session with the Superintendent of Public Health

Sec. 10. The Superintendent of Public Health shall cause to be made by the director of the State Laboratory examinations and analyses of food and liquor on sale in Arizona, suspected of being adulterated, mislabeled, or misbranded, and he may appoint such agent or agents as he may deem necessary, and the sheriffs of the respective counties of the State are hereby appointed and constituted agents for the enforce-

ment of this Act, and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled, or misbranded food exists, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take from any person, firm, or corpoation, samples of any articles suspected of being adulaterated, mislabeled, or misbranded, and shall deliver or forward such samples to the said Director of the State Laboratory for examination and analysis.

Sec. 11. It shall be the duty of the Superintendent of Public Health whenever he has satisfactory evidence of the violation of any of the provisions of this Act, respecting the adulteration, mislabeling, or misbranding of foods, to report such facts to the County Attorney of the county where the law is violated, after the hearing provided in Sec. 16 of this Act.

Sec. 12. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the Superintendent of Public Health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer, upon conviction shall be punished by a fine of not less than Five Dollars ($5.00), nor more than Five Hundred Dollars ($500.00), or shall be imprisoned in the county jail for a term not exceeding Six Months, or by both such fine and imprisonment.

Sec. 13. Whenever said Director shall find from examination and analysis conducted under his supervision, that adulterated, or mislabeled or misbranded, food has been on sale in this State, he shall forthwith report the same to the Superintendent of Public Health.

Sec. 14. Every certificate signed by the said Director of the State Laboratory shall be prima facie evidence of the facts therein stated.

Sec. 15. The said Director of the State Laboratory shall make an annual report to the Superintendent of Public Health on or before July first of each year upon adulterated, mislabeled, or misbranded, foods and liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded and the names of the manufacturers, producers, jobbers and sellers. Said report, or any part thereof, may, in the discretion of the Superintendent of Public Health, be included by him in his report to the Governor. The Superintendent of Public Health may, in his discretion, publish any part of said report in any issue of his monthly bulletin.

Sec. 16. When an examination or analysis of the director of the State Laboratory shows that any of the provisions of this Act have been violated, notice of that fact together with a copy of the certificate of the findings shall be furnished to the party or patries from whom the sample was obtained or who executed the guaranty as provided in this Act, and a date shall be fixed by the Superintendent of Public Health, upon which date said party or parties may be heard before the Superintendent of Public Health. The hearing shall be held in the City of Phoenix and at least fifteen days' notice thereof shall be served upon the party complained of. These hearings shall be confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogations and submit oral or written evidence to show any fault or error in the findings made by the director of the State Laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the Superintendent of Public Health shall forthwith transmit a certi-

ficate of the facts so found to the County Attorney of the county in which said adulterated, mislabeled, or misbranded food was found. No publication, as in this Act provided, shall be made until after said hearing is concluded.

Sec. 17. It is hereby made the duty of the sheriff of any county of this State, on presentation to him of a verified complaint of the violation of any provisions of this Act, at once to obtain, by purchase, a sample of the adulterated, mislabeled, or misbranded food complained of, and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than four pounds in weight or in volume less than two quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the State Laboratory, and the third sample shall be sent to and held under seal by the Superintendent of Public Health. Provided, that in the case of potable waters requiring bacteriological and chemical examination, or of perishable foods or drinks requiring special skill and care in sampling, the director of the State Laboratory, or his representative may make provision or issue direction for the taking and forwarding of such samples.

Sec. 18. For his services hereunder the said sheriff shall be allowed the same mileage for travel allowed by law to sheriffs on service of criminal process (together with such compensation as by the Board of Supervisors of his county may be deemed reasonable), and all amounts expended by him in procuring and transmitting the said samples, which mileage and amount expended shall be audited and allowed by the said Supervisors and paid by said county as other bills of said sheriff.

Sec. 19. It shall be the duty of the County Attorney of each county to prosecute all violations of the provisions of this Act occurring within his county.

Sec. 20. Any person, firm, company, or corporation, violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Five Dollars ($5.00), nor more than Five Hundred Dollars ($500.00), or shall be imprisoned in the county jail for a term not exceeding Six Months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled, or misbranded, within the meaning of this Act, may, by order of any court or judge, be seized and destroyed.

Sec. 21. One-half of all fines collected by any court or judge, for the violations of the provisions of this Act, shall be paid to the State Treasurer, and the State Treasurer shall deposit such money to the credit of the fund for the maintenance of the State Laboratory, to be drawn against by warrants of the State Auditor upon claims which shall be approved by the Director of the State Laboratory and the Superintendent of Public Health.

Sec. 22. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party, residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated, mislabeled, or misbranded, within the meaning of this Act, designating it, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact. Said guaranty to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the article purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber, or other party in the

United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, or manufacturer, or other party, making such guaranty to said dealer resides within this State, and it appears from the certificate of the Director of the State Laboratory that such article or articles were adulterated, mislabeled, or misbranded, within the meaning of this Act, or the National Pure Food Act, approved June 30, 1906, the County Attorney must forthwith notify the Attorney General of the United States of such violation.

Sec. 23. The sum of Four Thousand Five Hundred Dollars ($4,500.00) annually is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of the salary of the Director, not to exceed $1800, the purchase of equipment, apparatus, chemicals, and supplies, of said laboratory, and of the office expenses in connection with the same and for the compensation of additional assistants and other necessary help. The State Auditor is hereby authorized to draw his warrants for the sums herein appropriated upon the presentation of vouchers duly approved by the Director of the State Laboratory and the Superintendent of Public Health, and the State Treasurer is hereby directed to pay the same.

Sec. 24. All Acts and parts of Acts in conflict or inconsistent with this Act are hereby repealed.

Approved June 20, 1912.

CHAPTER 63.

AN ACT

Defining the Powers of the Several Superior Courts of the State of Arizona in Reference to the Care, Treatment, Maintenance, Protection, Adoption, and Control of Dependent, Neglected, Incorrigible, and Delinquent Children, or Children Accused of Crime, Under the Age of Eighteen (18) Years, and Providing for the Means by Which Such Powers May Be Exercised.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the Superior Courts within the several counties of this State shall have and possess exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible, or delinquent children, or children accused of crime under the age of eighteen (18) years, and for the purpose of this Act the words "dependent child" and "neglected child" shall mean any child under such age who is destitute, homeless, abandoned, or dependent upon the public for support, or who has not proper parental care or guardianship. The words "incorrigible children" shall mean any child under such age who is charged by its parent or guardian with being unmanageable. The words "delinquent child" shall mean any child under such age, including such as have heretofore been designated "incorrigible children;" who may be charged with the violation of any law of this State or the ordinance of any town or city.

The judges of said courts must hold examinations in chambers of all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and shall have the power, in their discretion, to suspend criminal prosecution for any offenses that may have been committed by such children; and the records of the proceedings of such court for such purposes shall be kept in a docket separate from all other proceedings of said Court.

Provided, however, that in the absence of any judge of such court from his county, the court commissioner in such county shall have the power, and such court commissioner is hereby authorized, to make such orders for the temporary care, custody and control of any such child, pending the return of said judge to his county, as may be necessary and proper.

Sec. 2. The powers and duties of the clerk, sheriff, and other officers, of said Superior Court under proceedings provided for in this Act, shall be the same as is now provided for by law in criminal cases.

Sec. 3. The powers of the Court may be exercised:

(1) Upon the petition of any citizen, resident of the county, setting forth that a child is neglected, dependent, incorrigible, or delinquent, and is in need of the care and protection of the Court.

Whenever any child under the age of eighten (18) years is charged with the commission of any crime, or the violation of any ordinance of any city or town, before any magistrate or Justice of the Peace, it shall be the duty of such magistrate or Justice of the Peace to certify, under his hand, that such child is charged with such crime or violation of such ordinance before him, and immediately transmit such certificate and all papers to the Clerk of the Superior Court, and thereupon such Superior Court shall have and exercise the jurisdiction provided for in this Act.

Upon the filing of any petition as above set forth; or whenever the jurisdiction of the Court has attached by the filing of a certificate of a magistrate or Justice of the Peace, as above set forth, it shall be within the power of the Judge holding said Court, for the purposes of this Act, to make all necessary orders for compelling the production of such child and the attendance of the parents and all persons having custody or control of the child, or with whom the child may be; and pending the final disposition of the case, the child

shall be subject to the order of the court, and may be permitted to remain in the control of its parents or the person having it in charge, or of the probation officer hereinafter provided for, or may be kept in some place provided by the State or County authorities, or by any association having for one of its objects the care of delinquent or neglected children, as the Court may order.

Sec. 4. The Superior Judges of the several counties shall have authority to appoint any number of discreet persons of good moral character to serve as probation officers during the pleasure of the court. It shall be the duty of said probation officers to look after the interests of the dependent, neglected or delinquent children of the county, to make investigations of cases and file petitions as in this Act provided; to be present in court when such cases are heard and represent the interests of such children, to furnish the court such information and assistance as he may require, to take charge of any child before and after hearing as the court may direct and do such other acts and things in relation to dependent, neglected, or delinquent children as are provided for or contemplated by this Act or as may be ordered by the court.

One probation officer in each county shall be designated as chief probation officer. He shall receive such salary as may be fixed by the Superior Judge with the consent and approval of the Board of Supervisors, not to exceed One Hundred and Twenty-five Dollars ($125.00) per month, payable monthly.

The actual expenses of any probation officer in the execution of the order of such court may be allowed by the court in its discretion, and when so allowed shall be paid by the Board of Supervisors as a county charge upon presentation of a certified copy of the order of allowance.

The court may permit the removal from the State of such child by the association or individual to whom its care may be temporarily awarded, upon such recognizance, with or without sureties, as may satisfy the court, obligating such

association or individual to produce such child to said court whenever thereunto required by said court.

Pending final order in such case or the issuance of letters of adoption, the court may in its discretion from time to time after the rendition of the services of maintenance pursuant to its order, allow such sum as may appear to the court reasonable for the maintenance of such dependent child, which sum shall be a county charge, and shall be paid by the Board of Supervisors upon presentation of a certified copy of the order of allowance.

Authority is hereby conferred upon said court to issue letters of adoption of any such child to any person of whose fitness to adopt the child the court shall be satisfied and when the court shall deem it to be for the best interest of the child so to be adopted.

Sec. 5. At the hearing, the Judge shall in chambers, without the intervention of a jury, after an inquiry into the facts, make such order for the commitment and custody and care of the child, as the child's own good and best interests of the State may require; and may commit such child to the care of its parents, subject to the supervision of the probation officer, or to some suitable institution, or to the care of some association willing to receive it, or the care of some reputable citizen of good moral character, or to the care of some training school, or to the State Industrial School, and in either such case it shall be within the power of the Court to make an order directing the parent or parents of any such child to contribute to the support of the child, such sum as the Court may determine, it being further provided, that in all cases where a delinquent child shall be committed to the care of the State Industrial School, when such child shall be discharged from such institution, the Court shall be duly advised thereof and a record of such discharge shall be kept by the Clerk of said Court.

Sec. 6. In any case where the court shall award a dependent child to the care of any association or individual in accord-

ance with the provisions of this Act, the child shall, unless otherwise ordered, become the ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may, by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption, and such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

Sec. 7. In the case of a delinquent child, the court may continue the hearing from time to time; and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow such child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer to be placed in a suitable family home, subject to the supervision of such probation officer, or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary subscription or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to the State Industrial School, or to any society duly incorporated having for one of its objects the protection of dependent or delinquent children.

Sec. 8. No child, pending a hearing under the provisions of this Act, shall be placed in any apartment, cell, of any prison or place of confinement, or in any court room, or in any

vehicle of transportation in company with adults charged with or convicted of crime.

Sec. 9. No order for the commitment of any child, in any proceedings under this Act, shall extend to a period beyond when such child shall attain the age of twenty-one (21) years. All commitments to the State Industrial School shall be for the term of the child's minority, unless it shall be sooner discharged by law or the Board of Control as hereinafter provided, and whenever any child shall be discharged therefrom as reformed, or as having arrived at the age of twenty-one (21) years, such discharge shall be in full and complete release from all penalties and disabilities which may have been created by such sentence.

Sec. 10. The Court, in making all orders for the commitment or adoption of children, shall place them, as far as possible in the care and custody of persons having the same religious belief; and shall, as far as possible, provide, in making an order of commitment or in issuing letters of adoption, that the care, custody, and discipline of the child shall be as nearly as possible that which should be given by its parents. In all cases where it can possible (possibly) be done, the child shall be placed in an appropriate family home and become a member of the family by legal adoption or otherwise.

Sec. 11. It shall not be lawful to commit the custody of any delinquent child under the age of twelve (12) years to the State Industrial School, unless, after the care and oversight given such child by the probation system provided for by this Act, the court finds that the best interests of the child and the welfare of the community require such commitment; and it shall not be lawful to commit the custody of any neglected or dependent child to the State Industrial School; and no child shall hereafter be committed to the State Industrial School, nor shall the authorities of said Industrial School receive any child into said Industrial School, except upon commitment by the Judge of the Superior Court of one of the several counties of the State at chambers.

Sec. 12. It shall be the duty of the County Board of Supervisors to provide and maintain at public expense a house or place separated and removed from any jail or lock-up, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this Act shall, when necessary before or after trial, be detained either for securing the attendance of such child at any hearing of any cause, or for such purposes as may seem necessary to the court for the best interests of said child and of the State.

Sec. 13. When it appears to the said Board of Control that there is a strong or reasonable probability that any child committed to the State Industrial School will live and remain at liberty without violating the law, and that its release is not incompatible with the welfare of society or detrimental to its own good, then it shall issue to said child an absolute release from confinement. But no other petition, or form of application for the release of any child shall be entertained by the Board of Control; provided, nothing herein shall be construed to impair the power of the Governor to grant a pardon in any case.

Sec. 14. It shall be lawful for the said Board of Control to place in the care of any resident of this State who is the head of a family, and of good moral character, any child in said State Industrial School, on such conditions and with such stipulations as the Board may establish.

Sec. 15. If any such child shall absent itself, without leave, from the person to whose care it has been properly committed, such child may be forthwith returned to the State Industrial School, without further process, and shall forfeit all credits gained by it on account of previous good conduct.

Sec. 16. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 20, 1912.

CHAPTER 64.

AN ACT

To Provide for the Levy and Collection of an Annual Tax for the Fiscal Year Ending June 30, 1913, to Defray the Necessary Ordinary Expenses of the State of Arizona During Said Fiscal Year and for the Purpose of Paying Deficiencies in the Expenses of the State of Arizona, for the Preceding Fiscal Year; to Provide for the Levy and Collection of an Annual Tax for the Fiscal Year Ending June 30, 1913, to Defray the Expenses of the Conduct, Support, and Maintenance of the Various State Institutions; and to Provide for the Levy and Collection of an Annual Tax for the Fiscal Year Ending June 30, 1913, to Pay the Interest on the State Debt and to Provide Sinking Fund for the Redemption of State Bonds.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. There is hereby levied upon the real and personal property within this State for the fiscal year ending June 30, 1913, the following taxes for State revenue:

A tax to defray the ordinary expenses of the State for said fiscal year and to pay deficiencies in such expenses for the preceding fiscal year of not exceeding .60 dollars on each $100.00 of assessable property, which tax shall be applied for the purpose of defraying the necessary ordinary expenses of the State and for the purpose of paying the deficiencies of such expenses during the preceding fiscal year.

Sec. 2. There is hereby levied upon the real and personal property within the State for the fiscal year ending June 30, 1913, the following additional taxes:

(a) A tax for the maintenance, improvement, and conduct of the State Prison, not exceeding .095 dollars on each $100.00 of assessable property;

(b) A tax for the conduct, improvement, and maintenance of the State Asylum for the insane, not exceeding .094 dollars on each $100.00 of assessable property;

(c) A tax for the maintenance, improvement, and conduct of the State University, not exceeding .094 dollars on each $100.00 of assessable property;

(d) A tax for the maintenance, improvement, and conduct of the State Normal Schools, not exceeding .124 dollars on each $100.00 of assessable property;

(e) A tax for the maintenance, improvement, and conduct of the State Industrial School, not exceeding .026 dollars on each $100.00 of assessable property;

(f) A tax for the maintenance, improvement and conduct of the Arizona Pioneer's Home, not exceeding .015 dollars on each $100.00 of assessable property;

(g) A tax for the maintenance, improvement, and conduct of the Arizona State Fair, not exceeding, .026 dollars on each $100.00 of assessable property;

The same collected on account of taxes shall be expended for the maintenance, improvement, and conduct of said institutions respectively.

Sec. 3. There is hereby levied an additional tax not exceeding .65 dollars on each $100.00 of assessable property for the fiscal year ending June 30, 1913, for the State School fund, which taxes shall be applied to the maintenance and support of the public schools, for the purchase of text books and for such other like purposes as may be provided by law.

Sec. 4. There is hereby levied upon the real and personal property within this State for the fiscal year ending June 30, 1912, an additional tax not exceeding .263 dollars on each $100.00 of assessable property for the State Road Tax Fund, which taxes shall be applied to the construction, maintenance, and operation of State highways and bridges.

Sec. 5. There is hereby levied upon the real and personal property within the State for the fiscal year ending

June 30, 1913, the following addition (additional) taxes for the purpose of paying the interest upon the State debt:

(a) A tax to pay the interest on the Asylum for the Insane bonds (Acts 73, Laws 1903), not exceeding .001021 dollars on each $100.00 of assessable property;

(b) A tax for the payment of the interest on the Capitol Building bonds (Act 9, Laws 1897), not exceeding .00511 dollars on each $100.00 of assessable property;

(c) A tax to pay the interest on State Fund indebtedness interest under Paragraph 2047, Organic Law, not exceeding .04 dollars on each $100.00 of assessable property;

(d) A tax to pay the interest on the St. Louis Exposition bonds (Act 86, Laws 1901), not exceeding .002 dollars on each $100.00 of assessable property;

(e) A tax to pay the interest on University Bonds (Paragraph 3663 (Sec. 9), Revised Statutes of Arizona, 1901), not exceeding .0013 dollars on each $100.00 of assessable property;

(f) A tax to pay the interest on University Bonds (Act 47, Laws 1903), not exceeding .0007 dollars on each $100.00 of assessable property;

Which taxes shall be applied to the payment of the interest on the various bonds in this Section specified.

Sec. 6. There is hereby levied upon the real and personal property within this State for the fiscal year ending June 30, 1913, for the purpose of providing a sinking fund for the payment of the State debt, the following additional taxes;

(a) A tax to provide a sinking fund for the redemption of the St. Louis Exposition Bonds (Act 86, Laws 1901), not exceeding .003 dollars on each $100.00 of assessable property;

(b) A tax to provide a sinking fund for the redemption of University Bonds (Paragraph 3663, Revised Statutes of Arizona, 1901), not exceeding .003 dollars on each $100.00 of assessable property;

Which taxes shall be applied for the purpose of providing a sinking fund for the various bonds in this Section specified.

Sec. 7. The State Board of Equalization, at its meeting held on the third Monday in August in the year 1912, shall fix the rate of the several taxes herein provided, which rate shall be sufficient to produce the various sums heretofore appropriated for the several purposes aforesaid, and shall certify such rate to the Board of Supervisors of the several counties in the manner provided, by law.

Sec. 8. Whereas, it is necessary to make a levy of taxes to defray the necessary expenses of the State government and to make up the existing deficit and to provide for the maintenance of State institutions, and,

Whereas, the provisions of this Act are necessary for the support and maintenance of the Departments of State and State Institutions, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 65.

AN ACT

To Amend Sec. 10 of House Bill 63, of the First Legislature of the State of Arizona, Passed in its Regular Session, Being an act Entitled "An Act Relating to Corporations and Providing a Method for the Organization of the Same Under the Laws of This State, Prescribing the Requirements, Duties, and Liabilities Thereof, and Prescribing the Conditions Under Which Corporations May Be Dissolved, Granting Powers to the Corporation Commission to Enforce the Provisions of This Act; and to Repeal

Chapters I and II, Title XIII of the Revised Statutes of Arizona, 1901, Relating to Corporations and Corporations in General; to Repeal Paragraph 1324 (Sec. 115) of Chapter VI, Title XVII of the Revised Statutes of Arizona, 1901, Relating to Process and Returns; to Repeal Act No. 82, Session Laws of the Twenty-Second Legislative Assembly of Arizona, Concerning the Dissolution of Corporations, and to Repeal Act No. 88, Session Laws of the Twenty-Second Legislative Assembly of Arizona, to Amend Paragraphs 766 and 770 of the Revised Statutes of Arizona of 1901", Approved May 16th, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. "That Sec. 10 of H. B. 63 of the First Legislature of the State of Arizona, passed at the regular session, being an Act entitled "AN ACT RELATING TO CORPORATIONS AND PROVIDING A METHOD FOR THE ORGANIZATION OF THE SAME UNDER THE LAWS OF THIS STATE, PRESCRIBING THE REQUIREMENTS, DUTIES, AND LIABILITIES THEREOF, AND PRESCRIBING THE CONDITIONS UNDER WHICH CORPORATIONS MAY BE DISSOLVED, GRANTING POWERS TO THE CORPORATION COMMISSION TO ENFORCE THE PROVISIONS OF THIS ACT; AND TO REPEAL CHAPTER (CHAPTERS) I AND II, TITLE XIII OF THE REVISED STATUTES OF ARIZONA, 1901, RELATING TO CORPORATIONS AND CORPORATIONS IN GENERAL; TO REPEAL PARAGRAPH 1324 (SEC. 115) OF CHAPTER VI, TITLE XVII OF THE REVISED STATUTES OF ARIAONA, (ARIZONA), 1901, RELATING TO PROCESS AND RETURNS; TO REPEAL ACT NO. 82, SESSION LAWS OF THE TWENTY-SECOND LEGISLATIVE ASSEMBLY OF ARIZONA, CONCERNING THE DISSOLUTION OF CORPORATIONS, AND TO REPEAL ACT NO. 88, SESSION LAWS OF THE TWENTY-SECOND LEGISLATIVE ASSEMBLY OF

ARIZONA, TO AMEND PARAGRAPH (PARAGRAPHS) 766 AND 770 OF THE REVISED STATUTES OF ARIZONA OF 1901", APPROVED MAY 16th, 1912, be and the same is hereby amended to read as follows:

"Sec. 10. The capital stock of any corporation doing business in this State or of any corporation organized under the laws of this State, or of the Territory of Arizona, may be increased or decreased and the articles of incorporation may be amended in any of the particulars mentioned in this Act, by the affirmative vote of the person, or persons, holding a majority of the issued and outstanding shares of stock of such corporation, and upon at least thirty (30) days' notice in writing of such proposed increase, or decrease, of the capital stock, or such proposed amendment to the articles of incorporation, having been given the stockholders of such corporation.

All fictitious increase or decrease of stock or indebtedness shall be null and void."

Sec. 2. WHEREAS, it is deemed necessary immediately to amend Sec. 10 of H. B. 63, of the regular session of the First Legislature of the State of Arizona, and

WHEREAS, an early operation of this Act is necessary for the preservation of public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval by the Governor and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 66.

AN ACT

Relating to the Construction, Maintenance and Improvement of State Roads and Bridges; Creating the Office of State Engineer, Prescribing the Duties Thereof and Compensation Therefor; Fixing a Tax Levy and Making Appropriation to Carry Out the Provisions of This Act, and Authorizing and Directing the Expenditure of Such Appropriation.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. All highways and parts of highways, and bridges which were heretofore constructed by the Territory, or the State, of Arizona or which shall hereafter be constructed or improved under the provisions of this Act, shall be State highways and bridges.

Sec. 2. All highways and bridges constructed, improved or maintained under the provisions of this Act shall be constructed, improved and maintained according to the plans and specifications made for such purpose by the State Engineer, herein provided for, subject to the restrictions and limitations of this Act, and shall be only for the industrial development of the State.

Sec. 3. The office of State Engineer is hereby created, and there shall be appointed by the Governor, by and with the advice and consent of the Senate, a State Engineer, who shall hold his office for Two (2) Years from the date of his appointment and until his successor shall be appointed and qualified. Such State Engineer shall be a practical, competent civil engineer. The salary of the State Engineer shall be Three Thousand Dollars ($3,000.00) a year, payable semi-monthly, together with the necessary actual expense, not to exceed Two Thousand Five Hundred Dollars ($2,500.00) per year, required to perform the duties of his office.

Sec. 4. The State Engineer shall, before entering upon the discharge of his duties, execute a bond, with two, or more sureties, to be approved by the Governor of the State of Arizona, and payable to the State of Arizona, in the sum of Five Thousand Dollars ($5,000.00) conditioned that he will faithfully discharge his duties as such State Engineer, be responsible for all public property in his possession, and turn the same over to the Board of Control on demand.

Sec. 5. The duties of the State Engineer shall be to aid the Board of Control, and the Board of Supervisors of the several counties, in such manner as the Board of Control may require, in the selection and designation of State highways and bridges. It shall also be the duty of the State Engineer to aid by his advice the County Superintendent of Roads and Bridges of the various counties of the State relative to the method of construction and maintenance of the County roads and bridges.

Sec. 6. The Boards of Supervisors of the several counties shall act with the State Engineer in the selection of the highways and bridges to be constructed under this Act, within the limits of their respective counties and said State Engineer shall, on the request of the Board of Control of the State, or any Board of Supervisors of any county, be required to select, map, plat, and furnish estimates of the cost of construction of, State Highways and Bridges, or extensions thereof, proposed to be constructed under the provision of this Act, which data and information, as specified above, shall be furnished free of charge to such Boards requesting same.

Sec. 7. There shall be annually levied and collected in the manner in which other State taxes are levied and collected, by a levy by the officials provided by law, a sufficient tax to raise the sum of Two Hundred and Fifty Thousand Dollars ($250,000.00) annually, said levy to be made upon the taxable property within the State, for the purpose of raising a fund to be known as the State Road Tax Fund, to be ex-

pended for the construction, re-construction, repairing, improving and maintaining public highways, roads, and bridges as follows:

Twenty-five per cent (25%) of the "State Road Tax Fund," herein provided for, shall be subject to be paid out upon the authority and under the direction of the State Board of Control and State Engineer, who are hereby charged with such responsibility;

Provided, that Twenty-five (25%) per cent of the said State Road Tax Fund herein provided for, for the fiscal year beginning July 1st, 1912, and ending July 1st, 1913, shall be subject to the (be) paid out, upon the authority and under the direction of the State Board of Control upon the claim approved by the State Engineer and the Board of Control and audited by the State Auditor, for any work done under the authority of the Territory of Arizona, or the State of Arizona, in the construction, reconstruction, repairing, improving, and maintaining of public highways, roads, and bridges prior to July 1st, 1912;

Provided, further, that such part of the said twenty-five (25%) per cent for the fiscal year from July 1st, 1912 to July 1st, 1913, as is not expended for said purpose shall be expended for the construction, re-construction, repairing, improving and maintaining of public highways, roads, and bridges, under the provisions of this Act, within the fiscal year from July 1st, 1912 to July 1st, 1913. The Board of Control and the State Engineer are hereby charged with the responsibility of making said expenditure.

Seventy-five per cent (75%) of such State Road Tax Fund, herein provided for, shall be apportioned to the several counties in the amount to each county of seventy-five (75%) of the taxes collected under this Act by said county, and such amount shall be subject to be paid out for the construction, re-construction, repair, improvement and maintenance of public highways, roads, and bridges in the manner as in this Act provided, for the work in this Act provided for

within such county, upon the authority and under the direction of the County Board of Supervisors of such County and the State Engineer, who are hereby charged with such responsibility.

Provided, that no obligation shall be assumed or expense incurred under the provisions of this Act, within any fiscal year, in the amount of any sum in excess of the levy herein provided for and the money actually collected under said levy.

Provided that Maricopa county shall be entitled to have the proportion of the State Road Tax Fund paid into said State Road Tax Fund for the fiscal year 1912-1913 by said county, expended upon that portion of the State Bridge now incomplete, and known as the "Tempe Bridge."

Sec. 8. Upon the adoption by the Board of Control or the Board of Supervisors, under whose direction the work is to be done, of the plans and specifications for the construction of any State Highway or Bridge, or extension thereof, it shall be optional with the Board of Control or Board of Supervisors, as the case may be, to have any or all work provided for by this Act done either by contract or under a wage system. In case the work is to be done by contract, it shall be the duty of the said Board of Control, or Board of Supervisors, to advertise in a newspaper published in such County, where the proposed work is located, for sealed proposals for the doing of such work. Such notice shall be given for at least thirty (30) days prior to the opening of such sealed proposals, which shall be directed to the said Board of Control, or the Board of Supervisors as the case may be, and marked "State Highway Contract." Upon the opening of such proposals, the contract for the work shall be let to the lowest responsible bidder; provided, however, that the said Board of Control, or Board of Supervisors shall have the right to reject any or all bids and may proceed to construct said work under their own supervision, without contract. In case the contract is awarded, as herein provided,

the successful bidder shall enter into such a contract with the State of Arizona, or the county in which the work is to be done as may be prescribed by the said Board of Control or the Board of Supervisors, a copy of which contract shall accompany the plans and specifications. The successful bidder shall also file with said Board of Control, or the Board of Supervisors, a good and sufficient bond, payable to the State of Arizona, or to the county, in a sum not less than twenty-five per cent (25%) of the contract price of said work, conditioned upon the faithful performance of said contract.

Sec. 9. No person not a citizen or ward of the United States or who has not declared his intention to become a citizen, shall be employed upon or in connection with, any State, County or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, any county, or by any municipality thereof, on street or road work, or other public work; and provided further, that the Board of Control shall require all contractors, under the provisions of this Act, to comply with the restrictions in this section contained.

Sec. 10. All roads and bridges, when constructed, shall thereafter be maintained and improved when necessary, at the expense of the County in which located, out of the seventy-five (75%) of the taxes collected under this Act from said County, under the joint auspices and direction of the State Engineer and Board of Supervisors of such County.

Sec. 11. It shall be the duty of the State Engineer, upon request of the Board of Supervisors of any county where work is being done under the provisions of this Act, to furnish such Board of Supervisors with a duplicate copy of the plans and specifications for such work.

Sec. 12. It shall be the duty of the State Auditor to keep a complete and accurate account of all moneys received for and expended out of the State Road Tax Fund, and to keep

and preserve all documents, books and papers which may be filed with him relative to such highways and bridges.

Sec. 13. Lands adjacent to a State highway may be entered upon occupied for the purpose of opening or constructing a drain or ditch so as to properly drain such highway.

1.—By the State Engineer or his servants or agents or employees at any time for the purpose of making surveys for such drain or ditch;

2— By the State Engineer his agents or servants, whenever, in the discretion or judgment of the State Engineer, after the completion and acceptance of the highway, for the purpose of opening, constructing or maintaining ditches or drains upon such lands, necessary for the proper maintenance of such highways.

Sec. 14. The Board of Control, with the consent and approval of the Board of Supervisors of the county where the work is being done or the property affected is situated, may agree with the owner of lands entered upon and occupied, as provided in the preceding section, for the payment of damages caused by such entry, or for the payment of damages for the taking and using of any rock, earth, or timber, from any adjacent unimproved land, or, if unable to so agree, the right to enter and occupy such lands or to take and use such rock, earth, or timber may be acquired, and the damages therefor shall be ascertained as provided in the condemnation law. Such damages shall in the case of a State Highway be paid out of the seventy-five (75%) per cent of the total sum levied under this Act in the County wherein said work is being done or the property is situated, and subject to be paid out under the authority of the County Board of Supervisors and the State Engineer as in this Act provided.

Sec. 15. No street, surface, steam or electric road shall be constructed or improved under the provision of this Act, nor shall any person, firm or corporation enter upon or construct any such works in or upon any such highway or bridge

of the State, other than crossing said highway, and any person, firm or corporation, violating any provision of this Act shall be liable to a fine of Five Hundred Dollars ($500.00), for each such violation, to be recovered by suit by the Board of Control and paid to the State Treasurer to the credit of the State Road Tax Fund, and may also be removed therefrom as a trespasser by the Board of Supervisors of the county or counties in which such trespass shall have been committed.

Sec. 16. All Acts and parts of Acts in conflict with the provisions of this Act, and especially that certain Act entitled "An Act Relating to the Contsruction, Maintenance and Improvement of State Roads and Bridges, Creating the office of State Engineer and Prescribing the Duties thereof and Compensation therefor", approved May 18th, 1912, are hereby repealed.

Sec. 17. Whereas, an urgent neecssity exists for the construction, maintenance and improvement of State Roads and bridges and for the creation of the office of State Engineer, and,

Whereas, an urgent necessity exists for making an appropriation to carry out the provisions of this Act, and

Whereas, the provisions of this Act are necessary to the public peace, health and safety, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 20, 1912.

CHAPTER 67.

AN ACT

To Authorize Municipal Corporations of the State of Arizona to Sell and Dispose of Their Real and Personal Property and Prescribe the Method Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That in addition to the powers already vested in cities and towns in this State by their respective charters and the general laws of this State, cities and towns, or the legislative or governing bodies in said cities and towns, shall be and are hereby authorized and fully empowered to sell, dispose of, and convey, all or any part of their real or personal estate, of every nature and description whatsoever, whether said property be devoted exclusively to public use or otherwise; provided, that no such sale or disposition of such property, or any part or portion of the same, shall be made until after public advertising for bids therefor shall have been made for at least thirty (30) days in some newspaper of general circulation within said city or town, and the posting of notices in three or more public places therein, or, if there be no such newspaper within the corporate limits of said city or town, then by posting in three or more public places therein notices for bidders for the said property proposed to be sold.

Sec. 2. Before any such sale shall be made, or negotiated, the Common Council, or other legislative or governing body, shall cause a special election to be held at which shall be submitted to the qualified electors of said city or town the question of selling or not selling the property proposed to be disposed of. Such election shall be held within the corporate limits of said city or town, and such notice shall be given as provided in Sec. 1 of this Act. Ballots used in elections held under the provisions of this Act shall con-

tain a description of the property proposed to be sold and the reasons why the Common Council, or other legislative or governing body, desires such property to be sold. Such description and reasons shall be printed in 8-point type and shall contain not more than one hundred (100) words. If a majority of such electors vote in favor of selling and disposing of the property proposed to be sold, then the Common Council, or other legislative or governing body, may sell and dispose of the same, after giving the notice required in Sec. 1 of this Act, at public auction to the highest bidder for cash, reserving the right to reject any and all bids in its discretion.

Sec. 3. The said Common Council, or other legislative or governing body, may invest the proceeds of such sale in property, real or personal, for public use and benefit, as may be prescribed by law.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 21, 1912.

CHAPTER 68.

AN ACT

Appropriating Fifty-five Hundred Dollars for the Construction of a Bridge in Navajo County and Providing for the Construction of the Same.

Be it Enacted by the Legislature of the State of Arizona:

Whereas, during the year nineteen hundred and eleven a contract was made and entered into by and between the County of Navajo, through its duly elected, acting and qualified Board of Supervisors, and the Territory of Arizona, by

and through the Board of Control thereof, that upon a tax levied, made and collected for the purpose hereinafter mentioned, by said Navajo County, and payment thereof made into the Territorial Treasury, the Territory of Arizona would thereupon build, erect and construct within the County of Navajo, a good and sufficient bridge across and over a certain stream therein known and designated as Chevelon Creek, at a place thereon to be selected by the Board of Supervisors of said County and the Board of Control and Territorial Engineer of said Territory; and

Whereas, thereupon and thereafter such selection of a bridge site was made by the parties named herein, and a tax was levied, made and collected by said County for the cost of construction, erection and building of said bridge, and the sum of six thousand five hundred sixty-three dollars and ninety-nine cents ($6563.99) was collected for such purpose and in accordance with the said tax levied by the said County and was turned over and paid into the office of the Territorial Treasurer; and

Whereas, thereafter the Territory of Arizona by and through its Board of Control advertised for bids for the construction, erection and building of said bridge, and that bids were received thereunder and opened by the said Board of Control on the thirtieth day of January nineteen hundred and twelve; that on said thirtieth day of January nineteen hundred and twelve, it became apparent to and discovery was made by the said Board of Control that the fund paid over by said Navajo County for the building, erection and construction of said bridge as aforesaid was exhausted, and accordingly none of the bids so offered and opened were accepted; that said bids were six in number and the highest amount named therein being the sum of fifty-five hundred dollars ($5500); and

Whereas, Navajo County by such exhaustion of such fund paid by said County to the Territorial Treasurer, as aforesaid, for the purposes as aforesaid; is unjustly and un-

lawfully deprived of the benefits of such bridge accruing to Navajo County, is deprived of such bridge, and is unjustly and unlawfully deprived of such sum of money or funds so paid by Navajo County, and,

Whereas, such bridge should be built forthwith and faith kept thereby with said Navajo County, now therefore,

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The Board of Control of this State is hereby authorized, empowered and directed to forthwith build, erect and construct in Navajo County at such bridge site hereinbefore mentioned, a good and sufficient bridge of the size and dimensions so advertised for as hereinbefore mentioned, and that the sum of fifty-five hundred dollars ($5500) is hereby appropriated out of the twenty-five per cent (25%) of the State Road Fund retained, as provided by law, by the State for State purposes, to defray the expenses and costs of the construction, erection and building of said bridge.

Sec. 2. The State Auditor is hereby authorized and directed, as soon as claims, properly verified and audited by the Board of Control, for the erection, construction, building and completion of said bridge, shall be filed with him, to draw his warrant upon the said twenty-five per cent (25%) of said State Road Fund, in such sum or sums not to exceed the sum of fifty-five hundred dollars ($5500), as may be necessary for the payment of such claims, and the State Treasurer is hereby directed and authorized to pay said warrants and each of them.

Sec. 3. The State Engineer is hereby empowered and directed forthwith to take charge of the construction and erection of said bridge.

Sec. 4. Nothing in this Act contained shall be construed to repeal any existing law or parts of same.

Approved June 21, 1912.

CHAPTER 69.

AN ACT

Providing for General Publicity, Before and After Election, of All Campaign Contributions to and Expenditures of Campaign Committees and Candidates for Public Office.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The term "campaign committee" under the provisions of this Act shall include the State central committees, or State committees, of all political parties, and all county, city, or precinct committees of all political parties, organized and conducted for the purpose of influencing the result of any election in any county, city, town, or precinct in this state.

Sec. 2. Every campaign committee as defined in this Act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee, or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee, from whom received, and of all expenditures, disbursements, and promises of payment or disbursement, made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Sec. 3. Every payment or disbursement made by a campaign committee exceeding Five Dollars ($5.00) in amount be evidenced by a receipted bill stating the particulars of ex-

pense, and every such record, voucher, receipt, or account shall be preserved for fifteen (15) months after the election to which it relates.

Sec. 4. Whoever, acting under the authority or in behalf of such campaign committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five (5) days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such campaign committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose.

Sec. 5. The treasurer of every such campaign committee shall not more than fifteen (15) days, and not less than ten (10) days, next before any general or special election at which candidates for State, county, city, or town offices are to be elected, file an itemized, detailed statement, and on each sixth day thereafter until such election said treasurer shall file a supplemental itemized, detailed statement. Each of said statements shall conform to the requirements of the following section of this Act, except that the supplemental statement herein required need not contain any item to which publicity is given in a previous statement. Each of said statements, and all statements required by this Act, shall be full and complete, and shall be signed and sworn to by said treasurer. It shall also be the duty of said treasurer to file a similar statement within thirty (30) days after such election, such final statement to be signed and sworn to by said treasurer and to conform to the requirements of Sec. 6 of this Act. The statement so filed shall be preserved and shall be a public record, and open to public inspection. Such statements shall be filed with the Secretary of State in case of State campaign committees or State central committees, with the Clerk of the Board of Supervisors in the case of

county committees, and with the city or town clerk in the case of city or town committees.

Sec. 6. The statements required by the preceding section of this act shall state:

First. The name and address of each person, firm, association, or committee, who or which has contributed, promised, loaned, or advanced, to such campaign committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of Ten Dollars, ($10.00) or more, and the amount or sum contributed, promised, loaned, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, or advanced to such campaign committee, or to any officer, member, or agent thereof, in amounts of less than Five Dollars ($5.00).

Third. The total sum of all contributions, promises, loans, and advances received by such campaign committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee, to whom or which such campaign committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised, any sum of money or its equivalent of the amount or value of Five Dollars ($5.00) or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised, to each, and the purpose thereof.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such campaign committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise, to any one person, firm, association, or committee in one or more items is less than Five Dollars ($5.00).

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised, by such campaign committee, or any offocer (officer), member, or agent thereof.

Sec. 7. Every person who shall be a candidate for election at any general or special election to any State, county, city, or town office shall not more than fifteen (15) days and not less than ten (10) days before the day of such general or special election file a full, correct, and itemized statement of all moneys and things of value received by him, or by any one for him with his knowledge or consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statements shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised, by such candidates or by his agent, representative or other person for or in his behalf, with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises, were made for the purpose of procuring or aiding his election.

Every such candidate shall include therein a statement of every promise or pledge made by him or by any one for him, with his knowledge and consent, or to whom he has given authority to make any such promise or pledge before the completion of any such general or special election, relative to appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person, or of any person in his candidacy; and if any such promises or pledge shall have been made, the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made shall be stated, together with the description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate that fact shall be distinctly stated.

Sec. 8. Within thirty (30) days after any such general or special election every such candidate shall file a statement containing the same matters as required to be contained in the statement filed before such election, except that such statement need not contain items of which publicity is given in previous statements, but such statements shall contain, in addition to an itemized statement of all expenses not theretofore given publicity, a summary of all preceding statements.

Sec. 9. The statements herein required to be filed shall be filed in the office of the Secretary of State in the case of candidates for State offices, and members of the Legislature, and with the Clerk of the Board of Supervisors in the case of candidates for county officers, and with the city or town clerk in the case of candidates for city or town officers.

Sec. 10. Any candidate who shall fail to file the statement required by this Act, and every treasurer of any campaign committee who shall fail to make and file any statement required by this Act within the time herein specified shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than Six (6) Months nor more than Twelve (12) Months, or by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

Sec. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 21, 1912.

CHAPTER 70.

AN ACT

Regulating Express Companies, and Providing for a State Tax on the Same and for the Collection Thereof, and Repealing All Acts and Parts of Acts in Conflict With This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That any person, or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of conveying to, from, or through, the State of Arizona, or any part thereof, money, packages, gold, silver, plate, or other articles, by express, shall be deemed to be an express company.

Sec. 2. Every express company defined in Section 1 hereof, doing business in the State of Arizona, shall between the thirtieth day of June and the first day of September, under the oath of the person constituting such company, if a person, or under the oath of the president, secretary, treasurer, tax agent, superintendent, or chief officer, in this State, if an association or corporation, make and file with the State Tax Commission a statement, in such form as the State Tax Commission may prescribe, containing the following facts:

1. The name of the Company.

2. The nature of the company, whether a person or persons, or association or corporation, and under the law of what State or country organized.

3. The location of its principal office.

4. The name and postoffice address of the President, secretary, auditor, treasurer, tax agent, if any, and superintendent or general manager.

5. The name and postoffice address of the chief officer or managing agent of the company in Arizona.

6. The entire receipts (including all sums earned or charged, whether actually received or not) for business done

within this State by such company doing business in this State (giving the name of the office and agent and the amount received by him) for the year ending the thirtieth day of June for and on account of such company, including its proportion of gross receipts for business done by such company within this State in connection with other companies; also the total amount of such receipts for business done within this State. Such statement shall show the receipts during each calendar month of the period covered by such statement.

7. An itemized statement of the amounts actually paid by such express company, for the year ending the thirtieth day of June, to the railroads within this State for the transportation of its freight within this State, showing the amount paid to each railroad company; which statement shall show the amount of such payments during each calendar month.

8. The entire receipts of the company for business done within the State of Arizona, as defined in item six (6), after deducting the amount paid for transportation of freight, as defined in item seven (7).

9. Such other facts and information as the State Tax Commission may require in the form of return prescribed by it. All blanks for making the above statement shall be prepared, and, on application, furnished any express company by the State Tax Commission. Provided, that the statement to be made and filed in the year 1912 shall include only the receipts and payments for the period commencing January 1, 1912, and ending June 30, 1912.

Sec. 3. In the case of the failure or refusal of any express company to make the statement prescribed by Section 2 hereof, on or before the first day of September, the State Tax Commission shall notify the local agents of such company of such default, by letter mailed and addressed, in such instance, to the agent of such express company at the postoffice address of such agent, enclosing the form of return to be made out by such agent, and thereupon it shall be the duty of each local agent of such express company within the

State of Arizona, on or before the 15th day of September, to make out and file with the State Tax Commission a statement, verified by the oath of the agent, containing such of the facts prescribed in Section 2 as the State Tax Commission may require; but the statement of gross receipts and deductions therefrom defined in items 6 and 7 of Section 2 shall be confined to the gross receipts and deductions thereform of his agency.

Sec. 4. The State Tax Commission shall also meet annually on the third Monday in September, and thereupon shall proceed to ascertain and determine, on or before the first Monday in October, the entire receipts of express companies for business done in the State of Arizona, as defined in item 6 of Section 2 hereof, after deducting the sums paid for transportation of freight, as defined in item 7 of Section 2 hereof, and the amounts thus ascertained by said Tax Commission shall, in each instance, be held and be deemed to be "the gross receipts of such express company for business done within the State of Arizona" for the year under consideration. The State Tax Commission may adjourn from time to time until the business before it is finally disposed of. In case of the failure or refusal of any company and its agents to make the statement required by law, or to furnish the State Tax Commission the information requested by it, the Commission shall inform itself as best it may on the matters necessary to be known in order to discharge its duties under this Act. At any time after the meeting of the Commission on the third Monday in September, and before the gross receipts of any company for business done within the State of Arizona are determined, any company or person interested shall have the right, on written application, to appear before the Commission and be heard in the matter of such determination. After the determination of the amount of the gross receipts of any company for business done within the State of Arizona, the Board may, at any time previous to the third Monday in

October, on application of any person or company interested, or on its own motion, review and correct its findings in such manner as may seem to it to be just and proper.

Sec. 5. In case any company required to file a statement under the provisions of Section 2 hereof fails to make and file such statement on or before the first day of September, such company shall be subject to a penalty of Five Hundred ($500.00) Dollars and an additional penalty of One Hundred ($100.00) Dollars for each day's omission after the first day of September to file such statement; said penalty to be recovered by action in the name of the State, and on collection paid into the State treasury to the credit of the general fund. The Attorney General, on the request of the State Tax Commission, shall institute such action against any such company so delinquent, in any court of competent jurisdiction in Maricopa County, or of any County in which such company does business. In case any local agent of any express company required to file a statement under the provisions of Section 3 hereof, fails to make and file such statement on or before the 15th day of September, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than One Hundred Dollars ($100.00), nor more than Three Hundred Dollars ($300.00). Each day's failure after the 20th day of September to make and file such statement shall contsitute a new offense. The Commission shall have the power to require the president, secretary, treasurer, tax agent, receiver, superintendent or managing agent, or other officer or employee or agent, of any express company to attend before the Commission, bring with him, for the inspection of the Commission, any books or papers of such company in his possession or control, and testify under oath touching any matter relating to the organization or business of such company. Any member of the Commission is authorized and empowered to administer such oath. Any officer, employee, or agent of such company who shall refuse to bring with him and submit for the inspection of the Commission

any books or papers of such company in his possession, custody, or control, or shall refuse to answer any question put to him by the Commission or any member thereof, touching the organization or business of such company, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than Three Hundred Dollars ($300.00), or imprisoned not more than six (6) months, or by both such fine and imprisonment.

Sec. 6. The State Tax Commission shall, on the first Monday in November, report to the State Treasurer the amount of the gross receipts of express companies for business done within the State of Arizona for the year ending the thirtieth day of June. It shall be the duty of the State Treasurer, annually, in the month of December, to charge and collect from each express company doing business in the State of Arizona, a sum, in the nature of a State tax, to be computed by taking five per cent of the amount fixed by the State Tax Commission as the gross receipts of such company for business done within the State of Arizona for the year ending the thirtieth day of June and certified to the State Treasurer. Provided, that in the year 1912 such taxes shall be charged and collected only upon the gross receipts for the period commencing January 1, 1912, and ending June 30, 1912. The taxes paid under this Act shall be in lieu of all other taxes upon the properties of such express companies. All taxes collected by the State Treasurer under the provisions of this Act shall be paid into the State Treasury, and be credited to the general fund. If any express company fails or refuses to pay said tax as provided for in this Act before the third Monday in December, annually, the State Treasurer shall proceed to collect the tax, together with interest at the rate of twelve per centum per annum, by suit instituted by the Attorney General, whose duty it shall be upon request of the State Treasurer, or upon the request of the State Tax Commission, to prosecute any and all proceedings for the collection of such tax.

Sec. 8. WHEREAS, an urgent necessity exists for a more equal and uniform system of assessment and apportionment of taxes and for the efficient collection of State taxes and revenues, and the provisions of this Act are necessary to the public peace, health, safety, and for the support and maintenance of the Departments of State Government and State Institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Sec. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved June 21, 1912.

CHAPTER 71.

AN ACT

To Provide for Carrying Into Effect the Initiative and Referendum Powers Reserved by the People in Sec. 1 of the Initiative and Referendum Subdivision of Article IV of the Constitution of the State of Arizona, and in Sec. 1, of Article XXI of Said Constitution on General Legislation, and the Powers Reserved as to Proposed Amendments to the Constitution, and on Legislation in Every Incorporated City, Town, and County as to All Local, City, Town or County Matters on Which Such Incorporated Cities, Towns, and Counties are or Shall Be Empowered by Generals Laws to Legislate; Providing for a Publicity Pamphlet, and Providing Penalties for Violations of the Provisions of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. (a) The following shall be substantially the form of petition for referring to the people under the use

of the Referendum by petition any measure or item, section, or part, of any measure enacted by the Legislature of the State of Arizona or by the legislative body of any incorporated city, town, or county.

WARNING.

It is a felony for any one to sign any Initiative or Referendum petition with any name other than his own, or knowingly to sign his name more than once for the same measure, or knowingly to sign such petition when he is not a qualified elector.

PETITION FOR REFERENDUM.

TO THE HONORABLE . . . . . , Secretary of State for the State of Arizona; (or to the Clerk of the Board of Supervisors, City Clerk, or corresponding officer, in the case of petitions for or on local county, city, or town measures:)

We, the undersigned citizens and qualified electors of the State of Arizona, respectfully order that the Senate (or House) Bill No. . . . . (or other local county, city, or town measure) entitled (title of act or ordinance, and if the petition is against less than the whole act or ordinance then set forth here the item, section, or part, of any measure on which the Referendum is used), passed by the . . . . . session of said Legislature of the State of Arizona, at the general (or special, as the case may be) session of said Legislature, (or by county, city, or town legislative body) shall be referred to a vote of the qualified electors of the State, (county, city or town) for their approval or rejection, at the next regular general election (or city, or town election), and each for himself says: I have personally signed this petition; I have not signed any other petition for the same measure; I am a qualified elector of the State of Arizona, county of (or city and county of, as the case may be) . . . . . ; and my place of residence (including street and number, if such exist) is correctly written after my name.

1. Name . . . . . ; Residence . . . . . ; Post Office . . . ; Date . . .

(If in a city, street and number)

(Here follow twenty numbered lines for signatures)

(b) The following shall be substantially the form of petition for any law or amendment to the Constitution of the State of Arizona, or county legislative measure or city ordinance or amendment to a city charter proposed by the initiative to be submitted directly to the electors:

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

(In 12 point black face type.)

WARNING.

It is a felony for any one to sign and (an) initiative or referendum petition with any name other than his own or knowingly to sign his name more than once for the same measure, or proposed Constitutional amendment, or knowingly to sign such petition when he is not a qualified elector.

INITIATIVE PETITION.

TO THE HONORABLE . . . . . , Secretary of State for the State of Arizona, or to the Clerk of the Board of Supervisors, City Clerk, or corresponding officer in the case of petitions for or on local county, city, or town measures:

We, the undersigned citizens and qualified electors of the State of Arizona, respectfully demand that the following proposed law (or amendment of the Constitution, or other initiative measure, as the case may be), shall be submitted to the qualified electors of the State of Arizona, (county, city, or town of . . . . .) for their approval or rejection at the next regular general election (or county, city, or town election), and each for himself says: I have personally signed this petition; I have not signed any other petition for the same measure; I am a qualified elector of the State of Arizona, county of (or city, town or county of, as the case may be), ... ; and my place of

residence, (including street and number, if they exist) is correctly written after my name.

1. Name . . . . . ; Residence . . . . ; Post Office . . . ; Date . . .

(If in a city, street and number.)

(Here follow twenty numbered lines for signatures.)

Every such sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure, or proposed amendment to the Constitution, so proposed by the initiative petition; but such petition may be filed with the Secretary of State in numbered sections for convenience in handling, and referendum petitions shall be attached to a full and correct copy of the title and text of the measure on which the Referendum is used and may be filed in numbered sections in like manner. Not more than twenty signatures on one sheet shall be counted. When any such Initiative or Referendum petition shall be offered for filing, the Secretary of State, in the presence of the Governor and the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by Initiative, or item, section, measure or part of any measure on which a referendum petition is filed; Provided, that all petitions for the Initiative and for the Referendum and sheets for signatures shall be printed on pages seven inches in width by ten inches in length, with a margin of one and three-fourths inches at the top for binding; if the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of such measure, or proposed amendment to the Constitution; the detached copies of such measure, or proposed Constitutional amendment, shall be delivered to the person offering the same for filing. If any such measure, or proposed Constitutional amendment, shall, at the ensuing election, be approved by the people, then the copies thereof so preserved,

with the sheets and signatures and affidavits, and a certified copy of the Governor's proclamation declaring the same to have been approved by the people, shall be bound together in such form that they may be conveinently identified and preserved. The Secretary of State shall cause every such measure, and proposed amendment to the Constitution, so approved by the people to be printed with the general laws enacted by the next ensuing session of the Legislature, with the date of the Governor's proclamation declaring the same to have been approved by the people.

Sec. 2. Each and every sheet of every petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon as a part thereof:

State of Arizona)
) ss.
County of . . .)

I, ... being first duly sworn say: (here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, in my presence, and each of them, signed his name thereto in my presence; I believe that each has stated his name, post office address, and residence correctly, and that each signer is a qualified elector of the State of Arizona and county of . . . . . , (or of the city of . . . . . , as the case may be).

(Signature and postoffice address of affiant.)

Subscribed and sworn to before me this . . . . . day of . . . . . A. D. 19 . . .

(Signature and title of officer before whom oath is made, and his postoffice address.)

The forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors.

Sec. 3. If the Secretary of State shall refuse to accept and file any petition for the Initiative if presented not less than four (4) months preceding the date of the election at which the measures or proposed constitutional amendment so proposed are to be voted upon, or for the Referendum if filed not more than ninety (90) days after the final adjournment of the session of the Legislature which shall have passed the measure to which the Referendum is applied, any citizen may apply, within ten days after such refusal, to the Superior Court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the Secretary of State shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office. On a showing that any petition filed is not legally sufficient, the court may enjoin the Secretary of State and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title and number of the measure or proposed amendment to the constitution set forth in such petition. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Supreme Court within ten days after a decision is rendered. The Superior Court of Maricopa County shall have jurisdiction in all cases of measures or proposed constitutional amendments to be submitted to the electors of the State at large; in cases of local and special measures, the Superior Court of the county, or of one of the counties in which such measures are to be voted upon, shall have jurisdiction; in case of municipal legislation, the Superior Court of the county in which the city concerned is situated shall have jurisdiction.

Sec. 4. When any Initiative or Referendum Petition or any measure or amendment to the Constitution referred to the people by the Legislature shall be regularly and legally filed, with the Secretary of State, he shall cause to be printed on the official ballot at the next regular general election the

title and number of said measure or proposed constitutional amendment, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure or proposed amendment.

Sec. 5. The Secretary of State at the time he furnishes to the county clerks of the several counties certified copies of the names of the candidates for State and other offices, shall furnish to each of said county clerks his certified copy of the titles and numbers of the several measures and proposed amendments to the constitution to be voted upon at the ensuing regular general election. The affirmative of the first measure shall be numbered 300 and the negative 301 in numerals, and the succeeding measures shall be numbered consecutively 302, 303, 304, 305 and so on, at each election. Proposed constitutional amendments shall be similarly numbered beginning with the number 101. Proposed constitutional amendments shall be placed by themselves at the head of the ballot column, followed by the measures referred. It shall be the duty of the several county clerks to have printed said titles and numbers upon the official ballot in the order presented to them by the Secretary of State and in the relative position required by law. Proposed constitutional amendments shall be designated "Proposed Amendments to the Constitution." Said amendments shall be divided into two subdivisions designated and arranged respectively as "a" Proposed by the Legislature, and "b" Proposed by Initiative. Measures referred by the Legislature shall be designated by the heading "Referred to the people by the Legislature"; measures referred by petition shall be designated "Referendum ordered by petition of the people"; measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading "Proposed by initiative petition".

Sec. 6. The manner of voting upon measures and proposed constitutional amendments submitted to the people shall be the same as is now or may be required and provided

by law; no measure or proposed amendment to the Constitution shall be adopted unless it shall receive an affirmative majority of the total number of respective votes cast on such measure and entitled to be counted under the provisions of this Act; that is to say, supposing forty thousand ballots to be properly marked on any measure, it shall not be adopted unless it shall receive more than twenty thousand affirmative votes. If two or more conflicting laws or proposed constitutional amendments shall be approved by the people at the same election, the law or proposed amendments receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the Constitution shall be approved by the people at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such amendment may not have received the greatest majority of affirmative votes.

Sec. 7. Not later than the first Monday of the third month next before any regular general election, nor later than thirty (30) days before any special election, at which any proposed law, part of an act, or amendment to the Constitution is to be submitted to the people, the Secretary of State shall cause to be printed in pamphlet form a true copy of the title and text of each proposed Constitutional amendment and measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee, or duly authorized officers of any organization, filing any petition under the Initiative, but no other person or organization, shall have the right to file with the Secretary of State for printing and distribution any argument advocating the measure or proposed Constitutional amendment set forth in such petition; said argument shall be filed not later than the first Monday of the fourth

month before the regular election at which the measure is to be voted upon. Any person, committee, or organization may file with the Secretary of State, for printing and distribution, any arguments they may desire, opposing any measure, or proposed Constitutional amendment, not later than the fourth Monday of the fourth month immediately preceding such election. Arguments advocating or opposing any measures referred to the people by the Legislature, or by referendum petition, at a regular general election, shall be governed by the same rules as to time, but may be filed with the Secretary of State by any person, committee, or organization; in the case of measures or proposed constitutional amendments submitted at a special election, all argument in support of such measure or proposed amendment must be filed at least sixty (60) days before such election. But in every case the person or persons offering such arguments for printing and distribution shall pay to the Secretary of State sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the measure or proposed Constitution (Constitutional) amendment to be printed by the State; and he shall forthwith notify the persons offering the same of the amount of money necessary. The Secretary of State shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures and proposed constitutional amendments to be submitted as herein provided and all such measures and proposed Constitutional amendments and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done at the expense of the State, and the pages of said pamphlet shall be numbered consecutively from one to the end. The pages of said pamphlet shall be six by nine inches in size, and the printed matter thereon shall be set in eight point Roman-faced type, single leaded, and twenty-five ems in width, with appropriate heads, and printed on sized and super calendered paper twenty-five by thirty-eight inches, weighing fifty pounds to the ream. The

title page of every measure and proposed Constitutional amendment bound in said pamphlet shall show its ballot title and ballot numbers. The title page of each argument shall show the measure or measures or proposed Constitutional amendments it favors or opposes and by what persons or organizations it is issued. When such arguments are printed, the Secretary of State shall pay therefor from the money deposited with him and refund the surplus, if any, to the parties who paid it to him. The cost of printing, binding, and distributing the measures and proposed Constitutional amendments proposed, and of binding and distributing the arguments, shall be paid by the State as a part of the State printing, it being intended that only the cost of paper, and printing the arguments, shall be paid by the parties presenting the same, and they shall not be charged any higher rate for such work than is paid by the State for similar work and paper. Not later than the fifty-fifth day before the regular general election at which such measures or proposed Constitutional amendments are to be voted upon, the Secretary of State shall transmit by mail, with postage fully prepaid, to every voter in the State whose address he may have, one copy of such pamphlet; Provided, that if the Secretary shall, at or about the same time, be mailing any other pamphlet to every voter, he may, if practicable, bind the matter herein provided for in the first part of said pamphlet, numbering the pages of the entire pamphlet consecutively from one to the end, or he may enclose the pamphlets under one cover. In the case of a special election he shall mail said pamphlet to every voter not less than twenty (20) days before said special election.

Sec. 8. The votes on measures and proposed Constitutional amendments shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers, as votes for candidates are counted, canvassed and returned, and the abstract made by the several county clerks of votes on measures and proposed Constitutional amendments shall be re-

turned to the Secretary of State on separate abstract sheets, in the manner provided by law. It shall be the duty of the Secretary of State, in the presence of the Governor, to proceed within thirty (30) days after the election, and sooner if the returns be all received, to canvas (canvass) the votes given for each measure and proposed Constitutional amendment; and the Governor shall forthwith issue his proclamation, giving the whole number of votes cast in the State for and against each measure and proposed Constitutional amendment, and declaring such measures and proposed Constitutional amendments as are approved by majority of those voting thereon to be in full force and effect as the law of the State of Arizona from the date of said proclamation; provided, that if two or more measures or proposed Constitutional amendments shall be approved at said election, which are known to conflict with each other or to contain conflicting provisions, he shall also proclaim which is paramount in accordance with the provisions of Sec. 7 of this Act.

Sec. 9. In all cities and towns which have not or may not provide by ordianace and charter for the manner of exercising the initiative and referendum powers reserved by the Constitution to the people thereof, as to their municipal legislation, the duties required of the Secretary of State by this Act, as to State legislation, shall be performed as to such municipal legislation by the city auditor, clerk, or recorder, as the case may be; the duties required of the Governor shall be performed by the mayor as to such municipal legislation, and the duties required by this Act of the Attorney General shall be performed by the city attorney as to such municipal legislation. The provisions of this Act shall apply in every city and town in all matters concerning the operation of the initiative and referendum in its municipal legislation, on which such city or town has not made or does not make conflicting provisions. The printing and binding of measures and arguments in municipal legislation shall be paid for by the city in like manner as payment is provided

for by the State as to State legislation by Sec. 8 of this Act, and said printing shall be done in the same manner that other municipal printing is done; distribution of said pamphlets shall be made to every voter in the city, so far as possible, by the city clerk, auditor, or recorder, as the case may be, either by mail or carrier, not less than eight (8) days before the election at which the measures are to be voted upon. Arguments supporting municipal measures shall be filed with the city clerk, auditor, or recorder, not less than thirty (30) days before the election at which they are to be voted upon; opposing arguments shall be filed not less than twenty (20) days before said election. It is intended to make the procedure in municipal legislation as nearly as practicable the same as the initiative and referendum procedure for measures relating to the people of the State at large.

Sec. 10. Referendum petitions against any ordinance, franchise or resolution, passed by a city council shall be signed by not less than ten (10) per cent of the voters of said city; and said signatures shall be verified in the manner herein provided; the petition shall be filed with the city clerk, auditor, or recorder, as the case may be, within thirty (30) days after the passage of such ordinance, resolutions, or franchise. No city ordinance, resolution, or franchise shall take effect and become operative until thirty (30) days after its passage by the council and approved by the mayor, unless the same shall be passed over his veto, and in that case it shall not take effect and become operative until thirty (30) days after such final passage, except measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become immediately operative unless it shall state in a separate section the reasons why it is necessary that it should become immediately operative, and shall be approved by the affirmative vote of three-fourths of all the members elected to the city council, taken by ayes and noes, and also approved by the mayor.

Sec. 11. If any ordinance, charter, or amendment to the charter of any city shall be proposed by initiative petition, said petition shall be filed with the city clerk, auditor, or recorder, as the case may be, and the city clerk, auditor, or recorder, as the case may be, shall submit the same to the voters of the city or town at the next ensuing election held therein not less than ninety (90) days after the same was first presented to the city council. The council may ordain said ordinance or amendment and refer it to the people, or it may ordain such ordinance without referring it to the people, and in that case it shall be subject to referendum petition in like manner as other ordinances; the mayor shall not have power to veto either of such measures. If conflicting ordinances or charter amendments shall be submitted to the people at the same election, and two or more of such conflicting measures shall be approved by the people, then the measure which shall have received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority. Amendments to any city charter may be proposed and submitted to the people by the city council, with or without an initiative petition, but the same shall be filed with the city clerk for submission not less than Sixty (60) days before the election at which they are to be voted upon, and no amendment of a city charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The city council may by ordinance order special elections to vote on municipal measures.

Sec. 12. Every person who is a qualified elector of the State of Arizona may sign a petition for the Referendum or for the Initiative for any measure which he is legally entitled to vote upon. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure, or proposed Constitutional amendment at one election, or who is not at the time of

signing the same a qualified elector of this State, or any officer or person wilfully violating any provision of this statute, shall upon conviction thereof, be punished by a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the penitentiary not exceeding Two Years, or by both such fine and imprisonment, in the discretion of the court before which such conviction shall be had.

Sec. 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 14. Whereas, there is no law to carry into effect the provisions of Sec. 1, Part 1, of Article IV of the Constitution of Arizona, as to local, city, town or county matters upon which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate, therefore it is the judgment of this Legislature that an emergency exists, and that it is necessary for the public safety that this law shall become operative upon its approval by the Governor; therefore, this Act shall take effect and be in force immediately upon its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 21, 1912.

CHAPTER 72.

AN ACT

To Amend Sec. 3 of House Bill No. 68, of the First State Legislature Passed at the Regular Session of Said Legislature, Said House Bill No. 68 Being an Act Entitled "An Act to Amend Act No. 29 of the Session Laws of the Twenty-Second Legislative Assembly of Arizona, Said Act No. 29 Being Entitled 'An Act Relating to Corporations and Requiring the Territorial Auditor to Turn Into

the Territorial Treasury All Fees Received Under the Provisions of This Act,' Approved March 18, 1903," Approved May 18, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Sec. 3 of House Bill No. 68 of the First State Legislature, passed at the regular session of said Legislature, said House Bill No. 68 being entitled "An Act to amend Act No. 29 of the session laws of the Twenty-second Legislative Assembly of Arizona, said Act No. 29 being entitled 'An Act relating to corporations and requiring the Territorial Auditor to turn into the Territorial Treasury all fees received under the provisions of this Act,' Approved March 18, 1903," Approved May 18, 1912, be and the same is hereby amended to read as follows:

"Sec. 3. (a) Every corporation organized under the laws of this State, and every foreign corporation doing business in this State, except purely charitable, social, fraternal, benevolent, and religious institutions, not used or held for profit, shall, during the month of June in each year, pay an annual registration fee of Fifteen Dollars ($15.00), such fees shall be paid to the Corporation Commission, and shall be paid irrespective of any specific license or other tax imposed by law upon such corporation for the privilege of carrying on its business in this State or upon its franchises or property.

(b) At the time of paying such registration fee, every such corporation, domestic or foreign, shall file with the said Corporation Commission a report subscribed and sworn to by its president and secretary showing:

1. Its assets, liabilities, and accumulations.
2. The amount of its capital stock paid up and issued.
3. A statement showing in detail all property both real and personal owned, leased or controlled by the corporation, and in what place or places the same is situated, and the value thereof.

(c) The Corporation Commission shall charge and collect in advance the following fees for the performance of the duties herein required:

Filing articles of incorporation or certified copy thereof	$10.00
Filing annual report at the time of payment of registration fees	5.00
Filing appointment of statutory agent	5.00
For issuing certificate of filing articles of incorporation	5.00
For issuing certificate of incorporation of companies organized under the laws of this State	10.00
For copy of any document on file in the office of the Corporation Commission, not otherwise provided for, 20 cents per folio.	
For affixing seal and certificate to copy	2.00
Annual registration fee of corporation as provided herein	15.00

And the Corporation Commission shall on the first Monday of each month, deposit in the office of the State Treasurer, all fees so collected, accompanied by an itemized and verified statement of said fees, without cost to the State, and such fees so deposited shall be placed in the general fund of the State".

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas, the Act of which this Act is an amendment contained a declaration that an emergency existed, whereby said Act became effective immediately upon its passage and approval by the Governor, and it is necessary, in order that said Act as hereby amended be uniform in its operation in order to avoid confusion in its enforcement, and for the purpose of preserving the public safety, the early operation of this Act is necessary; therefore an emergency is hereby declared to exist and this Act shall be in force from

and after its passage and approval by the Governor and is hereby exempt from the Referendum provision of the State Constitution.

Approved June 24, 1912.

CHAPTER 73.

AN ACT

To Amend Paragraph 2445 (Sec. 2) Title XXI, Revised Statutes of Arizona, 1901, as Amended by Section 1, Chapter 91, of the Acts of the 24th Legislative Assembly of the Territory of Arizona, 1907, Relating to Right of Eminent Domain.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 2445 (Sec. 2) Title XXI, Revised Statutes of Arizona, 1901, as amended by Sec. 1, Chapter 91, of the Acts of the 24th Legislative Assembly of the Territory of Arizona, 1907, be and the same is hereby amended to read as follows:

2445. (Sec. 2) Subject to the provisions of this Act, the right of eminent domain may be exercised in behalf of the following uses:

1. Fortifications, magazines, arsenals, navy-yards, navy and army stations, light-houses, range and beacon lights, coast surveys, and all other public uses authorized by the Government of the United States;

2. Public buildings and grounds for the use of the State and all other public uses authorized by the Legislature of this State;

3. Public buildings and grounds for the use of any county, incorporated city, or village, town, or any education-

al, reformatory, or penal institution of the State of Arizona, or school districts, canals, aqueducts, flumes, ditches, or pipes, for conducting water for the use of the inhabitants of any county, incorporated city, or village or town; or for draining any county, incorporated city, or village or town; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city, or village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements, shall be such as may be provided in the statutes by which the same may be authorized;

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank and turnpike roads and highways; steam, horse, electric, and cable railroads or railwaya (railways); telegraph and telephone lines and conduits for public communication; electric light and power transmission lines, pipe-lines used for supplying gas to the public, and all transportation and transmission and inter-communication facilities of public service agencies; canals, ditches, flumes, aqueducts, and pipes, for public transportation, supplying mines and other industrial enterprises and farms, and farm neighborhoods with water for irrigation, domestic, and other needful purposes; and draining and reclaiming lands, and for floating logs and lumber on streams not navigable;

5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common, by the owners of (or) possessors of different mines, of (or) any place for the flow, deposit or conduct of tailings or refuse matter from their several mines;

6. By-roads leading from highways to residences and farms;

7. Reservoirs for collecting, impounding, storing, and distributing water for the use of the inhabitants of any county, incorporated city, or village or town, whether incorporated or not, and for the public transportation, and supplying mines and farming neighborhoods with water for any needful purpose; private canals, ditches, flumes, aqueducts, and pipes, for conducting water from natural water courses or bodies, or from public reservoirs, canals, ditches, flumes, aqueducts, and pipes, where the ranch, farm, or lands to be irrigated are not directly reached by such natural water course or body, or by such public reservoir, canal, ditch, flume, aqueduct, or pipe;

8. A pipe line or pipe lines for the purpose of carrying petroleum, petroleum products, or any other liquid;

9. Reservoirs, dams, canals, ditches, flumes, tunnels, aqueducts, and pipe lines, used in or necessary for impounding, collecting, storing, diverting, carrying, or conducting water utilized for the generation of electricity.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 24, 1912.

CHAPTER 74.

AN ACT

To Amend Section 3, of Chapter 76, Session Laws of the Twenty-fifth Legislative Assembly of the Territory of Arizona, Approved March 18, 1909.

Entitled "An Act to Provide for the Immediate Registration of All Births and Deaths Throughout the Territory of Arizona by Means of Certificates of Birth and

Deaths, and Burial or Removal Permits; to Require Prompt Returns to the Bureau of Vital Statistics as Required to Be Established by the Territorial Board of Health to Insure Thorough Organization and Efficiency of the Registration and Efficiency of the Registration of Vital Statistics Throughout the Territory; to Provide Certain Penalties; to Repeal All Acts and Parts of Acts in Conflict Herewith."

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Section 3, of Chapter 76, Session Laws of the Twenty-fifth Legislative Assembly of the Territory of Arizona, Approved March 18, 1909, be and the same is hereby amended to read as follows:

"Sec. 3. That the Secretary of the State Board of Health shall have general supervision over the central Bureau of Vital Statistics, which is hereby authorized to be established by said Board, and shall be the State Registrar of Vital Statistics.

He shall receive an annual salary at the rate of One Thousand Dollars ($1000.00) from the date of the taking effect of this law, to be paid in equal installments at the end of every three (3) months, in addition to his salary as State Superintendent of Public Health. He shall also be allowed annually a sum not to exceed Twenty-five Hundred Dollars ($2500.00) for the purchase of official books, records, files, certificates, and papers, and for other necessary expense that may be incurred in the proper conduct of the office. Suitable fire proof vault and filing cases for the permanent and safe preservation of all official records made and returned under this Act shall be provided by the custodian of the Capitol for the Bureau of Vital Statistics in the State Capitol.

The accounts of the State Registrar of Vital Statistics shall be audited by the State Board of Health and the same, together with his salary, shall be paid out of the State treasury."

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. Whereas, in the heretofore existing laws, the Secretary of the State Board of Health was allowed annually a sum not to exceed One Thousand Dollars ($1000.00), for contingent expenses as State Registrar of Vital Statistics, and

Whereas, it has been ascertained that the said sum of One Thousand Dollars ($1000.00) is not sufficient to cover the contingent expenses of said office, and

Whereas, the immediate operation of this Act is necessary for the public health and for the support and maintenance of the department of the State Board of Health, an emergency is hereby declared to exist and this Act shall be in full force and effect after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 24, 1912.

CHAPTER 75.

AN ACT

To Authorize the Board of Canvassers to Employ Clerical Help to Assist in Canvassing the Vote to Be Canvassed by the Board of Canvassers After the Next General Election, and to Make an Appropriation Therefor.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That the sum of Five Hundred Dollars ($500.00) or so much thereof as may be necessary, is hereby appropriated out of the general fund for the purpose of paying clerical help in canvassing the returns to be canvassed by the Board of Canvassers after the next general election.

Sec. 2. The Board of Canvassers is hereby authorized to employ such clerical help as may be necessary to assist in canvassing State returns, the amount to be paid the clerical help, however, not to exceed the amount appropriated by the provisions of this Act.

Sec. 3. The Auditor shall draw his warrant upon the general fund in payment of the sum herein appropriated, and the State Treasurer shall pay the same out of any funds in said general fund not otherwise appropriated.

Approved June 24, 1912.

CHAPTER 76.

AN ACT

Authorizing the Secretary of State to Sell and Dispose of Printed and Published Acts of the First and Second Sessions of the First Legislature of the State of Arizona, and Fixing a Price at Which Said Printed and Published Acts shall Be Sold.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That of the Two Thousand (2000) copies of the Acts of the First and Second Sessions of the First Legislature of the State of Arizona, to be printed and published under the direction of the Secretary of State, by authority of law, the Secretary of State is hereby authorized to sell and dispose of Fifteen Hundred (1500) of said copies to the general public, at a price per volume, sufficient to reimburse the State for the cost of printing, binding, and publishing said Acts.

Sec. 2. All moneys received by the Secretary of State from the sale of said printed and published Acts of the First and Second Sessions of the First Legislature of Arizona, shall be paid by the Secretary of State into the State Treasury, to the credit of the general fund.

Sec. 3. Whereas, an early operation of this Act is necessary for the support and maintenance of the departments of State and public institutions, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 24, 1912.

CHAPTER 77.

AN ACT

Making an Appropriation for the Purpose of Carrying Into Effect the Provisions of an Act of the First Legislature of the State of Arizona, Entitled "An Act to Provide for Carrying into Effect the Initiative and Referendum Powers Reserved by the People in Sec. 1 of the Initiative and Referendum Subdivision of Article IV of the Constitution of the State of Arizona, and in Sec. 1 of Article XXI of Said Constitution on General Legislation and the Powers Reserved as to Proposed Amendments to the Constitution and on Legislation in Every Incorporated City, Town, and County, as to All Local City, Town, or County Matters on Which Such Incorporated Cities, Towns, and Counties Are or Shall Be Empowered by General Laws to Legislate; Providing for a Publicity

Pamphlet, and Providing Penalties for Violations of the Provisions of This Act." Approved June —— 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That there be and is hereby appropriated out of the general fund of the State of Arizona, the sum of Five Thousand Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of an Act of the First Legislature of the State of Arizona entitled, "An Act to provide for carrying into effect the Initiative and Referendum powers reserved by the people in Sec. 1 of the Initiative and Referendum subdivision of Article IV of the Constitution of the State of Arizona and in Sec. 1 of Article XXI of said Constitution on general legislation and the powers reserved as to proposed amendments to the Constitution and on legislation in every incorporated city, town and county as to all local city, town or county matters on which such incorporated cities, towns, and counties, are or shall be empowered by general laws to legislate; providing for a publicity pamphlet and providing penalties for violations of the provisions of this Act", said act being also known and designated as House Bill 44 of the special session of said Legislature, and for the purpose of printing, binding, and distributing the pamphlets therein provided for, and the payment of postage on the same.

Sec. 2. Upon presentation of any claim for printing, binding, envelopes or other supplies, verified by the affidavit of the claimant and approved in writing by the Secretary of State, the State Auditor shall draw his warrants on the State Treasurer for the amount of such claims, payable out of the general fund of the State, and the State Treasurer shall pay the same. The Secretary of State shall from time to time present to the State Auditor his written certificate setting forth the sum required for the purchase of postage stamps, or the payment of postage, and the Auditor shall thereupon

draw his warrant on the State Treasurer for the amount specified in such certificate payable out of the general fund of the State, and the State Treasurer shall pay the same.

Sec. 3. Whereas, the early operation of this act is necessary in order to carry out the requirements of the provisions of the State Constitution herein referred to, and is necessary for the preservation of the public peace and safety, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the Referendum clause of the State Constitution.

Approved June 24, 1912.

CHAPTER 78.

AN ACT

Entitled "An Act to Repeal Paragraph 3782, Section 3, of Title LVIII of the Revised Statutes of Arizona, 1901," Relating to the Publication by the Territorial Auditor of a List of All Warrants Drawn and Issued by Him.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Paragraph 3782, Section 3, of Title LVIII, Revised Statutes of Arizona, 1901 relating to the publication by the Territorial Auditor of a list of all warrants drawn and issued by him, be and the same is hereby repealed.

Sec. 2. Whereas, the provisions of this Act are necessary for the public peace, health and safety, and for the support and maintenance for the departments of State, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the provisions of the Referendum clause of the State Constitution.

Approved June 24, 1912.

CHAPTTR 79.

AN ACT

To Amend Section 2, Section 3 and Section 7 of an Act of the First Legislature of the State of Arizona, Entitled "An Act Making Appropriations for the Current and Contingent Expenses of the Different Departments of State and State Institutions, and Making Appropriations for the Maintenance of Public Institutions, and to Prescribe the Duties of the State Board of Equalization, Board of Control, State Auditor, State Treasurer, in Carrying Out the Provisions of This Act, All of Which Constitutes the General Appropriation Bill", Approved May 28, 1912.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. That Section 2 of an Act of the First Legislature of the State of Arizona, entitled "An Act making appropriations for the current and contingent expenses of the different departments of State and State Institutions, and making appropriations for the maintenance of public institutions, and to prescribe the duties of the State Board of Equalization, Board of Control, State Auditor, State Treasurer, in carrying out the provisions of this act, all of which constitutes the General Appropriation Bill", Approved May 28, 1912, be and the same is hereby amended to read as follows:

"Sec. 2. That there be and is hereby appropriated the pended by the Board of Control, for the maintenance of the sum of twenty-five thousand dollars ($25,000.00) to be ex-State Industrial School as hereinafter provided, to be placed by the State Treasurer in the State Industrial School Fund out of the taxes collected for the year 1912. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims approved and allowed by the said Board of Control, under the provisions of this Act, from the said Industrial School fund, and the State Treas-

urer is hereby authorized to pay said warrants out of the said fund, but in case of a deficit of said fund to pay said warrants out of the general fund".

Sec. 2. That Section 3 of an Act of the First Legislature of the State of Arizona, entitled "An Act making appropriations for the current and contingent expenses of the different departments of State and State Institutions, and making appropriations for the maintenance of public institutions, and to prescribe the duties of the State Board of Equalization, Board of Control, State Auditor, State Treasurer, in carrying out the provisions of this act, all of which constitutes the General Appropriation Bill", Approved May 28, 1912, be and the same is hereby amended to read as follows:

"Sec. 3. That there be and is hereby appropriated the sum of ninety thousand dollars ($90,000.00), to be expended by the Board of Control for the maintenance of the Prison as hereinafter provided, said sum to be placed by the State Treasurer in the Prison Fund out of the taxes collect (collected) for the year 1912. The Board of Control is hereby authorized and directed to expend the said sum of ninety thousand dollars ($90,000.00), or so much thereof as may be necessary, in their discretion, for the said Institution. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims approved and allowed by the said Board of Control, under the provisions of this Act, from the Prison fund. And the State Treasurer is hereby authorized and directed to pay said warrants out of the State Prison fund, but in case of a deficit of said fund to pay the same out (of) the general fund".

Sec. 3. That Section 7 of an Act of the First Legislature of the State of Arizona, entitled "An Act making appropriations for the current and contingent expenses of the different departments of State and State Institutions, and making appropriations for the maintenance of public institutions, and to prescribe the duties of the State Board of Equalization,

Board of Control, State Auditor, State Treasurer, in carrying out the provisions of this act, all of which constitutes the General Appropriation Bill", Approved May 28, 1912, be and the same is hereby amended to read as follows:

"Sec. 7. That there be and is hereby appropriated the sum of seventy-five thousand dollars ($75,000.00) to be expended by the Board of Control for the maintenance of the Asylum for the Insane, as hereinafter provided, said sum to be placed by the State Treasurer in the Asylum for the Insane fund, out of the taxes collected for the year 1912. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims approved and allowed by said Board of Control under the provisions of this Act, from the Asylum for the Insane fund, and the State Treasurer is hereby authorized and directed to pay said warrants out of said Asylum for the Insane fund, but in case of a deficit in the said fund to pay the same out of the general fund".

Sec. 4. Whereas, it is necessary to supplement and amend the General Appropriation Act heretofore enacted by the First Legislature of the State of Arizona at its regular session, and to provide a uniform method of payment of claims against the State of Arizona for the maintenance of the several state institutions, and the early operation of this Act is necessary for the support and maintenance of the various departments of the State, and State institutions, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the provisions of the Referendum clause of the State Constitution.

Approved June 24, 1912.

CHAPTER 80.

AN ACT

To Provide Further Revenue for the State of Arizona and the Several Counties Thereof by Substituting Fixed Amounts to Be Paid to the Clerks of the Supreme and Superior Courts by Parties to Civil Actions and Probate and Other Proceedings in Lieu of the Fees Now Allowed by Law, and Providing for the Payment of Such Amounts Into the State and County Treasuries.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. The plaintiff in any civil action commenced in any Superior Court shall at the time of filing his complaint, pay to the clerk of such court, the sum of Ten Dollars ($10.00). The defendant in any such action shall, at the time of filing his answer, pay to the clerk the sum of Five Dollars ($5.00). Each defendant appearing by different counsel than his co-defendant or defendants and answering separately shall make such payment. Provided, that should the Superior Clerk's fees in any civil action as determined by the laws relating to fees of District Court Clerks in force at and before this enactment, exceed Thirty Dollars ($30.00), there shall be taxed, in addition to all payments in this Act provided, all fees in such excess of Thirty Dollars ($30.00), to follow the result of suit as other costs.

Sec. 2. The appellant in any civil action appealed to the Superior Court from the Court of any Justice of the Peace, shall at the time of filing the transcript and papers on such appeal, pay to the Clerk of the Superior Court the sum of Eight Dollars ($8.00). The appellee in any such case shall within twenty (20) days after the filing of the transcript or papers on appeal, pay to the Clerk of the Superior Court the sum of Four Dollars ($4.00).

Sec. 3. On the filing of a petition for letters of administration, or for the probate of a will, or for the appointment of a guardian, Ten Dollars ($10.00) shall be paid by the petitioner, to the Clerk of the Superior Court, which in the case of estates appraised at less than Three Thousand Dollars ($3,000.00) shall be in full of all fees, and in estates over Three Thousand Dollars ($3,000.00) and less than Ten Thousand Dollars ($10,000.00). Ten Dollars ($10.00) additional shall be paid, and in estates over Ten Thousand Dollars ($10,000.00), and less than Thirty Thousand Dollars ($30,000.00), Twenty Dollars ($20.00) additional to the first Ten Dollars ($10.00) shall be paid, and in estates over Thirty Thousand Dollars ($30,000.00), and less than Sixty Thousand Dollars ($60,000.00), Thirty Dollars ($30.00) additional to the first Ten Dollars ($10.00) shall be paid, and in estates over Sixty Thousand Dollars ($60,000.00) and less than One Hundred Thousand Dollars ($100,000.00) Fifty Dollars ($50.00) additional to the first Ten Dollars ($10.00) shall be paid. In estates of One Hundred Thousand Dollars ($100,000.00) or more, there shall be paid the sum of Fifty Dollars ($50.00) in addition to the first Ten Dollars ($10.00) and also the further sum of Ten Dollars ($10.00) for each Twenty-five Thousand Dollars ($25,000.00), or major fraction thereof, in excess of One Hundred Thousand Dollars ($100,000.00). Provided, that, if in the course of the settlement of any estate, real property of the value of Fifteen Hundred Dollars ($1500.00) or more is sold, there shall be paid the sum of Ten Dollars ($10.00), in addition to all other payments herein provided for.

Any person opposing such petition shall before the final time fixed for the hearing of such petition pay to the Clerk of the Superior Court the sum of Five Dollars ($5.00). Any person contesting any will or codicil shall be deemed a plaintiff and every person opposing such contest shall be deemed a defendant and shall pay the same sum as herein required of plaintiffs and defendants.

Sec. 4. Any person intervening in any civil action in the Superior Court shall pay the same sum as required by this Act to be paid by the Plaintiff. Any person brought in as a party plaintiff, or defendant, by either party to an action or by order of the Court, shall not be required to pay any sum if he join with his co-plaintiff or co-defendant in seeking or opposing the relief sought, but if he appear by different counsel and plead separately, he shall pay the sum herein specified to be paid by any other plaintiff or defendant.

Sec. 5. The Clerk of the Superior Court shall not file any paper tendered by any party until the sums herein provided shall have been paid. Upon receipt of the transcript or papers on appeal from the Court of a Justice of the Peace, the Clerk of the Superior Court shall notify the appellant or his attorney, that such transcript or papers will be filed upon payment of the sum herein provided, and unless such sum shall be paid within fifteen (15) days after the giving of such notice, the appeal shall be deemed abandoned, and the transcript and papers shall be returned to the Justice of the Peace, and the judgment may be enforced as if no appeal had been taken.

Sec. 6. Any person desiring to oppose any application for the probate of a will, for letters of administration, or for the appointment of a guardian, shall not be heard until payment of the sum herein prescribed shall have been made.

Sec. 7. Every applicant in any Superior Court for the issuance of any writ of quo warranto, mandamus, certiorari, or other suit (except the writ of habeas corpus) shall be deemed a plaintiff, and every person opposing the issuance of such writ shall be deemed a defendant, and shall pay the same sums as herein required of plaintiffs and defendants. Every person contesting any election shall be deemed a plaintiff and every person opposing such contest shall be deemed a defendant and shall pay the same sums as herein required of plaintiffs and defendants.

Sec. 8. In all cases of appeal or writ of error to review the judgment or order of any Superior Court in any civil action, the appellant or plaintiff in error shall at the time of filing the record on such appeal or writ of error, pay to the Clerk of the Supreme Court the sum of Twenty-five Dollars ($25.00) within thirty (30) days after the filing of such record, the appellee or defendant in error shall pay to the Clerk of the Supreme Court the sum of Fifteen Dollars ($15.00).

Sec. 9. The applicant for a writ of mandamus, certiorari, quo warranto, or other writ within the original jurisdiction of the Supreme Court (except the writ of habeas corpus) shall, at the time of filing his petition or application, pay to the Clerk of the Supreme Court the sum of Fifteen Dollars ($15.00). Any person opposing the issuance of any such writ, shall pay to the Clerk of the Supreme Court the sum of Five Dollars ($5.00).

Sec. 10. The Clerk of the Supreme Court shall not file any papers tendered by any person until the sums above provided for shall have been paid. Upon the receipt by said Clerk of the record upon any appeal or writ of error, he shall notify the appellant or plaintiff in error, or his attorney, that such record has been received and will be filed upon payment of the amount herein provided to be paid. If such amount is not paid within thirty (30) days after the giving of such notice, the appeal or writ of error shall be deemed abandoned, and the record returned to the Court from which it came, and the judgment may be enforced as if no appeal had been taken or writ of error sued out. The Clerk shall in like manner notify the appellee or the defendant in error, or his attorney, of the time of filing the record, and unless the sum herein provided for, is paid within thirty (30) days after such filing, the appellee or defendant in error shall not be entitled to be heard. Provided that nothing in this Act contained shall be construed to authorize the charge or collection of any

fee from the State of Arizona, or any county thereof or from the State Corporation Commission or State Tax Commission.

Sec. 11. The sums herein provided to be paid, shall be in full payment of all fees of said clerks and in lieu of the fees heretofore provided by law to be paid, except for certified copies of papers on file, for transcript of minute entries or other records on appeal or writ of error, to the Supreme Court of the United States, for which the fees now allowed by law shall be charged in addition to the sums herein provided to be paid.

Sec. 12. At the end of each calendar month the Clerk of the Superior Court shall pay to the County Treasurer all sums received by him during such month, and the Clerk of the Supreme Court shall at the end of each month pay to the State Treasurer all sums received by him during such month. No part of any of the sums herein provided shall be refunded to the party paying the same.

Sec. 13. The Court or any Judge thereof may for good cause shown extend the time for paying any of the sums herein provided or may relieve against any default caused by the non-payment of any such within the time herein provided.

Sec. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 24, 1912.

CHAPTER 81.

AN ACT

To Provide for the Issuance of Certificates of Registration and the Use Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Any qualified elector, under the election laws of the State of Arizona whose name appears upon the Gen-

eral County Register of any county in the State of Arizona may demand of the County Recorder of the county in which he is registered a certificate of registration, and upon such demand said County Recorder shall issue to said elector a certificate of registration as provided in this Act, and any County Recorder who shall refuse or neglect to issue such certificate of registration upon the demand of any qualified elector, as provided herein, shall be guilty of a misdemeanor.

Sec. 2. The certificate of registration provided for in Sec. 1 of this Act shall be issued under the seal of the County Recorder and shall be signed by the said County Recorder, or his deputy, and by the elector demanding the certificate of registration, who shall state in the presence of the County Recorder or his deputy under oath that he is the qualified elector in whose name he seeks to have the certificate of registration issued.

Sec. 3. Every certificate of registration issued under the provisions of this Act shall be issued in duplicate, one copy to be retained as a permanent record of the County Recorder's office issuing the same, and one copy to be delivered to the elector demanding it.

Sec. 4. The certificate of registration herein provided for shall be substantially in the following form and words:

CERTIFICATE OF REGISTRATION.

....., County, Arizona,

I, ..., County Recorder of ..... County, Arizona, do certify upon demand of ..... whose name appears upon the General County Register of said ..... county, that he is a duly qualified elector, and I hereby issue this certificate to said ....., and certify that said ..... is a man of ..... feet, ... inches in height, color of eyes ....., complexion ..... nationality ..... weight

..... age ..... years; and that he has signed this certificate in my presence.

.....
County Recorder.

.....
Elector.

(Seal)

Upon the reverse side of said certificate shall appear the form and words:

We the undersigned, members of the Election Board of ..... Precinct, ... County, State of Arizona, do hereby certify that on the ..... day of ..... at .....M of said day, ... the elector named on the face of this certificate of registration, presented himself in person at the above named precinct, and after making oath that he was the qualified elector whose name appears upon the face of this certificate of registration, did cast his ballot in this precinct as provided by law.

.....Judge,
.....Judge,
.....Judge,
.....Clerk,
.....Clerk.

.....

(Signed by elector on date of voting and in the presence of the election Board.)

Sec. 5. The holder of a certificate of registration issued in accordance with the provisions of this Act shall be entitled to vote, subject to challenge, in any precinct in the State of Arizona in which he presents himself upon the date of any election of State officials or of Representative in Congress, or of United States Senators or Presidential Electors, provided he makes the following oath before the Election Board of the precinct in which he desires to vote:

I, ..., being first duly sworn, state upon oath that I am the identical ..... named in

the certificate of registration presented herewith by me; that I have not previously voted in this election at any precinct within the State of Arizona and that I am legally entitled to vote in the county of ..... State of Arizona.

Upon making the foregoing oath, and presenting said certificate of registration to the Election Board, the elector shall be allowed to vote, subject to challenge, provided, that he may not vote for candidates for the Legislature, Superior Court Judge, or county or precinct offices in any county except the county of his registration; and, in the county of his registration, for any candidate for precinct office, except in the precinct of his registration; and, provided further, that he so fold his ballot as to permit the election officers to determine that he is voting only for candidates for such offices as he is permitted to vote for under the provisions of this Act. The members of any election board who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00).

Sec. 6. The County Recorder, on issuing any certificate of registration, shall write in red ink over the registration of the elector in the general county register and the respective precinct register, the words, "Certificate issued," together with the date.

Sec. 7. Any person who shall make a false oath in order to vote under the provisions of this Act shall be guilty of a felony, and upon conviction thereof before a court of competent jurisdiction shall be punished by imprisonment for the period of one (1) Year, and shall also forfeit his rights of citizenship for a period of Five (5) Years from the date of his conviction.

Sec. 8. The attempted use of a fraudulent certificate of registration shall be a felony, and upon conviction thereof, the person so convicted, shall be subject to the penalties provided in the preceding section of this Act.

Sec. 9. Any County Recorder, or other public officer of the State of Arizona who issues, or causes to be issued, or connives at the issuance of any false or fraudulent certificate of registration shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for three years, and shall forfeit his rights of citizenship for a period of five years, in addition to the forfeiture of his office.

Sec. 10. Any certificate of registration issued under the provisions of this Act at the time the lawful holder thereof offers to vote by virtue thereof, shall be delivered to the Election Board of said Precinct, and shall be filed by said board, together with the returns of said election with the County Board of Supervisors.

Sec. 11. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 24, 1912.

CHAPTER 82.

AN ACT

To Regulate and License the Hunting of Game Birds and Animals; to Provide Revenue Therefrom; to Preserve Game; and to Make Appropriation for the Purpose of Carrying Out the Provisions of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. No person shall at any time shoot, or take in any manner, any game which is by law protected in this State without first having in his possession a hunting license as herein provided, for the year such shooting is done. Licenses shall be issued by the Clerk of the Board of Supervisors, State

Game Warden, or such deputies as may be designated for that purpose by the State Game Warden. Such licenses shall be classified as follows:

(1) A general hunting license shall entitle the person therein named to hunt game quadrupeds, birds, and take fish during the open season thereof.

(2) A big game license shall entitle the person therein named to hunt game quadrupeds during the open season thereof. (Wild turkeys are classified as big game under the meaning of this Act.)

(3) A bird license shall entitle the person therein named to hunt game birds, other than wild turkeys, during the open season thereof.

Sec. 2. Any person of the age of twelve (12) years or over may, if a non-resident or alien, procure hunting licenses as herein provided by filing his affidavit, and if a resident, by filing a certificate, with the County Clerk, State Game Warden, or any Deputy Warden, authorized to issue hunting licenses, stating therein his name, age, height, weight, place of residence, post office address, and color of hair and eyes. No license shall be issued except on a blank furnished by the State Game Warden, and upon payment of the sum herein provided for such license. All hunting licenses shall be numbered consecutively when printed and shall expire with the calendar year in which issued and shall state the name, age, height, weight, place of residence, post office address, and color of hair and eyes of licensee.

Sec. 3. Any person who has been a bona fide resident of this State for the one year then last passed, shall be entitled to procure a resident license.

Any person not a bona fide resident of this State, but who is a bona fide resident of the United States, shall be entitled to procure a non-resident hunting license.

Any unnaturalized foreign born person who has lived in this State for the one year then last past, shall be entitled to procure a resident-alien hunting license.

Sec. 4. The possession of game at any time, unaccompanied by a proper and valid license, as herein provided, shall be prima facie evidence that such game was unlawfully taken and is unlawfully held in possession, and it shall be the duty of every person having possession or control of game to produce the proper license when one is required by this Act, on demand of any officer, and permit the same to be copied by such officer.

Open season for hunting, taking, or possessing, any of the animals, birds, or fish, protected by this Act shall be between the following dates only, both inclusive:

(1) Male deer, and turkey from October 1 to December 15.

(2) Quail, snipe, and rail, from Oct. 15 to Feb. 1.

(3) Ducks, geese, and brant, from Sept. 1 to Apr. 1.

Doves, and White Wings from June 1 to Feb. 1.

Trout, from June 1 to Sept. 1.

Black Bass, Strawberry Bass, or Crappie, September 1 to December 1.

Any person who shall take any fish under seven (7) inches in length, of any variety of fish protected by this Act, is hereby required to return such fish, as little injured as possible, to the waters from which they were taken. Any person failing to abide by the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. It shall be unlawful to kill, trap or snare, or in any manner injure or destroy, or have in possession, any Antelope, Elk, Goat or Mountain Sheep, Female Deer, or Fawn, Road-runner, Bob White, Grouse or Pheasant.

Sec. 6. The right given by this Act to take or kill game or fish is limited to two (2) Male Deer in one season; twenty-five (25) Quail in one day; twenty-five (25) Ducks in one day; thirty-five (35) Doves or White Wings in one day; three (3) Turkeys in one season; twenty (20) pounds of Trout, Bass, Crappie, or Catfish, or forty (40) individual fish not less

than seven (7) inches in length in one day. No game or fish shall be held in possession more than five (5) days after the close of the season for the killing of same.

Sec. 7. No game shall be pursued, wounded, taken or killed, with a steel or hard pointed bullet, nor shall any person use in the pursuit, taking, wounding, or killing of any animals, birds, or fish, protected by this Act, any net, seine, trap, cage, snare, salt lick, blinds, scaffold, dead fall, pit, snag hook, trout line, artificial light, or similar device whatever, provided, that dogs, blinds, sinks, and decoys may be used in hunting birds.

Sec. 8. No game or fish shall be received or held in storage except as follows, namely:

(1) During the open season therefor, and for five (5) days thereafter, when the same is stored for the person lawfully in possession of the same.

Sec. 9. No game or fish protected by this Act shall be held in possession or placed upon the table of any hotel, restaurant, cafe, or boarding house, or named in its menu or bill of fare as food for its patrons, either under the name used in this Act or under any name or guise whatever, when the same shall have been killed or taken in this State except during open season for such game or fish. The naming of game and fish upon any menu or bill of fare as food for partrons (patrons) shall be prima facie evidence of the possession of the same by the proprietor of such hotel, restaurant, cafe, or boarding house.

Invoices and bills of lading, and other required proof that game or fish comes from without the State, shall be preserved by the proprietor for at least thirty (30) days after the consumption of the game or fish therein described and shall be delivered to the State Game Warden or his deputy on demand therefor within such time.

Sec. 10. Every net, trap, explosive, or poisonous or stupefying substance or device, used, or intended for use, in

taking or killing game, or fish in violation of this Act, and set, kept, or found, in or upon any of the streams or waters of this State, or upon the shores thereof, and every trap, device, blind, or deadfall, found baited in violation of this Act is hereby declared a nuisance and may be abated and summarily destroyed by any person, and it shall be the duty of every officer authorized to enforce this Act to seize and summarily destroy the same and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this Act shall be construed as affecting the right of the State Game Warden to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of fire arms.

Sec. 11. The necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this Act shall be taxed as part of the costs, and if not collected from the person liable therefor, shall be paid out of the game protection fund.

Sec. 12. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, if over eighteen (18) years of age, he shall be committed to the county jail and shall there be kept confined one (1) day for each dollar of the fine and cost adjudged against him and he shall not be discharged or released therefrom by any board of officers, except upon the payment of the portion of the fine and costs remaining unserved or upon the order of the Governor of this State.

Sec. 13. If the holder of any license shall persistently, or flagrantly, or knowingly, violate or countenance the violation of any of the provisions of the game laws, such license shall be revoked by the Game Warden after due notice shall have been given the alleged violator and opportunity afforded him to appear and show cause against the revocation of such license.

Sec. 14. In any prosecution under this Act, any participant in violation thereof, when so requested by the County Attorney, State Game Warden, or other officers institutiong (instituting) the prosecution, may testify as witness against any other persons charged with such violation, and his evidence, so given, shall not be used against him in any prosecution for such violation.

Sec. 15. It shall be the duty of every Justice of the Peace and Clerk of the Court before whom any prosecution under this Act may be commenced, or shall go on appeal, and within twenty (20) days after the trial or dismissal thereof, to report in writing the results thereof, and the amount of fines collected, if any, and the disposition thereof, to the State Game Warden.

Sec. 16. The State Game Warden shall have the power to appoint such deputies as he may deem necessary. Such deputies as may be designated as license collectors or who shall receive per diem salaries shall be required to furnish bond in the sum of Five Hundred Dollars ($500.00) for the faithful performance of their duties. The State Game Warden shall have the power to pay such deputies as he shall designate, for specific duties, a per diem of Three Dollars ($3.00) and actual necessary expenses, while under the direct order of the State Game Warden to perform services in enforcement of the game and fish laws; Provided, that the per diem expenses and salary of the deputies shall be paid semi-monthly upon verified vouchers under oath and approved by the State Game Warden out of the game protection fund; Provided, further, that the State Game Warden shall not designate deputies for services requiring per diem or expenses except when there shall be sufficient funds in the game protection fund to pay for such services as in this section provided.

Sec. 17. The State Game Warden may issue permits to any person to take, capture, kill, transport within or out of the State, or import into the State, any game, birds, or fish,

mentioned in this Act, at any time when satisfied that such person desires the same exclusively as specimens for scientific or propagating purposes. Such permits shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, and if imported into the State the name of the State or Territory from which shipped, and the name of the person shipping such game, birds, or fish, and shall be signed by him, and such permit shall not be transferable nor shall it be lawful to sell or barter any of the animals, birds, or fish, taken or imported under such permit, for food purposes, and the holder of such permit shall be liable to the penalties provided in this Act if he violates any of its provisions.

Sec. 18. The State Game Warden may authorize the redemption, by any resident of this State, of any young animal which has been abandoned by its mother and taken in good faith for purpose of saving its life, but not more than four (4) such animals shall be redeemed by one person at the same time. He may also at any time and in any manner take any game running at large within the State, for the purpose of propagating in any other part of the State.

Sec. 19. The State Game Warden, if he so elect, or any other officer charged with the enforcement of the laws relating to game and fish, if so directed by the State Game Warden, may bring civil action in the name of the State against any person unlawfully wounding or killing, or having unlawfully in possession, any game quadruped, bird, or fish, or part thereof, and recover judgment for each such animal or part thereof, the following minimum sums as damage for the taking, killing, or injuring thereof, to-wit:

For each Elk	$200.00
For each Deer	50.00
For each Antelope	100.00
For each Mountain Sheep or Goat	200.00
For each Bird	10.00
For each Fish	1.00

No judgment or verdict recovered by the State in such action shall be less than the sum hereinbefore fixed. Such action and damages may be joined with the action for possession and recovery had for the possession and also the damages therefor, aforesaid. Neither the pendency nor the determination of such action, nor the payment of such judgment, nor the pendency determined of a criminal prosecution for the same taking, wounding, killing, or possession, shall be a bar to the other, nor affect the right of the other.

Sec. 20. The State Game Warden shall keep a seal of office which shall be used to authenticate all papers and documents issued and executed by him as such officer.

Sec. 21. The State Game Warden shall keep a record of all moneys received and all licenses, certificates, permits, and tags, issued by him, numbering each class separately, and upon satisfactory proof that any license, certificate, or permit has been lost before the expiration thereof, he may issue a duplicate therefor for which the applicant shall pay the sum of ten ($.10) cents. The State Game Warden and license collectors shall charge and collect the following fees:

For each general license to residents	$ .50
For each big game license, non-resident	25.00
For each big game license, alien	100.00
For each bird license, non-resident	10.00
For each bird license, alien	25.00
For each permit to transport out of State, deer, or turkey, each	2.00
For each duplicate license or permit	.10

Sec. 22. It shall be unlawful for any person in the State of Arizona to use a gun of larger calibre than that commonly known and designated as number ten gauge, for the purpose of destroying any wild turkey, dove, quail, wild duck, wild goose, snipe, or rail.

Sec. 23. It shall be unlawful for any person in the State of Arizona to take, gather, or destroy, or have in possession

at any time, the eggs of any quail, bob-white, partridge, grouse, pheasant, dove, wild turkey, wild duck, wild goose, brant, snipe, rail, or any songbird of any kind.

Sec. 24. It shall be unlawful for any person to shoot a rifle, revolver, or shot gun of any calibre or guage (gauge) upon, from, or across any public highway of the State of Arizona, where there is cultivated land or dwelling houses either side, thereof, or where shot from such gun shall fall in, or pass over any cultivated land or dwelling houses, or among stock, or other animals grazing on land contiguous to such public highway.

Sec. 25. It shall be unlawful for any person in the State of Arizona, at any time to hunt, pursue, kill, or destroy, any lark, thrush, sparrow, swallow, grosbeak, or tanager, or any other songbird of any kind, provided, that nothing in this Act be so construed as to interfere with the collection of birds for scientific purposes by the Curator of the State Museum, or by any other person authorized by the State Game Warden of this State to collect.

Sec. 26. It shall be unlawful for any Indian in the State of Arizona, at any time, to hunt, take, pursue, kill, or destroy, any game or fish mentioned in this Act off the Government reservation to which he belongs.

Sec. 27. All American born persons, residents of this State, under the age of seventeen (17) years may have the same privileges as one holding a general license, without cost, provided, they are accompanied by a person holding a general license.

Sec. 28. It shall be the duty of the State Game Warden, and he shall have the authority, to procure the printing of all forms and blanks that may be required to carry out the intent of this Act and not inconsistent herewith, and all necessary blanks shall be furnished by him to the several license collectors. No license shall be issued except on an application

sworn to by the applicant, and any false statement in any application shall render the license issued thereon void. Every license collector shall keep a correct and complete record of every license issued by him, which record shall remain in his office and be open to inspection of the public at all times. All moneys collected for licenses shall be sent to the State Treasurer on or before the 10th day of the month following, and license collectors shall report to the State Game Warden the number of licenses issued, and the amount of money remitted.

Sec. 29. All moneys sent to the State Treasurer in payment of hunting licenses, permits, certificates, fines, penalties, or forfeitures shall be set aside by him, and shall constitute a fund to be known as the game protection fund, for the payment of the printing, publishing of reports, postage, express, and other necessary and office expenses, the salary of the State Game Warden, and the per diem salaries and necessary expenses of deputies; for the purchase, transportation, distribution, and propagation, of game and fish.

The State Game Warden shall not issue any voucher, nor shall the State Auditor approve any such voucher issued by the State Game Warden under the provisions of this Act, or otherwise, for any services or expenses of any kind, unless the money to pay such voucher shall at the time be on hand to pay the same.

Sec. 30. All moneys collected for fines under this Act shall be immediately paid over by the Justice of the Peace or clerk collecting or receiving the same, as follows: One-half to the State Treasurer to be by him credited to the game protection fund, and one-half to the person or deputy instituting the prosecution, except in cases where such prosecution is instituted by salaried officers, in which case such fines shall all be paid over to the State Treasurer to be by him credited to the game protection fund. The State Treasurer shall

render monthly statements to the State Game Warden showing all moneys received and paid out under the provisions of this Act.

Sec. 31. The English or European sparrow, great horned owl, and all species of hawks, are not included among the birds protected by this Act.

Sec. 32. Prosecutions under this Act may be commenced within one (1) month from the date of violation of any of the provisions of this Act, either by complaint or information.

Sec. 33. Nothing in this Act shall prevent a citizen of the State of Arizona from taking or keeping any wild bird in any cage, as a domestic pet, provided that such bird shall not be sold or exchanged or offered for sale or exchange, or transported out of this State.

Sec. 34. It shall be unlawful for any person or persons to catch, kill, or have in his or their possession, any species of trout or game food fish found in any of the public streams or waters of this State unless said fish has been take (taken) with a hook and line attached to a rod or held in the hand, and any person or persons, catching, killing, or having in their possession, any such fish, taken in any other manner shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00) or by imprisonment for not less than ten (10) days nor more than thirty (30) days, or by both such fine and imprisonment, in the discretion of the court, and every fish caught or killed in violation hereof, shall constitute a separate and distinct offense.

Sec. 35. Any person violating any of the provisions of this Act shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 36. Within thirty (30) days after the becoming effective of this Act, there shall be appointed by the Governor of the State of Arizona an officer to be known as the State Game Warden of the State of Arizona, whose term of office shall be two (2) years and until his successor shall be appointed and shall have qualified. His duties shall be as prescribed by this Act.

Sec. 37. Such State Game Warden shall before entering upon the discharge of his duties qualify by taking the oath required by law to be taken by officers of the State of Arizona and by filing with the Secretary of State of Arizona, after approval by the Governor, a good and sufficient bond with two or more sureties in the sum of Two Thousand Dollars ($2000.00) conditioned for the faithful performance and discharge of his duties, and shall receive in full compensation for his services the sum of Twelve Hundred Dollars ($1200.00) per annum, to be paid semi-monthly out of the game protection fund, or in case such fund is insufficient, so much thereof as cannot be paid from the game protection fund shall be paid from the general fund of the State from the State Treasury in the same manner as the salaries of other State Officers are paid.

Sec. 38. Such State Game Warden shall have the power to appoint deputies in every county of this State (and to remove the same from office), who shall be residents of the county for which they are appointed, and who shall be especially charged with the duty of enforcing the fish and game laws of the State of Arizona, in their respective counties, and such deputies shall receive in full compensation for their services one-half of all the fines imposed upon prosecutions procured or instituted by them, and convictions secured thereunder, for violation of the fish and game laws of this State, and each deputy as appointed shall qualify by filing with the State Game Warden of the State of Arizona on oath of office in the form prescribed by law for State officers. It shall be

the duty of the State Game Warden of the State of Arizona and of every deputy, within said deputy's county, rigidly and strictly to care for and enforce the provisions of this and all other laws of the State of Arizona for the protection of fish and game of whatsoever kind or description, and to institute, or cause the institution of, prosecutions for any and all violations of such laws, and to that end such State Game Warden and each and every one of his deputies within their respective counties as aforesaid, are hereby authorized and required to arrest, or cause to be arrested, all violators of such laws, and to lodge accusations against them in a court of competent jurisdiction in the premises; to gather evidence on behalf of the prosecution of such offenders, and to do any and all things necessary to the punishment hereunder and under the laws of this State on the subject of fish and game and the protection thereof. And such State Game Warden or such deputy shall be liable to a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred and Fifty Dollars ($250.00) or to imprisonment for not less than thirty (30) days nor more than ninety (90) days for the failure to arrest and prosecute any person violating any of the provisions of this Act; provided, that such violations come within the knowledge of such warden or deputy. The conviction thereof shall also operate as a removal of such person from office.

Sec. 39. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Five Hundred Dollars ($500.00) for the purpose of carrying out the provisions of this Act, to be used by the State Game Warden for the printing and binding of suitable books and blanks required herein. The State Auditor is hereby authorized to draw hiw (his) warrant for such expenditures as are provided herein, at such times and in such amounts as may be approved by the State Auditor, and the Treasurer is directed to pay the same.

Sec. 40. No license shall be required by any person who, during the open season, on his own lands, hunt, (hunts) pursues, or kills any of the wild birds or animals protected by the laws of this State, nor shall this Act apply to the taking of fish from private artificial ponds or reservoirs with the permission of the owner.

Sec. 41. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved June 24, 1912.

CHAPTER 83.

AN ACT

Providing for a General Registration Law; Prescribing the Rules and Regulations Governing General Registration for Elections Within the State of Arizona; and Providing and Fixing Penalties for a Violation of the Provisions of This Act.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. Every male citizen of the United States, and every male citizen of Mexico who shall have elected to become a citizen of the United States under the treaty of peace exchanged and ratified at Queretero on the 30th day of May, 1848, and the Gadsden treaty of 1854, of the age of twenty-one years, who shall have become a resident of the State one year next preceding the election, and of the county and precinct in which he claims the right to vote, thirty (30) days, and who, not being prevented by physical disability from so doing, is able to read the Constitution of the United States in the English language in such manner as to show he is

neither prompted nor reciting from memory, and to write his name, shall be deemed to be an elector of the State of Arizona and shall be entitled to register for the purpose of voting at all elections which are now or may hereafter be authorized by law, but idiots, insane persons, and persons non compos mentis or under guardianship, shall not be qualified to register for any election, nor shall any person convicted of treason or felony be qualified to register for any election unless restored to civil rights.

Sec. 2. It is hereby made the duty of the County Recorder of each county in this State, between May 1st and October 15th, 1912 and biennially thereafter between said dates, to procure a sufficient supply of all the books and blanks required by this Act, and to register all the electors in the county and to transmit to the Secretary of State a list of the electors and their addresses, in his county sending each week the names registered that week. The Board of Supervisors of each county shall order to be paid out of the county treasury the reasonable and necessary expenses so incurred by the County Recorder.

Sec. 3. There shall be one or more volumes of the registration book, well bound with leather backs and corners and cloth sides, for each county, sufficient to contain the names of all the electors in the county, called the "General County Register". Said registration book shall be ruled and printed upon 24-pound folio, superfine white paper, so that each double page may be 22 inches wide and 17 inches long. Such books shall be ruled and printed alike for all counties in the State. Each general county register shall have four blank leaves, suitably ruled, in the front, to facilitate making an index to the several precincts in the county, and the pages shall be numbered consecutively on the upper right hand corner of each double page. Each County Recorder shall, before proceeding to register electors, suitably divide his general county register into as many parts as there are election precincts

in his county, and index the several precincts in the county. There shall be one registration book bound in tag board, with cloth strips on the back, for each election precinct in each county in the State, called the "Precinct Register for ..... Precinct, ... County"; and its pages shall be alphabetically indexed on the margin so as to facilitate registering the electors in the precinct in alphabetical order, according to surnames. The paper, size of pages, ruling, and printing shall be the same as used for the general county register, but the pages need not be numbered. Said registration books shall be ruled and printed substantially in the following forms:

OFFICIAL REGISTER OF ELECTORS FOR.....PRECINCT,.....COUNTY, ARIZONA.

No.	Date	Name in full	Voted	Occupation	Age	Nativity	Declaration of naturalization

Residence	Oath	Reads English	Signature of electors	Signature of Recorder	Remarks.

The following form of oath shall be printed perpendicularly in the column headed "oath"; "I, having been first duly sworn, say, upon oath, (or affirm) that I am a qualified elector, that I can read the Constitution of the United States in the English language without being prompted or reciting from memory, and that the statements here entered opposite my name, as to my qualifications as an elector, are true".

No general county or precinct register shall be printed at the expense of the county.

Sec. 4. The following registration blanks designated as "Registration Blank A" and "Registration Blank B", shall be printed upon paper 8-½ inches wide and 14 inches long, with a blank margin of 1 inch on the left hand side of the blank, the

back of which margin shall be gummed. They shall be furnished in pads of 100 each.

REGISTRATION BLANK A.

State of Arizona, County of ....., SS:

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below is my true name and signature. If I have not personally signed it, it is because .....; and it was signed at my request by the attesting officer. My age is ..... years, and occupation .....; nativity .....; naturalized or declared my intention in ..... court, in ..... county, ...State, on....., 19...., as appears by the naturalization papers exhibited herewith. That I am able to read the Constitution of the United States in the English language without being prompted or reciting from memory. Present residence is in ..... Precinct, ... County, Arizona, or at No. ....., ...Street, in the city of .....; that I have resided in this State during the year immediately preceding the next election.

In testimony whereof I sign my name three times.

(1)..... .....,
(2).....,
(3).....,
Elector.

Subscribed and sworn to by the elector before me this ..... day of ....., 19.....

.....

Said elector has passed test of reading a section of the Constitution of the United States in English, is ..... feet ..... inches tall, weighs approximately ..... pounds, is of ..... nationality, and has the following other characteristics.....

(Signed) .....
Registering Officer.

REGISTRATION BLANK B.

State of Arizona, County ....., ss:

I, the undersigned elector, do solemnly swear that my name and signature as signed below is my true name and signature.

If I have not personally signed it, it is because ....; and it is signed at my request by the attesting officer. That while a resident of ..... precinct, in ..... county, Arizona, I registered, but on ..... day of ....., 19....., I moved my residence to ..... precinct ..... county, Arizona, or to No. ....., ... street, in the city of .....

I, therefore, request the cancellation of my registration in said ..... precinct, ... county, Arizona.

.....

Elector.

Subscribed and sworn to by the elector before me this ..... day of ....., 19.....

.....

Sec. 5. It shall be the duty of every elector in the State of Arizona, between the first Monday in May, 1912, and the 15th day of October, 1912, and between the same dates biennially thereafter, to register with some notary public or justice of the peace, or with the County Recorder of the county in which the elector resides, in accordance with this Act.

Sec. 6. It shall be the duty of the County Recorder in each county, between the first Monday in May, 1912, and the 15th day of October, 1912, and between the same dates biennially thereafter, to enter upon the proper register every person who complies with the requirements of this Act and claims to be an elector residing in the county. If the Recorder refuses to enter the name of any qualified elector, such elector may proceed by mandamus to compel him to do so;

Provided, that the County Recorder shall not register any elector during the period beginning ten (10) days before and ending six (6) days after the general biennial primary election; and, Provided, further, that this law shall not operate to prevent any additional registration of voters required by the charters or odinances of any city or town within the provisions of this Act.

Sec. 7. Every elector may be registered without charge by personally appearing in the office of said Recorder and, after being duly sworn, stating the following facts, which the Recorder or his deputy shall appropriately enter in black ink, at first in the general county register. The electors shall be numbered consecutively 1, 2, 3, etc., in each precinct as they are registered in the general county register. The Recorder shall test the ability of the applicant for registration to read the English language as in this Act provided, and shall inquire of the said applicant and enter the following information in the general county register in the division set off for the precinct in which said applicant resides; to-wit: (1) The registration number of the elector; (2) the date of registering the elector; (3) the full name of the elector; (4) leave a blank space in which the judges of election shall enter in the precinct register the poll-book number of each elector when he has voted; (5) the business or occupation of the elector; (6) the age of the elector in years; (7) the country of nativity; (8) if naturalized, the time, the place and court of naturalization or declaration, as evidenced by the legal proof thereof, exhibited by the elector; (9) the actual and precise place of residence of the elector at the time of his registering, stating the precinct; and in cities and towns having streets, specifying the name of the town or city, the street or other location or dwelling place of the elector, with the number of such dwelling, if the same has a number; if not, then with such description of the place that it can readily be ascertained and identified; (10) The fact whether the appli-

cant for registration has shown in the test given him by the Recorder his ability to read the Constitution of the United States, in the English language, as in this Act provided; (11) the fact whether or not the elector desiring to be registered is able to write his name and mark his ballot; (12) the elector shall then next following the afore-administered oath, sign his name in the presence of the Recorder, or the deputy acting, in the general register upon the same line where the preceding information is written, and the registering officer shall then sign his own name upon the said line, and add in the last column headed "remarks" such physical description of the elector, giving his height, approximate weight, nationality, color, and any peculiarity that will tend to establish his identity, for the information of the judges of election. If the elector is registered by the Recorder in person, the Recorder shall so sign his own name in attestation thereof, and if the elector is registered by a deputy, then, in addition to the name of the Recorder, the particular deputy actually registering the elector shall sign his name, at length, in attestation thereof. If the elector declares he is unable to mark his ballot or sign his name, he shall state why, and the Recorder or his deputy, as the case may be, shall enter upon the register the reasons. If the elector's inability to sign is apparent, in consequence of some physical infirmity, such as blindness or loss of limb, incapacitating the elector from writing, he shall so state the fact.

Sec. 8. The Recorder shall then enter in the separate precinct register of the particular precinct in which the elector resides every thing entered by him in general register. He shall arrange the names alphabetically, according to surname, in the separate precinct register, by the same number given the elector in the general register. The Recorder or deputy shall then require the elector to sign his name, and, as in the general register, he shall attest the registration. The separate election precinct registers shall contain all the information concerning the elector contained in the general

or county register, including the actual signatures of the elector, if able to sign, and the Recorder's, or his deputy's, signature attesting such registration.

Sec. 9. Every elector may be registered by personally appearing at the Recorder's office and complying with the provisions of this Act, but if said elector is unable for any reason conveniently to register as aforesaid, he may register, without charge, before a notary public or a justice of the peace or Recorder, or Deputy Recorder in the county in which he resides by using one of the blanks designated as blank "A", signing it three times and meeting a similar test given him by said registering officer, as to his ability to read the Constitution of the United States in the English language as in this Act provided, to that prescribed in Sec. 7 hereof as prescribed to be given by the County Recorder, and filling out a blank in such a way as to afford all the information which he ought otherwise to give to the Recorder under Section 7, and in addition thereto making oath as specified in said blank "A", which shall be duly certified by the notary public or justice of the peace, Recorder, or Deputy Recorder, and forthwith filed in the office of the County Recorder of the county in which the elector resides. Such registering officer shall give the elector a duplicate of the certificate which said registering officer files with the County Recorder. The County Recorder shall supply such registration officers, upon request, with a sufficient number of said blanks A and B free of charge. But each notary public shall be entitled to receive from the county the sum of twenty (20) cents for each elector so registered by him, whose affidavit has been duly filed with the County Recorder. After each general election the Board of Supervisors shall audit such bills and order payment to be made in accordance herewith. Provided, that notaries public empowered under this Act to register electors shall be appointed by the County Recorder in each county.

Sec. 10. Upon receipt of said written application or affidavit of an elector for registration, if it is in due form and duly certified, the Recorder shall forthwith register the elector in the proper precinct in the general register; and also in the separate precinct register, in the same manner as if the elector had personally appeared in the Recorder's office. The Recorder shall cut out two of the signatures of the elector in said written application and paste them in the registers where the elector would have signed if he had applied in person, and file and preserve the written application in a paged file, noting upon the proper line in each registration book the page in said file where said written application is filed. The Recorder or deputy acting shall attest each such registration entered by him.

Sec. 11. Every elector, upon changing his residence after registering, may within the time for registering cause his former registration to be cancelled, by request in writing to the Recorder where he is registered, imparting the information called for in blank "B," signing his name to it and by the said elector swearing to the truthfulness of the statement before some one authorized to administer oaths, and by filing the same, duly certified, with the Recorder where he is registered. The Recorder shall compare the signature of the elector with his signatures upon the registers, and if satisfied of the genuineness of the same, he shall file his communication and page the same, and then in each of the registers in red ink draw a line through the elector's name and write "cancelled" and the number of the page where the blank is filed, and attest the cancellation by signing his own name.

Sec. 12. In the event that a new precinct is created during the period of registration or after such period, the Recorder shall make for such new precinct a copy of each precinct register of all of the precincts from which such new precinct is created.

Sec. 13. No person shall register who is not a qualified elector of the precinct in which he registers and who is not a resident thereof, or register in a name other than his true name, and no elector shall register a second time in the same precinct, or register in any other precinct until his first registration has been cancelled, as provided in Sec. 11 of this Act.

Sec. 14. The County Recorder shall close all books of registration for the period of seventeen (17) days at five o'clock p. m. on the tenth day before the regular general primary election in 1912, and biennially thereafter, by writing the words "Closed for seventeen days," in red ink on the line next below the last elector registered in each precinct of the general register. He shall then immediately in the indexed pages in the general register, opposite the name of each precinct, in writing certify the number of electors registered in each precinct subject to the provisions of the primary election law, and sign his name and title and affix the seal of the county thereto; and he shall immediately send to the Secretary of State by telegraph, if necessary, a certified copy of the numbers and total of the electors registered for his county; he shall likewise close the books of the precinct registers, and certify in each of the precinct registers the total number of electors registered in each precinct, subject to the primary election law, and not cancelled, and sign the same with his official title and affix the seal of the county thereto. All of said registers shall be reopened by the Recorder on the sixth day following the said general primary election and biennially thereafter, and remain open until the 15th day of October, 1912, and biennially thereafter, when they shall be finally closed for the ensuing election in the manner above provided.

Sec. 15. The said registers shall all be public records. The general register of the county shall be kept in the office of the County Recorder, as other public records are kept. Every citizen shall be allowed to examine the general county register, and each of the precinct registers while they are in

the custody of the County Recorder, and to make copies or extracts therefrom without charge to him. The several precinct registers shall be sent to their respective precincts, together with a suitable supply of the said registration blanks "A," all sealed, the same as other stationery and supplies are now forwarded to the judges of each precinct.

Sec. 16. Upon the day of election the judges of election, as soon as an elector applying to vote has given his name and residence to the Election Clerks, shall ask the elector if he is registered, and also examine the register. Notwithstanding the elector is registered, his right to vote may be challenged and tried at any time before his ballot is actually deposited in the ballot box. If he appears to be registered and is challenged, he shall be required to take and subscribe to the oath prescribed in blank "A," and in trying the challenge, the judges shall compare his signatures with that in the register and consider the same in deciding the challenge, and after noting thereon their decision, shall file the same, no matter how the challenge may be determined.

Sec. 17. The judges in their discretion may require such elector to produce before them as many qualified electors of the county as they may deem necessary, not exceeding four qualified electors, and have them take and subscribe to the second oaths specified in said blank, using the same blank signed by the elector.

If it appears the elector is not registered in the precinct in which he applies to vote, the elector in every case, as of course, shall be considered challenged, and shall be required to subscribe and swear or affirm to the blank A, prescribed by Sec. 4, filled out according to the facts, and in addition thereto he shall be required to procure three qualified electors of the county to take and subscribe to a similar oath as specified in said blank A, and the same shall be considered by the judges and forthwith decided; and after noting thereon with ink whether the elector is allowed to vote or not, and if allowed to vote, the poll-book number of the elector, they

shall file the same. Unless the elector in every such case so establishes his right to vote in the precinct and to the satisfaction of the judges, his vote shall not be received. In carrying out the provisions of this Act, the judges of election, or either of them, are hereby authorized to administer and certify oaths, and to issue subpoenas to require the attendance of witnesses before them; provided, that in carrying out the provisions of this section in cities having a population of 5,000 or more, as shown by the last preceding federal census, the elector offering to vote, and all the qualified electors subscribing to the affidavits herein required, shall take such oath before, and the same shall be administered only by the judges of election, or either of them, in the precinct and at the time the elector offers to vote, and such affidavits shall not be received if taken or made at any place or before any other officer than one of said judges of election.

The precinct registers, and all affidavits filed, shall be returned along with the other election returns, sealed and marked on the cover with the contents and the name of the precinct, to the County Recorder of the county.

Sec. 18. Any County Recorder of any county, or any deputy, or any judge or clerk of election, or any Justice of the Peace or Notary Public, who shall wilfully disregard any of the provisions of this Act, or who shall wilfully fail to perform or enforce any of the provisions of this Act, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by personating another who is registered, contrary to the provisions of this Act, or knowingly register in any precinct where he is not a resident at the time of registering, upon conviction, shall be punished by imprisonment in the State Prison not less than one year nor more than three years, or by fine not less than One Hundred Dollars ($100.00), nor more than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment. Any person who shall falsely swear to any affidavit required by this Act shall be deemed

guilty of perjury, and upon conviction thereof shall be punished accordingly.

Sec. 19. The Board of Supervisors shall furnish the County Recorder all necessary assistance to enable him to carry out the provisions of this Act.

Sec. 20. It shall be the duty of each Recorder or elector present to challenge any person offering to register whom he shall know or suspect not to be qualified as an elector. Upon challenge being made the one so challenged may, if he so elect, be at once sworn to answer fully and truly all such questions as may be put to him by the Registering Officer touching his qualifications as an elector. And if such challenge be upon the ground that the party challenged cannot read the Constitution of the United States in the English language, he shall be required to read a section from the Constitution of the United States selected by lot in such a manner as to show that he is not being prompted or reciting from memory; Provided that the Secretary of State shall supply to the Boards of Supervisors in the several counties enough copies of the Constitution of the United States printed by sections in the English language in plain type on cards (one section to each card) to provide one copy of said Constitution for each precinct, one set of which said cards the Boards of Supervisors shall send to the precincts, together with the election supplies; and provided further, that in case of challenge said cards shall be placed loose in some container and shaken, and the person challenged shall be required to draw one of the cards therefrom at random without being given an opportunity to see what card he is drawing, and required to read the section of the Constitution of the United States printed thereon. If he cannot so read, or if he shall refuse to answer fully any questions touching his qualifications as an elector which is put to him by the Registering Officer, the Registering Officer shall refuse to register him. The qualifications of the applicant as an elector shall be determined in

the first instance by the Registering Officer from the evidence produced before him, and if he find the applicant disqualified to vote at the next election, he shall reject the application; but if he finds him qualified, he shall register him. If rejected, the name and place of alleged residence of each applicant for registration, and the date when rejected, shall be entered in a separate list for each precinct, kept by the Registering Officer.

Sec. 21. Any elector of the State of Arizona who is out of the State at the time when voters are required to register may register before a Notary Public in the State in which he may be at the time by using one of the blanks designated as blank "A," and filling out the blank in such a way as to afford such information as he ought otherwise to give the Recorder, and in addition thereto, signing his name three times and making oath thereto, as specified in said blank, which shall be duly certified by the Notary Public and filed with the County Recorder of the county in which the elector resides.

Upon the filing of such blank, filled out and certified as aforesaid, the County Recorder shall enter the name of the elector upon the General County Register of the county and proceed in the same manner as if the elector had registered before a Notary Public or Justice of the Peace in the county.

Sec. 22. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 23. Whereas, this Act requires early operation to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 24, 1912.

CHAPTER 84.

AN ACT

To Provide for Primary Elections in the State of Arizona, and to Provide Penalties for Violations Thereof.

Be it Enacted by the Legislature of the State of Arizona:

Sec. 1. On the eighth Tuesday prior to any general or special election, at which candidates for public office are to be elected, there shall be a primary election at which each and every political party entitled, and intending, to make nominations for the said ensuing general or special election shall, if such party desires to have the names of its candidates printed on the official ballot at said election, nominate their candidates for all elective, or advisorily elective, Senatorial, Congressional, State, county, and precinct offices to be filled at such election; provided, that nominations entitling candidates to have their names printed on the official ballot for any special election held for the purpose of filling a vacancy in any office or offices, caused by death, resignation, or removal, may be made by delegate convention, if, in the judgment of the Secretary of State and the Attorney General, the time is too short in which to hold a primary election, or the cost of holding the same would be excessive or unnecessarily burdensome; and provided further, that such primary election for the nomination of candidates entitling such nominated candidates to have their names printed on the official ballots at municipal elections in incorporated cities and towns shall be held not less than thirty (30) days prior to said election.

Sec. 2. At least sixty (60) days before the date of any regular primary election, the Secretary of State shall prepare and transmit to the Board of Supervisors of the several counties of the State a notice in writing designating the offices for

which candidates are to be nominated at such primary election. Upon receipt of such notice each clerk of the Board of Supervisors shall forthwith publish so much thereof as may be applicable to his county, once each week for three consecutive weeks in not more than one newspaper of general circulation in the county, provided, such printed notice shall contain only a reference to the law under which the primary is to be held, the date of the primary and the offices to be filled and shall be substantially in the following form:

"A primary election is hereby called in the several precincts of ..... County, under the provisions of the law relating to primary elections, on the ..... day of .... for the purpose of voting for candidates for the several parties to be nominated for the following offices:

.....

.....

.....

The Sheriff of each county shall, immediately after the publication of such notice, cause a notice of such primary to be posted in three public places in each precinct in his county; such notice so posted shall state the time when and the place where the primary will be held in each precinct therein, together with the office for which candidates are to be nominated and the names of persons constituting the Primary Boards. All official notices calling State or county primary elections shall specify that the same shall be held for the nomination of candidates by all political parties and for the nomination of non-partisan candidates, if any. Provided that in the case of city or town primary elections, the duties herein prescribed as devolving upon the Secretary of State shall devolve upon the Mayor, or similar governing officer or governing board or commission, and the duties herein prescribed as devolving upon the Clerk of the Board of Supervisors shall devolve upon the city or town Clerk; and whenever the word "county" is used the word "city" or "town" as the case may be shall be understood to be meant in the case of such city or town primary.

Sec. 3. Any person desiring to become a candidate at a primary election, as herein provided, for a political party nomination or a non-partisan nomination, shall if he desires to have his name printed on the official ballot at such primary elections, not less than twenty (20) days nor more than sixty (60) days before said primary election, file a nomination petition as hereinafter provided. Such petition shall be signed by the candidate, shall give his place of residence and his post-office address, shall name the party of which he desires to become a candidate, and shall give the date of the primary election and the election at which he desires to become a candidate; provided, that if he desires to become a non-partisan candidate this fact shall be stated in his petition. All such nomination petitions of candidates for the office of Presidential Elector, United States Senator, Representative in Congress, or for a State office, excepting members of the Legislature and Superior Judges, and for all other offices for which the electors of the entire State, or a subdivision thereof greater than a county, are entitled to vote, shall be filed with the Secretary of State. All such nomination petitions of candidates for members of the Legislature, Superior Judges and for county and precinct offices for which the electors of a county or a subdivision of a county, other than an incorporated city or town, are entitled to vote shall be filed with the Clerk of the Board of Supervisors. All such nomination petitions of candidates for city or town offices shall be filed with the City or Town Clerk.

Sec. 4. In addition to the nomination petition as provided in the foregoing section, every candidate desiring to have his name printed upon the official ballot to be used at any primary election shall, not more than sixty (60) days nor less than twenty (20) days prior to such primary election, file a nomination paper, if he be a candidate for Presidential Elector, United States Senator, Representative in Congress, or for any State office, with the Secretary of State; if for a county office, including members of the Legislature and Su-

perior Judge, with the Clerk of the Board of Supervisors; and if for a city or town office with the Clerk of the city or town. Said nomination papers shall follow substantially the following form:

"I, the undersigned, a qualified elector of the ..... precinct of the county of ....., State of Arizona, and a member of the ..... party, hereby nominate ..... who resides at .....,
in the county of ..... for the party nomination for the office of ..... to be voted for at the primary election to be held .....,
as representing the principles of said party, and I further declare that I have not signed and will not sign any nomination paper for any other person for said office (or in case said candidate is a candidate for a position for which more than one candidate is to be elected, for more than the number of candidates necessary to fill all of said offices at the next ensuing election).

(Heading in case of Cities)

Names of Signers	Name of City	Street No.

Date of Signing

(Heading in case of Precincts)

Name of Signers	Post Office	Date of Signing

All nomination papers shall have substantially the foregoing form, written or printed, at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

Each signer of a nomination paper shall sign but one such paper for the same office unless more than one candidate is to be elected to such office, and, in that case, no more than a number of nomination papers equal to the number of candidates to be elected to such office, and shall add to his signature his post office address, and, if in an incorporated city, his street and number. To each such nomination paper shall be appended a certification by a qualified elector entitled to vote for the candidate whose nomination paper he certifies,

stating that to the best of his knowledge and belief all the signers thereof are qualified electors of the precinct which they give as their residence, and that each signer is a member of the party the nomination of which the candidate whose name appears on such nomination paper is seeking.

Sec. 5. Such nomination papers shall be filed not more than Sixty (60) Days nor less than Twenty (20) Days before the date fixed by law for said primary election; provided that in a special primary election called by a proclamation according to law nomination petitions may be filed not less than Ten (10) Days before the date fixed by such proclamation for such primary election.

Sec. 6. Such nomination papers shall be signed

(a) If for a candidate for the office of Presidential Elector, United States Senator, Representative in Congress, or for any State office, excepting members of the Legislature and Superior Court Judges, by a number of qualified electors equal to at least one per cent (1%) of the votes of the party of such candidate in at least three counties in the State, but not less than one per cent (1%) nor more than ten per cent (10%) of the total vote of his party in the State;

(b) If for a candidate for a county office, member of the Legislature or Superior Judge, by at least three per cent (3%) of the party vote in such county but not more than ten per cent (10%) of the total vote of the party designated in such county;

(c) If for a candidate for County Precinct Committeeman by at least Five per cent (5%) of the party vote of such candidate in such precinct.

(d) If for a candidate for a city or town office by at least five per cent (5%) of the designated party vote in at least one-sixth of the election precincts of the city or town, but not less than five per cent (5%) or more than ten per cent (10%) of the vote of the party designated in the city or town,

The basis of percentage in each case shall be the vote of the party for Governor at the last preceding general election.

Sec. 7. Any political organization, which, at the last preceding general election shall have cast five per cent (5%) of the total vote in the State for its candidates, (or in a subdivision thereof, in which a candidate seeks nomination of such political organization for a local or county office) shall be entitled to representation on the official ballot as a political party, and, whenever a petition signed by a number of qualified electors equal to at least two per cent (2%) of the votes cast for Governor at the last preceding general election in at least each of five (5) counties of the State, shall be filed with the Secretary of State and certified to by any affidavit of ten (10) well known, reputable, qualified electors of the State, asking that the signers thereof be recognized as a new political party, they shall be so recognized and such party shall be represented by an official ballot at the ensuing primary election and the succeeding general election. The same privilege shall inure to petitioners within a county, or a city or town, as to county, city, or town primary elections, provided that said petition shall be filed with the Clerk of the Board of Supervisors or the City or Town Clerk as the case may be, and signed by a number of petitioners equal to at least three per cent (3%) of the total vote of such county, city, or town, as the case may be, at the preceding regular general election for the several candidates for County Attorney or Mayor, as the case may be, distributed throughout at least one-fourth of the election precincts of such county, city, or town, as the case may be. Provided that such petitions as are provided for in this section shall be filed not more than Sixty (60) Days and not less than Thirty (30) Days preceding the primary election.

Sec. 8. (1) At least twelve days before the primary of the year 1912, and of each alternate year thereafter, each

Clerk of the Boards of Supervisors, and at least ten days before the primary in each year, each City Clerk shall prepare sample official tickets, placing thereon alphabetically under the appropriate title of each office and party name the names of all candidates to be voted for in each precinct of his county or of his city, as the case may be, for whom nomination papers have been filed. Such sample ballots shall be printed upon tinted or colored paper and shall contain no blank endorsement or certificate.

(2) The Clerk of the Board of Supervisors shall forthwith submit the ticket of each party to the County Chairman thereof and in the case of city primaries, the City Clerk a ticket of each party to the City Chairman thereof and the respective Clerks shall also mail a copy to each candidate for whom nomination papers have been filed with him as required by this Act to his postoffice address as given in such nomination paper and each of said Clerks shall post a copy of each sample ballot of his respective county or city, as the case may be, in a conspicuous place in his office.

(3) The chairman of each party shall on or before the tenth day preceding such primary suggest to the Clerk of the Board of Supervisors or the City Clerk, as the case may be, any changes that he may consider shall be made in his party ticket, and if, upon examination the Clerk shall find any error or omission in said ticket, he shall correct the ticket and cause the same to be printed and distributed as required by law in the case of ballots for general election, except that the number of tickets of each party to be furnished to each precinct shall be twice the number of votes cast thereat for the candidates receiving the highest number of votes by the respective parties in the last preceding general election, and provided, that in case nomination petitions are filed by a new party, the number of ballots provided shall be twice the number of votes the Clerk of the Board of Supervisors estimates each party will cast.

To be torn off by Inspector No.....

.....

For Presidential Elector.	Vote for Three
John Doe	
John Doe	
John Doe	
Congressional	
For United States Senator (Advisory)	Vote for One
John Doe	
John Doe	
John Doe	
For Representative in Congress	Vote for One
John Doe	
John Doe	
John Doe	

State	
Judicial	
For Judge of the Supreme Court	Vote for Three
John Doe	
John Doe	
John Doe	
John Doe	
John Doe	
John Doe	
For Governor	Vote for One
John Doe	
John Doe	
John Doe	
Legislative	
For State Senator	Vote for Two
John Doe	
John Doe	
John Doe	

County	
For Sheriff	Vote for One
John Doe	
John Doe	
Party	
For Precinct Committeeman	Vote for One
John Doe	
John Doe	

(Indorsement)
(Official Primary Ticket)

.....Party
.....Precinct.....Ward, city or county.....
September....., 19.....

.....
.....
Clerks.

We certify the within ticket was marked by us for an elector incapable under the law of marking his own ticket as directed by him.

.....Judges.

We certify the within ticket was marked by us for a blind elector at his request as directed by him.

.....
.....
Judges.

OFFICIAL PRIMARY TICKET.
City Election.

.....Party.

To vote for a person whose name is printed on the ticket, mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.

To vote for a person whose name is not printed on the ticket, write his name in the blank space provided for that purpose and mark a cross (X) in the square to the right.

City

Mayor Vote for one

John Doe ☐

Clerk Vote for one

John Doe ☐

Precinct Committeeman Vote for .....

John Doe ☐

(Indorsement)

Official Primary Ticket

.....Party

.....Precinct .....Ward .....City .....

.....

.....

.....

Clerks.

March....., 19.....

We certify the within ticket was marked by us for an elector incapable, under the law, of marking his own ticket, and as directed by him.

.....

.....

Judges.

Sec. 8-A (1). The Primary Board shall consist of one Inspector and two Judges, who, together with two Clerks shall be appointed and paid in like manner as provided for Boards of Election.

(2) The provisions of existing statutes concerning elections, and any amendment now or hereafter made thereto, so far as they are not inconsistent with the provisions of this Act, shall apply to the primaries provided for in this Act, the intent of this Act being to place the primary under the regulations and protection of the laws in force as to elections, provided, that all the powers and duties conferred or

imposed by the laws of this State upon Boards of Election, registration officers, Judges and Clerks of election, Canvassing Boards and all other public officials in connection with general elections, are in every detail and particular conferred and imposed upon each and all such officers, in connection with the primary elections conducted under the provisions of this Act.

(3) At all primaries there shall be provided a separate ticket for each party entitled to participate in the primary, and also a blank ticket on which shall be printed only the titles of the offices to be voted for by the electors at the polling place for which the ticket is printed. Each party ticket shall be designated by the name of the party. The names of all party candidates shall be arranged as hereinafter provided, under the appropriate title of the respective offices, and under the proper party name upon the party ticket. If any elector write upon his ticket the name of any person who is a candidate for any office upon some other ticket than that upon which his name is so written, such elector shall thereby invalidate his ticket and it shall not be counted, but shall be entirely rejected. In case a person is nominated on more than one ticket, he shall forthwith file with the proper officer or officers in charge of the preparation of election ballots, a written declaration indicating the party name under which his name is to be printed on the official election ballot. The ticket with the endorsements shall be in substantially the form contained in subdivision 3 of section 8 of this Act; provided, that tickets for any city primary may be varied as to the title of the officers to be printed thereon so as to conform to the law under which such primary is to be held.

(4) Any person desiring to vote shall give his name and residence to the Judges of the primary, one of whom shall thereupon announce the same in a loud and distinct tone of voice, and if such name be found upon the great register by the officers having charge thereof, he shall likewise repeat

said name, and the voter shall be allowed to enter the space enclosed by the guard-rail. The Clerk shall thereupon place his name and number upon the poll-list. Whereupon the voter shall announce the name of the political party for which he desires to vote, and one of the Judges designated by the Primary Board shall give the voter one and only one, ticket of such party to be cast at such primary, in the upper right hand corner of the stub of which he shall have inscribed, with pen and ink, the number corresponding with the voter's number upon the poll-list, and the voter's name shall be immediately checked on the great register. If any person desiring to vote at any primary shall be challenged, he shall not receive a ticket until he shall have established his right to vote in the manner provided by law, but during the pendency of such challenge other voters shall be given tickets and permitted to vote.

Sec. 8-B. The precinct committee of each precinct may appoint, in writing over his signature, one party agent or representative with an alternate who shall act as challenger for his respective party and have the powers prescribed by section 8-A of this Act. The right of any person to vote at a primary may be challenged by any elector upon the same ground and his right to vote be determined in the same manner as at an election, except as otherwise provided herein; provided, that if the person offering his vote be challenged as unqualified on the ground that he is not a member of the party announced by himself, he shall make and subscribe an affidavit in the following form: which shall be presented and retained by the Primary Judges and Clerks, and returned by them with the registry poll-books:

State of Arizona, County of....., ss:

"I, ..., do solemnly swear (or affirm) that I will be more than twenty-one years of age at the next general election, and qualified to vote under and by virtue of the laws of the State of Arizona, that I now reside at..... (insert street and number, if any), in this precinct, and am

a member of and am affiliated with the.....party; that I have not signed the petition of a member of any other party who is seeking a nomination at the primary election; and that I have not signed the nomination petition of an independent candidate for any office for which candidates are to be voted for at this primary election.

"Subscribed and sworn to before me this..... day of.....A. D. 19.....

.....

Judge of Election."

A precinct committeeman of each party may represent such party at the polling booth during the canvass and return of a vote at a primary election, or he may appoint, in writing, an agent who shall be a member of his party and a resident elector of his precinct for that purpose.

Sec. 9. Whenever there shall be two or more candidates for any nomination, the names of all candidates for such nomination shall be so alternated that upon the ballots used in each election precinct the name of each candidate shall appear substantially an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which they belong. In printing the ballots, first the forms shall be set up with the names of candidates in each group in alphabetical order. Then the positions of the names under each office shall be changed as many times as there are candidates in the group upon the ballot in which there are the most names. As nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position the printer shall take the line of type at the head of each group and place it at the bottom of that group, shoving up the column so that the name that was second in the group before the change shall be the first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and shall be then piled by taking one from each pile and placing it upon a final pile, the effect being, that every ballot in

the pile of printed sheets shall have names in a different position from the last preceding ballot. After the final pile is made in this manner the ballots shall be taken therefrom in the order in which they rest in the pile and placed in blocks.

Sec. 10. All official ballots shall be bound together in blocks of not less than twenty-five nor more than fifty, after the manner provided for in the foregoing section. All officers charged with the preparation and distribution of ballots shall cause the blocks of ballots to be made up as required in this section and the foregoing.

Sec. 11. At least five sample ballots printed on muslin or cloth shall be provided by the officers whose duty it is to print and distribute the official ballots for each precinct, and such officers shall cause the same to be posted in conspicuous places in each precinct before the opening of the polls at such primary election, one of which sample ballots shall be posted within the place where the said primary election is held, and one in some convenient place immediately outside.

Sec. 12. The officers charged with the duty of printing and distributing the official ballots shall also cause to be printed and distributed for the information of voters at each precinct, such number of sample ballots as they may deem necessary, not to exceed five per centum (5%) of the number of the regular ballots printed for the several political parties at the precinct. Such sample ballots shall be printed only on colored paper.

Sec. 13. Said primary election shall be held, the voters shall vote therein, the method of voting shall be followed, the votes counted and canvassed, and the returns made, in the same manner as is now or may hereafter be by law provided for general elections, except as herein provided. And such primary elections shall in all respects conform to the laws governing general elections, except as herein otherwise

provided, and all provisions of the laws governing elections not in conflict with this Act are hereby made applicable and put in force governing such primary election.

Sec. 14. The Boards of Election shall be chosen for said primary elections as in general elections, and shall perform the duties imposed on said boards for the general elections; they shall make and sign a statement giving the names of persons voted for, the office for which each sought the nomination, and the number of votes received by each as in this Act provided, fully certifying the results of such election. Such statements shall become a part of the official returns of such primary election at the close of any precinct count. The Board of Election for such precinct, in such primary election, shall give a certificate of the vote cast in the precinct as in this Act provided, for all candidates of each political party to some person authorized, in writing, by the Chairman of the County Central Committee, or the city or town committee as the case may be, of such political party to receive such certificate or in case such person is not present, to any person who is known to be a member of such party. The returns shall be made as in general elections. When the Board of Supervisors, or city or town council as the case may be, has completed its tabulation or (of) precinct returns, the persons having the largest number of votes, as in this Act provided, for the nomination for any office in the political party of which he was set forth on said ballot as a candidate for the nomination shall be declared the nominee of such party for such office, and be given a certificate of nomination for the same which shall entitle him to have his name placed upon the official ballot at the ensuing election as the nominee of such party for such office. A candidate for a non-partisan nomination for any office who has received the largest number of votes of the candidates for the nomination for that office upon the non-partisan ticket shall be declared a non-partisan nominee for such office, or in case more than one candidate shall be necessary to fill the offices sought,

those candidates to the required number, who shall have received the largest number of votes, as herein provided, shall be declared the non-partisan nominees for said office, which shall entitle him or them to have his or their names placed upon the official ballot at the ensuing election as a non-partisan nominee, or non-partisan nominees.

Sec. 15. If any qualified voter who is physically disabled asks for assistance in marking his ballot, two of the Judges or Clerks, who shall not belong to the same political party shall go into the booth with him and shall mark his ballot as he directs, and any judge or clerk who shall attempt to electioneer with such voter to try to influence his vote, or shall mark the same contrary to directions of such voter, shall be guilty of a misdemeanor.

Sec. 16. Every Act declared to be an offense by the general election law, shall be such under this Act and any person found guilty of such offense shall be subject to the penalties prescribed by such election law.

Sec. 17. No person shall be allowed to have his name printed on the official ballot as a candidate in any general election unless he shall have complied fully and completely with the provisions of this Act.

Sec. 18. Candidates before any primary election shall file, together with the nomination petition herein provided for, with the officer with whom such nomination petition is filed, the name of each and every individual; with his post office address, by, or through whom, such candidates have expended, or propose to expend money in defraying the expenses of their campaigns. Should any candidate determine not to authorize or appoint any such person or persons to expend money or other things of value for him, in or during his campaign, he shall, instead of filing such name or names, notify such officer that he has not authorized, and will not authorize, any person so to act for him, but that he will in person account for all the money or other things of value

expended in the interest of his candidacy. Should any candidate fail to file such names or information his name shall not be printed upon the official ballot in such primary election.

Sec. 19. Within ten (10) days after any primary election, all candidates therein shall prepare a carefully itemized statement setting forth each item in detail, with the cost thereof, showing the full and complete record of his expenditures of money or other things of value, including promises to pay money or other things of value, as well as all treats, presents, or favors which cost money, or other things of value, either present or future, which were intended for the purpose of aiding or that would have a tendency to aid the success of such candidate in such primary election. Together with such report each candidate shall file a like report in detail for each of the persons named by him as authorized to expend money or other things of value in his interest. He shall also, at the same time, file a like report for any person who may have expended money or other things of value for such candidate, although the name of such other person was not among those filed by such candidate as the names of authorized agents. Such report shall be filed with the officer with whom the candidate's nomination petition has been filed. Such report shall be prepared upon blank forms, and a reasonable number of such forms shall be mailed to each candidate by the Secretary of State, Clerk of the Board of Supervisors, or the city or town Clerk, as the case may be. The Secretary of State shall forward a sufficient supply of such blanks to the Clerks of the Boards of Supervisors in the several counties of the State. Such blank reports shall be printed by the order of the Secretary of State and shall be in form as follows:

State of Arizona,

County of.....

I, ..., who was a candidate for the nomination as the.....party's candidate for.....

in the primary election held on August....., 19....., do solemnly swear that the itemized statement hereto attached, contains each and every item of money, or other thing of value, which I paid, or expended, or which I promised to pay, or expend, inclusive of all treats, presents, favors, or other things which cost money or for which I have obligated myself to pay, for the purpose of aiding or advancing my candidacy, directly or indirectly; it includes all such money or other things of value as above enumerated whose itemized report is not attached hereto; I know of absolutely no expenditures, within the contemplation, spirit, or meaning of this Act, which was made for the purpose of directly or indirectly influencing or aiding or advancing my interests as a candidate, which is not included either in this report or that of those accompanying it, and, I believe no such expenditures have been made except as herein reported.

This.....day of....., 19.....

Subscribed and sworn to before me this the..... day of....., 19.....

Said report must be authorized and sworn to by the candidates before some one authorized to administer oaths.

Sec. 20. Should any candidate who received the nomination of any political party fail or refuse to file a full and complete detailed report as above specified the Secretary of State or Board of Supervisors or city or town clerk whose duty it is to issue to such nominee his certificate of nomination, shall withhold such certificate and refuse to issue same until such reports are filed. Any candidate who failed to receive the nomination, and who refuses, or fails to file such report, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined, not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00).

Sec. 21. Any vacancy or vacancies appearing, after the holding of any primary election, in the list of candidates necessary to fill all the offices provided for by law in the ensuing election, shall be filled by a party committee of the

State, county, city or town, as the case may be, and the name of any candidate so filed with the officer with whom nomination petitions are filed, as provided in this Act, shall be placed upon the official ballot in the ensuing election.

Sec. 22. All reports required hereunder shall remain in the hands of the officer with whom, as provided in this Act, they are filed, and shall be subject to inspection or publication at any time.

Sec. 23. Each campaign committee which manages a candidate's campaign, before a primary election, or manages such campaign for a political party, shall, within ten (10) days after such primary election, file with the officer with whom the nomination petitions of the candidates are filed a full and complete report of all money, or other things of value, which came into such committee's hands or which was expended by it. The form of said report shall be prepared by the Secretary of State and the Attorney General and shall be in form the same as required for candidates, except that it shall be altered to conform to the needs of the committee, instead of an individual. Such report shall be signed by a Chairman and Secretary of each Committee, and also by the Treasurer thereof, if there be a Treasurer, and such report shall state whether there is a Treasurer or not, and shall state, if there was not any other person who expended money or other things of value for it, it shall give the name and post office address of such other person, and it shall attach in addition to the itemized statement which said committee is hereby required to file, a like statement from such other person. Any chairman, secretary, treasurer, or other person, who fails and refuses to sign and swear to such report, as provided herein, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or confined in the county jail not less than Three (3) Months nor more than Twelve (12) Months.

Sec. 24. By an "itemized statement" shall be meant that when a candidate has a class of like expenditures, he shall not list them under one item, but shall state each item separately. Each item of printing shall be set out by itself, and each advertisement in a newspaper shall be specifically set forth, with the cost thereof, and in like manner all candidates' reports shall show in detail every transaction.

Sec. 25. Candidates before a primary election held under the provisions of this Act shall be limited in amount of expenditures for the said primary election to the following respective amounts:

Candidates for United States Senator, amount not exceeding	$1,500.00
Candidates for nomination for any office in which electors of the entire state shall vote, an amount not exceeding	1,000.00
Candidates for nomination for Supreme Judge, an amount not exceeding	750.00
Candidates for nomination for Congress, an amount not exceeding	1,000.00
Candidates for nomination for Superior Judge, an amount not exceeding	200.00
Candidates for nomination for State Senator, an amount not exceeding	200.00
Candidates for nomination for Representative to the Legislature, an amount not exceeding	200.00
Candidates for nomination of any office in which electors of a single county vote, an amount not exceeding	200.00
Candidates for nomination for any office in which electors of a single district, or a subdivision of the county vote, an amount not exceeding	50.00
Candidates for nomination for Mayor in cities of 5,000 or more population, an amount not exceeding	200.00

Candidates for nomination for other offices of cities of like population, an amount not exceeding.....	150.00
Candidates for the nomination for Mayor in cities or towns of less than 5,000 population, an amount not exceeding	100.00
Candidates for nomination for other offices in such cities or towns, an amount not exceeding.....	50.00

Sec. 26. Any candidate who expends any more money or other thing of value, than as set forth in the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2000.00), and shall be confined in the county jail, in the county in which he was convicted, for not less than six (6) months nor more than two (2) years. When any other thing of value than money is expended, or used, in behalf of any candidate, it shall be specified by such candidate, and it shall be considered as money, it being reckoned at its fair cash value.

Sec. 27. Any person upon whom the duty is imposed by this Act, or who is required to file a report, shall faithfully perform such duty, and file such report, stating accurately the information required. Any one who misstates the amount of money, or fails to fully disclose the facts as to any gift, promise, treat, reward, favors, or any valuable thing given, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than Fifty Dollars ($50.00), nor more than One Thousand Dollars ($1000.00), and confined in the county jail not less than three (3) months, nor more than twelve (12) months, and should he be a nominee he shall not be allowed to have his name appear upon the ballot, and should it be printed before such conviction, he shall not be allowed to have his name appear upon the ballot, at the ensuing election. And should it be printed before such conviction, he shall be denied the right to hold office, if elected. If it be a person elected to an office in the general election, he shall not be entitled to hold such office. Any can-

didate who expends more money, either in person or through agents, committees, or friends, than the limit prescribed herein, shall, in addition to the punishment hereinbefore prescribed, be thereafter barred from holding office in this State.

Sec. 28. The provisions of this Act relative to the expenditures of money, or other things of value, shall apply with as much force and effect to candidates whose names are placed upon the official ballot by petition, at any general election, as they do to the nominees of political parties, or as to candidates before primary elections, and all non-partisan candidates shall make and subscribe to the same kind of a report, and shall be liable to all the penalties prescribed herein for other candidates.

Sec. 29. All contests arising out of such primary elections shall be settled and decided in the same manner as is now or may hereafter be by law provided for general elections.

Sec. 30. (1) No person shall be entitled to vote at any primary election unless he is a qualified elector of the precinct, and duly registered therein, and has been a resident of the said precinct thirty (30) days next preceding said primary election, provided that any voter whose name does not appear on the Great Register, or who may not have a certificate of registration signed by the proper registering officers, may make affidavit that he has registered since the close of the former registration.

(2) The provisions as to registration required by existing statutes, and by any amendment now or hereafter made thereto, shall apply to all primary elections held under the provisions of this Act.

Sec. 31. All tickets, blanks, and other supplies, to be used at any primary election, and all expenses necessarily incurred in the preparation for or conducting such primary election, shall be paid out of the treasury of the city, county, or State, as the case may be, in the same manner and with

like effect, and by the same officers, as in the case of general elections. It shall be the duty of the Secretary of State and Attorney General immediately to prepare all forms necessary to carry out the provisions of this Act, which forms shall be substantially followed in all primary elections held in pursuance hereof. Such forms shall be printed, with copies of this Act, for public use and distribution.

Sec. 32. Party organization and government:

The party organization and government of each of the several political parties shall be as follows: (1) At the primaries hereinbefore provided, the members of a party residing in each precinct in each of the several counties of the State, shall choose one of their number as "county precinct committeeman," Provided, That each party shall be allowed in addition thereto, one precinct committeeman for each fifty votes or major fraction thereof, when more than fifty votes were cast in any precinct, for a nominee of such party for Governor in the last preceeding (preceding) general election.

(2) The whole number of county precinct committeemen of each of the several political parties shall constitute the county committee of such party. Such county committee shall be organized by electing from its own membership a chairman, secretary and treasurer, of which offices the last two may be filled by the same person, within ten (10) days after the canvass of the vote in such primary election.

(3) The chairman of the county committee shall be ex-officio a member of the State Commitee.

(4) The State Committee of each political party shall consist in addition of one member from each such county committee in the State and in addition thereto one member of said county committee for each two hundred, or major fraction thereof, votes cast for its nominee for Governor, at the last preceding general election; such committee shall be elected by the various county committees, from their own membership and not otherwise, at the first meeting of each

county committee throughout the State. No person shall be eligible for election as a member of the State Committee unless he shall be a duly elected county precinct committeeman. The State Committee shall meet on the last Monday in the same month in which any primary election has been held in which nominees for State and county offices are nominated, at 12:00 o'clock noon at the State Capitol and organize by electing from its own membership a chairman, secretary and treasurer. The Executive Committee of such State Committee shall consist of one member of said State Committee from each county, who shall be a resident of said county, to be elected by the members of the State Committee from that county, and one member for each one thousand votes or major fraction thereof cast for the party's candidate for Governor in the last preceding general election in each county, similarly elected. The Chairman of the State Committee shall be ex-officio chairman of the executive committee.

(5) The city party committee shall be composed of the city precinct committeemen, chosen at the regular primary election, and shall organize by electing from its own membership a chairman, secretary and treasurer.

(6) The official returns made by the primary election board shall show the name and address and the name of the party represented of each precinct committeeman chosen.

(7) Each committee provided for in this section, and its officers, shall have the powers usually exercised by such committee and by the officers thereof, insofar as is consistent with this Act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this Act. The duties of the chairman or secretary of any committee when the committee is not in session, may be performed by members of such committee selected by such chairman or secretary. Provided that if a vacancy shall occur in any said office or committee through death, resignation, or change of residence, the vacancy shall be filled by

election by the body empowered under this Act to elect incumbents of said office or members of said committee.

(8) Candidates for United States Senator, for Representative in Congress, for a State office, for State Senator and for State Representative, nominated by each political party at each primary, the national committeeman, the chairman and executive committee of the State Committee, and the chairman of the county committees of the several counties of the State, shall constitute the party council of each party and shall meet at the Capitol at twelve o'clock noon on the Tuesday following the last Monday in the month in which any primary election is held preliminary to any general election. The membership of such party council shall be determined by the list of party nominees and party candidates duly certified by the Secretary of State, as are on file in his office. Such party council shall be called to order by the Secretary of State, or by one of his assistants, who shall read the roll of members, and thereupon the party council shall organize by electing from its own membership a chairman and secretary. They shall thereupon forthwith formulate the State platform of their party and shall perform such other business as may properly be brought before such meeting. The platform of each party shall be framed and made public at a time not later than six o'clock in the afternoon of the day following their adjournment. The State party council so constituted shall be the party council for two years and shall have power to call special meetings and perform such other business as may be consistent with the provisions of this Act.

Sec. 33. Any Act declared an offense by the general laws of this State, concerning elections, shall also in like case be an offense in all primary elections, and shall be punished in the same form and in the same manner as therein provided, and all penalties and provisions of the law as to such elections, except as herein otherwise provided, shall

apply in such case with equal force and to the same extent as though fully set forth in this Act.

No spirituous, malt, vinous, or intoxicating liquor, shall be sold or given away on the date of holding a primary election. Whoever violates the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof be fined not less than Fifty Dollars ($50.00), nor more than One Hundred Dollars ($100.00). It shall be the duty of the sheriff, constable, and other peace officers of the county and city to see that the provisions of this section are strictly enforced.

If any person whose vote is challenged, or any witness sworn under the provisions of this Act, shall knowingly, wilfully and corruptly swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

Whoever votes more than once at any primary election, or offers to vote after having once voted at such primary election, shall be guilty of a misdemeanor and, upon conviction thereof shall be fined in a sum not exceeding One Hundred Dollars ($100.00), or imprisoned in the county jail not exceeding One (1) Year, or both, in the discretion of the court.

Any person who shall solicit, request, demand, or receive, directly or indirectly, any money, intoxicating liquor, or other thing of value, either to influence his vote or to be used, or under the pretense of being used, to procure the vote of any person or persons, or to be used at any polls, or other place prior to or on the day of a primary election, shall be deemed guilty of the crime of bribery, and upon conviction in any court of record shall be subject to a fine of not more than One Hundred Dollars ($100.00) and imprisonment in the county jail not less than Three (3) Months nor more than One (1) Year, and to pay the costs of prosecution.

Any candidate or other person paying, furnishing, or promising to pay or furnish, or bribing, any person with money, intoxicating liquor, or anything of value, or the prom-

ise thereof, shall be deemed guilty of the crime of bribery, and upon conviction thereof in any court of competent jurisdiction shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and imprisoned in the county jail not less than Three (3) Months nor more than One (1) Year, and pay the costs of prosecution. Prosecution may be had under this section by indictment in the Superior Court, or by information therein.

Any person who shall engage in disorderly conduct at any primary election shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than Twenty-five Dollars ($25.00) and the costs of the prosecution.

If any clerk of a primary election shall wilfully neglect to perform any duty required of him as clerk of such primary election, or shall be guilty of fraud, corruption, or misbehavior, as such clerk, he shall be deemed guilty of misdemeanor, and upon conviction thereof, be fined in a sum not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00) or imprisonment in the county jail not less than Thirty (30) Days nor more than Six (6) Months.

Sec. 34. If any Judge, Clerk, or Inspector of a primary shall wilfully neglect to perform any duty required of him under the provisions of this Act, as such Judge, Clerk, or Inspector, or shall be guilty of fraud or corruption or misbehavior while acting in the capacity of such official, he shall be deemed guilty of a misdemeanor and upon conviction thereof, be fined a sum of not less than Twenty-five Dollars ($25.00) or more than Fifty Dollars ($50.00), or by imprisonment in the county jail not less than Thirty (30) Days or more than Six (6) Months.

Sec. 35. Any person who shall violate any of the provisions of this Act, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than Six (6) Months nor more than Twelve (12) Months.

Sec. 36. All laws, or parts of laws, in conflict with the provisions hereof, are hereby repealed, and particularly Chapter 24 of the Acts of the Twenty-fifth Legislative Assembly of the Territory of Arizona, entitled, "An Act Relating to Primary Election, Providing for the Organization and Government of Political Parties, and Prescribing and Fixing Penalties for the Violation Hereof," approved March 10, 1909; also Chapter 68 of the Acts of the Twenty-third Legislative Assembly of the Territory of Arizona, entitled "An Act to provide for Primary Political Elections and the Manner of Holding the Same," approved March 16, 1905.

Sec. 37. Whereas, an early operation of this Act is necessary because the State Constitution requires that the Legislature shall pass a direct primary law, and

Whereas, the direct primary law passed by the Twenty-fifth Legislative Assembly of the Territory of Arizona is in conflict with the Constitution, and because it is therefore necessary that the primary law should become operative before this Act could become operative, except as an emergency measure,

Therefore, an emergency is hereby declared to exist and for the preservation of the public safety, this law shall be in full force and effect from and after its passage and approval by the Governor and is hereby exempt from the operation of the Referendum provision of the State Constitution.

Approved June 24, 1912.

Resolutions

Joint Resolutions

JOINT RESOLUTION.

I.

Of the Legislature of the State of Arizona, Ratifying the Seventeenth Amendment to the Constitution of the United States of America.

Be it Resolved by the Legislature of the State of Arizona:

WHEREAS, both Houses of the Sixty-second Congress of the United States of America, at the second session thereof, begun and held at the City of Washington on Monday, the fourth day of December, one thousand nine hundred and eleven, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to-wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States providing that Senators shall be elected by the people of the Several States.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That in

lieu of the first paragraph of section three of Article I of the Constitution of the United States, and lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution," and

WHEREAS, in order that said proposed amendment to the Constitution of the United States may become effective, it is necessary that it be ratified by the legislatures of three-fourths of the several States.

THEREFORE, BE IT RESOLVED, by the Senate and House of Representatives of the Legislature of the State of Arizona in special session convened that the said proposed amendment be and the same is hereby ratified by the Legislature of the State of Arizona.

AND, BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Governor of this State to the Secretary of State of the United States of America.

Adopted by the House May 31, 1912.
Adopted by the Senate June 3, 1912.

HOUSE CONCURRENT RESOLUTION

II.

Resolved, by the Senate and House of Representatives of the First Legislature of the State of Arizona, in Special Session convened:

That it is the desire of the Legislature that the Congress of the United States make such amendment or amendments to the Reclamation Act as will permit the State of Arizona to purchase from the United States water rights for all State and School lands, under Reclamation projects, in excess of the maximum of one hundred and sixty acres allowed to private purchasers, such water rights to be held by the State for the use and benefit of its citizens; Provided, always, that the State, in leasing said lands and water rights, shall impose the same conditions, regulations, and restrictions upon the lessees of said lands and water rights, as to maximum area of holdings, cultivation, etc., as are now imposed upon private water right purchasers by the Reclamation Act;

Resolved, further, that certified copies of this Resolution be forwarded to Honorable Henry F. Ashurst, and Honorable Marcus A. Smith, United States Senators from Arizona; to Honorable Carl Hayden, Representative in Congress from Arizona, and to Honorable Samuel Adams, First Assistant Secretary of the Department of the Interior.

Adopted by the Senate June 10, 1912.
Adopted by the House June 10, 1912.

HOUSE CONCURRENT RESOLUTION.

III.

WHEREAS, the following named employees of the Senate and House of Representatives were, by direction of the

presiding officers thereof, employed for the purpose of transcribing and completing the records of the First Session of the First Legislature and performing other necessary work connected therewith, during the periods set opposite their respective names, to-wit:

Senate employees:

T. D. Shaughnessy,	May	19-22,	1912,	inclusive,	4 days,
Con. P. Cronin,	"	" "	"	"	4 days,
Marjorie Grant,	"	20-22,	"	"	3 days,
Lucy Grant,	"	19-22,	"	"	4 days,
Clara Freestone,	"	" "	"	"	4 days,
Florence Jones,	"	20-22,	"	"	3 days,
Maud Whitten,	"	" "	"	"	3 days,
Ory Cantrill,	"	" "	"	"	3 days,
Chas. Phillips, Janitor,		19-22,	"	"	4 days
Antonio Contreras,		" "	"	"	4 days,

House employees:

May Cahill,	May	19-22,	1912,	inclusive,	4 days,
Harriet J. Oliver,	"	" "	"	"	4 days,
Mabel Conn,	"	" "	"	"	4 days,
Bessie Chapman,	"	" "	"	"	4 days,
Maude Anderson,	"	" "	"	"	4 days,
Emma Todd,	"	" "	"	"	4 days,
Carlos Frazier,	"	" "	"	"	4 days,
Thos. Woods,	"	" "	"	"	4 days,
F. J. Vaughn,	"	" "	"	"	4 days,
F. J. Donahue,	"	21-22,	"	"	2 days,
L. F. Sweeting,	"	19-22,	"	"	4 days,
B. F. Thum,	"	" "	"	"	4 days,
P. J. Munch,	"	21-22,	"	"	2 days,
Rosamond McGrath,	"	" "	"	"	2 days,
Josephine Day,	"	" "	"	"	2 days,
Thos. Romeo,	"	19-22,	"	"	4 days,

Therefore, be it RESOLVED, by the House of Representatives (the Senate concurring), that the State Auditor be and he is hereby authorized and directed to draw his war-

rants in favor of the persons named herein for the sum set opposite their names, specifying thereon the purpose for which said warrants are drawn in payment for said work; and, the State Treasurer shall pay same from any funds in the Legislative salary fund not otherwise appropriated; ....

To T. D. Shaughnessy.....the sum of twenty dollars
To Con P. Cronin.....the sum of twenty dollars
To Marjorie Grant.....the sum of fifteen dollars
To Lucy Grant.....the sum of twenty dollars
To Clara Freestone.....the sum of twenty dollars
To Florence Jones.....the sum of fifteen dollars
To Maude Whitten.....the sum of fifteen dollars
To Ory Cantrill.....the sum of fifteen dollars
To Chas. Phillips, Janitor.....the sum of twenty dollars
To Antonio Contreras.....the sum of twenty dollars

House Employees.

To Harriet J. Oliver.....the sum of twenty dollars
To May Cahill.....the sum of twenty dollars
To Mabel Conn.....the sum of twenty dollars
To Bessie Chapman.....the sum of twenty dollars
To Maude Anderson.....the sum of twenty dollars
To Emma Todd.....the sum of twenty dollars
To Charles Frazier.....the sum of twenty dollars
To Thos. Woods.....the sum of twenty dollars
To F. J. Vaughn.....the sum of twenty dollars
To F. J. Donohue.....the sum of ten dollars
To L. F. Sweeting.....the sum of twenty dollars
To B. F. Thum.....the sum of twenty-four dollars
To P. J. Munch.....the sum of ten dollars
To Rosamond McGrath.....the sum of ten dollars
To Josephine Day.....the sum of ten dollars
To Thos. Romeo.....the sum of twenty dollars

Adopted by the Senate June 18, 1912.
Adopted by the House June 11, 1912.

CONCURRENT RESOLUTION.

IV.

Concurrent Resolution Making an Appropriation from the Concurrent Fund of the Extra Session of the First State Legislature for Compiling, Proof Reading, Etc., of the Journal of the First State Legislature.

BE IT RESOLVED BY THE SENATE THAT THE FIRST LEGISLATURE IN EXTRA SESSION ASSEMBLED, THE HOUSE CONCURRING.

Sec. 1. For the purpose of revising the Journal of the First State Legislature, and extra session thereof, preparing an index thereto, preparing the same for printing, and proof reading the same, the sum of Fifteen Hundred Dollars ($1500.00) is hereby appropriated from the contingent expense fund of the extra session of the First Legislature.

Sec. 2. Said sum of Fifteen Hundred Dollars ($1500.00) shall be paid to the following persons in the following manner, to-wit: Three Hundred and Fifty Dollars ($350.00) each to Con P. Cronin, T. D. Shaughnessey, B. F. Thum, and L. F. Sweeting; Twenty-five Dollars ($25.00) to Miss Clara Freestone; Twenty-five Dollars ($25.00) to Antonio Contreras; Twenty-five Dollars ($25.00) to Harriett J. Oliver, and Twenty-five Dollars ($25.00) to Mabel Conn.

Sec. 3. Upon the completion of this work and the delivery of a true and correct transcript of said Journal to the Secretary of State, said Secretary of State shall certify same to the State Auditor, and upon such certification the State Auditor is hereby authorized and directed to draw his warrant on the contingent expense fund for the sum appropriated in this Concurrent Resolution as specified, or so much thereof as may be necessary, and the State Treasurer is hereby authorized and directed to pay the same.

Adopted by the Senate June 17, 1912.
Adopted by the House June 18, 1912.

HOUSE CONCURRENT RESOLUTION.

V.

Concurrent resolution providing payment during interim for the attaches of the Legislature between the regular and special session of the First State Legislature of the State of Arizona.

Be it Resolved by the House of Representatives of the First State Legislature.

Whereas, the following named employees of the Senate and House of Representatives were, by direction of the presiding officers thereof, employed for the purpose of transcribing and completing the records of the First Session of the First Legislature and performing other necessary work connected therewith, during the periods set opposite their respective names, to-wit:

Senate Employees.

T. D. Shaughnessy,	May	19-22,	1912,	inclusive	4 days,
Con. P. Cronin,	"	" "	"	"	4 days.
Marjorie Grant,	"	20-22,	"	"	3 days.
Lucy Grant,	"	19-22,	"	"	4 days.
Clara Freestone,	"	" "	"	"	4 days.
Florence Jones,	"	20-22	"	"	3 days.
Maude Whitton,	"	" "	"	"	3 days.
Ory Cantrell,	"	" "	"	"	3 days.
Chas. Phillips, Janitor,	"	19-22,	"	"	4 days.
Antonio Contreras,	"	" "	"	"	4 day.

House Employees.

May Cahill,	May	19-22,	1912,	inclusive,	4 days.
Harriet J. Oliver,	"	" "	"	"	4 days.
Mabel Conn,	"	" "	"	"	4 days.
Bessie Chapman,	"	" "	"	"	4 days.
Maude Anderson,	"	" "	"	"	4 days.
Emma Todd,	"	" "	"	"	4 days.
Carlos Frazier,	"	" "	"	"	4 days.

Thos. Wood,	"	" "	"	"	4 days.
F. J. Vaughan,	"	" "	"	"	4 days.
J. F. Donohue,	"	21-22,	"	"	2 days.
L. F. Sweeting,	"	19-22,	"	"	4 days.
B. F. Thum,	"	" "	"	"	4 days.
P. J. Munch,	"	21-22,	"	"	2 days.
Rosamond McGrath,	"	" "	"	"	2 days.
Josephine Day,	"	" "	"	"	2 days.
Thos. Romeo,	"	19-22,	"	"	4 days.
M. O'Sullivan,	"	" "	"	"	4 days.

Therefore, be it resolved by the House of Representatives (the Senate concurring), that the State Auditor be and he is hereby authorized and directed to draw his warrants in favor of the persons named herein for the sum set opposite their names, specifying thereon the purpose for which said warrants are drawn in payment for said work; and the State Treasurer shall pay same from any funds in the Legislative employees salary fund out of the money appropriated for the payment of employees of said Legislature of the State of Arizona not otherwise appropriated.

To T. D. Shaughnessy.....the sum of twenty dollars
To Con P. Cronin.....the sum of twenty dollars
To Margerie Grant.....the sum of fifteen dollars
To Lucy Grant.....the sum of twenty dollars
To Clara Freestone.....the sum of twenty dollars
To Florence Jones.....the sum of fifteen dollars
To Maude Whitton.....the sum of fifteen dollars
To Ory Cantrill.....the sum of fifteen dollars
To Chas. Phillips, Janitor.....the sum of twenty dollars
To Antonio Contreras.....the sum of twenty dollars

House employees:

To Harriet J. Oliver.....the sum of twenty dollars
To May Cahill.....the sum of twenty dollars
To Mabel Conn.....the sum of twenty dollars
To Bessie Chapman.....the sum of twenty dollars

To Maude Anderson.....the sum of twenty dollars
To Emma Todd.....the sum of twenty dollars
To Chas. Frazier.....the sum of twenty dollars
To Thos. Wood.....the sum of twenty dollars
To F. J. Vaughan.....the sum of twenty dollars
To J. F. Donohue.....the sum of ten dollars
To L. F. Sweeting.....the sum of twenty dollars
To B. F. Thum.....the sum of twenty-four dollars
To P. J. Munch.....the sum of ten dollars
To Rosamond McGrath.....the sum of ten dollars
To Josephine Day.....the sum of ten dollars
To M. O'Sullivan.....the sum of twenty dollars
To Thos. Romeo.....the sum of twenty dollars

House Joint Resolution No. 4(3) passed at this Special Session of the First Legislature, is hereby repealed.

Adopted by the Senate June 21, 1912.
Adopted by the House June 21, 1912.

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