ACTS, RESOLUTIONS AND MEMORIALS

OF THE

Regular Session

OF THE

Fifth Legislature

OF THE

STATE OF ARIZONA

Amendments to the Constitution, Referendum and Initiative Measures

Showing votes cast for and against at the general election held November 2, 1920.

Session Began January 10, 1921

Session Adjourned March 10, 1921

Publication Authorized
Sub-Div. 24, Sec. 1, Chap. 181, Session Laws,
Fifth Legislature,
State of Arizona
1921

THE MANUFACTURING STATIONERS INC., PHOENIX, ARIZONA

CERTIFICATE

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

I, ERNEST R. HALL, Secretary of State of Arizona, do hereby certify that the Acts, Resolutions and Memorials herein contained are printed as passed by the Regular Session of the Fifth 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 ninth day of June, A. D., 1921.

(Signed)

Ernest R. Hall

Secretary of State.

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ORDER OF ACTS

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CHAPTER 1.

(House Bill No. 1.)

AN ACT

Making an Appropriation for the Current and Contingent Expenses of Carrying on and Conducting and Defraying the Expenses of the State Legislature of the State of Arizona for the Session of 1921.

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

Section 1. That the sum of Sixty-seven Thousand ($67,000.00) Dollars is hereby appropriated out of the general fund now in the hands of the State Treasurer of the State of Arizona, or so much thereof as may be necessary for the several objects and purposes hereafter named.

(1) That the sum of Twenty-four thousand Three Hundred and sixty ($24,360.00) Dollars is hereby appropriated for the payment of the salaries of the members of the first session of the legislature of the State of Arizona for the year 1921.

(2) That the sum of Twenty-one thousand ($21,000.00) Dollars is hereby appropriated for the payment of the employees of the fifth session of the State Legislature of Arizona for the year 1921, or so much thereof as may be needed.

(3) That the sum of Two Thousand Six Hundred and thirty one ($2,631.20) Dollars and Twenty cents, is hereby appropriated for the payment of mileage of the members of said Legislature, or so much thereof as may be needed.

(4) That the sum of Eighteen Thousand and Eight and 80–100 ($18,008.80) Dollars is hereby appropriated for the payment of contingent expenses of said Legislature for the year 1921, or so much thereof as may be needed.

(5) The sum of One Thousand ($1,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated for paying the necessary expenses for completing the records of the

Legislature, indexing the Journals of both Houses, and for paying all things necessary and proper to complete the official records of both Houses of the Regular Session of the Fifth Legislature of the State of Arizona, for the year 1921.

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 State 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 for clerks and employees of the respective houses of the Legislature shall be paid in like manner as provided for in Section Two of this Act.

Section 4. It is provided that said salaries of the said members of the Legislature and the salaries of 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 voucher shall be presented.

Section 5. Whereas an urgent necessity exists for the appropriation of funds to pay the salaries and mileage of the members of the legislature, and provide funds for the contingent expenses of the Legislature, and the provisions of this Act are necessary for the expenses and maintenance of the legislature, to keep it intact and 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 approval by the Governor and is hereby exempt from the provision of referendum provided for in the State Constitution.

Approved Jan. 13th, 1921.

CHAPTER 2.

(House Bill No. 4.)

AN ACT

Concerning the Proof of Statutes of Other Jurisdictions and to Make Uniform the Law with Reference Thereto.

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

Section 1. (Publications covered by this Act.) Printed books or pamphlets purporting on their face to be the session

laws or other statutes of any of the United States, or the territories thereof, or of any foreign jurisdiction, and to have been printed and published by the authority of any such state, territory or foreign jurisdiction or proved to be commonly recognized in its courts, shall be received in the courts of this state as prima facie evidence of such statutes.

Section 2. (Uniformity of Interpretation.) This act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Section 3. (Short Title.) This act may be cited as the Uniform Proof of Statutes Act.

Section 4. (Repeal.) All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved January 27th, 1921.

CHAPTER 3.

(House Bill No. 5.)

AN ACT

Concerning the Taking of Depositions in this State to be Used in Any Foreign Jurisdiction and to Make Uniform the Law in Reference Thereto.

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

Section 1. (Authority to Act.) Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

Section 2. (Uniform of Interpretation.) This act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

Section 3. (Short Title.) This act may be cited as the Uniform Foreign Depositions Act.

Section 4. (Repeal.) All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved January 27th, 1921.

CHAPTER 4.

(Senate Bill No. 70.)

AN ACT

To Repeal Chapter X, Title XI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "District Census Marshal" and Relating to the Taking of the Census of Children of School Age; and Declaring an Emergency.

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

Section 1. That Chapter X, Title XI, Revised Statutes of Arizona, 1913, Civil Code, entitled "District Census Marshal" and relating to the taking of the Census of Children of School age, be and the same is hereby repealed.

Section 2. Whereas a condition exists, which makes an early operation of this Act essential for the preservation of the peace, health and safety of the State of Arizona, an emergency is hereby declared to exist, and this Act will be in full force and effect the day of its passage and approval by the Governor, and is exempt from the referendum provisions of the State Constitution.

Approved Feb'y 3rd, 1921.

CHAPTER 5.

(Senate Bill No. 4.)

AN ACT

To Amend Paragraph 3207, Chapter 1, Title 15, of the Revised Statutes of Arizona, 1913, Civil Code, Pertaining to Jurors' Fees in Superior Courts, Repealing all Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 3207, Chapter 1, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3207. Each juror, for each day's attendance on the Superior Court, shall be paid by the County Four Dollars and Fifty Cents ($4.50); and for each mile actually and necessarily travelled by the juror from his residence to the Court, ten cents (10c) to be computed one way only, and to be paid by the County.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 9th, 1921.

CHAPTER 6.

(Senate Bill No. 44.)

AN ACT

Providing that Boards of Supervisors May Pay for the Destruction of Certain Animals, and Providing the Amount of Such Payment.

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

Section 1. Each board of supervisors in this state may pay as rewards for the destruction of wild animals in their counties, as follows: Lobos or timber wolves, mountain lions, pumas or panthers, ten dollars each; Coyotes, two dollars each; Raccoons, twenty-five cents each; lynx and wild cats, one dollar each; and jack rabbits, gophers and prairie dogs, five cents each.

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. When the hide of any animal above mentioned is produced it shall be the duty of the board of supervisors 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 said 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 pos-

session 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 February 9, 1921.

CHAPTER 7.

(House Bill No. 15.)

AN ACT

To Amend Paragraph 1100, Chapter XIV, Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Descent and Distribution."

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

Section 1. Paragraph 1100, Chapter XIV, Title VI, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

1100. Upon the death of the husband one-half of the community property shall go to his surviving wife, and the other half is subject to the testamentary disposition of the husband, and in the absence of such disposition goes to his descendants, equally, if such descendants are of the same degree of kindred to the decedent, otherwise according to the right of representation; and in the absence of both such disposition and such descendants, goes to the surviving wife. Upon the death of the wife one-half of the community property shall go to her surviving husband, and the other half is subject to the testamentary disposition of the wife, and in the absence of such disposition goes to her descendants, equally, if such descendants are of the same degree of kindred to the decedent, otherwise according to the right of representation, and in the absence of both such disposition and such descendants, goes to the surviving husband.

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

Approved February 10th, 1921.

CHAPTER 8.

(House Bill No. 16.)

AN ACT

To Repeal Paragraphs 45, 46, 47 and 48 of Chapter 4, Title I, Revised Statutes of Arizona, 1913, Civil Code, Entitled State Government.

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

Section 1. That Paragraphs 45, 46, 47 and 48 of Chapter 4, Title I, Revised Statutes of Arizona, 1913, Civil Code, be, and the same are hereby, repealed.

Approved February 10th, 1921.

CHAPTER 9.

(House Bill No. 13.)

AN ACT

Making an Appropriation to Pay for Clerical Assistance and Other Expenses of the Motor Vehicle Department of the Secretary of State's Office for the Fiscal Year Ending June 30, 1921; and Declaring an Emergency.

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

Section 1. That there is hereby appropriated out of any money in the General Fund not otherwise appropriated, the sum of Five Thousand ($5,000.00) Dollars, to pay for clerical assistance and other expenses of the Motor Vehicle Department of the Secretary of State's office for the fiscal year, ending June 30, 1921, and the State Auditor is hereby authorized and directed to draw his warrants to said amount, and the State Treasurer is hereby authorized and directed to pay said warrants.

Section 2. WHEREAS, An immediate operation of this act is necessary for the public peace and safety, and for the proper maintenance of 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 approval by the Governor and is hereby exempt from the operation of the referendum provisions of the State Constitution.

Approved February 12th, 1921.

CHAPTER 10.

(House Bill No. 35.)

AN ACT

Providing for the Payment of Interest Upon School Warrants Whenever There Are No Funds in the Hands of the County Treasurer to the Credit of the School District Against Which the Warrant or Warrants Are Drawn.

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

Section 1. When any warrant drawn by the County School Superintendent of any County is presented to the County Treasurer of such County when there are no funds in his hands to the credit of the school district against which the warrant is drawn, the County Treasurer shall endorse such warrant "NO FUNDS," and such warrant shall draw interest from the date of such endorsement at the rate of not to exceed eight per cent per annum; provided that eight per cent interest applies to Salary Warrants only. The County Treasurer shall keep a list of all warrants so endorsed, and shall pay them whenever there is sufficient money to the credit of the proper fund in the order of such endorsement. The interest on such warrants shall stop when the County Treasurer shall give notice that he has money to pay the same.

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

Approved February 15th, 1921.

CHAPTER 11.

(Senate Bill No. 73.)

AN ACT

Making an Appropriation to Pay for Clerical Assistance and Office Expenses of the State Auditor's Office for the Fiscal Year Ending June 30, 1921; and Declaring an Emergency.

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

Section 1. That there is hereby appropriated out of any money in the General Fund not otherwise appropriated, the sum of Six Hundred ($600.00) Dollars, to pay for clerical assistance and other office expenses of the State Auditor's Office for

the fiscal year ending June 30, 1921, and the State Auditor is hereby authorized and directed to draw his warrants to said amount, and the State Treasurer is hereby authorized and directed to pay said warrants.

Section 2. WHEREAS, an immediate operation of this act is necessary for the public peace and safety, and for the proper maintenance of the Auditor'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 approval by the Governor.

Approved February 17th, 1921.

CHAPTER 12.

(Senate Bill No. 76.)

AN ACT

Making Appropriation to Cover the Deficit in Amount Appropriated to Pay the Office Expenses, Clerk Hire, and the Contingent Expenses of the Office of the State Mine Inspector for the Fiscal Year Ending June 30, 1921.

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

Section 1. There is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, the sum of Three Hundred ($300.00) Dollars, to pay the office expenses, clerk hire, and the contingent expenses of the office of the State Mine Inspector for the fiscal year ending June 30, 1921, and the State Auditor is hereby authorized and directed to draw warrant in the said amount for the said purpose, and the State Treasurer is hereby authorized to pay said warrant.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 17th, 1921.

CHAPTER 13.

(House Bill No. 6.)

AN ACT

Making an Appropriation for the Relief of the Bashford-Burmister Company, a Corporation; Authorizing and Directing the State Auditor to Draw His Warrant in Favor of Said Company in the Sum Appropriated in Section 1, Hereof; Authorizing and Directing the State Treasurer to Pay Such Warrant; and Declaring an Emergency.

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

Section 1. That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of Four Hundred Nine Dollars and Seventy-six Cents ($409.76) for the purpose of paying the claim of The Bashford-Burmister Company against the Pioneers' Home, one of the State institutions, and the State Auditor is hereby authorized and directed to draw his warrant in said sum of Four Hundred Nine Dollars and Seventy-six Cents ($409.76) to the Bashford-Burmister Company, and the State Treasurer is hereby authorized and directed to pay said warrant.

Section 2. 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 from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provisions of the State Constitution.

Approved February 19th, 1921.

CHAPTER 14.

(House Bill No. 23.)

AN ACT

To Amend Subdivision 3, Paragraph 2293, Chapter 11, Title 9, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Public Service Corporations and Corporation Commission."

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

Section 1. That subdivision 3, paragraph 2293, Chapter 11, Title 9, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

(3) No common carrier subject to the provisions of this chapter 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, its officers, agents, surgeons, physicians, and attorneys at law, and their families; 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, customs inspectors and immigration inspectors; the 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 "employee" 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 chapter shall be construed to prohibit the interchange of passes for the officers, agents and employees of 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, further, 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 chapter.

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.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 19th, 1921.

CHAPTER 15.

(House Bill No. 64.)

AN ACT

To Amend Section 2100, Chapter 2, Title 9, Revised Statutes of Arizona, 1913, Civil Code, Relating to Articles of Incorporation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Section 2100, Chapter 2, Title 9, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

2100. 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 recorded 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 post office 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.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 19th, 1921.

CHAPTER 16.

(Senate Bill No. 48.)

AN ACT

To Amend Paragraph 633, Title XVII, Revised Statutes of Arizona, 1913, Penal Code, Entitled "Offenses Against Stock Raisers."

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

Section 1. That Paragraph 633 of Title XVII, Revised Statutes of Arizona, 1913, Penal Code, entitled "Offenses Against Stock Raisers" be amended to read as follows:

633. Any person who shall feloniously steal, take, or carry away, or embezzle, or knowingly kill, sell, drive, ride, lead away,

any neat or horned cattle, horse, sheep, mule, goat, swine or ass, the ownership of which is known or unknown, or any person who shall willfully and feloniously purchase from anyone not having the lawful right to sell and dispose of the same, any neat, horned cattle, horse, mule, sheep, goat, ass or swine, the ownership of which is known or unknown, is guilty of a felony. But this section shall not apply to any person taking up any of the kinds of animals mentioned in this section, under estray laws of this state.

Approved February 19th, 1921.

CHAPTER 17.

(Senate Bill No. 75.)

AN ACT

Making a Special Appropriation for the Pioneers' Home, for the Balance of the Fiscal Year Ending June 30, 1921, and Declaring an Emergency.

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

Section 1. That there is hereby appropriated out of any money in the General Fund in the State of Arizona, not otherwise appropriated, to pay for the necessary expenses of conducting and maintaining the Pioneers' Home, the sum of Six Thousand Three Hundred Twenty-eight ($6,328.00) Dollars, or so much thereof as may be necessary during the fiscal year ending June 30, 1921; the State Auditor is hereby authorized and directed to draw his warrant on the General Fund in the amount herein set forth for the purposes herein specified, and the State Treasurer is hereby authorized and directed to pay such warrant, when properly approved, out of the General Fund of the State. This appropriation is in addition to the appropriations heretofore made and granted, and is for the purpose of maintaining the increased expenses of the institution, due to the completion of the new addition to the Home.

Section 2. Whereas, immediate operation of this act is necessary for the preservation of the public peace and safety, and for the maintenance of the Pioneers' Home and the guests thereof, an emergency is hereby declared to exist, and this act shall be in full and immediate force and effect from and after its passage and approval by the Governor, and it is hereby declared exempt from the operation of the Referendum Provisions of the State Constitution.

Approved February 21st, 1921.

CHAPTER 18.

(House Bill No. 45.)

AN ACT

To Amend Paragraph 1199, Title 6, Chapter 18, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Insane Persons."

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

Section 1. That Paragraph 1199, Title 6, Chapter 18 of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Insane Persons," be and it is hereby amended to read as follows:

1199. The judge of the superior court of any county in this state, upon the application, under oath, setting forth that a person by reason of insanity is dangerous, being at large, shall cause such person to be brought before him for examination, and shall cause to be summoned to appear at such examination two or more witnesses acquainted with the accused at the time of the alleged insanity, who shall be examined, on oath, as to the conversation, manners and general conduct of the accused, upon which charge of insanity is based, and shall also cause to appear before him two or more graduates of medicine, and reputable practioners thereof, who shall be at such examination, and who, upon hearing of the facts detailed by other witnesses, and a general examination of the accused shall set forth in a written statement to be made upon oath:

(1) Their judgment as to the sanity of the party charged.

(2) Whether it be dangerous to the accused, or to the person or property of others, by reason of said insanity, that said accused go at large.

(3) Whether such insanity is, in their opinion, likely to prove permanent or only temporary; and upon such hearing and statements as aforesaid, if the proofs shall satisfy the judge before whom such hearing is had that such party is insane, and that by reason of his or her insanity he or she be in danger, if at liberty, of injuring himself or herself, or the person or property of others, he shall, by an order entered of record in a book kept for that purpose, direct the confinement of such person in the state insane asylum, who shall be confined therein and not discharged therefrom until sufficiently restored to reason.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 21st, 1921.

CHAPTER 19.

(House Bill No. 54.)

AN ACT

To Amend Subdivision (d) of Section 7, of Chapter 162 (Senate Bill 45), of the Session Laws of the Fourth Regular Session of the Legislature of the State of Arizona, 1919, Pertaining to Salaries of County Officers, etc., and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Subdivision (d) of Section 7 of Chapter 162 (Senate Bill 45) of the Session Laws of the Fourth Regular Session of the Legislature of the State of Arizona, 1919, be and the same is hereby amended to read as follows:

"(d) In Counties of the Fourth Class the County Officers shall receive respectively the following annual salaries, to-wit: Clerk of the Superior Court Eighteen Hundred ($1,800.00) Dollars, Sheriff Three Thousand ($3,000.00) Dollars, Recorder Eighteen Hundred ($1,800.00) Dollars, Treasurer and ex-officio Tax Collector Two Thousand ($2,000.00) Dollars, County Attorney Two Thousand ($2,000.00) Dollars, Assessor Eighteen Hundred ($1,800.00) Dollars, Superintendent of Schools Eighteen Hundred ($1,800.00) Dollars, Chairman, Board of Supervisors Twelve Hundred ($1,200.00) Dollars, Members, Board of Supervisors, One Thousand ($1,000.00) Dollars each. The Assessor and Superintendent of Schools shall be allowed their necessary traveling expenses which shall be approved by the Board of Supervisors. The Board of Supervisors shall appoint one Clerk of said Board at a salary of One Hundred Fifty ($150.00) Dollars per month.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 21st, 1921.

CHAPTER 20.

(House Bill No. 67.)

AN ACT

For the Recording in the Office of the County Recorder of the Several Counties of the State, of the Discharge Papers of Soldiers, Sailors, Marines, Aviators, Army Nurses, Yeomanettes, and All Enlisted Men and Women of the United States, Either Combatants or Non-combatants, Free of Charge.

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

Section 1. The County Recorders of the several counties of the state shall, upon presentation to them, record, free of charge, in the volume known and designated as "Miscellaneous Records," the discharge papers of any soldier, sailor, marine, aviator, army nurse, yeomanette, and all enlisted men and women of the United States, either combatants or non-combatants.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 21st, 1921.

CHAPTER 21.

(Senate Bill No. 2.)

Introduced by Senator Sims.

AN ACT

Forbidding Contracts for Labor, Material, Supplies, or Printing, or for the Construction of Public Buildings or Public Works, to be Made by the State, or Any County, City, Town or School District With Any Person or Persons Combining to Prevent Bids Therefor or Fix Prices Thereon; and Providing that Any Such Contract May Be Annulled; and Providing a Penalty.

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

Section 1. That no contract for furnishing labor, material, supplies or printing, to the State, or to any county, city, town or school district, or for the construction of public buildings or public works, for the State, or for any county, city, town, or school district, shall be made with any person who has entered,

or proposed to enter, into any combination to prevent the making of any bid for furnishing such labor, materials, supplies or printing, or for the construction of such public buildings or public works, or to fix a price or prices therefor, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for such contract, or to bid at a specified price or prices thereon; and if any person so offending is a contractor for furnishing such labor, material, supplies or printing, or construction, his contract may be annulled, and the person so offending shall be liable to a fine of not less than One Hundred ($100.00) Dollars nor more than Five Thousand ($5,000.00) Dollars, and may be further punished, in the discretion of the court, by imprisonment for not less than three (3) months nor more than one (1) year.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 22.

(Senate Bill No. 3.)

AN ACT

Providing that Every Public Officer or Person Holding or Discharging the Duties of Any Office or Place of Trust Under the State, a Part of Whose Duties is to Audit, Allow or Pay Claims and Demands Upon the State Who Shall Audit, Allow, or Pay Any Claim or Demand Against the State Which is Not Authorized by Law, and the Party in Whose Favor Such Claim or Demand Shall Have Been Made, Shall be Responsible for Such Sums of Money and Twenty Percent Additional Thereon, and Providing the Method of the Recovery Thereof.

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

Section 1. Whenever any public officer, or person holding or discharging the duties of any office or place of trust under the State, a part of whose duty is to audit, allow, or pay, or take part in auditing, allowing or paying, claims or demands upon the State, shall audit, allow or pay, or directly or indirectly consent to, or in any way connive at, the auditing, allowance or payment of, any claim or demand against the State, which

claim or demand is not authorized by law, such public officer or person, and the party or parties in whose favor such claim or demand shall have been made shall be responsible for all such sums of money, and twenty percentum additional thereon, to be recovered as follows:

The attorney general is hereby empowered and it is hereby made his duty to institute suit in the name of the State against such public officer or officers and person or persons or any number of them to en oin the payment of such money (or in case the same shall have been paid, then to recover the same,) with twenty percent and lawful interests and costs, which shall be paid into the State Treasury to the credit of the fund from which the order of allowance was made, and the court shall give judgment accordingly, and for interest and costs as in other cases.

Section 2. If the attorney general shall for sixty days after request made by any taxpayer of the State in writing, fail to institute such suit, then any taxpayer of the State may institute such suit in his own name and at his own cost, with the same effect as if such suit had been brought by the attorney general; provided, the person or persons instituting such action or suit shall execute a bond with two or more good and sufficient sureties, made payable to the defendant or defendants in such suit or action, conditioned that if the plaintiff or plaintiffs in such action shall fail to prosecute such suit or action with diligence and to effect, that the plaintiff or plaintiffs will pay all damages sustained by the defendant or defendants by reason of such suit or action and all costs incurred therein. If any such taxpayer shall prevail in such suit the court shall allow such taxpayer costs and reasonable attorney fee not to exceed forty percent of the amount recovered or saved to the State as the case may be.

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

Approved February 25th, 1921.

CHAPTER 23.

(Senate Bill No. 11.)

AN ACT

To Amend Section 1, of Chapter 64, (House Bill No. 120) of the Session Laws of the Regular Session of the Second Legislature, 1915, Entitled: "An Act to Confer Upon Police Courts Within Counties of the First and Third Class Concurrent Jurisdiction Over All Matters, Criminal and Civil, Arising Within the Precinct Where Said Cities Are Situated With Justices of the Peace in Said Precincts."

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

Section 1. That Section 1 of Chapter 64 (House Bill No. 120) Session Laws, 1915, be and the same is hereby amended to read as follows:

Section 1. The police courts heretofore established by law in Arizona, shall, in addition to the jurisdiction conferred upon them by law, have concurrent jurisdiction with justices of the peace in the precinct or precincts where said city is established, over all violation of the laws of the State of Arizona, committed within the limits of said precinct or precincts, and of all civil matters arising and tryable therein, that are now tryable by the justices of the peace. Trials of matters over which said concurrent jurisdiction is exercised shall be subject to the rules of civil procedure which are by the laws of the State of Arizona applicable to trials before justices of the peace.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 24.

(Senate Bill No. 17.)

Introduced by Senator Lines.

AN ACT

Relating to Corporations Sole, and Amending Section 1, of Chapter 41, of the Acts of the Twenty-second Legislative Assembly of Arizona, 1903, Entitled "An Act Providing for the Incorporation of Churches and Religious Societies,"

Which is Paragraph 2199, of Chapter V, Title 9, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Religious, Social and Benevolent Association."

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

Section 1. That Section 1 of Chapter 41 of the Acts of the Twenty-second Legislative Assembly of Arizona, 1903, which is Paragraph 2199 of the Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

2199. The articles of incorporation shall specify:

First—The name of the corporation, and by which it shall be known.

Second—The object of said corporation.

Third—The estimated value of the property at the time of making the articles of incorporation.

Fourth—The title of the person making such articles.

Any corporation so formed shall have the power, from time to time, to alter and amend its articles of incorporation. Such amendments or alterations shall be made by the corporation sole, and executed by the same person who executed the original articles of incorporation or by his successor in office, and shall be filed and recorded in the same office and in the same manner as is provided for the filing of the said original articles.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 25.

(Senate Bill No. 20.)

AN ACT

To Amend Paragraph 1292, Chapter III, Part VI, of Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled: "Civil Procedure."

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

Section 1. That Paragraph 1292, Chapter III, Part VI of Revised Statutes of Arizona, 1913, Civil Code, entitled "Civil Procedure," be and the same is hereby amended to read as follows:

1292. If any party to a suit before any justice of the peace shall make an affidavit supported by the affidavit of two other credible persons of the county, to the effect that they have good reason to believe, and do believe, that such party cannot have a fair and impartial trial before such justice, or in such justice's precinct, it shall be the duty of such justice to at once request the Justice of the Peace of some other precinct within the county to hold the Justice Court within the precinct where such action is pending, and to preside at the trial of said action, and to hear all the matters involved therein, or to transfer such suit to the court of the nearest justice of the peace within the county not subject to the same or some other disqualification, but only one such change of venue may be had.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 26.

(Senate Bill No. 22.)

AN ACT

To Amend Paragraph 524 of Chapter 163 (Senate Bill No. 41) of the Session Laws of the Fourth Regular Session of the State of Arizona, 1919, Being "An Act to Amend Section 524, Chapter VIII, Title 14, Revised Statutes of Arizona, 1913, Penal Code, Entitled: 'False Personations and Frauds' ".

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

Section 1. That Paragraph 524 of Chapter 163, (Senate Bill No. 41), of the Session Laws of the Fourth State Legislature, 1919, be and the same is hereby amended to read as follows:

524. 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 county in which such work or labor is to be performed, over and above all exemptions allowed by law, to cover the amount of wages accruing to said employe or employes for the term of two weeks, and who shall make any false representations or pretenses

as to having such assets, or who, after labor has been done under such employment by said employe or employes, shall fail, upon the discharge or resignation of such employe or employes, or for a period of five days after such wages are legally payable, to pay said employe or employes on demand, in the manner prescribed by law, the wages due such employe or employes for such labor, shall be deemed guilty of obtaining labor under false pretenses, and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a period not to exceed one year, or by a fine not exceeding three times the amount of wages so due; and upon prosecution therefor, and conviction thereof, in the same proceeding, civil judgment shall be rendered in favor of such employe or employes, and against such person, persons, partnership, association, company or corporation, (his or its officers, directors or agents) for all such wages that may be unpaid, together with a reasonable attorney's fee to be fixed by the court, and which said judgment shall also include compensation to such employe or employees at the same rate at which such wages were agreed to be paid, from the time same became due until said judgment be satisfied, and said judgment shall be and constitute a first and prior lien against the property of such employer upon which said work and labor was done and performed.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 27.

(House Bill No. 48.)

AN ACT

To Prohibit the Filing of Maps or Plats of Lands, Lots or Portions of Lots Within Any Incorporated City or Town, or Adjacent to Such Incorporated City or Town or within or Adjacent to Any Suburb of Such Incorporated City or Town, in the Office of Any County Recorder of this State Unless Such Map or Plat Shall Have Endorsed Thereon the Certificate of the City or Town Clerk of Such City or Town that Such Map or Plat Has Been Approved by the Legislative Body of Such City or Town.

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

Section 1. That hereafter no County Recorder within this

state shall receive for filing in his office any map or plat subdividing any lands, lots or parcels of lots situated within any incorporated city or town of this State, or adjacent to such city or town, or within or adjacent to any suburb of such city or town or any map or plat amending, correcting or changing any such map or plat heretofore or hereafter filed, unless said map or plat offered to be filed shall have endorsed thereon a certificate by the City or Town Clerk, or other officer of such city or town whose duty it is to keep the records or minutes of such legislative body of such city or town to the effect that such map or plat has been approved by the legislative body of such city or town.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 25th, 1921.

CHAPTER 28.

(House Bill No. 69.)

AN ACT

To Provide for the Dissolution of Special Road Districts.

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

Section 1. Whenever a petition, signed by twenty-five (25) taxpayers within any special road district, organized and created under the provisions of Chapter 6, of Title 50, of the Revised Statutes of Arizona, 1913, Civil Code, shall be presented to the Board of Supervisors of the County in this State in which said special road district is situate, requesting the dissolution of said special road district, it shall be the duty of the Board of Supervisors within twenty (20) days to call an election of the resident taxpayers within said special road district to determine for or against the dissolution of said special road district. Notice of the time, place and purpose of such election shall be posted in three public places in said special road district, and at the front door of the Court House of the County in which said special road district is located, at least ten 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 within said special road district, and such electors so appointed as clerks and judges of election

shall be taxpayers in said special road district. If none are so appointed, or if those appointed are not present at the time of opening the polls, the qualified electors present may select them.

Section 2. No person shall be eligible to vote at such election unless he shall be a qualified elector of the precinct situate in whole or in part within the limits of said special road district, and the owner of property in said special road district subject to taxes at the time of any such election as shown by the last assessment roll for State and County taxes. The ballots to be used in any election to determine whether or not any special road district shall be dissolved, shall be provided by the Board of Supervisors, and shall contain the words, "For the dissolution of 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 said election last mentioned to report the result thereof, with the returns of said election to the Board of Supervisors of the County.

Section 3. If a majority of all the votes cast at any such election for the dissolution of any special road district shall be in favor of said dissolution, the Board of Supervisors shall enter in their records an order declaring the dissolution of said special road district, and from said time said special road district shall cease to exist.

Section 4. No such special road district shall be dissolved until any and all outstanding bonds shall have been paid in full, together with all interest due thereon.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 26th, 1921.

CHAPTER 29.

(Senate Bill No. 6.)

AN ACT

Relating to the Rights, Powers and Disabilities of Aliens and of Certain Companies, Associations and Corporations With Respect to Property in this State, Providing for Escheats on Certain Cases, Prescribing the Procedure Therein, Requiring Reports of Certain Property Holdings to Facilitate the Enforcement of this Act, Prescribing Penalties for Viola-

tion of the Provisions Hereof, and Repealing All Acts or Parts of Acts Inconsistent or in Conflict Herewith, with an Emergency.

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

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein in this State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

Section 2. All aliens other than those mentioned in Section 1 of this act may acquire, possess, enjoy and transfer real property, or any interest therein in this State, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the government of the United States and the Nation or country of which such alien is a citizen or subject, and not otherwise.

Section 3. Any company, association or corporation organized under the laws of this or any other State or Nation, of which a majority of the members are aliens other than those specified in Section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the Nation or country of which such members or stock holders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in Section 1 hereof may become members of or acquire shares of stock in any company, association or corporation that is or may be authorized to acquire, possess, enjoy or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the Nation or country of which such alien is a citizen or subject, and not otherwise.

Section 4. Hereafter no alien mentioned in Section 2 hereof, and no company, association or corporation mentioned in Section 3 hereof, may be appointed guardian of that portion of the estate of a minor which consists of property which such alien or such company, association or corporation is inhibited from acquiring, possessing, enjoying or transferring by reason of the provisions of this act. Any competent person, corporation or official may be appointed guardian of the estate of a minor citizen whose parents are ineligible to appointment under the provisions of this Section.

On such notice to the guardian as the Court may require, the Superior Court may remove the guardian of such an estate whenever it appears to the satisfaction of the Court:

(a) That the guardian has failed to file the report required by the provisions of Section 5 hereof; or

(b) That the property of the ward has not been or is not being administered with due regard to the primary interest of the ward; or

(c) That facts exist which would make the guardian ineligible to appointment in the first instance; or

(d) That facts establishing any other legal ground for removal exist.

Section 5. (a) The term "trustee" as used in this Section means any person, company, association or corporation that is guardian, trustee, attorney in fact or agent, or in any other capacity has the title, custody or control of property, or some interest therein, belonging to an alien mentioned in Section 2 hereof, or to the minor child of such an alien, if the property is of such a character that such alien is inhibited from acquiring, possessing, enjoying or transferring it.

(b) Annually on or before the thirty-first day of January every such trustee must file in the office of the Secretary of State of Arizona and in the office of the County Recorder of each County in which any of the property is situated a verified written report showing:

(1) The property, real or personal held by him for or on behalf of such an alien or minor;

(2) A statement showing the date when each item of such property came into his possession or control;

(3) An itemized account of all expenditures, investments, rents, issues and profits in respect to the administration and control of such property with particular reference to holdings of corporate stock and leases, cropping contracts and other agreements in respect to land and the handling or sale of products thereof.

(c) Any person, company, association or corporation that violates any provision of this Section is guilty of a misdemeanor and shall be punished by a fine not exceeding One Thousand ($1,000.00) Dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

(d) The provisions of this Section are cumulative and are

not intended to change the jurisdiction or the rules of practice of courts of justice.

Section 6. Whenever it appears to the Court in any probate proceeding that by reason of the provisions of this act any heir or devisee cannot take real property in this State or membership or shares of stock in a company, association or corporation which, but for said provisions said heir or devisee would take as such, the Court instead of ordering a distribution of such property to such heir or devisee shall order a sale of said property to be made in the manner provided by law for probate sales of property and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such property.

Section 7. Any real property hereafter acquired in fee in violation of the provisions of this act, by any alien mentioned in Section 2 of this act, or by any company, association or corporation mentioned in Section 3 of this act shall escheat to, and become and remain the property of the State of Arizona. The Attorney General or County Attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by Chapter Four, Part IX, Title Six of the Civil Code, Revised Statutes of Arizona, 1913, known as Escheats. Upon the entry of final judgment in such proceedings the title to such real property shall pass to the State of Arizona. The provisions of this Section and of Sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner, provided that no alien, company, association or corporation mentioned in Section 2 or Section 3 hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

Section 8. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in Section 2 of this act, or by any company, association or corporation mentioned in Section 3 of this act shall escheat to the State of Ar zona. The Attorney General or County Attorney of the proper county shall institute proceedings to have such escheat adjudged and enforced as provided in Section 7 of this act. In such proceedings the Court shall determine and adjudge the value of such leasehold or other interest in such real property and enter judgment for the State

for the amount thereof together with costs. Thereupon the Court shall order a sale of the real property covered by such leasehold, or other interest in the manner provided by Paragraph fifteen hundred and nineteen, Revised Statutes of Arizona, Civil Code, 1913. Out of the proceeds arising from such sale, the amount of the judgment rendered for the State shall be paid into the State Treasury and the balance shall be deposited with and distributed by the Court, in accordance with the interest of the parties therein. Any share of stock or the interest of any member in a company, association or corporation hereafter acquired in violation of the provisions of Section 3 of this act shall escheat to the State of Arizona. Such escheat shall be adjudged and enforced in the same manner as provided in this Section for the escheat of a leasehold or other interest in real property less than the fee.

Section 9. Every transfer of real property, or of an interest therein, though colorable in form, shall be void as to the State and the interest thereby conveyed or sought to be conveyed shall escheat to the State if the property interest involved is of such a character that an alien mentioned in Section 2 hereof is inhibited from acquiring, possessing, enjoying or transferring it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein.

A prima facie presumption that the conveyance is made with such intent shall arise upon proof of any of the following group of facts;

(a) The taking of the property in the name of a person other than the persons mentioned in Section 2 hereof if the consideration is paid or agreed or understood to be paid by an alien mentioned in Section 2 hereof;

(b) The taking of the property in the name of a company, association or corporation, if the membership or shares of stock therein held by aliens mentioned in Section 2 hereof together with the memberships or shares of stock held by others but paid for or agreed or understood to be paid for by such a iens would amount to a majority of the membership or the issued capital stock of such company, association or corporation;

(c) The execution of a mortgage in favor of an alien mentioned in Section 2 hereof if said mortgagee is given possession, control or management of the property.

(d) The enumeration in this Section of certain presumptions shall not be so construed as to preclude other presumptions or

inferences that reasonably may be made as to the existence of intent to prevent, evade or avoid escheat as provided for herein.

Section 10. If two or more persons conspire to effect a transfer of real property, or of an interest therein, in violation of the provisions hereof, they are punishable by imprisonment in the State Penitentiary not exceeding two years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or both.

Section 11. All acts and parts of acts inconsistent or in conflict with the provisions hereof are hereby repealed, provided that

(a) This act shall not affect pending actions or proceedings, but the same may be prosecuted and defended with the same effect as if the act had not been enacted.

(b) No cause of action arising under any law of this State shall be affected by reason of the enactment of this act whether an action or proceeding has been instituted thereon at the time of the taking effect of this act or not and actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as if this act had not been enacted.

(c) This act insofar as it does not add to, take from nor alter an existing law, shall be construed as a continuation thereof.

Section 12. If the Attorney General or the County Attorney shall refuse to bring any action provided for, authorized or comprehended within the terms of this act, upon the information or at the request of any person claiming the violation of any provision of this act giving rise to any action, provided for, authorized or comprehended within the terms of this act, such person may apply to the Court for leave to bring such action in his own name, and may so bring the same if leave therefor be granted. Notice of such application shall be given to the Attorney General or the County Attorney, as the case may be.

Section 13. 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 operation of the referendum provisions of the State Constitution.

Approved February 26th, 1921.

CHAPTER 30.

(Senate Bill No. 42.)

AN ACT

Relating to Tuberculosis of Cattle in the State of Arizona; Providing for Cooperation Between the Live Stock Sanitary Board and State Veterinarian With the Bureau of Animal Industry of the United States Department of Agriculture for Eradicating Tuberculosis, for Appraisal, Destruction, Disposal or Carcasses of Animals Destroyed, and for Payment of Damages to Owners in Certain Cases, With an Appropriation Provided to Give Effect to this Act.

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

Section 1. That the Livestock Sanitary Board of Arizona is authorized and empowered to cooperate with the Bureau of Animal Industry of the United States Department of Agriculture and with the appointees of that Bureau to the end and purpose of action deemed necessary and proper towards the eradication of the disease known as tuberculosis of cattle in the State of Arizona, and to accept for the State the terms of a proposed cooperative agreement as contained in Order No. 260 promulgated by such Bureau, under authority of the provisions of an act of Congress approved October 1, 1915, effective October 15, 1918, and to accept for the State of Arizona such additions and amendments to Order No. 260 above referred to as may have been proposed or as may hereafter be proposed by the Bureau of Animal Industry to effect the purpose of this section and act. Provided: That all such cooperative agreements so accepted by the Livestock Sanitary Board shall be entered upon the records of proceedings of that Board.

Section 2. Acting under the powers authorized by this act, as cumulative and in addition to such powers as exist in the Livestock Sanitary Board relating to the prevention of disease among livestock animals, the Livestock Sanitary Board shall have power to appoint such veterinary inspectors to act with and under the direction of the State Veterinarian, as may be necessary to give full force and effect to the terms of such cooperative agreements as may be accepted by the Livestock Sanitary Board.

Section 3. The State Veterinarian and any veterinary inspector appointed under the provisions of this act shall have power to enter any place any animal may be and take such custody thereof as may be necessary for the purpose of making

an examination of such animal as to the presence of any contagious disease including tuberculosis, and retain such custody for the purpose of applying what is known as the tuberculin test thereto. In the event that any such animal is found to react to such test, the inspecting officer may at once condemn said animal, and order that it be killed.

Section 4. When any animal in which tuberculosis is found through such tuberculin test, or otherwise, and an order made that it be killed, the inspector and the owner thereof shall attempt to agree upon the value of such animal within the limit of value thereof prescribed by this act. Upon such agreement being made, the inspector shall make a memoranda which shall show the date of the order of killing, describe the place where the animal was taken and from whom, describe the animal, and insert therein the value agreed upon. These memoranda shall be signed by the owner and the inspecting officer, and in numbers sufficient that one of such duplicates may be delivered to the owner of the animal, and one returned by the inspector to the office of the Livestock Sanitary Board, and one to the Bureau of Animal Industry, and at least one for other purpose of record. In cases where such agreement is not made, the inspector shall fix the value of such animal, and execute a memoranda thereof in duplicate and showing the same facts as shown by memoranda, executed in cases of agreement, except that memoranda executed by the officer alone shall recite the facts that the owner of the animal refused to agree as to value, or refused to join in the execution of the memoranda, as the case may be.

Section 5. After an animal has been condemned and ordered killed, and a memoranda thereof has been made by a veterinary inspector under above provisions, and in event the inspector and owner cannot immediately agree as to any salvage value from the carcass of such animal, it shall be taken by the owner to the nearest slaughter house where federal inspection is maintained, there slaughtered and the carcass disposed of under such federal inspection, and the amount received from a sale so made shall be deemed the salvage value of such animal for all purposes of this act. It shall be the duty of the inspecting officer acting under the provisions of this and the preceding sections, to continue the custody of each animal ordered killed until such animal has been killed and the carcass sold or otherwise disposed of under above provisions. Any person interfering with any veterinary inspecting officer acting under the provisions of this act shall be subject to the same penalties as are provided by the penal code of this State as to persons interfering with officers in the discharge of their official duties.

Section 6. After the salvage value of animals condemned under the provisions of this act has been received from a disposition of the carcass, the amount so received shall be paid to the owner of the animal. That amount shall be deducted from the appraised value of that animal. With that salvage value so deducted, the owner of the animal killed shall have a claim against the State of Arizona, payable from the fund appropriated for the purposes of this act for one-third of the balance of that remaining amount subject to limitations of Section 7 of this act. Such claims shall be presented to the Livestock Sanitary Board upon forms to be provided by it for such purpose, shall be accompanied by the memoranda of appraisal, by such inspection and report showing the salvage sale and amount received from such sale as may be required by that Board and upon forms by it to be prescribed and provided for the purpose, shall be verified by the claimant, or by a duly authorized agent of the claimant. The Livestock Sanitary Board shall have power to audit and allow such claims, and transmit to the State Auditor the claims approved by it, and the State Auditor shall draw warrants for the amount of each claim in favor of the claimant, turn such warrants over to the Livestock Sanitary Board, or its secretary, who shall distribute such warrants to the claimants.

Section 7. No claim shall be allowed in any case the amount thereof to exceed the sum of Fifty Dollars for any pure-bred animal nor to exceed the sum of twenty-five dollars for any grade stock animal which may hereafter be condemned and disposed of under the provisions of this act. The presentation and allowance of such claims against the State of Arizona, shall in no manner deprive the claimant of any rights to present claims for the same animals to the United States under such rules and regulations as may pertain to latter claims.

Section 8. For the purpose of this act, the person in whose actual possession, custody or control, any animal shall be first found by a veterinary inspector, shall in the first instance be deemed to be the owner thereof. Such person shall be dealt with as such owner, in all cases until the contrary appears to the satisfaction of the officer acting hereunder. In event of disputes as to ownership of any animal subject to the provisions of this act, the veterinary inspector shall proceed under the requirements of this act and may condemn any animal reacting to the tuberculin test, may appraise such animal, may proceed to have same inspected and sold for salvage, and shall report his acts to the Livestock Sanitary Board, with a remittance to that Board of amounts received as salvage from disposition of carcasses. In event of such disputes, it shall be the duty of the respective

claimants to present their rights to the Board within thirty days after animal is first taken by the inspecting officer, the Board shall hold the salvage money, and withhold all claims for compensation, where the report shows a conflict as to ownership of an animal, until thirty days have elapsed, and thereafter until such Board can satisfy itself as to the rightful claimant, or until that rightful claimant is otherwise determined by court of competent jurisdiction. The Livestock Sanitary Board shall not be liable for any distribution of salvage or compensation by it made after the above thirty day period has elapsed, nor shall any claim accrue against the State in favor of any person claiming any animal in dispute, on account of any action taken by the Livestock Sanitary Board in the distribution of any such funds. The rightful owner of any animal condemned under this act, shall have an action against the person in whose possession such animal may be found, to determine between them all rights which may arise under this act, and may prosecute such claim in any court of the State, having jurisdiction of the parties and subject matter thereof as in other cases.

Section 9. It being the purpose of this act to prevent the spread of the disease of tuberculosis among the cattle in this State, and to eradicate that disease entirely, the powers conferred by this act are to be so construed as to be consistent with that condemnation and killing of animals under the provisions hereof confined to such animals as are in the opinion of the inspector in each case so infected with tuberculosis. The acts and orders of every veterinary inspector, acting pursuant to the provisions of this act, shall be final, and shall not be subject to control or review by any court of this State.

Section 10. There is hereby appropriated the sum of Seventy Five Hundred Dollars as an amount to be annually levied and collected by taxation each year hereafter, to be used for payment of the actual expenses, salaries of state veterinary inspectors, and payment of claims as provided for in this act, with power in the Livestock Sanitary Board to decrease the amount, in any year by direction to the State Tax Commission, at any time when in the discretion of the Board, the purposes of this act can be accomplished with less amounts.

Section 11. WHEREAS, the provisions of this act are necessary for the preservation of 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 approval by the Governor, and it is hereby declared exempt from the referendum provisions of the Constitution.

Approved February 26th, 1921.

CHAPTER 31.

(House Bill No. 26.)

AN ACT

Giving Municipal Corporations the Power and Right to Acquire or Engage in Any Business or Enterprise Which May be Engaged in by a Person, Firm or Corporation by Virtue of a Franchise From a Municipal Corporation; and to Repeal Paragraph 2035 of Chapter XVI, Title 7, Revised Statutes of Arizona, 1913, Civil Code, Relating to Municipalities, With an Emergency Clause.

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

Section 1. 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 such municipal corporation; and every such municipal corporation shall have the right and power to purchase, acquire, own and maintain, within or without the corporate limits of such municipal corporation, any such business or enterprise; and to purchase, acquire, own or maintain 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, electric lines for the transmission and transportation of electricity, pipe lines for the transmission and transportation of gas, water and sewage, and for any plant for the manufacture of any material for public improvement purposes or public building; and for all such purposes, shall have the right to exercise the right of eminent domain, either within or without the corporate limits of such municipal corporation, and to establish, lay and operate any such plant, electric line or pipe line upon any land or right of way taken thereunder; and shall have and exerc se 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 municipal corporations, or to sell the same to other municipal corporations for like purposes; and for any and all such purposes, in order to carry out the same, such municipal corporation shall have the power to issue and sell bonds bearing interest not to exceed six per cent per annum; and when such enterprise or public improvement shall have been purchased or constructed by means derived from the sale of bonds as above provided, it shall be the duty of such municipal corporation to fix the rates charged for service to the public as

nearly as practicable so as to pay the interest and not less than 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 such improvement or enterprise deemed by the municipal corporation necessary for the public welfare, it shall be lawful or such municipal corporation to lease at a stipulated rental any such 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 the municipal corporation the option to purchase such improvement or utility in the future.

No municipal corporation being served by any public utility under the control of the corporation commission of the State of Arizona, and subject to the provisions of the "Public Service Corporation Act," shall construct, operate and maintain any such public utility without having first obtained from said corporation commission a certificate of necessity and convenience as provided for by said "Public Service Corporation Act."

Section 2. That Paragraph 2035 of Chapter XVI, Title 7, Revised Statutes of Arizona, 1913, Civil Code, is hereby repealed.

Section 3. Whereas, in order to enable certain municipalities to adequately serve their inhabitants with necessary light and fuel, the immediate operation of this act is necessary for the preservation of the public safety and health, 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 exempted from the operation of the referendum provisions of the State Constitution.

Approved February 26th, 1921.

CHAPTER 32.

(House Bill No. 43.)

AN ACT

To Provide the Necessary Funds for the Payment of the Salaries and Expenses Necessary to be Incurred by the Arizona Commission of Agriculture and Horticulture from January 31, 1921, to July 1, 1921; and Making Appropriations Therefor, Repealing All Acts and Parts of Acts Herewith, and Declaring an Emergency.

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

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Seventeen Thousand ($17,000.00) Dollars, or so much thereof as may be necessary, to be expended under the direction of the Arizona Commission of Agriculture and Horticulture, for the purpose of paying the salaries and expenses of the office of said Commission from January 31, 1921 to July 1, 1921.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, the immediate operation of this section is necessary for the public peace, health and safety, and for the proper maintenance of the office of the Arizona Commission of Agriculture and Horticulture, an emergency is hereby declared to exist, 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 provisions of the REFERENDUM PROVIDED for in the State Constitution.

Approved February 26th, 1921.

CHAPTER 33.

(Senate Bill No. 9.)

AN ACT

Relating to Dealers in Securities and Providing for Issuing Permits Thereto by the Arizona Corporation Commission, and Providing Punishment for Violations of this Act.

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

Section 1. (a) The term "security" or "securities" when used in this act shall mean all stocks, bonds or other securities of any kind or character other than real estate mortgages, and bonds of the United States, or of any state or of any county, city, town, school district, road district, improvement district or irrigation district.

(b) The term "issuer" shall mean the person, firm, association, co-partnership, company or corporation issuing said securities.

(c) The term "dealer" shall mean any person, firm, association, co-partnership, company or corporation, not an investment company or the duly authorized agent of an investment company, who or which shall sell, offer to sell, or negotiate or advertise for the sale of any securities to any person in the state of Arizona.

Section 2. The term "dealer" as used in this act shall not include an owner, not the issuer, who sells securities of which he is the bona fide owner, when such sale is not made in the course of repeated and successive transactions of a similar nature, nor one who in a trust capacity created by law, lawfully sells any securities embraced within such trusts.

Section 3. Every such dealer, before selling or offering, negotiating or advertising for the sale of any of the securities above mentioned, shall make a written application for a permit therefor, to the corporation commission, which said application shall be in such form and shall contain such information as the corporation commission may direct. No such application shall ask for permission to sell the securities or stock of more than one issuer, but more than one application may be made by or permit granted to the same dealer.

Section 4. The corporation commission shall grant said permit only when it shall be satisfied from said application and from such further investigation as it may deem necessary, that the issuer whose stock the dealer proposes to sell is solvent,

that his or its organization and methods and plans of doing business are fair, just and equitable to investors in his or its stock or securities and that nothing in relation to said stock or securities as an investment or in relation to the sale or methods or means of sale thereof will work fraud upon the laws of this state or the investors in said securities.

Section 5. The corporation commission, if it shall deem it necessary or advisable, shall make or have made, a detailed examination of the affairs of the issuer of the stock referred to in said application. Such examination shall be made at the expense of the dealer in or issuer of the security, including the expenses of the examiner; and the corporation commission shall collect a fee of ten dollars per day for the time engaged in such examination by said examiner.

Section 6. The permit herein provided for may be revoked by the commission at any time for cause sufficient to justify the refusal thereof in the first instance, or for failure on the part of the dealer to comply with the laws of this state or any rule, regulation, order or requirement of the corporation commission.

Section 7. Any dealer may appoint one or more agents but no such agent shall sell or offer for sale or negotiate or advertise for the sale of any securities until a license has been issued by the corporation commission to such agent so to act. Said license may be revoked at any time for cause by the commission.

Section 8. No dealer and no agent or employee of any dealer shall sell or offer for sale or negotiate or advertise for the sale of any securities unless such dealer has a permit therefor, as provided for in this act, which said permit shall be in such form and contain such information and conditions as the commission shall designate.

Section 9. The permit and agent's license herein required shall be for a term of one year from the date thereof and cannot thereafter be renewed except on a new application and the payment of the proper fees for filing such application, making investigations and issuing a permit.

Section 10. The corporation commission may make and enforce all necessary orders, rules, regulations or requirements for carrying out the provisions of this act.

Section 11. Hearings, rehearings, proceedings, orders, decisions and appeals under this act shall be governed by the provisions of Chapter 90 of the Acts of the Regular Session of the First Legislature of the State of Arizona, also known as Chapter IX of Title IX of the Civil Code, Revised Statutes of

Arizona, 1913, and hearings, rehearings and appeals under this act may be had or taken in like manner as therein provided.

Section 12. In addition to any fees herein provided, the commission shall charge and collect the following fees:

1. For filing the application of any dealer for a permit to sell securities, Twenty-five Dollars.

2. For issuing a permit to sell securities, a sum equal to a certain percentage of the par value of the securities permitted to be sold, as follows:

Under Fifty Thousand Dollars, one twentieth of one per cent.

Fifty Thousand Dollars to One Hundred Thousand Dollars, one twenty-fifth of one per cent.

One Hundred Thousand Dollars to Five Hundred Thousand Dollars, one fiftieth of one per cent.

All in excess of Five Hundred Thousand Dollars, one one-hundredth of one per cent.

If such securities have no par value the fee shall be computed on the price at which said securities are to be sold or the value as alleged in the application and found by the commission.

3. For issuing license to dealer's agent, Two Dollars and Fifty Cents.

Section 13. All fees collected by the corporation commission under the provisions of this act shall be paid into the State Treasury and credited to the "Corporation Commission Investment Company Fund" and such part thereof as may be necessary to be used by the Commission in carrying out the provisions of this act shall be paid by the State Treasurer upon warrant drawn by the State Auditor on such fund, from time to time, in favor of the Commission for the amounts expended under its direction.

Section 14. Any person who shall knowingly or willfully subscribe to, make, or cause to be made, or publish or exhibit any false statements or representations or any false papers or any false entry in any book with the intention of deceiving the corporation commission or any commissioner or officer, examiner or employee of the commission, for the purpose of obtaining favorable action on any of the matters in this act referred to, or to any person for the purpose of influencing such person to purchase, either for himself or for others, the securities of any issuer, shall be guilty of a felony, and upon conviction thereof shall be fined not less than Five Hundred ($500.00) Dollars nor more

than One Thousand ($1,000.00) Dollars, or shall be imprisoned for not less than one (1) year nor more than ten (10) years in the State Prison.

Section 15. Any person who shall violate any of the provisions of this act, for which a penalty is not otherwise provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred ($100.00) Dollars nor more than Five Hundred ($500.00) Dollars, and may, in addition thereto, be imprisoned in the county jail for not more than six (6) months, or may be punished by both such fine and imprisonment.

Section 16. This act is intended as a continuation and extension of Chapter 69 of the Acts of the Regular Session of the First Legislature of the State of Arizona, also known as Chapter IX of Title IX of the Civil Code, Revised Statutes of Arizona, 1913, and shall not be construed or operate as a repeal of any part or portion of said act, but all other acts or parts of acts in conflict with this act are hereby repealed.

Approved February 26th, 1921.

CHAPTER 34.

(Senate Bill No. 10.)

AN ACT

To Amend Paragraph 427, Chapter V, Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled: "Civil Procedure."

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

Section 1. That Paragraph 427, Chapter V, Title VI, Revised Statutes of Arizona, 1913, Civil Code, entitled: "Civil Procedure," be and is hereby amended to read as follows:

Paragraph 427. Only such causes of action may be joined as are capable of the same character of relief. Actions ex contractu shall not be joined with actions ex delicto. In actions ex delicto there shall not be joined actions to recover for injuries to the person, to property, or to character; but they shall be sued for separately; provided, that causes of action for injuries to person and injuries to property, growing out of the same tort, may be joined in the same complaint, and provided such causes of action shall be separately stated.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 26th, 1921.

CHAPTER 35.

(Senate Bill No. 23.)

AN ACT

To Amend Chapter 55 of the Acts Adopted at the Regular Session of the First Legislature of the State of Arizona, Being Chapter 13, Title 7, of the Revised Statutes of Arizona for 1913, Civil Code, and Known as the Improvement Act of 1912 as Amended and Supplemented by Subsequent Acts of the Legislature of the State of Arizona, by Adding Thereto a New Section to be Numbered 1967A, Providing for the Making of an Assessment in the Discretion of the Legislative Body of the Municipality Upon the Completion of Any Portion of the Improvement for Which the Contract Price Equals Twenty Thousand Dollars or More, and for a Hearing on Such Assessment, the Approval and Collection Thereof, and the Issuance of Bonds Thereon.

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

Section 1. That Chapter 55 of the Acts adopted at the Regular Session of the First Legislature of the State of Arizona, being Chapter 13 of Title 7 of the Revised Statutes of Arizona for 1913, Civil Code, as amended and supplemented by subsequent Acts of the Legislature of the State of Arizona, be and the same is hereby amended by adding thereto a new section numbered Section 1967A, and reading as follows:

1967A. The legislative body of any municipality in which any street improvement is constructed under the provisions of this Chapter, instead of waiting until the completion of the entire improvement included in the contract, may, in its discretion, upon the completion of any portion of the improvement for which the contract price equals Twenty Thousand Dollars ($20,000.00) or more, order the Street Superintendent to make an assessment for the proportionate part of the contract completed and thereon proceedings and rights of collection of such proportionate amount shall be had as provided in Sections 12, 13, 14 and 15 of said Improvement Act of 1912, being Sections 1964, 1965, 1966 and 1967 of the Revised Statutes of Arizona for 1913, Civil Code, and in case the resolution of intention for said improvement shall provide for the issuance of either serial bonds under said Improvement Act, or improvement bonds under Chapter 144 of the Acts adopted at the Regular Session of the Fourth Legislature of the State of Arizona, known as the Bond Act of 1919. Bonds shall be issued and delivered to the contractor or his assigns for the proportionate amount of the contract price so assessed.

Approved February 26th, 1921.

CHAPTER 36.

(Senate Bill No. 39.)

AN ACT

To Provide for the Filling of Vacancies in the Legislature of the State of Arizona, to Repeal Sections 223 and 224, Revised Statutes of Arizona, 1913, Civil Code, and to Repeal All Acts or Parts of Acts in Conflict Herewith.

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

Section 1. Whenever a vacancy occurs in either House of the Legislature prior to, during, or subsequent to the Regular Session thereof, by reason of any of the provisions of Section 221 of the Revised Statutes of Arizona, 1913, Civil Code, the Board of Supervisors of the county where such vacancy occurs are hereby authorized, empowered and directed to forthwith appoint some qualified elector, who shall be of the same political faith and belong to the same political party, and shall be a resident of the same legislative district as his immediate predecessor to such office, to fill such vacancy, and such elector so appointed to such office by said Board of Supervisors shall, after taking his official oath, possess all the rights and powers and be subject to all the liabilities, duties and obligations of the said member of the legislature whose vacancy he fills.

Section 2. That Sections 223 and 224 of the Revised Statutes of Arizona, 1913, Civil Code, are each hereby repealed.

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

Approved February 26th, 1921.

CHAPTER 37.

(House Bill No. 66.)

AN ACT

Appropriating Money for the Payment of a Judgment Against the State of Arizona.

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

Section 1. There is hereby appropriated the sum of Twenty-five Hundred ($2,500.00) Dollars for the payment and satis-

faction of that certain judgment dated the 29th day of November, 1920, and filed the 29th day of November, 1920, against the State of Arizona, Defendant, in favour of J. B. Lyman, Jr., Plaintiff, in cause No. 11660, Superior Court of the State of Arizona, in and for Maricopa County, entered against the said State of Arizona, pursuant to a Stipulation entered into by and between the attorneys for the respective parties therein, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for said amount, and the said State Treasurer is hereby authorized and directed to pay said Warrant.

Approved February 28th, 1921.

CHAPTER 38.

(House Bill No. 73.)

AN ACT

Making an Appropriation to Pay for the Publication of Three Hundred (300) Copies of the Session Laws of the First Special Session of the Third Legislature, Five Hundred (500) Copies of the Session Laws of the Regular Session, Fourth Legislature, Four Hundred (400) Copies of the Session Laws of the Regular Session, Third Legislature, and Declaring an Emergency.

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

Section 1. That there is hereby appropriated out of any money in the General Fund, not otherwise appropriated, the sum of Thirty-five Hundred ($3500.00) Dollars, or such portion thereof as may be necessary, to pay for the publication of Three Hundred (300) copies of the Session Laws of the First Special Session of the Third Legislature, Five Hundred (500) copies of the Session Laws of the Regular Session of the Fourth Legislature, and Four Hundred (400) copies of the Session Laws of the Regular Session of the Third Legislature, and the State Auditor is hereby authorized and directed to draw his warrants to the said amount, and the State Treasurer is hereby authorized and directed to pay said warrants.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, An immediate operation of this act is necessary for the public peace and safety, and for the proper

maintenance of 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 approved by the Governor, and is hereby exempt from the provisions of the REFERENDUM PROVIDED for in the State Constitution.

Approved February 28th, 1921.

CHAPTER 39.

(Substitute Senate Bill No. 5.)

AN ACT

To Amend Paragraphs 639, 640, 641, of Title XVII (Pertaining to "Offenses Against Stock Raisers") Revised Statutes of Arizona, 1913, Penal Code.

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

Section 1. That Paragraph 639 of Title XVII of the Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

639. It shall be unlawful for any person or persons, firm or corporation, owning or having charge of sheep or goats to herd the same or permit the same to be herded on the lands or possessory right to lands, of other persons without the express consent of such owners or lawful claimants so to do. No sheep or goats shall be allowed to camp at any water developed and owned or leased by others without the express consent of the owner or lessee of said water. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Section 2. That Paragraph 640 of Title XVII of the Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

640. The term "possessory right to lands," as used in the preceding section, numbered 639, applies to all land or lands owned in fee or held under lease, contract of purchase, preemption, homestead or other United States or State of Arizona laws. The instrument evidencing such possessory right to lands held other than by virtue of United States or State of Arizona laws, shall be recorded in the office of the County Recorder of the County or Counties wherein such land is located before any claim can be made by the owner of such possessory right.

Section 3. That Paragraph 641 of Title XVII of the Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

641. Any person owning or having charge of sheep or goats who herds, grazes or pastures the same or permits or suffers the same to be herded, grazed or pastured on any cattle range previously occupied by cattle or upon any range usually occupied by any cattle grower either as a spring, summer or winter range for his cattle, is guilty of a misdemeanor; but the priority of right between cattle and sheep owners to any range is determined by priority in the usual and customary use of such range either as a cattle or sheep range.

Sheep and goats, when being moved from their accustomed range to a shipping point to be shipped or to lambing grounds for lambing purposes or when being returned from a shipping point where they were unloaded from cars or being returned to their accustomed range from said lambing grounds where they were located during lambing time, shall, when off a designated stock driveway and crossing a range which is being and has been used as a cattle range, travel at least three miles per day. That in moving from their accustomed range to said shipping point or lambing grounds or from such lambing grounds or unloading point to their accustomed range, they shall travel by the most direct practicable route to one of the Arizona stock driveways designated by the United States Government or to any other stock driveway hereafter fixed and determined and shall thence travel over and on such driveway and not depart therefrom until they reach a point nearest to their said shipping point or their usual lambing grounds and travel thence from said point by the nearest practicable route to said shipping point or lambing grounds, traveling at the rate of not less than three miles per day while crossing a cattle range and shall pursue the same course, traveling at the same rate, when going from said lambing point or unloading place back to their accustomed range. Provided, however, that when they are upon one of the aforesaid designated trails or upon any trail hereafter established, they shall travel at such rate as they may deem proper; and provided further, that nothing in the provisions of this Paragraph shall be construed to give the right for any such sheep or goats to travel over, be herded on or graze upon the lands or possessory rights to lands of another.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 3d, 1921.

CHAPTER 40.

(Senate Bill No. 56.)

AN ACT

To Amend Section 4130, Chapter IV, Title 35, Revised Statutes of Arizona, 1913, Civil Code, Relating to Chattel Mortgages and the Recording of Satisfactions Thereof.

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

Section 1. That Section 4130, Chapter IV, Title 35, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

4130. When the debt secured by any such instrument shall have been paid or satisfied, it shall be the duty of the mortgagee, his assignee or personal representative to enter or cause to be entered satisfaction thereof; such entry of satisfaction shall be made in the book in which the instrument is entered, which may be done under the head of "Remarks," and any instrument acknowledging satisfaction need not be recorded at length, but it shall be sufficient for the mortgagee or recorder to make an appropriate entry under the head of "Remarks," showing that the same has been paid, and if there is a separate instrument acknowledging satisfaction, it may be filed in lieu of the original instrument or copy thereof, and preserved in the office of the county recorder.

Approved March 3d, 1921.

CHAPTER 41.

(Senate Bill No. 58.)

AN ACT

To Amend Paragraph 147, Chapter 7, Title 7, Revised Statutes of Arizona, 1913, Penal Code, to Further Define "Barratry" So As to Include the Fomenting of Litigation for Profit and by Persons in Addition to Attorneys at Law by Soliciting Employment or Advancing Money or Other Thing of Value to Claimants or to the Parties to Litigations in Order to Prosecute Employment, or Who Practice Law Without License; and Declaring an Emergency to Exist.

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

Section 1. That Paragraph 147, Chapter 7, Title 7, Revised

Statutes of Arizona, 1913, Penal Code, be and the same is hereby amended to read as follows:

147. (a) If any persons shall willfully instigate, maintain, excite, prosecute or encourage the bringing of any suit or suits at law or equity in any court of this state in which such person has no interest, for his own profit or with the intent to distress or harass the defendant therein,

(b) or shall willfully bring or prosecute any false suit or suits at law or equity, of his own, for his own profits, or with intent to distress or harass the defendant therein,

(c) or shall willfully instigate, maintain, excite, prosecute or encourage the bringing or presentation of any claim in which such person has no interest, for his own profit or with the intent to distress or harass the person against whom such claim is brought or prosecuted,

(d) or shall seek to obtain employment in any claim, to prosecute, defend, present or collect the same by means of personal solicitation of such employment, or by procuring another to solicit for him employment in such claim,

(e) or who shall, by himself or another, seek or obtain such employment by giving, directly or indirectly, to the person from whom the employment is bought, money or other thing of value,

(f) or who shall, directly or indirectly, pay the debts or liabilities of the person from whom such employment is sought,

(g) or who shall loan or promise to give, loan or otherwise grant money or other valuable thing to the person from whom such employment is sought before such employment, whether the same be done directly by him or through another,

(h) or if any attorney at law shall seek or obtain employment in any suit or case at law, or in equity, to prosecute or defend the same by means of personal solicitation of such employment, or by procuring another to solicit for him employment in such cases,

(i) or who shall, by himself or another, seek to obtain such employment by giving directly or indirectly, to the person from whom employment is sought money or other thing of value,

(j) or who shall directly or indirectly pay the debts or liabilities of the person from whom such employment is sought,

(k) or who shall loan or promise to give, loan or otherwise grant money or other valuable thing to the person from whom such employment is sought, before such employment, in order to induce such employment, whether the same shall be done directly

by him or through another, shall be deemed guilty of barratry, and shall upon conviction be punished by fine in any sum not to exceed Five Hundred ($500.00) Dollars, and may, in addition thereto, be imprisoned in the county jail not exceeding three months; provided, that the penalties hereinbefore prescribed shall apply not only to attorneys at law, but to any other persons who may be guilty of any of the things set forth in the foregoing provisions of this act. The term "attorney" shall include counsel at law; and any attorney at law violating any of the provisions of this law shall, in addition to the penalty hereinabove provided, forfeit his right to practice law in this state, and shall be subject to have his license revoked and be disbarred in the manner provided by law for dishonorable conduct or malpractice, whether he has been convicted for violating this law or not.

Section 2. WHEREAS, the provisions of this act are 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 approval by the Governor.

Approved March 3d, 1921.

CHAPTER 42.

(Senate Bill No. 59.)

AN ACT

To Amend Section 2606 of Chapter VIII, Title 10, Revised Statutes of Arizona, 1913, Civil Code, Relating to the Return of a Chattel Mortgage, When Such Chattel Mortgage Shall Have Been Fully Paid and Satisfied, Either by an Executed or Marginal Satisfaction, or Release Duly Entered or Filed in the County Recorder's Office.

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

Section 1. That Paragraph 2606, Chapter VIII, Title 10, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

2606. When the satisfaction of any chattel mortgage, filed in the office of the Recorder of any county in this state, shall have been paid and fully satisfied by an executed or marginal satisfaction or release duly entered or filed in such Recorder's office,

it shall be the duty of the County Recorder to return such chattel mortgage to the mortgagor.

Approved March 3d, 1921.

CHAPTER 43.

(Senate Bill No. 74.)

AN ACT

To Provide for the Relief of Shirley Christy; O. H. Loch and Lester Selman, on Account of Labor Performed for and Services Rendered to the State Fair Commission During the Fiscal Year Ending June 30, 1920, and Making Appropriation for the Same.

WHEREAS, Shirley Christy, Secretary of the State Fair Commission; O. H. Loch, Assistant Secretary of the State Fair Commission; and Lester Selman, Superintendent of the State Fair Grounds, performed certain labor for and rendered certain services to the State Fair Commission during the fiscal year ending June 30, 1920 in the amount set opposite their respective names:

Shirley Christy	$1462.50
O. H. Loch	975.00
Lester Selman	500.00

WHEREAS, the above named persons performed such labor for and rendered such services to the State Fair Commission during the fiscal year ending June 30, 1920, and there are no funds in the hands of the Treasurer to pay the same and the same are due and unpaid;

Now, Therefore, Be it Enacted by the Legislature of the State of Arizona:

Section 1. That there is hereby appropriated from the General Fund of the State of Arizona, not otherwise appropriated, the total sum of $2937.50; and the State Auditor is directed to draw his warrants in favor of the following named persons and for the sums set opposite their respective names:

Shirley Christy	$1462.50
O. H. Loch	975.00
Lester Selman	500.00

and the State Treasurer is hereby authorized and directed to pay said warrants.

Approved March 3d, 1921.

CHAPTER 44.

(Senate Bill No. 77.)

AN ACT

To Provide for the Relief of Albert Steinfeld & Co., and Making an Appropriation Therefor.

WHEREAS, Albert Steinfeld & Co., sold to the Arizona State Prison at Florence, Arizona, in March, 1918, merchandise amounting to Eighty-seven ($87.00) Dollars, and

WHEREAS, claims against the State of Arizona must be presented and allowed within one year, and

WHEREAS, by oversight the above claim was not presented for payment until after the expiration of one year and for said reason has not been paid, and

WHEREAS, the Superintendent of the Arizona State Prison, states that the above claim is correct and should be paid, and

WHEREAS, the State Auditor refuses to pay said claim for the reason that it was not presented within the time required by law,

Now, Therefore, Be it Enacted by the Legislature of the State of Arizona:

Section 1. That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Eighty-seven Dollars ($87.00) Dollars, for the purpose of paying the claim of Albert Steinfeld & Co. against the Arizona State Prison, and the State Auditor is hereby authorized and directed to draw his warrant in said sum to Albert Steinfeld & Co., and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 3d, 1921.

CHAPTER 45.

(House Bill No. 55.)

AN ACT

To Amend Paragraphs 2401 and 2405 of Chapter IV, Title X, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Board of Supervisors," and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 2401 of Chapter IV, Title X, Revised Statutes of Arizona, 1913, Civil Code, entitled, "Board of Supervisors," be and the same is hereby amended to read as follows:

2401. 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 April 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 one, two, and three. 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 nearly equal in population and assessed valuation of property as is possible.

Section 2. That Paragraph 2405, of Chapter IV, Title X, Revised Statutes of Arizona, 1913, Civil Code, entitled "Board of Supervisors," be and the same is hereby amended to read as follows:

2405. Supervisors shall be elected by the qualified electors of their respective supervisoral districts. 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 county recorder, shall fill the vacancy by the appointment of a resident of the supervisoral district in which the vacancy occurs. If there be no supervisors, the sheriff, treasurer, and recorder shall fill the vacancies.

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

Approved March 3d, 1921.

CHAPTER 46.

(Senate Bill No. 64.)

AN ACT

Providing for the Appointment of a Representative on Behalf of the State of Arizona to Negotiate a Compact and Agreement Between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and Between Said States and the United States of America Respecting the Use and Distribution of the Waters of the Colorado River and the Rights of Said States and the United States Thereto, and Making an Appropriation Therefor.

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

Section 1. The Governor of Arizona shall appoint the State Water Commissioner, who shall serve without additional compensation, as the representative of the State of Arizona, who shall be duly authorized to represent the state of Arizona on a joint Commission to be composed of a representative of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, and a duly authorized representative of the United States of America, such Commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said States, and between said States and the United States, with the consent of Congress, respecting the further utilization and disposition of the waters of the Colorado River and streams tributary thereto, and fixing and determining the rights of the said States and the rights of the United States in and to the use and disposition of the waters of said stream and the benefits to be derived therefrom, provided however, that any compact or agreement so entered into by said States and the United States shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been ratified and approved by the Legislatures of the said States and by the Congress of the United States.

Section 2. The Governor of Arizona shall notify the respective Governors of the States of California, Colorado, Nevada, New Mexico, Utah and Wyoming, of the appointment of the representative of Arizona as soon as said representative shall have been appointed and qualified, but said representative shall not enter upon the performance of his duties until a representative to serve upon said joint Commission shall have been named and qualified for each of the said States named in Section 1 hereof, provided however, that said representative shall proceed im-

mediately after the passage of this Act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Colorado River within the boundaries of the State of Arizona, and that the securing of the necessary data and information called for by this Act shall not be contingent upon appointment and qualification of the representatives of the other States concerned or the representative of the United States of America.

Section 3. Said representative of the State of Arizona shall have full authority to make or cause to be made any and all investigations of the Colorado River and the drainage area thereof, which may become necessary in order to sufficiently advise said representative of the physical conditions obtaining upon said stream and the drainage area thereof, and of the present and future needs of the State of Arizona and its citizens in the use and benefit of the waters of said stream. To that end, said representative shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representative of the facts and furnish him with adequate information in order that he may properly perform his duties as representative of the State of Arizona upon said joint Commission.

Section 4. For the purpose of carrying out the provisions of this Act, including the payment of an equitable portion of the cost and expenses of said joint Commission, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000.00), or so much thereof as may be necessary, for the purposes herein provided. Said appropriation may be used within or without the State of Arizona. The said representative shall employ such clerical and technical assistants as may be deemed necessary to accomplish the objects of this Act. The compensation of the necessary assistants, together with all traveling expenses, and all other costs, charges and necessary expenditures hereunder, shall be paid semimonthly upon vouchers approved by the State Water Commissioner and warrants drawn for the payment thereof by the State Auditor in the ordinary manner upon the State Treasurer.

Section 5. The State Legislature finds, determines and hereby declares that this Act and each and every sentence, phrase and clause thereof is necessary for the immediate preservation of the public peace, health and safety of the State, and that 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 shall be exempt from the operation of the referendum provisions of the State Constitution of the State of Arizona.

Section 6. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 5th, 1921.

CHAPTER 47.

(Senate Bill No. 13.)

AN ACT

To Make Uniform the Law of Warehouse Receipts.

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

PART 1.

The Issue of Warehouse Receipts.

Section 1. (Persons Who May Issue Receipts.) Warehouse Receipts may be issued by any warehouseman.

Section 2. (Form of Receipts. Essential Terms.) Warehouse Receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

(a) The location of the warehouse where the goods are stored.

(b) The date of issue of the receipt.

(c) The consecutive number of the receipt.

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.

(e) The rate of storage charges.

(f) A description of the goods or of the package containing them.

(g) The signature of the warehouseman, which may be made by his authorized agent.

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby for all damage caused by the omission from a negotiable receipt of any of the terms herein required.

Section 3. (Form of Receipts. What Terms May be Inserted.) A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not:

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Section 4. (Definition of Non-Negotiable Receipt.) A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Section 5. (Definition of Negotiable Receipt.) A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt.

No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

Section 6. (Duplicate Receipts Must be so Marked.) When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Section 7. (Failure to Mark "Not Negotiable.") A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the

receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

PART 2.

Obligations and Rights of Warehousemen Upon Their Receipts.

Section 8. (Obligation of Warehouseman to Deliver.) A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

(a) An offer to satisfy the warehouseman's lien.

(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Section 9. (Justification of Warehouseman in Delivering.) A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:

(a) The person lawfully entitled to the possession of the goods, or his agent.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

Section 10. (Warehouseman's Liability for Misdelivery.)

Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivision (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be so liable, if prior to such delivery he had either:

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Section 11. (Negotiable Receipts Must be Cancelled When Goods Delivered.) Except as provided in section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Section 12. (Negotiable Receipts Must be Cancelled or Marked When Part of Goods Delivered.) Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Section 13. (Altered Receipts.) The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was:

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the case rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Section 14. (Lost or Destroyed Receipts.) Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also, in its discretion, order the payment of a warehouseman's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Section 15. (Effect of Duplicate Receipts.) A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncancelled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Section 16. (Warehouseman Cannot Set Up Title in Himself.) No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Section 17. (Interpleader of Adverse Claimants.) If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit,

which ever is appropriate, require all known claimants to interplead.

Section 18. (Warehouseman has Reasonable Time to Determine Validity of Claims.) If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Section 19. (Adverse Title is no Defense Except as Above Provided.) Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Section 20. (Liability for Non-Existence or Misdescription of Goods.) A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Section 21. (Liability for Care of Goods.) A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Section 22. (Goods Must be Kept Separate.) Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt

has been issued, as to permit, at all times, the identification and re-delivery of the goods deposited.

Section 23. (Fungible Goods May be Commingled, if Warehouseman Authorized.) If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case, the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Section 24. (Liability of Warehouseman to Depositors of Commingled Goods.) The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Section 25. (Attachment or Levy Upon Goods for Which Negotiable Receipt Has Been Issued.) If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall, in no case, be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Section 26. (Creditors' Remedies to Reach Negotiable Receipts.) A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Section 27. (What Claims are Included in the Warehouseman's Lien.) Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Section 28. (Against What Property the Lien May be Enforced.) Subject to the provisions of section 30 a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person had been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Section 29. (How the Lien May be Lost.) A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Section 30. (Negotiable Receipt Must State Charges for Which Lien is Claimed.) If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

Section 31. (Warehouseman Need Not Deliver Until Lien is Satisfied.) A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Section 32. (Warehouseman's Lien Does Not Preclude Other Remedies.) Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Section 33. (Satisfaction of Lien by Sale.) A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person

on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due,

(b) A brief description of the goods against which the lien exists,

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the ware-

houseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Section 34. (Perishable and Hazardous Goods.) If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Section 35. (Other Methods of Enforcing Liens.) The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Section 36. (Effect of Sale.) After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

PART 3.

Negotiation and Transfer of Receipts.

Section 37. (Negotiation of Negotiable Receipts by Delivery.) A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank, or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Section 38. (Negotiation of Negotiable Receipts by Indorsement.) A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

Section 39. (Transfer of Receipts.) A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Section 40. (Who May Negotiate a Receipt.) A negotiable receipt may be negotiated:

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Section 41. (Rights of Person to Whom a Receipt Has Been Negotiated.) A person to whom a negotiable receipt has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the

depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Section 42. (Rights of Person to Whom a Receipt Has Been Transferred.) A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Section 43. (Transfer of Negotiable Receipt Without Indorsement.) Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Section 44. (Warranties on Sale of Receipt.) A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears warrants:

(a) That the receipt is genuine,

(b) That he has a legal right to negotiate or transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular

purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Section 45. (Indorser not a Guarantor.) The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Section 46. (No Warranty Implied From Accepting Payment of a Debt.) A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Section 47. (When Negotiation Not Impaired by Fraud, Mistake, or Duress.) The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Section 48. (Subsequent Negotiation.) Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Section 49. (Negotiation Defeats Vendor's Lien.) Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu.

Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

PART 4.

Criminal Offenses.

Section 50. (Issue of Receipt for Goods Not Received.) A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of the issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 51. (Issue of Receipt Containing False Statement.) A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

Section 52. (Issue of Duplicate Receipts Not so Marked.) A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them, is outstanding and uncancelled, without plainly placing upon the face thereof the word "Duplicate" except in case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 53. (Issue for Warehouseman's Goods of Receipts Which do not State That Fact.) Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

Section 54. (Delivery of Goods Without Obtaining Negotiable Receipt.) A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt, the negotiation of which would transfer the right to the possession of such goods is outstanding and uncancelled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in sections 14 and 36, be found guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

Section 55. (Negotiation of Receipt for Mortgaged Goods.) Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

PART 5.

Interpretation.

Section 56. (Cases Not Provided for in Act.) In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 57. (Interpretation Shall Give Effect to Purpose of Uniformity.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 58. (Definitions.) (1) In this act, unless the context or subject matter otherwise requires:

"Action" includes counter claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Section 59. (Act Does Not Apply to Existing Receipts.) The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

Section 60. (Inconsistent Legislation Repealed.) All acts or parts of acts inconsistent with this act are hereby repealed.

Section 61. (Name of Act.) This act may be cited as the Uniform Warehouse Receipts Act.

Approved March 5th, 1921.

CHAPTER 48.

(Senate Bill No. 15.)

AN ACT

To Make Uniform the Law of Bills of Lading.

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

PART 1.

The Issue of Bills of Lading.

Section 1. (Bills Governed by this Act.) Bills of Lading issued by any common carrier shall be governed by this act.

Section 2. (Form of Bills. Essential Terms.) Every bill must embody within its written or printed terms:

(a) The date of its issue,

(b) The name of the person from whom the goods have been received,

(c) The place where the goods have been received,

(d) The place to which the goods are to be transported,

(e) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,

(f) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section 23, and

(g) The signature of the carrier.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

Section 3. (Form of Bills. What Terms May be Inserted.) A carrier may insert in a bill issued by him, any other terms and conditions, provided that such terms and conditions shall not:

(a) Be contrary to law or public policy, or

(b) In anywise impair his obligation to exercise at least that degree of care in the transportation and safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Section 4. (Definition of Non-Negotiable or Straight Bill.) A bill in which it is stated that the goods are consigned or destined to a specified person, is a non-negotiable or straight bill.

Section 5. (Definition of Negotiable or Order Bill.) A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill.

Any provision in such a bill that it is non-negotiable shall not affect its negotiability within the meaning of this act.

Section 6. (Negotiable Bills Must Not be Issued in Sets.) Negotiable bils issues in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets.

If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

Section 7. (Duplicate Negotiable Bills Must be so Marked.) When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

Section 8. (Non-Negotiable Bills Shall be so Marked.) A non-negotiable bill shall have placed plainly upon its face by the carrier issuing it "non-negotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

Section 9. (Insertion of Name of Person to be Notified.) The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

Section 10. (Acceptance of Bill Indicates Assent to its Terms.) Except as otherwise provided in this act, where a

consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

PART 2.

Obligations and Rights of Carriers Upon Their Bills of Lading.

Section 11. (Obligation of Carrier to Deliver.) A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by:

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods,

(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

Section 12. (Justification of Carrier in Delivering.) A carrier is justified, subject to the provision of the three following sections, in delivering goods to one who is:

(a) A person lawfully entitled to the possession of the goods, or

(b) The consignee named in a non-negotiable bill for the goods, or

(c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

Section 13. (Carrier's Liability for Disdelivery.) Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having

a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he:

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

Section 14. (Negotiable Bills Must be Cancelled When Goods Delivered.) Except as provided in section 27, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

Section 15. (Negotiable Bills Must Be Cancelled or Marked When Parts of Goods Delivered.) Except as provided in section 27, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill had been issued and fails either:

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill, to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Section 16. (Altered Bills.) Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

Section 17. (Lost or Destroyed Bills.) Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also, in its discretion, order the payment of the carrier's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Section 18. (Effect of Duplicate Bills.) A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

Section 19. (Carrier Cannot set up Title in Himself.) No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

Section 20. (Interpleader of Adverse Claimants.) If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate.

Section 21. (Carrier has Reasonable Time to Determine Validity of Claims.) If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the

bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Section 22. (Adverse Title is no Defense, Except as Above Provided.) Except as provided in the two preceding sections and in section 12, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a non-negotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

Section 23. (Liability for Non-Receipt or Misdescription of Goods.) If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to:

(a) The consignee named in a non-negotiable bill, or

(b) The holder of a negotiable bill,

who has given value in good faith relying upon the description therein of the goods, for damages caused by the non-receipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may also, by inserting in the bill, the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the non-receipt or by the misdescription of the goods described in the bill.

Section 24. (Attachment or Levy Upon Goods for Which a Negotiable Bill has Been Issued.) If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would

bind the owner and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall, in no such case, be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Section 25. (Creditor's Remedies to Reach Negotiable Bills.) A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Section 26. (Negotiable Bill Must State Charges for Which Lien is Claimed.) If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

Section 27. (Effect of Sale.) After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable.

PART 3.

Negotiation and Transfer of Bills.

Section 28. (Negotiation of Negotiable Bills by Delivery.) A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

Section 29. (Negotiation of Negotiable Bills by Indorsement.) A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a

specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

Section 30. (Transfer of Bills.) A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby.

A non-negotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right.

Section 31. (Who May Negotiate a Bill.) A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Section 32. (Rights of Person to Whom a Bill has Been Negotiated.) A person to whom a negotiable bill has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

Section 33. (Rights of Person to Whom a Bill has Been Transferred.) A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is non-negotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a non-negotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

Section 34. (Transfer of Negotiable Bill Without Indorsement.) Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Section 35. (Warranties on Sale of Bill.) A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants:

(a) That the bill is genuine,

(b) That he has a legal right to transfer it,

(c) That he has knowledge of no fact which would impair the validity or worth of the bill, and

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

Section 36. (Indorser Not a Guarantor.) The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

Section 37. (No Warranty Implied from Accepting Payment of a Debt.) A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the gen-

uineness of such bill or the quantity or quality of the goods therein described.

Section 38. (When Negotiation Not Impaired by Fraud, Accident, Mistake, Duress or Conversion.) The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

Section 39. (Subsequent Negotiation.) Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Section 40. (Form of the Bill as Indicating Rights of Buyer and Seller.) Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(d) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is endorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or if the goods, without notice of the facts making the transfer wrongful.

Section 41. (Demand, Presentation or Sight Draft Must be Paid, but Draft on More Than Three Days Time Merely Accepted Before Buyer is Entitled to the Accompanying Bill.) Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not,) that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill,

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not,) that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

Section 42. (Negotiation Defeats Vendor's Lien.) Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier

be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

Section 43. (When Rights and Remedies Under Mortgages and Liens are not Limited.) Except as provided in section 42, nothing in this act shall limit the rights and remedies of a mortgage or lienholder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

PART 4.

Criminal Offenses.

Section 44. (Issue of Bill for Goods not Received.) Any officer, agent, or servant of a carrier, who with intent to defraud, issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 45. (Issue of Bill Containing False Statement.) Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

Section 46. (Issue of Duplicate Bills not so Marked.) Any officer, agent, or servant of a carrier, who with intent to defraud, issues or aids in issuing a duplicate or additional negotiable bill for goods, in violation of the provisions of section 7, knowing that former negotiable bill for the same goods or any part of them is outstanding and uncancelled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 47. (Negotiation of Bill for Mortgaged Goods.) Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with

intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding One Thousand ($1,000.00) Dollars, or by both.

Section 48. (Negotiation of Bill When Goods are not in Carrier's Possession.) Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 49. (Inducing Carrier to Issue Bill When Goods Have not Been Received.) Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

Section 50. (Issue of Non-Negotiable Bill not so Marked.) Any person who with intent to defraud issues or aids in issuing a non-negotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding Five Thousand ($5,000.00) Dollars, or by both.

PART 5.

Interpretation.

Section 51. (Rule for Cases Not Provided for in this Act.) In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators, and trustees, and to the effect of fraud, misrepresentation,

duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

Section 52. (Interpretation Shall Give Effect to Purpose of Uniformity.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Section 53. (Definitions.) (1) In this act, unless the context or subject matter otherwise requires:

"Action" includes counter claim, set-off, and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith", within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Section 54. (Act Does Not Apply to Existing Bills.) The provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

Section 55. (Inconsistent Legislation Repealed.) All acts or parts of acts inconsistent with this act are hereby repealed.

Section 56. (Name of Act.) This act may be cited as the Uniform Bills of Lading Act.

Approved March 5th, 1921.

CHAPTER 49.

(Senate Bill No. 60.)

AN ACT

For the Relief of Natural Persons Owning Land in Apache County Whose Property Was Damaged or Destroyed by Floods Occasioned by the Breaking of the Lyman Reservoir, and Making an Appropriation Therefor.

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

Section 1. That because of the construction company's not completing the Lyman Dam, and the resulting failure to obtain water which has prevented the growing of crops on the Lyman Dam Project during the past five years and which will limit the growing of crops for at least another year, the interest due the State of Arizona on the money loaned for the purpose of erecting said Dam is hereby remitted until the year 1925, as hereinafter provided.

Section 2. The State Loan Board shall ascertain the amount of interest due on the loan made on the farm lands within the Lyman Dam Project up to the time this act becomes effective and shall make a claim for the amount so determined upon the State Auditor, who will issue his warrant upon the receipt of such claim for a like amount to be credited to the permanent funds invested on such loans. At the end of each calendar year up to and including 1924 the State Loan Board shall ascertain the amount of interest due and if, in their judgment, similar action is necessary, shall have authority to grant the same relief to said mortgagors for the calendar year next preceding.

Section 3. There is hereby annually appropriated out of the General Fund, a sufficient sum to carry out the provisions of this act.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 5th, 1921.

CHAPTER 50.

(House Bill No. 50.)

AN ACT

For the Relief of the Barrows Furniture Company of Phoenix, Arizona, in Payment for Freight Upon Supplies Furnished to the Board of Directors of State Institutions for Use of the Asylum for the Insane, During the Month of July, 1919.

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

Section 1. There is hereby appropriated out of the general Fund of the State, in payment to the Barrows Furniture Company of Phoenix, Arizona, for freight upon supplies furnished to the Board of Directors of State Institutions for use of the Asylum for the Insane, during the month of July, 1919, the sum of One Hundred Twenty-one ($121.00) Dollars.

Section 2. The State Auditor is hereby authorized and empowered to draw his warrant upon the State Treasury in the sum of One Hundred Twenty-one ($121.00) Dollars, and the State Treasurer is hereby authorized and empowered to pay the same.

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

Approved March 5th, 1921.

CHAPTER 51.

(House Bill No. 76.)

AN ACT

For the Relief of Tovin & Company, of New York City, and Appropriating the Sum of Seventy-two Dollars and Fifty Cents ($72.50), as Full Compensation for Sample Suits Delivered to the State Prison and Pioneers' Home, of the State of Arizona.

WHEREAS, Tovin & Company forwarded to the State Prison and Pioneers' Home, in August, 1918, sample suits in the amount of Eighty-Five Dollars and Fifty cents ($85.50), and on September 7th, 1918, sample suits in the amount of Thirteen ($13.00) Dollars were returned to Tovin & Company, leaving a

balance due said firm of Seventy-Two Dollars and Fifty cents ($72.50); and

WHEREAS, claims against the State of Arizona must be presented and allowed within one year; and

WHEREAS, by oversight the above claim was not presented for payment until after the expiration of one year, and for said reason has not been paid; and

WHEREAS, Clayton Bennett, Secretary of the Board of Directors of State Institutions, states that the above claim is correct and should be paid; therefore,

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

Section 1. There is hereby appropriated out of the General Fund the sum of Seventy-Two Dollars and Fifty cents ($72.50), for the relief of said Tovin & Company, and the State Auditor is hereby authorized and directed to draw his warrant on the General Fund in favor of said Tovin & Company for said sum of Seventy-Two Dollars and Fifty cents ($72.50), and the State Treasurer is hereby authorized and directed to pay said warrant.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 5th, 1921.

CHAPTER 52.

(House Bill No. 90.)

AN ACT

To Amend Paragraph 4839 of Chapter 3, of Title 49, Revised Statutes of Arizona, 1913, Civil Code, as Amended by Chapter 50 of the Session Laws of the Third Legislature; to Amend Paragraph 4840 of Chapter 3, Title 49, of the Revised Statutes of Arizona, 1913, Civil Code; to Amend Paragraph 4842 of Chapter 3, of Title 49 of the Revised Statutes of Arizona, 1913, Civil Code, as Amended by Chapter 50 of the Session Laws of the Third Legislature and to Add a New Section to be Known as Section 4842-A; to Amend Paragraph 4844 of Chapter 3 of Title 49 of the Revised Statutes of Arizona, 1913, Civil Code, and All Relating to and Providing for the Levy of Taxes, the Making and Publishing of Estimates and Budgets for

Counties, Cities and Towns; the Limitation of Amounts to be Expended from Tax Revenue; Providing for the Raising of Amounts in Addition to Budget Estimates by Taxation and Providing for the Approval of Such Additional Amounts by the State Tax Commission; the Conferring of Powers and Duties on the State Tax Commission to Carry Out the Purposes of this Act; and Providing for the Payment of Present Deficits; and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 4839 of Chapter 3 of Title 49 of the Revised Statutes of Arizona, 1913, Civil Code, as amended by Chapter 50 of the Session Laws of the Third Legislature be and the same is hereby amended to read as follows:

4839. There shall be levied annually upon the real and personal property within this State, such a sum or sums of money as the Legislature may by law provide and deem to be sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year or years, and such further sum or sums as shall be necessary to pay the interest and principal of the bonds of the state, as provided by law; and upon the same property and upon the same valuation the board of supervisors of each county shall levy and collect for the same fiscal year, all taxes to be levied and collected for all county purposes in amounts as limited, and for purposes to be specified in accordance with the further provisions of this chapter.

Section 2. That Paragraph 4840 of Chapter 3 of Title 49 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

4840. It shall be the duty of the board of supervisors of each county, and the city or town council, or other governing body of each incorporated city or town in this state, not less than thirty (30) days prior to the date on which the regular annual tax levy is made, to prepare a statement covering the items and details of purposes of expenditures made for the fiscal year last past and as included in the adopted estimates for expenditures of that year with a statement which will also show contingent claims, encumbrances upon funds if any, balances of funds, and to be otherwise a full and complete statement of the financial affairs of the previous year; and to connect therewith an estimate of the different amounts which may be required to meet the public expense for the ensuing year, therein fixing amounts proposed for all subjects which are recurring items of expense, with

such an amount for contingency or emergency expenses as may occur, but which cannot be anticipated in advance. The said estimate shall contain a statement of the amount of money required for each item of expenditure necessary for county, city or town purposes, together with the amounts necessary to pay the interest and principal of the county, city, or town bonds, as provided by law, and the items and amounts of every special levy by law provided to be assessed, levied and collected upon the tax rolls of each year, and the said estimate shall be entered upon the minutes of the board, council or commission. Such estimates shall be fully itemized, showing under separate heads the amounts proposed as to be required for each department, public office, and public official, for each public improvement, for the maintenance of each public building, structure, or institution, and for each school, and the salary of each public officer, and shall show amounts proposed for the maintenance of public highways, roads, streets, and bridges, and the construction, operation and maintenance of each public utility, and shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended from each separate fund, and the total amount of proposed public expense, and shall enter the same on the minutes of the board with the estimates of the previous year. Said statement shall also contain a statement of the receipts for the previous year from sources other than direct property taxation and show the amounts actually levied and amounts actually collected for county, city, or town purposes upon the tax rolls of the previous fiscal year and shall show the amount proposed to be raised by taxation upon the real and personal property of such county, city, or town, for each purpose for the said ensuing year. The total of amounts in such estimates proposed for expenditure shall not exceed by ten (10) per centum the aggregate of actual expenditures for the previous year exclusive of expenditures for school, bond, special assessment and district levy purposes. The form of such statements shall be furnished by the State Tax Commission, to comply with the requirements of this Act.

Section 3. That Paragraph 4842 of Chapter 3 of Title 49 of the Revised Statutes of Arizona, 1913, Civil Code, as amended by Chapter 50 of the Session Laws of the Third Legislature be and the same is hereby amended to read as hereinafter follows, and by the addition of a paragraph to be known as Paragraph 4842-A as hereinafter set forth.

4842. It shall be the duty of boards of supervisors, city and town councils, or other governing bodies of incorporated cities

and towns, to meet one week previous to the day on which they levy taxes, and at the time and place designated in said notice, when and where any taxpayer who may appear shall be heard in favor of or against any proposed expenditure or proposed tax levies. When such hearings shall have been concluded, such board of supervisors, city, or town, council, or other governing body of incorporated cities and towns, shall adopt the estimate as finally determined upon, and which estimate shall become and be adopted, and no expenditure shall be made for a purpose not included in such budget, and no debt, obligation, or liability shall be incurred or created in any year in excess of the amounts specified therein as an amount proposed and finally adopted for each purpose therein named; nor beyond the amounts therein proposed and adopted to be raised by taxation, except when the other sources of revenue have been and are first received by the county, town, or city, as a means of liquidating such extra obligations and liabilities.

4842-A. (a) In the event of epidemics or disease, or acts of God, which result in damage or disaster to the works, roads, buildings, or property of a county, city, or town, or which menaces the life, health, or property of any considerable number of persons therein, and the results of which have not been anticipated in the budget as above in this Act provided for, or in event of other emergency, and which may require an incurring of liabilities or expenses in connection with the restoration of works, roads, buildings, or property, or removing the menace above referred to, or caring for the emergency, and restricted to cases where no other funds have been provided, or appropriated therefor, the boards of supervisors, the council, commission, or governing bodies of cities and towns affected by such acts or conditions, may present to the State Tax Commission, in writing, the facts as to the particular emergency under the classes above specified which may require the incurring of a liability during any fiscal year, and therein specify an amount which is deemed necessary for the purposes of that emergency, and the State Tax Commission shall cause a notice of such application to be published at least once in the official paper for publishing of notices of proceedings of the respective county, city, or town, and therein give notice of such application and of the time and place where such application will be heard and determined, and fixing the date of such hearing not later than ten days after filing of the application. Such hearing shall be held by the State Tax Commission, or any member thereof. At such time and place any interested tax-payer may appear and present reasons, either in favor of or opposing the application. If it appears to the

Tax Commission that the emergency does exist, it may make an order declaring such an emergency and fixing therein an amount of liability which may be incurred, but not to be exceeded by the applicant county, city, or town, in meeting such an emergency. Records of such orders shall be kept in the records of the Tax Commission and in the records of the official proceedings of the county, city, or town affected thereby. The officials of the county, city, or town may thereafter incur liabilities and warrants may be drawn and issued therefor to an aggregate not exceeding the amount so allowed by the Tax Commission, and the tax levy of the next fiscal year for that county, town or city shall include a separate item to cover the aggregate of all such warrants, which have not been paid and cannot be paid with balances remaining to the credit of the general funds after other expenditures and liabilities thereon have been liquidated and tax levies for such emergency liabilities shall not be subject to the ten (10) percent limit provided for in other paragraphs of this Act. Provided that the amount of such levies for such emergency liabilities shall be excluded from the amounts upon which the ten (10) per centum limitation for tax levies for the succeeding year are based.

(b) The State Tax Commission in addition to other powers now conferred upon it, and in addition to the duties now required of it, by law, shall have full power to and it shall be its duty to perform and do all things required by this Act to be done or performed by said Commission.

(c) In the event that any deficits or liabilities exist in any county, funds, or accounts, (exclusive of bond, school, assessment or special district funds), at the time that this Act takes effect, it shall be the duty of the board of supervisors to forthwith provide means whereby such deficits and liabilities shall be paid and if necessary, such board of supervisors shall at once declare that an emergency exists, certify the same to the State Tax Commission as provided for in this Act, and petition said Commission for approval to levy special tax for the current year upon the property in said county subject to tax for the payment of such deficits, or such portion thereof, as in the judgment of the Commission should be paid by said tax in said year, and during following years, and said tax shall be added to the levies in said county for the year 1921 and following years if so ordered, and be subject to the provisions of this Act respecting such emergency levy, it being expressly declared the intention that no deficits in the county funds mentioned shall be carried from one fiscal year to another except under the terms and provisions of this Act.

(d) The board of supervisors of each county, on or before the third Monday in August in each year, and the board, council, or commission of every town and city in this state, within that same period, or on such dates as may now be fixed for so doing, shall fix, levy and assess the amount of taxes to be levied for the purposes of their respective county, city, or town, and then designate the amounts which shall be levied for each purpose which appears in the finally adopted budget, and fix and determine a rate on each one hundred ($100.00) dollars of the taxable property shown by the finally equalized valuations of property, (less exemptions), appearing upon the tax rolls for such fiscal year, which when extended upon those valuations will in the aggregate produce the entire amount to be raised by taxation for city, town, or county purposes of that year. Provided, That no budget estimate shall be finally adopted, the aggregate amount of which will propose or include amounts to be raised by taxation for purposes (other than for schools, interest on bonds and for installments of principal of bonds due and to become due within the fiscal year, or for special assessment levies, and special district levies) which shall be an amount which will require a tax levy to be made for an amount to be levied and collected in taxes for purposes other than those specially excepted, which will exceed by more than ten (10) per centum the amount levied for such purposes (other than above excepted purposes) upon the tax rolls of the preceding fiscal year and after excluding emergency liability levies as hereinbefore provided.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 5th, 1921.

CHAPTER 53.

(House Bill No. 51)

AN ACT

To Prevent Delinquency or Dependency Among Minor Children of this State by Providing for Child Welfare Boards With Certain Powers and Duties; by Providing for Allowances to Widows and Deserted Mothers or Minor Children in Certain Cases; Making Appropriations for Carrying Out the Provisions of the Act: Providing Fines and Penalties for Falsely Obtaining Relief Under the Provisions of the

Act and for Violations of Its Provisions, and Repealing Chapter 70, Session Laws of Arizona, 1917.

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

Section 1. There shall be appointed by the Governor of this State, a board to consist of five members, to constitute and comprise a State Child Welfare Board. They shall be appointed for terms of one, two, three, four and five years respectively, so that the terms of no two members shall expire during the same year. In case of death or resignation, the appointment shall be made only for the unexpired term. At least two members of said Board shall be women. Members of such Board shall serve without salary or compensation, except that each member shall be reimbursed for actual and necessary expenses incurred in traveling in the discharge of duties required by this Act.

Section 2. Immediately after the appointment of the first members of above Board, on a day to be named in their appointment, the members thereof shall meet at the Capitol Building at such place therein as may be assigned for such meeting, and then organize by the election of a chairman and secretary. The chairman shall preside at all meetings of the Board when in attendance, and shall perform such other acts as may be directed by resolutions of the Board from time to time adopted. The secretary of the Board shall keep a record of all meetings of the Board, of all resolutions adopted by the Board, and records of other orders by the Board made. The secretary shall perform such duties as imposed upon that officer by this Act, and by orders and resolutions of the Board not inconsistent with this Act. The secretary shall receive a salary of two hundred dollars per month, which shall be paid from the amount appropriated under this Act, together with actual and necessary traveling expenses incurred when actually engaged in performing the duties of his office. The secretary shall give all of his or her time to such duties, and while secretary shall not engage in any other employment whatever.

Section 3. The State Child Welfare Board shall have the authority and control of the persons of all orphans, waifs, and dependent children under the age of sixteen years within the State of Arizona to the extent as in this Act provided. All actions of this Board respecting any child to be subject, however, to the supervision and orders and directions which may be made by the Superior Court of the county in which such child resided at the time the Board first assumed control over the person of such child.

Section 4. It shall be the duty of the State Child Welfare Board, through its secretary, to investigate the conditions surrounding any orphan, neglected or dependent child under the age of sixteen years in any county of the state, upon there being presented to the Board any fact which appears to warrant such investigation. It shall be the duty of the Board to provide suitable homes for orphans or children who have been abandoned by their parents, and have them adopted whenever possible, and when no suitable homes can be found or provided for such child, it shall be the duty of this Board to temporarily provide for the care of such child in some non-sectarian institution in the State of Arizona.

Section 5. The Child Welfare Board is hereby authorized to accept in behalf of the state of Arizona any grant, gift, devise or bequest of money or property which may be made for the benefit of or to be expended in promoting the welfare of orphans and abandoned, neglected children of the state of Arizona. And the said Child Welfare Board, as such, may be designated as trustee for any such grant of trust for any such purpose. All moneys so received by said Board shall be paid into the State treasury as received from time to time and to be maintained as a fund to be known as "State Child Welfare Fund," which fund shall be used for no other purposes than the uses provided for in this Act, or for the execution of any trust imposed by any deed of grant or gift, will or devise, to the Board for the purpose of this Act.

Section 6. The State Child Welfare Board shall hold regular monthly meetings at which the Board shall direct the investigations to be made by the secretary, and examine and audit the expense accounts of the members of the Board and of the secretary, and recommend the payment thereof by the auditor of the state. All such expense accounts shall be itemized and verified upon forms either provided by or approved by the auditor of the state. The Board shall keep or cause to be kept vouchers and records of the items and amounts of its expenditures and make itemized report thereof at the same time and in the same manner as required by other state officers having charge of the distribution of public funds. The Board may designate one of its members to act as treasurer with power to receive money and funds which may come under the provisions of this Act, which treasurer shall be required to give bond in such amount as designated and with sureties to be approved by the Governor, as the Governor may from time to time determine; or, if no treasurer is appointed, the Governor may require bond of each member of the Board

when in his discretion it appears necessary to protect any funds which may come under the control of the Board.

Section 7. The State Child Welfare Board created by this Act shall have power to select and designate any non-sectarian institution in this state as an institution in which may be cared for any child entitled to the benefits of the provisions of this Act, and may enter into contracts with such institutions so selected, for the support and care of such child or children which may be placed therein, for an amount per month for the care, support and maintenance of each such child as the board may decide. PROVIDED, however, that some one member of the State Child Welfare Board shall be placed upon the board of managers of each such institution and shall have controlling supervision over the care, maintenance and character of support afforded each child placed therein, that all of same may conform to such regulations as may be adopted by the State Child Welfare Board in respect thereto. And which member of the Board having such powers of supervision shall have the duty and power to see to it that the amount allowed for the support of each child, or its equivalent, is devoted to the maintenance and support of each such child.

Section 8. The State Child Welfare Board shall have the power to visit, investigate and direct the manner in which any child committed to any such institution selected by it shall be cared for in such institution, and to so act that funds allotted to any such institution under the provisions of this Act shall be used for the purposes for which so allotted and not otherwise. And shall have the power to cancel any contract made with any such institution at any time when in the judgment of that Board the institution with whom such contract is made is not performing such contract according to the intent of the provisions of this Act, or when any child or children placed therein are not in fact receiving the benefits intended under those provisions.

Section 9. The State Child Welfare Board shall be deemed the guardian of every child as may to it appear to be subject to, or entitled to the benefits of any provision of this Act, and as such guardian may, without specific appointment by any court, assume to act with respect to providing for the support of such child in any institution referred to in this Act, or for the support of such child in private home, or otherwise act within the regulations of the provisions of this law to the end of the proper care, support and maintenance of any such child. Nothing in this Act contained, however, shall be so construed as to deprive the Superior Courts or the judges thereof of the power vested in such courts to make any order as to any child as to the adoption

and guardianship of such child, or as to the care, custody, maintenance or support of any child whether the State Child Welfare Board has acted thereon or not.

Section 10. The Superior Court of each county of this state, within thirty days after this Act becomes effective, shall appoint four persons, at least two of whom shall be women, and all of whom shall be experienced as to the requirements for the support and maintenance of children. They shall be appointed for terms of one, two, three, and four years respectively, so that the terms of no two members shall expire during the same year. In case of death or resignation, the appointment shall be made only for the unexpired term. Records of all appointments so made shall be entered upon the journal of such court. The members so appointed shall serve without compensation other than that each member shall be entitled to his actual necessary travelling expenses incurred by him when acting under the directions of the Court, or acting under the directions of the County Child Welfare Board or of the State Child Welfare Board in the discharge of their duties connected with this Act.

Section 11. The Court in making the first appointment of members of such Board shall designate a time and place where, within ten days after such appointment, the persons so appointed shall meet and organize by the election of a chairman and by the election of a secretary of the Board. At such meeting the Board, shall fix and establish days for regular monthly meetings of the Board, and in addition to the regular meetings for which provisions are so made, meetings of the Board may be called by the chairman or secretary at any time by actual notice to the members. The Board shall have power to establish rules and regulations for the conduct of its meetings; for the conduct of its hearings; and shall establish forms upon which to make reports upon any subject referred to it by the State Child Welfare Board, or for applications for relief to mothers for providing support and maintenance for their children, and other forms deemed necessary as a basis for action of the Board as to matters referred to in this Act. The forms so adopted may be used by such Boards subject to such changes, alterations and amendments thereto as may be required by the Judge of the Superior Court or by the State Child Welfare Board.

Section 12. It shall be the duty of the members of the County Board to provide for the investigation of, and to investigate the conditions surrounding any child within the County reported to it as being an orphan, waif, neglected or abandoned child; and upon the forms adopted for such purpose, report the

results of each investigation to the Judge of the Superior Court and to the State Child Welfare Board, duplicating the same report to each. Any person within this state may call to the attention of the County Child Welfare Board any case of any orphan, waif, abandoned or neglected child appearing to be a proper case for further action by the Board under the provisions of this law. And it shall be the duty of the County Board, or individual members thereof acting under the direction of that Board to investigate such cases and report thereon.

Section 13. For the purpose of this Act, the words "Waifs," "dependent children" or "neglected children" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or who has not the proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in surroundings of immorality, or with any vicious, immoral or disreputable person; or whose home, by reason of neglect, cruelty, or depravity on the part of its parents or other person in whose care it may be, is an unfit place for such child.

Section 14. Any widowed or abandoned mother of a child or children under sixteen years of age, who is unable to support, maintain, and educate her child or children, or any mother whose husband is permanently, either physically or mentally, unable to support, maintain, and educate such child or children, and who is without any property, which, in the judgment of the State Child Welfare Board could be disposed of towards the support of self and children, shall be deemed to be within the class of mothers described in this Act.

Section 15. Upon receiving reports from the County Child Welfare Boards, or from the secretary, pertaining to any child or mother with children under the age of sixteen years who may be entitled to the benefits of the provisions of this Act, it shall be the duty of the State Board to make disposition of such cases upon the report so received, or the State Board may make further investigations in such case. After final investigation if it appears to the Board that the child or children or mother is entitled to the benefits of this Act, it may: Place the child temporarily in some one of the non-sectarian benevolent institutions selected by the Board for the care, maintenance and support therein until further order of the Board; or it may place such child in the home of some individual by the Board found to be a suitable home of a proper person to have the care and custody of such child; in either of which case the Board shall make an order that warrants be drawn in an amount as the Board may direct, computed semi-monthly and payable to the

institution or person having the custody of such child, and which order shall be authority to the auditor of the state to continue to draw warrants in such amount semi-monthly for such period as may be definitely fixed in the order, or until the order for such payment is revoked by action of the Board.

Section 16. Upon receiving reports as to the necessity of any mother for support under the provisions of this Act, the Board may act upon such report first received, or may further investigate the necessity of each such case. If upon final investigation thereof the Board is of the opinion that relief should be granted to the mother in any case, the Board may make an order therein fixing an amount per month as the Board may direct to be paid to the mother of one child under sixteen years of age, with an additional amount per month as the board may direct for each additional child under such age; which order shall be authority to the state auditor to draw warrants for the amount therein specified for the period, if any therein specified, and if no such period is mentioned, the authority of such order is to continue until such time as the order is revoked by the State Child Welfare Board. No allowance shall be ordered for the relief to any mother who has not resided in the state of Arizona for at least one year immediately preceding the time of application for relief and who is a citizen of the United States; nor shall any such order for relief be made in any case except same shall be accompanied by the affidavit of the mother made by her as the basis for such an allowance, which affidavit shall show the specific facts as to her being a mother entitled to such allowance under the provisions of this Act, and shall show such additional facts as the State Child Welfare Board may require to be stated as bearing upon the necessity of the case. Orders for relief shall be made with such duplications that the original order may be filed in the Superior Court of the county in which the child or mother is, another copy filed with the County Child Welfare Board of such county, another filed with the auditor of the state, and at least one copy retained for the records of the State Child Welfare Board.

Section 17. The State Child Welfare Board shall not assume the guardianship, custody or control of any minor child under any of the provisions of this Act without the consent of the parent or parents of such child, if such parent is within the state of Arizona, without first obtaining an order of the Superior Court awarding the Board the custody of such child in proceedings under the statutes of this state in force and applying to the disposition of dependent, neglected and delinquent children. The Superior Court of any county, under such proceedings, may

commit any child found by it to be a delinquent, neglected or deserted child, to the guardianship, custody and control of the State Child Welfare Board, and in that case the child so committed shall be subject to, and entitled to, the benefits of the provisions of this Act as same relate to other children under the guardianship and control of this Board.

Section 18. This Act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall be approximately as near as may be, that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home, and become a member of the family by legal adoption or otherwise.

Section 19 Any person who shall make any false oath or affirmation as to any fact pertaining to any case investigated by any of the Boards referred to in this Act shall be deemed to be guilty of perjury and shall be subject to fine and imprisonment as in other cases of perjury under the existing penal laws of this state.

Section 20. There is hereby appropriated a sum of not to exceed Thirty Thousand Dollars ($30,000.00) per year which shall be raised by taxation and placed in the State Child Welfare Board Fund in the treasury, to be used for the purposes of this Act and for no other purposes. And there shall be paid from that fund all expenses of the State Child Welfare Board as approved by it, and all expenses of the county Child Welfare Boards upon such expenses being first audited by the County Board and by it certified to the State Child Welfare Board and by it approved. All payments so approved shall be paid by warrants to be drawn by the State Auditor upon that fund. Nothing in this Act shall be construed to authorize the auditor to draw warrants in excess of the amount of the balance of this appropriation appearing unexpended as shown upon the books of such auditor.

Section 21. Chapter 70, Session Laws of Arizona, 1917, being "An Act to Provide for the Establishment of Local Boards of Child Welfare Empowered to Grant Relief to Widowed Mothers" be and the same is hereby repealed.

Approved March 7th, 1921.

CHAPTER 54.

(House Bill No. 65.)

AN ACT

Ratifying, Approving and Validating the Highway Construction and Improvement Bonds of Maricopa County, in the Sum of Four Million ($4,000,000.00) Dollars, and the Sale Thereof, Which Bonds Were Authorized to be Issued and Sold by the Board of Supervisors of Said County, at an Election by the Property Tax Payers of Said County Held May 17th, 1919, With an Emergency Clause.

WHEREAS, at an election by the property tax payers of Maricopa County, Arizona, held May 17th, 1919, under the provisions of an Act of the Legislature of Arizona entitled, "An Act providing for the creation of County Highway Commissions and prescribing the powers and duties of such commissions," approved March 8, 1917, and Acts amendatory thereof and supplemental thereto, the Board of Supervisors of said county were authorized and empowered to issue and sell the bonds of said county in the sum of Four Million ($4,000,000.00) Dollars, for the purpose of providing funds for the construction and improvement of certain portions of the public highways of said county; and

WHEREAS, pursuant thereto, the Board of Supervisors of Maricopa County, Arizona, did on the 9th day of July, 1919, enter into a contract of sale of said bonds with the following named persons, partnerships and corporations, to-wit:

Bolger, Mosser & Willaman, by T. J. Grace, Agent,
Elston and Company, by B. K. Blanchet, Agent,
C. W. McNear and Company, by B. K. Blanchet, Agent,
Whitaker and Company, by B. K. Blanchet, Agent,
Mississippi Valley Trust Company, by B. K. Blanchet, Agent,
Sidney Spitzer and Company, by B. K. Blanchet, Agent,
Stacy and Braun, by B. K. Blanchet, Agent,
Terry, Briggs and Company, by B. K. Blanchet, Agent,
Prudden and Company, by B. K. Blanchet, Agent,
A. T. Bell and Company, by B. K. Blanchet, Agent,
Bosworth, Chanute and Company, by B. K. Blanchet, Agent,

Graves, Blanchet and Thornburgh, by B. K. Blanchet, Agent, (hereinafter designated as Graves, Blanchet and Thornburgh and associates) by virtue of which contract, the said Board of super-

visors did thereafter deposit said bonds with the Central Trust Company of Chicago, Illinois, to be delivered by it to the said Graves, Blanche and Thornburgh and associates, upon the payment thereof by them, according to the terms of said contract; and

WHEREAS, the said Graves, Blanchet and Thornburgh and associates have, under the terms of said contract, taken a proportionate part of said bonds and have paid therefor One Million ($1,000,000.00) Dollars pursuant to the provisions of said contract of sale, which said sum of One Million ($1,000,000.00) Dollars is now being expended by the Maricopa County Highway Commission in the construction of such public highways; and

WHEREAS, the validity of said bonds and the contract of sale thereof by the board of supervisors of Maricopa County, Arizona, has been and is now questioned and disputed by reason of certain alleged irregularities in the issuance and sale thereof as aforesaid, and litigation in respect thereto is now pending in the courts of the State of Illinois;

Now, Therefore, be it Enacted by the Legislature of the State of Arizona:

Section 1. That the bonds of the County of Maricopa in the sum of Four Million ($4,000,000.00) Dollars, authorized by the election by the property tax payers of said county held May 17th, 1919, for the purpose of providing funds for the construction and improvement of certain portions of the public highways of Maricopa County, and the contract for the sale of such bonds entered into by the Board of Supervisors of said Maricopa County with Graves, Blanchet and Thornburgh and associates on the 9th day of July, 1919, are hereby ratified, approved and declared valid.

Section 2. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Section 3. Whereas, it is necessary for the preservation of the public peace and safety, and to prevent a great financial loss to Maricopa County through delay in the construction and improvement of its public highways, 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 this act is hereby expemted from the operation of the REFERENDUM PROVISIONS of the State Constitution.

Approved March 7th, 1921.

CHAPTER 55.

(House Bill No. 82.)

AN ACT

Declaring All Irrigation Districts Heretofore or Hereafter Organized Under the Laws of the State of Arizona to be in All Matters and Things Municipal Corporations.

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

Section 1. That all Irrigation Districts heretofore or hereafter organized under the laws of the State of Arizona are hereby declared to have been and be municipal corporations for all purposes.

Section 2. That under all laws of the State of Arizona affecting or relating to irrigation districts such irrigation districts shall be deemed, held and construed to be municipal corporations in the construction and application thereof.

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

Approved March 7th, 1921.

CHAPTER 56.

(Senate Bill No. 37.)

AN ACT

To Provide for the Burial of Honorably Discharged Soldiers, Sailors or Marines, and All Females in the Enlisted Personnel of the Army, Navy and Marine Corps, Who Shall Have Served in the United States Army or Navy, or the Widows of Such Sailor, Soldier, or Marine, Dying Without Leaving Sufficient Means to Defray Burial Expenses.

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

Section 1. It shall be the duty of the board of supervisors of each county in the State to designate a proper person in the county, who shall be an honorably discharged soldier, sailor or marine who shall have served in the army or navy of the United States, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or

marine corps, who shall have served in the army or navy of the United States, or the widow of any such honorably discharged soldier, sailor or marine, who may hereafter die without having sufficient means to defray funeral expenses. Such burial shall not be made in any cemetery or burial ground, or any portion of such cemetery or burial ground, used exclusively for the burial of the pauper dead. The expense of each burial shall not exceed the sum of One Hundred Fifty Dollars ($150.00).

Section 2. The expenses of such burial shall be paid by the county in which said soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or marine corps, or the widow of any such honorably discharged soldier, sailor or marine, dies; but if such deceased person has a residence in any other county in this State than the one paying the expenses, the county wherein said soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or marine corps, or the widow of such soldier, sailor or marine, shall have resided, shall refund the money advanced by the county where such person died. Expenses of such burial shall be audited and paid as other accounts are audited and paid by the county; PROVIDED, That this act shall not apply to such soldiers, sailors or marines who may hereafter die in the National or State Soldiers' Home in this State.

Section 3. It shall be the duty of the person appointed, as provided in Section 1 of this Act, before he assumes the charge and expenses of any such burial, to first satisfy himself, by a careful inquiry into and examination of all the circumstances in the case that the family of such deceased soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or marine corps, or the widow of such soldier, sailor or marine, if said person had any at the time of his or her decease residing in such county, is unable for want or means to defray the expenses of such burial or funeral; and if he finds such inability to exist he shall cause such deceased soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or marine Corps, or the widow of such soldier, sailor or marine, to be buried as provided in this act, and he shall immediately report his action to the clerk of the Board of Supervisors of the county, stating forthwith, all the facts, and that he found the family of such deceased person, if he or she had any, in indigent circumstances, and unable to pay the expenses of such funeral or burial, together with the name, rank and command to which he or she belonged as such soldier, sailor or marine, or female in the enlisted personnel of the army, navy or marine corps, the date of his or her death, place where buried, and his

or her occupation while living, and also an itemized statement of the expenses incurred by reason of such burial.

Section 4. It shall be the duty of the clerk of the board of supervisors, upon receiving the report and statement of expenses provided for in this act, to transcribe in a book kept for that purpose, all the facts contained in such report respecting such deceased soldier, sailor or marine, or female in the enlisted personnel of the army, navy or marine corps, or the widow of such soldier, sailor or marine. It shall also be the duty of said clerk, upon the death and burial of any such soldier, sailor or marine, or any female in the enlisted personnel of the army, navy, or marine corps, or the widow of such soldier, sailor or marine, to make application to the proper authorities under the government of the United States, for a suitable headstone, as provided by act of Congress, and to cause the same to be placed at the head of the grave of such soldier, sailor or marine, or any female in the enlisted personnel of the army, navy or marine corps, or the widow of such soldier, sailor or marine, the expense of which shall not exceed the sum of Five Dollars ($5.00) for cartage. The expenses thus incurred shall be audited and paid as provided in Section 2 of this Act for burial expenses.

Approved March 8th, 1921.

CHAPTER 57.

(Senate Bill No. 50.)

AN ACT

To Provide for the Eradication of Predatory Animals and Injurious Rodents; Making an Appropriation Therefor, and Prescribing the Manner of Its Expenditure in Cooperation With the Bureau of Biological Survey, United States Department of Agriculture; Conferring Upon the State Auditor the Authority for Such Cooperation Heretofore Conferred Upon the State Council of Defense, and Transferring the Unexpended Portion of the Appropriation Provided for in Section 1, of Chapter 41, Session Laws of the Regular Session of the Fourth Legislature of the State of Arizona.

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

Section 1. For the purpose of cooperating with the United States Government in the destruction of wolves, mountain lions, coyotes, bob-cats, prairie dogs, ground squirrels, pocket gophers,

jack rabbits and other predatory animals and rodents destructive to live stock and detrimental to crops and forage production, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Twenty-five Thousand ($25,000.00) Dollars, or so much thereof as may be necessary to equal, up to the said sum, the Federal appropriation, and expenditure within the State of Arizona, for the said purpose, for each of the fiscal years ending June 30, 1922, and June 30, 1923, to be expended under the supervision and direction of the Biological Survey of the United States Government, and upon the presentation of claims by the said Biological Survey, duly approved by the Biological Assistant, or Predatory Animal Inspector in charge, the State Auditor is hereby authorized and directed to draw his warrants to said amount, and the State Treasurer is hereby authorized and directed to pay the same.

Section 2. That all money derived from the sale of furs of animals taken by the State hunters and trappers shall revert to the fund to be used in the same manner as shown in section 1 of this act, and that all expenditures of money provided for in this act shall be expended under the cooperative agreement by the State Live Stock Sanitary Board for the destruction of Predatory Animals, the Extension Service, University of Arizona, for the destruction of rodents, and by the Bureau of Biological Survey, United States Department of Agriculture.

Section 3. That any unexpended balance of the fund appropriated under section 1, of Chapter 41, of the Regular Session of the Fourth Legislature of the State of Arizona, shall be available for the purpose for which appropriated upon the presentation of claims upon the State Auditor duly approved by the Biological assistant or Predatory Animal Inspector of the United States Biological Survey, and upon the presentation of such claims the State Auditor is hereby authorized to draw his warrants in payment thereof, and the State Treasurer is authorized and directed to pay the same.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 8th, 1921.

CHAPTER 58.

(Senate Bill No. 90.)

AN ACT

To Provide Homes for Soldiers, Sailors, Marines, and Others, to Assist in the Purchase, Reclamation and Settlement of Farms and Workers' Allotments, and to Promote the Agricultural Interest of Arizona; Creating the Arizona Land Settlement Commission and Defining the Duties Thereof, and Making an Appropriation for the Use of Such Commission in the Purchase, Reclamation and Settlement of Such Homes, Farms and Allotments and for Making Loans to Settlers Thereon, and Amending Chapter 141 of the Session Laws of 1919.

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

Section 1. That Chapter 141 of the Session Laws of 1919 be amended so as to read as follows, to-wit:

Section 1. This act may be known and cited as "The Arizona Land Settlement Act."

Section 2. The purposes of this act are to provide employment and rural homes for honorably discharged soldiers, sailors, marines and others who have served with the armed forces of the United States in time of war and who were residents of the State of Arizona at the time of their enlistments, and for American citizens who served in allied armies in the recent war and have been repatriated; to assist other deserving and qualified citizens to acquire improved farms, and to provide homes for workers, and to promote the agricultural interest of the State of Arizona.

Section 3. The Arizona Land Settlement Commission is hereby created to administer this law and to cooperate with the agencies of the United States engaged in similar work, and may be referred to as "The Commission." The commission shall be composed of members and officers of the State Land Department of Arizona, as designated and created by law, and they shall perform their duties as such officers and members of said commission as prescribed and defined by this act, in addition to the duties imposed upon them by the law creating the State Land Department and acts amendatory thereof, without additional compensation. The State Land Commissioner is hereby designated Arizona Land Settlement Commissioner, and the Deputy State Land Commissioner, is designated deputy Arizona Land Settlement Commissioner, the said Deputy Land Settle-

ment Commissioner shall be the Secretary of the Commission. The said Commissioner and Deputy Commissioner, and all appraisers, assistants, agents, and employes of the State Land Department shall, without additional compensation, perform the duties imposed by this act, under the direction of the Commission or of the Commissioner, as the case may be, in like manner and with like authority as they perform their other duties. Said Commission shall constitute a body corporate with the right on behalf of the State to hold property, to request and receive donations, to sue and be sued, and to have all other rights provided by the constitution and laws of the State of Arizona, belonging to bodies corporate, not herein otherwise provided.

Section 4. There is hereby established a fund, to be known as "The Arizona Land Settlement Fund," which fund shall consist of all moneys appropriated therefor, or realized from the issue of bonds for the purposes of this act; of all gifts made thereto, and all money converted to the State on account of payments made on lands sold or money loaned by the commission.

Section 5. The commission is hereby authorized to perform all acts, not inconsistent with the Constitution of the State, necessary and proper to cooperate fully with the agencies of the United States engaged in work of similar character.

Section 6. The commission is authorized to acquire lands which may be deemed suitable for agricultural settlement, cultivation or reclamation, together with necessary water rights, rights of way and other appurtenances; to set aside and dedicate to public use appropriate tracts so acquired by it for roads, school houses, churches or other public purposes; to direct the exercise by the state, through the attorney general of the power of eminent domain for the condemnation of property of any kind which may be necessary for the carrying out of the purpose of this act; to appropriate water rights under the laws of the state; to utilize all lands of the state for the purposes of this act, consistent with any law relating to the price of such lands, with the right, if necessary, to change the periods when payment for such lands may be made and the rate of interest accruing under existing laws, if deemed necessary and advisable in order to properly administer this act, or to cooperate with Federal Agencies, engaged in similar work and to perform any and all acts, and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions and manifest intentions of this act into full force and effect.

Section 7. The commission shall satisfy itself of the prac-

ticability of each undertaking proposed, utilizing all related state agencies for such investigations, and may cooperate with the authorities of the United States in the preparation of plans in furtherance of such undertakings, and is hereby authorized to incur and pay reasonable expenses incident thereto.

Section 8. Whenever the commission desires to acquire land, it shall give notice by publication in one or more newspapers of general circulation in the state calling for offers from owners of lands of the character desired. Such notices shall be published once a week for four consecutive weeks, the date of the last publication being not more than one week prior to the date of the opening offers and shall specify the matter which shall be incorporated in such offer. After thorough investigation and report as to the character of the lands, rights and appurtenances offered, and after approval by the attorney general of the state, of the title to the lands and any water rights or other rights, appurtenant thereto deemed essential by the commission, the commission may, by formal order, entered upon its minutes, authorize and proceed with the acquirement of the lands, or other property, by purchase, gift, or condemnation. Payments shall be made out of the Arizona Land Settlement Fund, or by settlers or persons desiring to purchase the lands, under such terms and conditions as may be fixed by agreement between the commission and the owners of said lands. The commission shall have the right to reject any or all offers.

Section 9. All money received by the commission shall be deposited with the State Treasurer and by him credited to the Arizona Land Settlement Fund, and shall be available for meeting the obligations of the commission for the purchase of land acquired under the provisions of this act, or for the disbursement of money for the purchase, reclamation, improvement or settlement of land, or the purchase of farm implements, stock or other necessary equipment, or for such other purpose as may be authorized by this act.

Section 10. Should the commission undertake the improvement, subdivision, sale or settlement of any land acquired under the provisions of this act, such proceeding shall be subject to the conditions imposed by this act, and rules and regulations to be adopted by said commission in furtherance thereof.

Section 11. The land shall be subdivided into farms, each having a value when unimproved, to be determined by the commission, of not to exceed Seven Thousand Five Hundred Dollars ($7,500.00), or into workers' allotments, each having a value

when unimproved, to be determined by the commission, of not to exceed One Thousand Dollars, ($1,000.00).

Section 12. The commission may make all necessary improvements on any such farm or workers' allotment, by contracting with the settler, or with some person to be by it selected.

Section 13. The commission may contract for the construction of works for irrigation, drainage, protection against flood waters, general sanitation, and for the subdivision of the lands, clearing, leveling, and other work necessary to render one or more groups of farms or workers' allotments available for use.

Section 14. The commission is authorized to advance the necessary funds to make loans to approved settlers for making permanent improvements and for the purchase of farm implements, stock and other necessary equipment, which advances of funds as defined for the purpose of this act as "Short Time Loans," and shall be secured by mortgage or other effective liens on the lands, or upon property purchased with said loan, and may be additionally secured by lien or mortgage upon other property as the commission may deem necessary. The total amount of money advanced on any such short time loan shall not exceed the sum of Three Thousand Dollars ($3,000.00) for a farm, or One Thousand Dollars ($1,000.00) for a workers' allotment.

Section 15. The commission shall collect from the settlers all sums due for principal and interest on lands, reclamation costs, farm improvements, and short time loans, and shall repay all sums advanced by the United States returning the state's portion of any such sums to the Arizona Land Settlement Fund.

Section 16. The commission is authorized to take over from the United States, and to operate and maintain any irrigation drainage or other system of works, or improvements, constructed by the United States Reclamation Service, for the purposes of this act set forth, and involving land owned or controlled by the Commission, and shall, in any such case, become responsible for the proper care thereof and provide for the repayment of the costs thereof. The commission shall require each purchaser of lands affected to pay proper and reasonable charges for the operation and maintenance and preservation of such work.

Section 17. All lands disposed of under the provisions of this act shall be sold only after public notice in one or more newspapers of general circulation in this state, once a week for four consecutive weeks, the last date of publication being not more than one week prior to the date of sale, giving in general

terms the information necessary for the public, and referring to detailed statements which shall be available at the office of the commission and other convenient places, which shall supply full information as to the farms and allotments for sale and the several prices therefor. The manner of the sale shall be such as to afford equal opportunity to all qualified persons desiring to purchase. Provided, however, that soldiers, sailors, marines, yeomen (F), nurses and others who have served the United States in times of war, with the armed forces thereof, including American citizens who served in allied armies in the recent war and who have been repatriated and who have been honorably discharged, and are citizens of the State of Arizona, and who were residents of the State of Arizona at the time of their enlistments, shall be given preference by the commission. The applicant to purchase shall be required to make application on forms approved by the commission, stating among other things, whether he has available the minimum amount of capital deemed necessary by the commission, which shall not be less than five per cent of the value of the land, plus five per cent of the value of any improvements thereon, and whether he can comply with the terms of payments, and give such an assurance in regard thereto as the commission may require. The commission may reject any or all applications, and may readvertise, from time to time, any or all tracts not sold.

Section 18. The applicant to purchase must be a citizen of the State of Arizona, and of the United States and must satisfy the commission that he is not the owner of agricultural land, which together with the land, improvements and equipment to be purchased hereunto shall exceed a value of Ten Thousand Dollars ($10,000.00). No purchaser shall own more than one farm allotment under the provisions of this act, and each purchaser shall satisfy the commission as to his fitness to cultivate and develop the same successfully both financially and otherwise. The commission may require any applicant to appear before it in person.

Section 19. Each approved applicant shall enter into a contract of purchase, which, among other things, shall create a mortgage or other effective lien, for the payment of the purchase price of the land, the reclamation costs and the farm improvements and other charges, if any, and shall require the purchaser to actually occupy the land within six months, or if the development of water for the irrigation of the land be necessary, within six months from the date on which such water is available, and to actually reside thereon for at least eight months in each calendar year, for a period of at least five years, unless

prevented by illness or other cause satisfactory to the commission, and any other absence from the land exceeding four months in any calendar year shall be breach of the contract. The contract shall provide for immediate payment of at least two per cent of the sale price of the land, including reclamation costs, and not less than five per cent of the cost of the farm improvements. The balance of the amount found due for the land and reclamation costs shall be due and payable as follows: At least two per cent per year for the first four years, and annually thereafter in amortizing payments to be fixed by the commission in such amounts as to repay within a further period of not exceeding thirty years. The principal sum with interest on deferred payments from the date of the contract at the rate of not more than six per cent per annum. The title to the land shall not pass until full payment is made for the land and the reclamation costs, and until full payment is made, no farm or allotment shall be transferred, assigned, leased, sublet or mortgaged in whole or in part, or any interest therein, without the written consent of the commission. The amount due on the farm improvements shall be repaid in a period to be fixed by the commission not exceeding fifteen years so as to return the principal sum with interest on deferred payments at the rate of not more than six per cent per annum. The repayment of short-time loans shall extend over a period to be fixed by the commission, not exceeding five years, payable in such amounts, and at such times, and with such rate of interest as may be determined by the commission. The purchaser shall have the right on any installment date to pay any or all installments thereafter due. The contract shall also provide that the purchaser shall cultivate the land in a manner to be approved by the commission and shall keep in good order all buildings, improvements and equipment, reasonable wear and tear excepted, and pay such assessments as may be levied by the commission to provide the equivalent of insurance to protect the interests of the state and of the United States in all buildings, improvements and equipment. The contract shall also provide that in case of failure of the settler to comply with any of the terms thereof, the commission shall have the right, at its option, to cancel the contract and shall thereupon be released from all obligations under the contract, and the purchaser shall forfeit all rights thereunder. All payments theretofore made shall be deemed to be rental paid for occupancy The failure of the commission to exercise any option to cancel for default or violations of the contract, shall not be deemed a waiver of such right, but the same may be exercised at any time thereafter. No forfeiture or cancellation shall, in any way, impair the lien and security

of the mortgage or other lien securing the purchase price of the land, and reclamation costs and farm improvements or the repayment of loan. Upon forfeiture, cancellation, or relinquishment of a contract the commission shall have the right to sell the farm or allotment, together with all appurtenances, improvements and equipments, covered by such contract, to any other qualified purchaser. In case of the death of any purchaser before full payment, all of such purchaser's rights under the contract shall pass to his heirs or devisees, who shall be bound by all the conditions thereof, but may surrender the same to the commission upon terms and conditions satisfactory to the commission.

Section 20. State land utilized hereunder and land acquired pursuant to this act, shall be subject to state and local taxation and assessment for improvement purposes, from the date of the execution of the contract for the purchase thereof by a settler. If the contract purchaser shall fail to pay such taxation or assessment, the same may be paid from the Arizona Land Settlement Fund and charged to the purchaser with interest at the rate of ten per cent per annum from the date of payment.

Section 21. In case of any undertaking for the reclamation of lands in two or more states, or any undertaking involving construction work in any state for the irrigation, drainage or reclamation of lands in whole or in part of another state, the commission is authorized and directed to cooperate with similar commissions of other states and the authorized agents and officers of the United States, and either the United States or the said commission of such other states shall have authority to acquire, by condemnation, purchase or other lawful means, such property rights, or easements in this state as may be needed for such interstate undertakings, upon the same terms and in like manner as if such undertaking were wholly in this state.

Section 22. Whenever the commission shall find that all or any part of the land which may be purchased or otherwise acquired by it is not necessary for the purposes of this act, the commission may sell such land, as herein specified, upon such terms as the commission may prescribe after public notice has been given.

Section 23. For the purpose of carrying out the provisions of this act, there is hereby appropriated the sum of One Hundred Thousand Dollars ($100,000.00); Fifty Thousand Dollars ($50,000 00) during the fiscal year 1921-1922, and Fifty Thousand Dollars ($50,000.00) during the fiscal year 1922-1923. The state auditor is hereby authorized and directed to draw warrants upon

such fund, from time to time, upon the approval by the commission of properly executed demands therefor in payment for lands, rights or appurtenances thereof, or of advances made under cooperative agreement with the agencies of the United States, on the purchase price of lands or the reclamation thereof, or for the cost of farm improvements and to pay any other expenditures authorized by this act, and the state treasurer is hereby authorized and directed to pay such warrants.

Section 24. The commission shall make an annual report to the Governor in December, giving a full statement of its operations, the results of investigations of the subject with which it is authorized to deal, and such recommendations for legislation as it may deem proper and shall furnish a copy of such report to the Secretary of the Interior. The Governor shall lay such report before the Legi lature, together with his recommendation.

Section 25. If any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, for any reason, uch judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the particular part thereof directly nvolved in the controve sy wherein such judgment shall have been rendered.

Section 26. All acts or parts of acts, in conflict with the provisions of this act are hereby repealed

Approved March 8th, 1921.

CHAPTER 59.

(House Bill No. 38.)

AN ACT

To Amend Paragraph 2622 Chapter 13 Title 10, Revised Statutes of Arizona, 1913, Civil Code Entitled "Counties and County Officers," So as to Define More Clearly and Enlarge the Duties of the County Engineer, and Repealing All Acts and Parts of Acts in Conflict Herewith, With an Emergency Clause.

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

Section 1. That Paragraph 2622 of the Revised Statutes of 1913, be amended so as to read as follows

2622. Except where highways are being constructed under the direction of a highway commission as provided by law, the

County Engineer under the direction of the board of supervisors, shall have charge of the locating, designing, estimating and constructing of all highways, bridges, culverts, ditches, levees, all other engineering construction, and all improvements, alterations and repairs to county property, which may be undertaken by or in behalf of the county for which he is appointed, and shall make all surveys, maps, plans, diagrams, and specifications required by the boards of supervisors of said county for any purpose.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, the provisions of this act are 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 approval by the Governor, and is hereby exempt from the provisions of the REFERENDUM PROVIDED for in the State Constitution.

Approved March 8th, 1921.

CHAPTER 60.

(House Bill No. 77.)

AN ACT

To Authorize the Valuation of Bonds and Other Securities Held by Life Insurance Companies, Assessment Life Associations and Fraternal Beneficiary Associations by the Amortization Method.

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

Section 1. "All bonds or other evidences of debt having a fixed term and rate held by any life insurance company, assessment life association or fraternal beneficiary association authorized to do business in this State may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the corporation commission shall

have full discretion in determining the method of calculating values according to the foregoing rule."

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 8th, 1921.

CHAPTER 61.

(House Bill No. 87.)

AN ACT

To Amend Chapter III, Session Laws, Second Special Session of the Second Legislature, State of Arizona, 1915, Entitled: "An Act to Amend Paragraph 336, Chapter III, Title VI, Revised Statutes of Arizona, 1913, Civil Code; to Provide for an Additional Division of the Superior Court, and to Provide an Additional Judge Therefor in Each County of this State Having a Census Enumeration Greater than Thirty Thousand (30,000) Inhabitants and a Majority Fraction Thereof; to Provide a Name for the Divisions of the Superior Court in Such Counties; and to Declare the Population of Maricopa County"; and to Declare the Population of Yavapai County, Arizona: And to Amend Paragraph 345, Chapter III, Title VI, Revised Statutes of Arizona, 1913, Civil Code, Relating to Visiting Superior Court Judges; and Declaring an Emergency.

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

Section 1. That Chapter III, Session Laws of the Second Special Session of the Second Legislature of the State of Arizona, 1915, entitled "An Act to amend paragraph 336, Chapter III, Title VI, Revised Statutes of Arizona, 1913, Civil Code, to provide for an additional division of the Superior Court, and to provide an additional judge therefor in each county in this state having a census enumeration greater than thirty thousand (30,000) inhabitants and a majority fraction thereof; to provide a name for the divisions of the Superior Court in such counties; and to declare the population of Maricopa County," be and the same is hereby amended to read as follows:

336. In each of the counties of this State there shall be a superior court for which at least one judge shall be elected by the qualified electors of the county; provided, that for each county having a census enumeration greater than thirty thousand (30,000) inhabitants there may be an additional judge of the

superior court, for every additional thirty thousand (30,000) inhabitants or majority fraction thereof.

In each county of this state having a census enumeration greater than thirty thousand (30,000) inhabitants and upon petition by the Board of Supervisors of such county to the Governor, and upon the approval thereof by the Governor there shall be and there is hereby created and established an additional division of the superior court for every additional thirty thousand (30,000) inhabitants, or majority fraction thereof, and any such county shall be held to be entitled to one additional superior judge for each additional division of such court, which judge shall receive the same salary as that paid the judge before the creation of any such division, and the divisions of the superior court of such counties shall be designated and known as division number one and division number two.

For the purpose of this act the counties of Maricopa and Yavapai are hereby declared to have, and shall be held to have, a census enumeration equal to a majority fraction of thirty thousand (30,000) in excess of thirty thousand (30,000) inhabitants.

Section 2. That paragraph 345, Chapter III, Title VI, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

345. The Judge of any superior court may hold a superior court in any other county at the request of the judge of the superior court thereof, and, in case of the disqualification or the inability of the judge thereof to serve, and upon the request of the governor, shall do so. Such visiting superior court judge may hold court either in the stead of the resident superior court judge, or may hold court at the same time in an additional court room which shall be provided, together with all requirements thereof, by the Board of Supervisors upon the request of the resident superior court judge. Such visiting superior court judge shall be empowered to try such cases and hear such matters as may be assigned to him by the resident superior court judge.

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

WHEREAS, the immediate operation of this act is necessary to preserve the public peace 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 referendum provisions of the State Constitution.

Approved March 8th, 1921.

CHAPTER 62.

(House Bill No. 94.)

AN ACT

In Relation to the Yuma County Highway Lying Along the Parker Cutoff of the Santa Fe Railway in Yuma County, and to Repeal Chapter 149, Acts of the Regular Session of the Fourth State Legislature, 1919.

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

Section 1. That the sum of Thirty Thousand ($30,000.00) Dollars, heretofore appropriated under the provisions of Chapter 149, Acts of the Regular Session of the Fourth State Legislature, 1919, be and the same is hereby set aside in a fund to be used in the construction and repair of the highway running from Wickenburg to Parker through the towns of Wenden, Salome, Vicksburg, Bouse to Parker to be expended under the direction of the State Engineer on that portion of said road lying within the County of Yuma.

Section 2. Upon Certification by the State Engineer, the State Auditor is hereby authorized to draw proper warrants upon the State Treasurer covering expenditures of the amounts herein transferred and appropriated, for the purpose hereintofore set forth, and the State Treasurer is hereby authorized and directed to pay such warrants, not exceeding in all the sum of Thirty Thousand ($30,000.00) Dollars.

Section 3. That Chapter 149, Acts of the Regular Session, Fourth State Legislature, 1919, is hereby repealed.

Approved March 8th, 1921.

CHAPTER 63.

(Senate Bill No. 65.)

AN ACT

To Amend Paragraph 299, Chapter 8, Title 9, of the Revised Statutes of Arizona, 1913, Penal Code, Pertaining to Offences Committed Against Good Morals, as Amended by Chapter 9 of the Session Laws of Arizona, 1917.

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

Section 1. That paragraph 299, Chapter 8, Title 9, of the Revised Statutes of Arizona, 1913, Penal Code, pertaining to

offences against good morals, as amended by Chapter 9 of the Session Laws of Arizona, 1917, be, and the same is hereby amended to read as follows:

299. It shall be unlawful for any person in the State of Arizona to sell, give or furnish, or cause to be sold, given or furnished, any cigars, cigarettes or cigarette papers, smoking or chewing tobacco, of any kind or character to any person under the age of twenty-one (21) years, and it shall be unlawful for any minor in the State of Arizona to buy, or have in his possession, or accept or receive from any person, any cigars, cigarettes or cigarette papers smoking or chewing tobacco of any kind or character.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9th, 1921.

CHAPTER 64.

(Senate Bill No. 80.)

AN ACT

To Amend Sections 1, 5, 6, 7, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 34, 41, 42, 43, 48, 51, 53, 59 of Chapter 164, Laws of Arizona, 1919, Known as the State Water Code Act.

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

Section 1. That Section 1, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 1. The water of all sources of supply, flowing in natural streams, canyons, ravines or other natural channels or in definite underground channels, whether perennial, intermittent or flood waters, waste or surplus water, and of lakes, ponds and springs on the surface, belongs to the public, and is subject to beneficial use as herein provided. Beneficial use shall be the basis and the measure and the limit to the use of water in the State, and whenever hereafter the owner of a perfected and developed right shall cease or fail to use the water appropriated for a period of five (5) successive years, the right to use shall thereupon cease and revert to the public and become again subject to appropriation in the manner herein provided. But

nothing herein contained shall be so construed as to take away or impair the vested rights which any person, firm, corporation or association may have to any water at the time of passage of this act.

Section 2. That Section 5, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 5. Any person, association or corporation, irrigation district, municipality, or the State of Arizona or the United States of America hereafter intending to acquire the right to the beneficial use of any waters shall, before commencing the construction, enlargement or extension of any dam, ditch, canal or other distributing or controlling works, or performing any work in connection with said construction, or proposed appropriation, make an application to the Commissioner for a permit to make such appropriation. Section 3. That Section 6, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 6. Each application for a permit to appropriate water shall set forth the name and postoffice address of the applicant, the source of water supply, the nature and amount of the proposed use, the location, point of diversion and description of the proposed ditch, canal, or other work; the time within which it is proposed to begin construction, the time required for the completion of the construction, and the time for the complete application of the water to the proposed use. If for agricultural purposes it shall give the legal subdivisions of the land and the acreage to be irrigated, as near as may be. If for power purposes it shall give the nature of the works by means of which the power is to be developed, the pressure head and amount of water to be utilized, the points of diversion and release of the water, and the uses to which the power is to be applied. If for the construction of a reservoir it shall give the dimensions and description of dam, the capacity of the reservoir for each foot in depth, the description of the land to be submerged, and the uses to be made of the impounded waters.

If for municipal water supply it shall give the present population to be served, and, as near as may be, the future requirements of the city. If for mining purposes it shall give the location and the nature of the mines to be served, and the methods of supplying and utilizing the waters. All applications shall be accompanied by such maps and drawings and such other data as may hereafter be prescribed by the Commissioner, and such accompanying data shall be considered as a part of the application.

Section 4. That Section 7, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 7. Upon receipt of an application, it shall be the duty of the Commissioner to make an endorsement thereon of the date of its receipt and to keep a record of the same. If upon examination the application is found to be defective it shall be returned for correction or completion, and the date of, and reasons for the return thereof shall be endorsed thereon and made of record in his office. No application shall lose its priority of filing on account of such defects, provided acceptable maps and drawings and data are filed in the office of the Commissioner within sixty days from the date of said return to the applicant. All applications which shall comply with the provisions of this act shall be recorded in a suitable book kept for that purpose, and it shall be the duty of the Commissioner to approve all applications made in proper form which contemplate the application of water to a beneficial use, when the provisions of this act are complied with; but when the proposed use conflicts with vested rights, or is a menace to the safety or against the interests and welfare of the public, the application shall be rejected.

Before approving or rejecting the application the Commissioner may require such additional information as will enable him properly to guard the public interest, and may, in case of applications proposing to divert more than ten cubic feet of water per second, require a statement of the following facts: in case of incorporated companies he may require the submission of the articles of incorporation, the names and the places of residence of directors and officers, and the amount of its authorized and its paid up capital. If the applicant is not an incorporated company, he may require a statement as to the name or names of the party or parties proposing to construct the work, and a showing of facts necessary to enable him to determine whether or not they have the financial ability to carry out the proposed work. He may also require of the applicant additional data as to the unappropriated water in the source of supply as will enable him to determine whether the proposed diversion will conflict with vested rights.

An application may be approved for a less amount of water than that applied for, if there exists substantial reasons therefor, and in any event shall not be approved for more water than can be applied to a beneficial use. Applications for municipal water supplies may be approved to the exclusion of all subsequent appropriations, if the exigencies of the case demand, upon con-

sideration and order by the Commissioner. As between two or more conflicting applications under consideration of the Commissioner at the same time, for the use of any water from a given stream, lake, or other source of water supply where the capacity of the supply is not sufficient for all applications and for which no permit has been granted, preference shall be given by the Commissioner according to the relative values to the public of the proposed uses to which the water is supplied. The said relative values to the public shall be taken by the Commissioner for this purpose in the following order of importance:

First: Domestic and municipal uses.

Domestic use shall be construed to include gardens not exceeding one-half acre to each family.

Second: Irrigation and stock watering.

Third: Water power and mining uses.

Section 5. That Section 17, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 17. The Commissioner shall prepare a notice setting forth a date when he will begin an investigation of the flow of the stream and of the ditches diverting water therefrom, and the land irrigated thereby; such notice shall set forth that all claimants to rights in the waters of said stream will be required, as in this act provided, to make proof of their claims when called upon by the Commissioner, which notice shall be published in two issues of one or more newspapers having general circulation in the counties in which such stream is situated.

Section 6. That Section 18, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 18. It shall be the duty of the Commissioner to make an examination of said stream and the works diverting water therefrom, said examination to include a study of the discharge of said stream from existing data and from additional measurements, and of the carrying capacity to the various ditches and canals; examination of the irrigated lands; and a substantially accurate measurement of the lands irrigated or susceptible of irrigation from the various ditches and canals; and to take such other steps and gather such other data and information as may be essential to the proper understanding of the relative rights of the parties interested; which said investigations shall be reduced to writing and made a matter of record in this office, and such records and data shall be made con-

veniently accessible to the public. It shall be the duty of the Commissioner to make or cause to be made a map or plat on a scale of not less than one inch to the mile, showing with substantial accuracy the course of said stream, the location of such ditch or canal diverting water therefrom, and the legal subdivisions of lands which have been irrigated or which are susceptible of irrigation from the ditches and canals already constructed.

Section 7. That Section 19, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 19. During the said investigation the Commissioner shall send by registered mail to each person, firm, corporation, irrigation district or municipality hereafter designated as claimant, claiming the right to the use of any of the waters of said stream, insofar as such claimants can reasonably be ascertained, a notice setting forth the date when the Commissioner will begin the taking of testimony as to the rights to the waters of said stream, or source of supply, said notice must be mailed at least thirty days prior to the date set therein for the taking of testimony, and shall also be published in two issues of one or more newspapers having general circulation in the counties in which such stream is situated. The Commissioner shall have the power to adjourn the taking of testimony from time to time and from place to place to suit the convenience of those interested.

Section 8. That Section 20, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 20. The Commissioner shall, in addition, enclose with said notice a blank form on which said claimant or owner shall present in writing all the particulars necessary for the determination of his right to the waters of the stream to which he lays claim, the said statement to include the following: The name and postoffice address of the claimant; the nature of the right or use on which the claim is based; the time of initiation of such (right and) or the commencement of such use, and if distributing works are required; the date of beginning of construction; the date when completed; date of beginning and completion of enlargements; the dimensions of the ditch as originally constructed and as enlarged; the date when water was first used for irrigation or other beneficial purposes, and if used for irrigation, the amount of land reclaimed the first year, the amount in subsequent years, with the date of reclamation, and the amount and general location of the land such ditch is intended

to irrigate; the character of the soil and the kind of crops cultivated, and such other facts as will show a compliance with the law in acquiring the right.

Section 9. That Section 21, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 21. Each claimant or owner shall be required to certify to his statements under oath and the Commissioner and those deputized by him are hereby authorized to administer such oaths, which shall be done without charge, as also shall be the furnishing of blank forms for said statement.

Section 10. That Section 22, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 22. At the time of the submission of proof of appropriation, or at the time of the taking of testimony for the determination of rights to water, the Commissioner shall collect from each of the claimants or owners a fee of two dollars ($2.00) for the purpose of recording the water right certificate, when issued, in the office of the county recorder, together with the additional fee of twelve cents for each acre of irrigated lands up to and including one hundred acres, and ten cents per acre for each acre in excess of one hundred acres; also twenty-five cents for each theoretical horsepower up to and including one hundred horsepower, and fifteen cents for each horsepower in excess of one hundred up to and including one thousand horsepower, and five cents for each horsepower in excess of one thousand horsepower up to and including two thousand horsepower, and two cents for each horsepower in excess of two thousand horsepower as set forth in such proof, the minimum fee, however, for any claimant or owner in such cases to be $2.50; also a fee of $5.00 for any other character of claim to water. All fees collected by the Commissioner shall be paid into the State Treasury to become a part of a fund to be known as the State Water Fund; which fund shall be kept separately from all other state funds by the State Treasurer and used by him to the extent of its resources and in preference to the use of any other appropriation of the State funds, for the payment of the duly authorized expenses of the Commissioner.

Section 11. That Section 23, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 23. Upon the completion of the taking of testimony the Commissioner shall at once give notice by registered mail

to the various claimants that at a time and place named in the notice not less than ten days thereafter, all of said evidence shall be open to inspection of the various claimants or owners, and said Commissioner shall keep said evidence open to inspection at said places not less than thirty days, and such other time as fixed in the notice.

Section 12. That Section 24, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 24. Should any person, corporation or association owning or operating any irrigation works, or claiming any interest in the stream or streams involved in the determination, desire to contest any of the rights of the persons, corporations or associations who have submitted their evidence to the Commissioner as aforesaid, such persons, corporations or associations shall within five days after the expiration of the period as fixed in the notice for public inspection, notify the Commissioner in writing, stating with reasonable certainty the grounds of their proposed contest, which statement shall be verified by the affidavit of the contestant, his agent or attorney, and the said Commissioner shall notify the said contestant and the person, corporation or association, whose rights are contested, to appear before him at such convenient place as he shall designate in said notice.

Section 13. That Section 25, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 25. The Water Commissioner shall fix the time and place for the hearing of said contest, which date shall be not less than 30 days nor more than 60 days from the date the notice is served on the party, association or corporation, which notice may be served either by registered mail addressed to the claimants to their postoffice addresses as stated in the statement and proof of claimant, or personally, and returns made thereof in the same manner as summons are served in civil actions in the Superior Courts of this State. The Commissioner shall have power to adjourn hearings from time to time upon reasonable notice to all the parties interested, and to issue subpoenas and compel the attendance of witnesses to testify upon such hearings, which shall be served in the same manner as subpoenas issued out of the Superior Courts of the State, and shall have the power to compel such witnesses so subpoenaed to testify or give evidence in said matter, and shall have the power to order the taking of depositions and to issue commissions therefor in such

manner as he may provide by rule, and said witnesses shall receive fees as in civil cases, the costs to be taxed in the same manner as are the costs in suits in equity. The evidence in such proceedings shall be confined to the subjects enumerated in the notice and statement of contest.

Section 14. That Section 27, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 27. From and after the filing of the evidence and order of determination in the Court, the proceedings shall be as near as may be like those in a suit in equity, except that any proceedings, including the entry of a decree, may be had in vacation with the same force and effect as in term time. At any time prior to the hearing provided for, any party, or parties jointly interested, may file exceptions in writing to such findings and order of determination, or any part or parts thereof, which exceptions shall state with a reasonable degree of certainty the grounds of the exceptions and shall specify the particular paragraphs or parts of such findings and order excepted to. A copy of such exceptions, verified by such exceptor, or certified to by his attorney, shall be served upon such claimant, who was an adverse party to any contest or contests wherein such exceptor was party in the proceedings prior to such hearing. Such service shall be made by the exceptor or his attorney upon each of such adverse parties in person, or upon the attorney of such party if he has appeared by attorney, or upon his agent, and if such adverse party is a nonresident of the State, such service may be made by mailing such copy to such adverse party by registered mail, addressed to his place of residence, as set forth in his proof filed in the proceedings. If no exceptions are filed, the Court shall on the day set for the hearing enter a decree affirming the determination of the Commissioner. If exceptions are filed upon the day set for the hearing the Court shall fix a time not less than thirty days thereafter, unless for good cause shown such time be extended by the Court, at which time a hearing will be had upon such exceptions. All parties may be heard upon the consideration of the exceptions, and the Commissioner may appear on behalf of the State, either in person or by the Attorney General. The Court may, if necessary, remand the case to the Commissioner for such further testimony as it may direct, and upon the completion of such testimony, said Commissioner may be required to make a further order of determination. After final hearing the Court shall enter a decree affirming or modifying the order of the Commissioner and may assess such costs as it may deem just.

The clerk of the Court, immediately upon the entry of any decree by the said Court shall transmit a certified copy of said decree to the Commissioner, who shall immediately enter the same upon the record of his office.

Section 15. That Section 28, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 28: During the time the hearing of the order of the Commissioner is pending in the Court, and until a certified copy of the judgment, order or decree of the Court is transmitted to the Commissioner, the division of water from the stream involved in such appeal shall be made in accordance with the order of the Commissioner.

Section 16. That Section 29, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 29. Upon the final determination of the rights to the waters of any stream, it shall be the duty of the Commissioner to issue to each person, association or corporation represented in such determination a certificate to be signed by the Commissioner and attested under his seal, setting forth the name and postoffice address of the owner of the right; the priority of date and the extent and purpose of such right; and if such water be for irrigation purposes, a description of the legal subdivisions of land to which said water is appurtenant, such certificate shall be transmitted by the Commissioner in person or by registered mail to the county recorder of the County in which such right is located, and it shall be the duty of the county recorder upon receipt of the recording fee of $2.00 collected as hereinbefore provided, to record the same in a book especially prepared and kept for that purpose, and thereupon immediately transmit the certificates to the respective owners.

Section 17. That Section 34, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 34. The Commissioner shall divide the State into water districts with due reference to drainage watersheds, said water districts to be so constituted as to secure the best protection to the claimants for water and the most economical supervision on the part of the State; said water districts shall not be created until a necessity therefor shall arise but shall be created from time to time as the claims thereof from the streams of the State shall be determined.

Section 18. That Section 41, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 41. The owner or owners of any ditch or canal shall maintain a substantial head gate at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water superintendent; and such owners shall construct and maintain when required by the Commissioner suitable measuring devices at such points along such ditch as may be necessary for the purpose of assisting the water superintendent in determining the amount of water that is to be diverted into said ditch from the stream, or taken away from it by the various users. Any and every owner or manager of a reservoir, located across or upon the bed of a natural stream, shall be required to construct and maintain, when required by the Commissioner, a measuring device of a plan to be approved by the Commissioner below such reservoir, a gage graduated to feet and tenths of feet inside the reservoir, together with capacity table for same; and if necessary a measuring device above such reservoir on each stream or source of supply discharging into such reservoir, for the purpose of assisting the water superintendent in determining the amount of water to which appropriators are entitled and thereafter diverting it for such appropriator's use. When it may be necessary for the protection of other water users, the Commissioner may require flumes to be installed along the line of any ditch. If any such owner or owners of irrigation works shall refuse or neglect to construct and put in such head gates, flumes, or measuring devices after twenty days' notice, the Commissioner may close such ditch and the same shall not be opened or any water diverted from the source of supply, under the penalties prescribed by law for the opening of head gates lawfully closed until the requirements of the Commissioner as to such head gate, flumes or measuring device have been complied with, and if any owner or manager of a reservoir located across the bed of a natural stream shall neglect to put in such measuring device after twenty days' notice, the said Commissioner may open the sluice gate or outlet of such reservoir and the same shall not be closed under penalties of the law for changing or interfering with head gates, until such measuring devices are installed.

Section 19. That Section 42, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 42. Before the beginning of construction of a storage dam whose maximum height is to be ten feet or more,

or one which will impound fifty acre feet or more of water, the owner shall present complete plans of same to the Commissioner for his approval, and construction shall not commence until such approval shall be received in writing. Under no circumstances shall water be stored in such a reservoir until the dam as constructed shall have been accepted by the Commissioner. The violation of this clause shall be considered a misdemeanor.

The Commissioner shall have authority to examine any dam, authorized under the provisions of this act, or any ditch, canal, obstruction, diversion, or other work, and shall have authority to examine and inspect said dam or other work during construction; and at the time of such examination or inspection, or thereafter, the Commissioner shall notify in writing the parties constructing or owning such dam or other works, of any addition or alteration which he considers necessary for the security of the work or the safety of the public or of any person or persons residing on or owning land in the vicinity or below such works, or for the safety of their property, even to the extent of requiring the lowering of the water line. Failure to comply with the Commissioner's instruction shall be considered a misdemeanor.

Section 20. That Section 43, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 43. No storage dam shall be constructed, the capacity of whose outlet is not large enough to pass the normal flow of the stream on which the dam is located.

Should any person or persons residing on or owning land in the neighborhood of any irrigation works after completion, or in the course of construction, apply to the Commissioner in writing desiring an inspection of such works the Commissioner may order an inspection thereof. Before doing so he may require the applicant for such inspection to make a deposit of a sum of money sufficient to pay the expenses of an inspection, and in case the application appears to said Commissioner not to have been justified, he may cause the whole or part of such expense to be paid out of such deposit. In case the application appears to the Commissioner to have been justified, he may require the owner of the works to pay the whole or any part of the expenses of the inspection, and the same shall constitute a valid lien against the works, which may be enforced in the same manner as provided for the enforcement of mechanics' liens.

Section 21. That Section 48, Chapter 164, Session Laws of

Arizona, 1919, be and the same is hereby amended to read as follows:

Section 48. All water used in this State for irrigation purposes shall remain appurtenant to the land upon which it is used; provided, that if for any natural cause beyond control of the owners it should at any time become impracticable to beneficially or economically use water for irrigation of any land to which water is appurtenant, said right may be severed from said land, and simultaneously transferred and become appurtenant to other land, without losing priority of right theretofore established, if such change can be made without detriment to existing rights, on the approval of an application of the owner to the Commissioner. Before the approval of such transfer an inspection shall be made by the Commissioner or persons deputized by him, and the Commissioner shall approve or disapprove such transfer and prescribe the conditions therefor. Such order shall be subject to appeal as in this act provided.

Section 22. That Section 51, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 51. The following fees shall be collected by the Commissioner in advance and be paid by him into the State Water Fund of the State Treasury on the last day of each month.

1. For examining an application for permit to appropriate water, $3.00.

2. For filing and recording permit to appropriate water for irrigation purposes, twelve cents per acre for each acre to be irrigated up to and including one hundred acres, and ten cents per acre for each acre in excess of one hundred acres, or in case the application is for power purposes, twenty-five cents for each theoretical horsepower to be developed up to and including one hundred, and ten cents for each horsepower in excess of one hundred and up to and including one thousand, and five cents for each horsepower in excess of one thousand; or in case the application is for any other purpose, $5.00 for filing and recording each permit.

3. For filing or recording any other water right instrument, $1.00 for the first hundred words and ten cents for each additional hundred words or fraction thereof.

4. For making copy of any document recorded or filed in his office, ten cents for each hundred words or fraction thereof; but where the amount exceeds $5.00, then only the actual cost in excess of that amount shall be charged.

5. For certifying copies, documents, records, or maps, $1.00 for each certificate.

6. For blue print copy of any map or drawing, ten cents per square foot or fraction thereof. For such other work as may be required of his office, actual cost of the work.

Section 23. That Section 53, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 53. The Commissioner may administer oaths, certify official acts, subpoena witnesses, issue subpoena duces tecum for the production of books, papers, drawings and documents, in the manner and with like powers as those provided for the corporation commission in the performance of their official duties.

Section 24. That Section 59, Chapter 164, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

Section 59. The Commissioner shall prepare and render to the Governor, biennially, and oftener if required, full and true reports of his work relating to the matters and duties devolving upon him by virtue of his office, which biennial report shall be delivered to the Governor, on or before the 31st day of December of the year preceding the regular sessions of the Legislature. In these reports he shall include such suggestions as to the amendments of existing laws or the necessity for new laws as his information and experience in office shall suggest.

Section 25. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9th, 1921.

CHAPTER 65.

(House Bill No. 92.)

AN ACT

To Amend Paragraph 1840 of Chapter II, Title VII, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Towns."

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

Section 1. That Paragraph 1840 of Chapter II, Title VII, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

1840. At least ten days before any biannual or special town election held in any town not exceeding two thousand (2,000) in population, according to the last official census thereof, the Common Council may appoint, from the qualified electors thereof, one (1) inspector, two (2) judges and two (2) clerks, who may constitute the election board for such town; and in any town exceeding two thousand (2,000) in population, according to the last official census thereof, the Common Council shall appoint one (1) inspector, two (2) judges and two (2) clerks for each precinct within the corporate limits of such town, who shall constitute the election board for such precinct.

Section 2. WHEREAS, the immediate operation of this act is necessary for the preservation of the public safety and health, 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 exempted from the operation of the referendum provisions of the State Constitution.

Approved March 8th, 1921.

CHAPTER 66.

(Senate Bill No. 108.)

AN ACT

To Create the Office of Arizona Immigration Commissioner and to Regulate the Temporary Admission of Otherwise Inadmissible Aliens Into the State of Arizona Pursuant to Permits issued or Authority Granted for the Temporary Admission of Such Aliens Under the Authority of the United States Immigration Commissioner, and Making an Appro-

priation to Carry Out the Provisions of this Act; and Declaring an Emergency.

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

Section 1... (Definitions) The word "alien" whenever used in this act shall include any person not a native born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States, not taxed, or citizens of the islands under the jurisdiction of the United States.

Section 2. There is hereby created a state office to be known as the Office of Arizona Immigration Commissioner, to be located at the Capitol, in Phoenix, Arizona, and the person appointed as hereinafter provided and to be in charge of such office shall be known as Arizona Immigration Commissioner.

Section 3. The Arizona Immigration Commissioner shall be appointed by the Governor as soon as possible after this act shall take effect. Such Commissioner shall be appointed to serve for a term of four years from and after the date of his appointment. Before entering upon the duties of his office, such Commissioner shall give a bond, to be approved by the Governor, in the sum of Five Thousand Dollars, conditioned upon the faithful performance of his duties, the premium of such bond to be paid by the State. The salary of such Commissioner shall be Three Thousand Dollars per annum, payable semi-monthly. In addition to such salary, the Commissioner shall receive his necessary traveling expenses when engaged in the discharge of his official duties, and is empowered to employ such clerical and other help as is necessary for the conduct of his office and the discharge of his duties.

Section 4. Subject to the provisions of this act and the regulations made from time to time by the United States Immigration Commissioner and the United States Department of Labor, the Arizona Immigration Commissioner shall regulate and control the admission into the State of Arizona of all such aliens as may be allowed temporary admission into the United States pursuant to the rules and regulations prescribed by the United States Immigration Commissioner and the United States Department of Labor, but who would otherwise be inadmissible under the laws of the United States.

Section 5. Any person, company or association desiring to secure the admission into the State of Arizona of any such otherwise inadmissible aliens, shall before attempting to bring such aliens into the State of Arizona, apply to and secure from

the Arizona Immigration Commissioner a permit to bring in such aliens. No such permit shall be granted until the applicant for such permit shall show to the satisfaction of the Arizona Immigration Commissioner; (1) that such applicant is not and will not in any way engage in the business of securing the admission of any such aliens in consideration of a fee or commission of any sort to be collected by such applicant either from such aliens or from any other person whomsoever; (2) that the admission of such aliens is reasonably necessary and required to supply the necessary labor required in some industry carried on and conducted within the State of Arizona; (3) the particular industry or employment on or in connection with which such aliens will be engaged and the locality within the State of Arizona at which such industry or place of employment will be located; (4) that such applicant has secured the necessary authority or permit from the United States Department of Labor to bring in such aliens, and the evidence satisfactory to the Arizona Immigration Commissioner, that the applicant has such authority or permit, shall be filed with the Commissioner. It shall be unlawful for any person, company or association, to bring or attempt to bring, into the State of Arizona, any alien or aliens of the class referred to in this act, without first having secured the permit provided for in this section, and any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than Fifty Dollars nor more than One Hundred Dollars for each offense; provided that each such alien brought into, or attempted to be brought into this state in violation of the provisions of this act, shall constitute a separate offense.

Section 6. There is hereby appropriated annually out of any money in the General Fund a sufficient sum of money to carry out the provisions of this act, provided that the expenditures in any one fiscal year, under the authority of this act shall not exceed Five Thousand Dollars.

Section 7. WHEREAS, the immediate operation of this act is necessary for the preservation of the public peace, health and safety and for the preservation and maintenance of the industries of the State of Arizona, and 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 exempted from the operation of the referendum provisions of the State Constitution.

Section 8. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Approved March 9th, 1921.

CHAPTER 67.

(Senate Bill No. 109.)

AN ACT

To Provide for Cooperative Agricultural Extension Work Between the Several Counties of the State of Arizona and the University of Arizona, in Accordance With the Federal Agricultural Extension Act of May 8, 1914, Entitled "An Act to Provide for Cooperative Agricultural Extension Work Between the Agricultural Colleges and the United States Department of Agriculture," and an Act of the Arizona Legislature Approved by the Governor Accepting the Provisions of Said Federal Act; Making Appropriations for the Carrying on of Such Work; Providing for the Raising of Funds by Taxation in the Several Counties of the State Organizing County Farm Bureaus and Providing that Such Funds Shall be Transferred to the Treasurer of the University of Arizona to be Expended Upon Warrants Drawn by the Board of Regents of the University of Arizona; and Repealing All Acts in Conflict Herewith.

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

Section 1. That in order to aid in diffusing among the people of the State of Arizona useful and practical information on subjects relating to agriculture, home economics and rural life, and to encourage the application of the same, there may be organized a County Farm Bureau in each of the several counties of the state for agricultural extension work which shall be carried on in cooperation with the University of Arizona.

Section 2. Cooperative agricultural extension work shall consist of the giving of practical demonstrations in agriculture and home economics; and imparting information on such subjects through field demonstrations, publications and otherwise. Said work shall be carried on in such manner as may be mutually agreed upon by the executive committee of each County Farm Bureau provided for in Section 3 of this Act, and the Board of Regents of the University of Arizona, or their duly appointed representatives.

Section 3. For the purpose of carrying out the provisions of this Act, there may be created in each county within the State of Arizona a public corporation to be known as the County Farm Bureau, in the following manner: whenever ten per cent or more of the bona fide rural residents within any county of the state of Arizona who are qualified electors in such county, shall

have effected a temporary organization whose object shall be the promotion of the public welfare through the advancement of agriculture, especially by doing extension work in agriculture and home economics, and shall have adopted a constitution with provisions for carrying on extension work in agriculture and home economics acceptable to the Board of Regents of the University of Arizona, said temporary organization may make application to the Secretary of State for incorporation as a public corporation not for profit, under the provisions of the laws of Arizona, and when such corporation shall have been legally organized, it shall be known as the ..... County Farm Bureau and shall be recognized as the official body within said county for carrying on extension work in agriculture and home economics within said county in cooperation with the University of Arizona.

Section 4. Nothing in this Act shall be construed as preventing any Farm Bureau from accepting contributions from its members in the form of membership fees. Any County Farm Bureau may accept at its discretion gifts or bequests of funds, real estate or other property to any extent, to aid in carrying out the provisions of this Act. Any money or funds raised or received under the provisions of this Section may be disbursed by order of the executive committee of such County Farm Bureau, such executive committee to consist of not less than ..... members.

Section 5. The executive committee of each County Farm Bureau shall prepare an annual financial budget covering the county's share of the cost of carrying on the cooperative extension work in agriculture and home economics provided for in this Section, which, if adopted by a majority vote of the said County Farm Bureau at a regularly called meeting shall be submitted to the Board of Supervisors of such county and by them spread on the tax rolls of the county for the ensuing year, provided that the amounts thus assessed, or to be assessed by direct taxation shall not exceed the sum of Five Thousand Dollars ($5,000.00) nor be less than the sum of Fifteen Hundred Dollars ($1,500.00) in any one county for any one fiscal year, and said county taxes, when collected for such purpose, shall be, by the county treasurer of such county, upon warrant drawn by the Board of Supervisors of such county, transmitted to the treasurer of the University of Arizona and shall be paid out and expended upon warrants drawn by order of the Board of Regents of the University of Arizona, provided that all money so raised by taxation by any county shall be expended for the use and benefit of such county.

Section 6. That for the purpose of aiding counties in the

support of cooperative agricultural extension work, there is hereby appropriated annually to each County Farm Bureau out of any money in the treasury of the state not otherwise appropriated, the sum of One Dollar ($1.00) to be expended within such county for each One Dollar appropriated or raised by said county, but not exceeding the sum of Two Thousand Dollars ($2,000.00) per annum for any one county for the maintenance of the cooperative agricultural extension work provided for in this Act, and no funds secured through taxation or appropriation shall be available for any county until plans for the expenditure of such funds have been made and approved by the Board of Regents of the University of Arizona or their duly appointed representatives, and any money so appropriated for any county shall be expended for the use and benefit of such county; and the state auditor is hereby authorized and directed to draw his warrants upon the treasury of the state of Arizona, payable to the treasurer of the University of Arizona, for the payment of such sums of money upon receipt of reports from the respective county treasurers of the amount of money raised in any one year by any county for such County Farm Bureau, and the state treasurer is hereby authorized and directed to pay such warrants. Such funds so appropriated shall be expended and disbursed upon warrants drawn by order of the Board of Regents of the University of Arizona.

Section 7. It shall be the duty of each of said County Farm Bureaus annually on or before the 10th day of December to present its plan of extension work for the ensuing year, and to render to both the Board of Regents of the University of Arizona and the Board of County Supervisors of such county, a full and detailed report of its extension activities for the preceding fiscal year, a detailed report of its receipts and expenditures from all sources; and the financial reports of County Farm Bureaus shall be on such forms as may be prescribed by the Board of Regents of the University of Arizona.

Section 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 9th, 1921.

CHAPTER 68.

(Senate Bill No. 126.)

AN ACT

Authorizing the Loan Commissioners of the State of Arizona to Anticipate the Collection of Taxes Levied for State Purposes by Issuing Bonds Payable Solely from the Proceeds of Such Taxes, Providing for the Sale of Such Bonds and Other Details in Respect Thereof, and Declaring an Emergency.

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

Section 1. Whenever the Legislature shall have made appropriations for any fiscal year as authorized by law and shall have levied taxes upon the taxable property within this state sufficient to produce funds to pay such appropriations and the loan commissioners shall ascertain that the proceeds of such taxes will not be in the State Treasury in time to pay in cash the expenses provided for by such appropriations, then the said Loan Commissioners may anticipate the collection of such taxes by issuing and selling bonds to be designated "State of Arizona Tax Anticipation Bonds" as herein provided.

Section 2. Such bonds shall be signed by the Governor, attested by the State Auditor, and countersigned by the State Treasurer, be payable within one year from date, bear such rate of interest not in excess of eight (8%) per cent, per annum bear such date and be payable at such place all as may be determined and designated by said Loan Commissioners. Each bond shall specifically recite that it is issued in anticipation of State Taxes heretofore levied for the fiscal year (Herein insert year for which taxes are levied) and that it is payable solely from the proceeds of such taxes and is issued pursuant to this act, naming the title hereof.

Section 3. The total amount of such bonds including both principal thereof and interest thereon issued for any fiscal year shall not exceed ninety per cent of the amount of State Taxes for such fiscal year which are uncollected and not in the State Treasury at the time such bonds are issued.

Section 4. Such bonds shall be authorized by a resolution of the Loan Commissioners who shall fix the manner, terms and conditions for the sale thereof and shall prescribe the forms of the bonds and the form of the coupons representing the interest thereon, and the manner in which the coupons shall be signed.

Section 5. The funds arising from the sale of said bonds shall be used solely for the purposes for which such taxes are levied.

Section 6. When such bonds are issued in anticipation of the collection of taxes so levied then all such taxes collected shall be kept by the State Treasurer and used by him solely for the purpose of paying such bonds and the interest thereon until all of the bonds issued in anticipation of such tax collections shall be paid in full, both principal and interest, and such bonds and the interest thereon shall be payable from the taxes so collected, but such interest may be paid by the State Treasurer, out of the general funds of the State.

Section 7. The holder of any bond issued herein in his own name and on his own behalf, or on behalf of all other such bond holders, by mandamus proceedings in the Supreme Court of the State of Arizona, may compel the performance of any duty imposed by this Act, which duty any officer has failed to perform.

Section 8. The provisions of this act shall apply only to the uncollected taxes for the year 1920 and the uncollected taxes for the first half of the year 1921.

Section 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 10. 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 act is hereby exempted from the operation of the REFERENDUM PROVISIONS of the State Constitution and shall take effect and be in full force and effect from and after its passage and its approval by the Governor.

Approved March 12th, 1921.

CHAPTER 69.

(Senate Bill No. 146.)

AN ACT

To Amend Paragraph 5119 of the Revised Statutes of Arizona, 1913, Civil Code, Pertaining to the State Engineer.

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

Section 1. That Paragraph 5119 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

5119. 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 Six Thousand ($6000.00) Dollars a year, payable semi-monthly, together with the necessary actual expenses, not to exceed two thousand five hundred ($2500.00) Dollars per year, required to perform the duties of his office.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. Whereas the 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 from and after its passage and approval by the Governor, and is hereby exempt from the referendum provisions of the State Constitution.

Approved March 12th, 1921.

CHAPTER 70.

(House Bill No. 32.)

AN ACT

To Regulate Professional Nursing of the Sick in the State of Arizona, Providing for the Examination of and Issuing of Certificates to Graduate Nurses, and Providing Penalties for the Violation of this Act.

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

Section 1. The Governor of the State of Arizona shall appoint a State Board of nurse examiners for examination and certification of graduate nurses. This Board shall be composed of five graduate nurses, who shall be selected by the Governor from a list submitted by the Arizona State Nurses' Association, who shall have been graduated from an accredited school of nursing for nurses as defined by this act, and shall be registered under the provisions of this act. One of the members of this Board shall be designated to hold office for one year, one for two years, one for three years, one for four years and one for five years, and thereafter upon the expiration of the term of offiec

of the person so appointed, the Governor of the State shall appoint a successor to each person whose term of office shall expire, said appointment to be for five years. In case appointment of a successor is not made before the expiration of the term of any member, such member shall hold office until a successor is appointed and duly qualified. Any vacancy occurring in membership of the Board shall be filled by the Governor of this State for the unexpired term of such member. All appointments shall be made by the Governor from lists of nurses submitted by the Arizona State Nurses' Association.

Section 2. The members of the State Board of Nurse Examiners shall, before entering upon the discharge of their duties, make and file with the Secretary of State the Constitutional Oath of Office. They shall, as soon as organized, and annually thereafter, in the month of January, elect from their membership, a President, and Secretary, who shall be the Treasurer of the Board and Inspector of all Schools of Nursing within the State of Arizona, subject to the provisions of this Act. The Treasurer, before entering upon his or her duties, shall file a bond with the Secretary of State for such sum as shall be required by the said Secretary of State. The Board shall adopt rules and regulations not inconsistent with this Act to govern its proceedings, and also a seal, and the Secretary shall have the care and custody thereof, and shall keep a record of all proceedings of the Board, including a register of the names of all nurses duly registered under this Act, which shall be open at all times to public scrutiny; and the Board shall cause the prosecution of all persons violating the provisions of this Act and may incur necessary expenses in that behalf. The Secretary of the Board shall receive a salary, which shall be fixed by the Board, and he or she shall also receive traveling and other expenses incurred in the performance of his or her official duties. The other members shall receive the sum of Five Dollars per day for each day actually engaged in this service and all legitimate and necessary expenses and salaries shall be paid from the fees received by the Board under the provisions of this Act, and no part of the salary and other expenses of the Board shall be paid out of the State Treasury. All moneys received in excess of said per diem allowance and other expenses provided for shall be held by the Treasurer as a Special Fund for meeting the expenses of said Board, and the cost of annual reports of proceedings of said Board.

Section 3. Three members of the Board shall constitute a quorum. Special meetings of the Board shall be called by the Secretary upon the written request of any two members.

Section 4. It shall be the duty of the Board to meet at least once in every six months, notice of which shall be given in not less than six newspapers of the State and in at least one Nursing Journal thirty days previous to the time of meeting. At such meeting, it shall be the duty of the Board to examine all applicants seeking certification under the provisions of this Act. The examinations shall be of such a character as to determine the fitness of the applicant to practice professional nursing of the sick. If the result of the examination of any applicant shall be satisfactory to a majority of the Board, the Secretary shall, upon an order of the Board, issue to the applicant a certificate to that effect, whereupon the person named in the certificate shall be declared duly licensed to practice professional nursing in this State for the period of one year from the date of the recording of such certificate, in the office of the Recorder of the County wherein said applicant resides; Provided, that such certificate may be renewed annually thereafter without examination, or the performance of any duty other than the payment of an annual license fee of One Dollar to the Treasurer of the State Board of Nurse Examiners and the recording of such renewal certificate in the office of the Recorder as aforesaid: Provided further, that the County Recorder shall record such certificate upon the payment of a fee of One Dollar and shall record such renewal certificate without charge.

Section 5. An applicant who desires to practice professional nursing shall furnish satisfactory evidence that he or she is more than Twenty years of age, has received sufficient preliminary education as may be determined by the Board, and must present evidence satisfactory to the Board of having completed in an accredited school of nursing a course of instruction including the number of hours of theoretical teaching as required by the Board during two years actual training in the care of medical and surgical patients (male and female), obstetrical patients and sick children. The applicant shall have two trained or graduate nurses, who are personally acquainted with the applicant, certify that such applicant is honest, trustworthy and of good moral character and not addicted to the use of intoxicants or narcotics, together with such other reasonable information as the Board may require from such vouchers, which certificate shall be endorsed upon the application. Every applicant for registration shall pay a fee of Ten Dollars upon filing the application and One Dollar for renewal of license yearly thereafter. An accredited school of nursing is hereby defined to be a school for the education and training of nurses attached to or operated in connection with a hospital or hospitals giving a course of

instruction in theoretical teaching and practical work covering not less than two or more than three years. Theoretical teaching shall consist of the required number of hours of instruction in such subjects, and arranged in such order as the Board may from time to time determine. Practical teaching shall consist of instruction in the care of medical and surgical patients, obstetrical patients and sick children, as may be determined by the Board. Schools maintaining a three year course must be connected with a hospital having a daily average of not less than one hundred patients, and which shall provide in addition to the requirement of the two year course, the theoretical and practical teaching in such subjects and arranged in such order of instruction as the Board may determine.

Section 6. Any person who shall show to the satisfaction of the State Board of Nurse Examiners that he or she graduated from a School of Nursing connected with a General Hospital of good standing prior to the first day of January, 1921, or who was in training on the first day of January, 1921, and shall thereafter be graduated, shall be entitled to a license without passing an examination: Provided, such application shall be made within twelve months after the passage of this Act.

Section 7. All persons who have duly received licenses or certificates in accordance with the provisions of this Act, shall be known and styled as registered nurses, and it shall be unlawful after one year from the passage of this Act, for any other person to advertise or assume the title of Registered Nurse, or to use the abbreviation of "R N," or any other words, letters or figures to indicate that the person using the same is a Registered Nurse.

Section 8. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00) for each subsequent offense.

Section 9. This Act shall not be construed to effect or apply to the gratuitous nursing of the sick by friends or members of the family, and also, it shall not apply to any person nursing the sick for hire, but who does not in any way assume to be or practice as a registered nurse.

Section 10. Any person who shall willfully make any false representation to the State Board of Nurse Examiners in applying for a license, shall be guilty of a misdemeanor, and upon conviction, be punished by a fine of not less than Ten Dollars ($10.00), nor more than Fifty Dollars ($50.00).

Section 11. The State Board of Nurse Examiners shall have the power to revoke any certificate or license issued in accordance with this Act by four-fifths (4-5) majority vote of said Board for gross incompetency, dishonesty, habitual intemperance or any act derogatory to the morals or standing of the profession of nursing, as may be determined by the Board, but before any license or certificate shall be revoked, the holder thereof shall be entitled to at least thirty days' notice of the charges against him or her, and the time and place of hearing and determining such charges at which time and place he or she shall be entitled to be heard. Upon the revocation of any certificate or license, it shall be the duty of the Secretary of the Board to strike the name of the holder thereof from the roll of registered nurses.

Section 12. The State Board of Nurse Examiners, upon written application, together with such references and proof of identification as the Board may by rule prescribe, may issue a certificate without examination to any person who shall have been registered under the law of any other State or Territory of the United States, or of a foreign country or province, the requirements of which for securing such registration were at the time of issuance thereof, equivalent to the requirements prescribed by this Act, and which give the same privilege to registered nurses of this State; provided, that every applicant shall pay the fee and record their certificate as required by Sections 4, 5, and 6 of this Act.

Section 13. All acts and parts of acts in conflict with this Act are hereby repealed.

Approved March 12th, 1921.

CHAPTER 71.

(Senate Bill No. 123.)

AN ACT

To Provide for the Relief of Arizona State Press on Account of Sundry Supplies Furnished the Apiary Inspector During the Fiscal Years Ending June 30, 1919 and June 30, 1920:

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

Section 1. That there is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Fourteen Dollars and seventy-nine cents ($14.79) for

the purpose of paying lawful claim of ARIZONA STATE PRESS, against the State of Arizona on account of supplies furnished said Apiary Inspector during the fiscal years ending June 30, 1919 and June 30, 1920, and the State Auditor is hereby authorized and directed to draw his warrant in favor of Arizona State Press, in amount Fourteen Dollars and seventy-nine cents ($14.79), and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 12th, 1921.

CHAPTER 72.

(House Bill No. 28.)

AN ACT

To Add Paragraph 2722½, Chapter 7; to Amend Paragraph 2726 and Add Paragraph 2728½, Chapter 8; to Amend Subdivision 8, Paragraph 2733, Add Subdivision 17½, Paragraph 2733, and Repeal Subdivision 3, Paragraph 2736, Chapter 9; to Amend Subdivision 2, Paragraph 2775, and to Amend Second Subdivision of Paragraph 2776, Chapter 13, All of Title 11, Revised Statutes of Arizona, 1913, Civil Code, Relating to School Districts, School Elections, Board of Trustees and High Schools, and a General Repealing Clause, With an Emergency Clause.

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

Section 1. That Paragraph 2722½ of Chapter 7, Title 11, of the Civil Code, be and the same is hereby added to read as follows:

2722½. One school district may annex itself to another district, when a majority of the school electors of the said district presents a petition to the trustees of the district to which they desire to be annexed, setting forth accurately the boundaries of said district to be annexed. Said petition if acted upon favorably by the board of trustees of the district to which the annexation is to be made, shall be transmitted with the endorsement of the said board of trustees thereon, to the county superintendent of schools, who shall, provided, no petition to prevent such annexation, signed by a majority of the school electors representing the district to which annexation is to be made has been received by said superintendent within 15 days after such transmittal make his records of boundaries to conform to said petition and

so notify the board of supervisors and on and after the first day of July following, said district shall become a part of the district to which they have petitioned to be annexed.

Section 2. That Paragraph 2726 of Chapter 8, Title 11, of the Civil Code, be and the same is hereby amended to read as follows:

2726. An election shall be held on the last Saturday in October of 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 (3) years from the first day of January next succeeding his election. At the first election held in a newly formed district, three (3) trustees shall be elected, one for a term of one (1) year, one for a term of two (2) years, and one for a term of three (3) years, from the first day of January next succeeding his election. The election provided for in this section must be held in the district school house, and if there is none, at a place designated by the board of trustees. All trustees who are now serving shall remain in office until the date specified in Paragraph 2726.

Section 3. That Paragraph 2728½, Chapter 8, Title 11, Civil Code, be and the same is hereby added to read as follows:

2726½. In all school districts having an average daily attendance of eighty (80) children of school age, petitions shall be filed with the clerk of the school trustees, or in union high school districts with the clerk of the board of education, containing the names of qualified electors of the district to the number of ten per cent of the number of electors as shown by the poll list of the last election of school trustees. Such petition shall be filed at least ten days prior to the election. The clerk of the board of trustees or board of education shall cause to be prepared ballots, and cause the names of all persons whose petitions have been filed, to appear thereon.

Section 4. That Subdivision 8, Paragraph 2733, of Chapter 9, Title 11, Civil Code, be and the same is hereby amended to read as follows:

Subdivision 8. To employ under written contract, all employees of the schools. Board of Trustees may, at any time after the annual election and qualification of the new members of the new members of the school board, enter into contracts with teachers, principals, janitors, attendance officers, school physician, nurses, and such other employees as are necessary for the succeeding year, and fix their salaries. No relative of any trustee shall be employed in the district where he is a

trustee, except by the 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; provided, however, that boards of trustees shall not employ any teacher in any school supported by public funds or any part thereof until such teacher has received a certificate of qualification therefor, granted by the proper authorities.

Boards of trustees of districts having an average daily attendance of five hundred (500) or more may employ a city superintendent of school or principals, or boards of trustees of two or more contiguous districts having an average daily attendance of five hundred (500) or more may jointly employ a principal. The salary of such principal shall be prorated among the districts employing him in accordance with the number of children of school age, as shown by the last school census, in the district. 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 exceeding four (4) years.

Under such conditions as are provided for by the 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.

Section 5. That Subdivision 17½, Paragraph 2733, of Chapter 9, Title 11, Civil Code, be and the same is added to read as follows:

To provide transportation for any child or children when they deem it for the best interest of the district.

Section 6. That Subdivision 3, of Paragraph 2736 be and hereby is repealed.

Section 7. That Subdivision 2, of Paragraph 2775, be and hereby is amended to read as follows:

Subdivision 2. In any union high school district, of five (5) members, three (3) of whom shall be residents of the school district in which the high school is situated. The other two (2) 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 on the last Saturday of October in each year in the manner that school trustees are elected, provided that the trustees whose term expires in April, 1921, shall hold office

until January 1st, 1922; those whose term expires in April, 1922, shall hold office until January 1st, 1923; those whose term expires in April, 1923, shall hold office until January 1st, 1924; those whose term expires in April, 1924, shall hold office until January 1st, 1925; and those whose term expires in April, 1925, shall hold office until January 1st, 1926.

Section 8. That the second subdivision of Paragraph 2776 be and hereby is amended to read as follows:

Upon the formation of any union high school district the members of the board of Education of such high school district shall be appointed by the County Superintendent of Schools and shall hold office until the first day of January next ensuing. At the first election that occurs after the formation of such union high school district one member of said high school board shall be elected for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for a term of five (5) 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.

Section 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 10. 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 provisions of referendum provided for in the State Constitution.

Approved March 12th, 1921.

CHAPTER 73.

(House Bill No. 101.)

AN ACT

To Provide that All Operators of Mines in the State of Arizona, Where Such Mines Come Under the Jurisdiction of the State Mine Inspector, Shall Notify the State Mine Inspector of the Commencement and Suspension of All Work or Operation of Mines in this State in All Cases Where Six or More Employees Are Employed, and Repealing All Acts in Conflict Herewith.

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

Section 1. (a) Whenever mining operations of any character are initiated or started in any mine or mining property in the State of Arizona where such mine or mining property comes under the jurisdiction of the State Mine Inspector, as provided for by law, and which mining property has not theretofore been in continuous operation, and whenever such operations employ six (6) or more employees, it shall be the duty of the operator of such mine or mining property, within ten (10) days after the initiation or commencement of such operations, to notify the State Mine Inspector, in writing, at his office in the State Capitol Building, Phoenix, Maricopa County, Arizona, of the commencement of such work or operations.

(b) Whenever operations of any mine or mining property in the State of Arizona coming under the jurisdiction of the State Mine Inspector, as provided for by law, and employing six (6) or more employees, shall be suspended, it shall be the duty of the operators of such mine or mining property, within ten (10) days after the suspension of such operations, to notify the State Mine Inspector thereof, in writing, at his office in the State Capitol Building, Phoenix, Maricopa County, Arizona.

Section 2. Any operator violating any of the provisions of this act shall be subject to a fine of not less than Fifty ($50.00) Dollars nor more than three Hundred ($300.00) Dollars.

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

Approved March 12th, 1921.

CHAPTER 74.

(House Bill No. 182.)

AN ACT

To Provide an Annual Tax Sufficient, With Other Sources of Revenue, to Defray the Necessary Ordinary Expenses of the State for Each of the Fiscal Years Ending June 30, 1922, and June 30, 1923; to Pay Deficits for the Preceding Fiscal Year; to Provide a Sinking Fund, and, to Pay the Annual Interest on the State Debt.

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

Section 1. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year

ending June 30, 1922, and June 30, 1923, the rate of taxation to be fixed by the State Board of Equalization as provided by law, based upon the total assessed valuation of all property in the State of Arizona, an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each of these fiscal years, as authorized by law; to pay the deficits for the preceding fiscal year; to provide a sinking fund, and to pay the annual interest on the State debt.

Approved March 12th, 1921.

CHAPTER 75.

(House Bill No. 178.)

AN ACT

Making an Appropriation for the Relief of Aubrey Investment Company, a Corporation, in Satisfaction of Certain Demands and Claims by It Against the State of Arizona Existing as a Judgment in the Superior Court of Yavapai County, State of Arizona.

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

Section 1. That the sum of twelve thousand five hundred dollars ($12,500.00) is hereby appropriated for and shall be paid from the general fund of the state of Arizona as an amount to be received by the Aubrey Investment Company in full settlement of all matters and claims in controversy in its suit against the state of Arizona, in cause No. 7512, pending in the superior court of Yavapai County, including all claims for damages, costs and interest on account thereof.

Section 2. That the auditor of the state of Arizona is hereby authorized to draw a warrant upon the treasurer of the state for the sum of twelve thousand five hundred dollars ($12,500.00) in favor of Aubrey Investment Company; and the state treasurer is hereby authorized to pay said warrant from the general funds of the state of Arizona, after presentation to the auditor of a satisfaction of said judgment, claim and demand duly executed by the Aubrey Investment Company and in form to be approved by the attorney general, which warrant, when paid, shall be in full satisfaction of all matters and claims of the Aubrey Investment Company arising out of the transaction referred to in this act.

Approved March 14th, 1921.

CHAPTER 76.

(House Bill No. 166.)

AN ACT

To Make an Appropriation of Eight Hundred ($800.00) Dollars for the Purpose of Securing the Painting of Portraits of Certain Legislative Officials.

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

Section 1. The sum of Eight Hundred ($800.00) Dollars is hereby appropriated to be expended by and under the direction of the Commission of State Institutions of Arizona for the purpose of securing the paintings of the Speaker of the House of Representatives and the President of the Senate of the Fifth Legislature of the State of Arizona.

Section 2. Upon the Presentation of verified claims approved by the Commission of State Institutions the State Auditor shall issue his warrant upon the State Treasurer for the payment of claims arising under this act, and the State Treasurer shall pay the same out of the sum hereby appropriated.

Approved March 14th, 1921.

CHAPTER 77.

(House Bill No. 161.)

AN ACT

To Provide for the Relief of R. C. Fowler and Louis R. Brown, on Account of Service and Expense, Board of Dental Examiners, for the Fiscal Year Ending June 30, 1920, and Making Appropriation for the Same.

WHEREAS, R. C. Fowler and Louis R. Brown rendered certain services to the Board of Dental Examiners during the fiscal year ending June 30, 1920, in the amount set opposite their respective names:

R. C. Fowler	$ 67.30
Louis R. Brown	153.60

WHEREAS, the above named persons rendered such services to the Board of Dental Examiners during the fiscal year ending June 30, 1920, and there are no funds in the hands of the Treasurer to pay the same and the same are due and unpaid;

Now, Therefore, be it Enacted by the Legislature of the State of Arizona:

Section 1. That there is hereby appropriated from the General Fund of the State of Arizona not otherwise appropriated, the total sum of Two Hundred Twenty Dollars and Ninety Cents ($220.90); and the State Auditor is directed to draw his warrants in favor of the following named persons and for the sums set opposite their respective names:

R. C. Fowler	$ 67.30
Louis R. Brown	153.60

and the State Treasurer is hereby authorized and directed to pay said warrants.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14th, 1921.

CHAPTER 78.

(House Bill No. 148.)

AN ACT

To Provide for the Acceptance of the Benefits of an Act Passed by the Senate and House of Representatives of the United States of America in Congress Assembled to Provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or Otherwise; to Provide for the Appointment of a Custodian of all Moneys Received by the State from Appropriations Made by the Congress of the United States for the Purpose Stated; to Provide for the Appointment of a State Board to Cooperate With the Federal Board for Vocational Education in Carrying Out the Provisions of Said Act, and Prescribe Its Powers and Duties; and to Make Appropriations to Provide for the Vocational Rehabilitation of Persons Disabled in Industry or Otherwise.

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

Section 1. The State of Arizona does hereby, through its legislative authority, accept the provisions and benefits of the act of Congress, entitled, "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June

2, 1920, and will observe and comply with all requirements of such act.

Section 2. The State Treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and make disbursements therefrom upon the order of the State Board herein designated.

Section 3. The Board heretofore designated as the State Board of vocational education to cooperate with the Federal Board for vocational education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State Board for the purpose of cooperating with the said Federal Board in carrying out the provisions and purposes of said Federal Act providing for the vocational rehabilitation of persons disabled in industry or otherwise and is empowered and directed to cooperate with said Federal Board in the administration of said Act of Congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise and provide for the supervision of such training; to appoint such assistants as may be necessary to administer this act and said act of Congress in this State; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the Federal Government and this State for the vocational rehabilitation of such persons.

Section 4. The State Board designated to cooperate as aforesaid in the administration of the Federal Act, is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the State Board are proper and consistent with the provisions of this Act. All the moneys received as gifts or donations shall be deposited in the State Treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all

disbursements therefrom shall be submitted annually to the Governor of the State by the State Board.

Section 5. There shall be appropriated a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State for the purposes set forth in said Federal Act, and there is hereby appropriated for such purposes out of any moneys in the Treasury not otherwise appropriated for the fiscal year ending June 30, 1921, the sum of Five Thousand ($5000.00) Dollars.

Approved March 14th, 1921.

CHAPTER 79.

(House Bill No. 146.)

AN ACT

Relating to the Administration of State Lands; Pertaining to Improvements of Lessees Thereof; and Amending Sections 37 and 42 of Chapter 5 of Session Laws of Arizona of the Second Special Session of the 1915 Legislature.

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

Section 1. That Section 37 of Chapter 5 of the Session Laws of Arizona of the Second Special Session of the 1915 Legislature be and is hereby amended to be as follows:

Section 37. PREFERRED RIGHTS TO RENEW: Upon application made to the commissioner, not less than thirty (30) nor more than sixty (60) days prior to the expiration of the lease, the lessee shall have a preferred right of renewal, bearing even date with the expiration of the old lease, for such term not longer than five (5) years, as the commissioner may deem proper, at a re-appraised rental; provided, that if the commissioner does not deem the continued leasing of said land to be for the best interest of the state, said lease shall not be renewed. And provided further that the preferred right to renew shall not attach to any lease to a lessee not an actual bona fide resident of the state.

Section 2. That Section 42 of Chapter 5 of the Session Laws of Arizona of the Second Special Session of the 1915 Legislature be and is hereby amended to be as follows:

Section 42. REIMBURSEMENTS FOR IMPROVEMENTS: The lessees of state lands shall have the right to be reimbursed by a succeeding lessee of said lands for improvements

placed thereon which are not transportable improvements as referred to in Section 41 of this Act. In event the retiring lessee and the new lessee do not agree as to the value of improvements as to which the former is to be reimbursed, either party interested may file in the Land Commissioner's office an application for the appraisement of such improvements. Thereafter an appraisal thereof shall be made in the same manner and subject to the same conditions pertaining to appraisal of improvements in cases of sales of state lands, except as hereinafter provided.

Section 42 A. Upon the making of an appraisal for purposes of foregoing section, the commissioner shall cause notice of the amount thereof to be given to the old and new lessees. Which notice shall be in the form as may be adopted by the commissioner and shall be sent by registered mail to each person interested in the appraisal; and such notice shall require that the new lessee pay to the commissioner for the old lessee, the entire amount of such appraisal within thirty (30) days from the date of such notice; or the commissioner, in cases where the appraised value of improvements is greater than the rental of said lands for the period of the lease, may in said notice call for a payment of ten percent of the appraised value to be made within thirty (30) days; for another fifteen percent to be made within sixty (60) days from date of notice; twenty-five percent at the end of first year of the new lease; and twenty-five percent at the end of each year thereafter until the whole balance is paid. And in event improvements are not fully paid for within the first period of thirty (30) days from date of notice above mentioned, or at times required in commissioner's notice, the succeeding lessee shall not be permitted to sell, assign, or transfer his lease, nor to sell, assign nor remove any improvements whatever from said land until the entire amount of the appraised value of improvements has been paid. Failure to pay for improvements, or any installment due for such improvements, shall subject the party in default to the same penalties and liabilities as provided in this Act for failure to pay rents, including a cancellation of the lease.

Section 3. Every lessee of state lands of the State of Arizona, shall, at the end of each fiscal year, file with the State Land Commissioner, a sworn statement, setting forth therein the character of improvements and the actual cash value thereof. Such sworn statement shall be filed with the said State Land Commissioner on or before the first day of July of each year.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14th, 1921.

CHAPTER 80.

(House Bill No. 139.)

AN ACT

To Promote the Reclamation and Irrigation of Arable and Irrigable Lands Lying Within the Boundaries of Irrigation Districts Regularly Organized and Existing Under the Laws of the State of Arizona and Providing for the Issuance of Bonds of the State of Arizona Bearing Interest at the Rate of Not to Exceed Five Per Cent Per Annum Payable Semi-annually, in Exchange for Irrigation District Bonds Bearing Interest at the Rate of Six Per Cent Per Annum, Payable Semi-annually When Adequate Provision is Made for the Payment by Such Irrigation District or Districts Into the Treasury of the State of Arizona of Sufficient Moneys from Time to Time to Take Up and Pay Off Such State Bonds, Principal and Interest, as and When the Installments of Interest and Principal Thereon Are or Shall Become Due and Payable.

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

Section 1. Any irrigation district now or hereafter regularly organized and existing under the laws of the State of Arizona, may file with the Secretary of the State of Arizona its application in sextuplicate, and verified by the oath of its president and secretary, setting forth:

1. That it is regularly and duly organized, and the date of its organization.

2. Its location and boundaries, together with the irrigable acreage embraced therein.

3. The character and quality of the lands and soils embraced therein, and the acreages therein held by private ownership, the acreage therein owned by the State of Arizona, the acreage therein belonging to the United States of America and the acreage therein of United States land held by entrymen under the land laws of the United States.

4. The character and extent of the proposed irrigation works for the reclamation thereof, together with maps and plats showing the location and size of the reservoirs, dams, canals, ditches and other works constructed or proposed to be constructed, and plans and specifications showing the character, extent, class and type of the works constructed or proposed to be constructed, and estimates of the cost of such proposed works.

5. The amount and source of supply of the waters proposed to be conserved and used for the irrigation of said lands.

6. The estimated value per acre of said lands after the completion of such proposed irrigation works and the application of the water conserved thereby to such lands for the irrigation thereof.

7. That the said irrigation district has regularly provided for and has issued its irrigation district bonds bearing six per cent interest, payable semi-annually, according to law, for the construction of said proposed works, the amount of such issue and the denominations of such bonds and the date or dates when the same are payable.

And praying that the State of Arizona issue and deliver to the said irrigation district State bonds of like amount in par value, bearing not to exceed five per cent interest, payable semi-annually, and of the same denominations and same dates of maturity as said irrigation district bonds, the same to be issued and delivered to said irrigation district for purposes of sale, upon delivery by the said irrigation district to the State of Arizona the said issue of irrigation district bonds.

Section 2. Upon the filing of said application, the Secretary of the State of Arizona shall forthwith transmit one copy thereof to the Attorney General for the State of Arizona, one copy thereof to the State Land Commissioner, one copy thereof to the State Water Commissioner, one copy thereof to the State Engineer, and one copy thereof to the Governor of the State of Arizona, and shall keep the remaining copy on file in his office.

The said Attorney General shall thereupon immediately proceed to examine into the legality and validity of the organization of such irrigation district and the legality and validity of the said irrigation district bonds and the proceedings leading up to the issuance of the same, and shall report in writing his views and opinion thereon to the Governor of the State of Arizona.

The State Land Commission shall proceed immediately to examine the lands embraced in said irrigation district, the character of said lands as to being rough or level, and whether hard or easy of irrigation, the quality of the soil and its adaptability to producing and raising crops, and its prospective value after the completion of such proposed irrigation works and the irrigation of such lands therefrom and shall make a report thereon in writing to the Governor of the State of Arizona.

The State Water Commissioner shall proceed immediately

to examine into the source and amount of the water supply to be conserved and utilized by such proposed irrigation works and to determine whether or not the claims of such district upon said water supply are well founded or not, and whether or not the amount of said water supply available for use by said irrigation district is sufficient in his opinion for successful irrigation of the lands embraced in such irrigation district and for the growing of profitable crops thereon, and shall report in writing thereon to the Governor of the State of Arizona.

The said State Engineer shall immediately proceed to examine into plans and specifications so submitted for such proposed construction and to view and examine the grounds upon and over which the said dams, canals, ditches and other proposed works are to be constructed, and shall report in writing to the Governor of the State of Arizona whether or not in his opinion the class and type of construction so proposed is within the accepted usages and practices of competent irrigation engineers for like construction, and whether or not the said proposed works, if constructed, would be safe and durable and adequate and sufficient for the purposes for which they were designed, together with his estimate of the probable cost of such proposed irrigation works, provided that the Governor shall select one or more disinterested engineers to act either in conjunction with the State Engineer, or separately, in such examination and report, which said engineer or engineers so selected shall be skilled and experienced in irrigation and in the construction of irrigation works and which said engineers shall be compensated for their services by the irrigation district and shall have no claim against the State therefor.

The above examinations and reports of the Attorney General, Land Commissioner, Water Commissioner, and Engineer shall be made to the Governor as speedily as the same can be done, and upon receiving such reports the Governor shall examine and consider the same and from such reports and such additional information and data as he may have or secure, shall determine whether or not the said project is a feasible project, and whether or not the cost of such proposed irrigation works is within the ability of the said irrigation district and of the lands and land owners thereunder, to reasonably pay without risk to the State of Arizona, and if and when the said Governor shall so determine that said project is a feasible project and that the estimated cost of such proposed irrigation works is within the ability of the said irrigation district and the lands and land owners thereunder to meet and pay as and when the installments of interest and principal thereon may and shall become due and payable, then the

said Governor shall notify said irrigation district of such determination, and thereupon and thereafter the said irrigation district shall proceed to advertise, according to law, for bids for the construction of said proposed irrigation works, either as one piece or in parcels, and if and when the said irrigation district shall receive a bid or bids from one or more responsible bidders for the construction of said irrigation works, or the various portions thereof at a price or amount not in excess of the estimated cost of such proposed irrigation works, and not in excess of the amount of the par value of such issue of irrigation district bonds, and such bidder or bidders shall give a good and sufficient bond or bonds to construct and complete such proposed irrigation works for the amount of such bid or bids, then the said Governor shall examine into the responsibility of such bidder or bidders and the sufficiency of such bond or bonds and if the said Governor, from such examination, be satisfied that such bidder or bidders, are responsible, and such bond or bonds are proper in form and the surety or sureties thereon are financially responsible, then the said Governor of the State of Arizona, upon receiving from such irrigation district, bonds of such irrigation district so issued as aforesaid, shall cause to be issued and delivered to said irrigation district, bonds of the State of Arizona in amount par value equal to the par value of the bonds of such irrigation district so delivered to him, and which bonds of the State of Arizona shall bear interest at the rate of not to exceed five per cent per annum payable semi-annually, to be of the denomination or denominations as requested by said irrigation district, and shall mature at such time or times and in like amounts as the irrigation district bonds so delivered by said irrigation district to the State of Arizona.

Section 3. All payments upon interest or principal of such irrigation district bonds so delivered to the State of Arizona shall be made by the proper authorities to the Treasurer of the State of Arizona as and when the same shall or may become due and payable, and the Treasurer of the State of Arizona shall from the moneys so received by him, pay the interest and principal upon the State Bonds so issued.

The excess per cent of interest borne by the said irrigation district bonds over the interest borne by the said State bonds, not exceeding one per cent, shall be used and employed by the said Treasurer of the State of Arizona for paying the cost and expenses of the preparation and issuance of such State bonds, the cost and expenses of collecting the installments of interest and principal on such irrigation district bonds and of remitting and paying the interest and principal of such State bonds, and

the balance remaining after such expenses are paid and after such entire issue of State bonds, interest and principal, has been fully paid and discharged, shall be by the said Treasurer turned over to the State School fund of the State of Arizona, and all over such one per cent to the Irrigation District.

Section 4. Any and all State bonds issued under the provisions of this Act shall be sold by the State of Arizona in such amounts and at such times as needed, at public auction, to the highest and best bidder therefor, and shall not be sold or disposed of at less than par, and all moneys when and as received from the sale of State bonds issued under the provisions of this Act, shall be deposited with the Treasurer of the State of Arizona and shall be drawn out upon warrants issued by the said irrigation district when certified by the State Engineer and the State Water Commissioner, and used, employed and devoted only to the payment of the costs and charges of such construction, and of the expenses and charges incident to and connected with such construction, and in all matters connected with the construction, maintenance and operation of any irrigation works constructed wholly or in part from the proceeds of State bonds issued hereunder, the said irrigation districts shall be governed and controlled by the provisions of law now or hereafter existing relating to irrigation districts.

Section 5. This act shall take effect and be in full force and effect from and after thirty (30) days after the adoption of an amendment to the Constitution of the State of Arizona permitting the State of Arizona to issue its bonds to aid and promote the reclamation of arable and irrigable lands in the State of Arizona.

Approved March 14th, 1921.

CHAPTER 81.

(House Bill No. 127.)

AN ACT

Creating a Fund for the Support, Maintenance, and Improvement of the University of Arizona, and Providing Tax Levies, the Manner and the Amount of the Tax Levies Therefor and the Collection Thereof.

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

Section 1. There is hereby created a fund to be known as the University Fund.

Section 2. For the purpose of raising the money for such fund there is hereby levied an annual tax of one mill on the dollar upon the assessed valuation of all taxable property within the State or Arizona for the fiscal year ending June 30, 1922, and an annual tax of one and three-tenths mills on the dollar upon the assessed valuation of all taxable property within the State of Arizona for the fiscal year ending June 30, 1923; and for each fiscal year thereafter there is hereby levied a continuing annual tax of one mill on the dollar upon the assessed valuation of all taxable property within the State of Arizona. Such tax shall be levied and collected in the manner and method in which other State taxes are levied and collected. All proceeds of such levies shall be credited by the State Treasurer to the University Fund and shall be available immediately, without further appropriation, for the purpose of such fund as provided by law.

Section 3. All sums of money produced by said taxes and placed in said fund are hereby appropriated to the University of Arizona for the support, maintenance, and improvement thereof, including the payment of salaries, current expenses, purchase of equipment, making necessary repairs, construction of new buildings, purchase of lands and in general for the payment of all such expenses connected with the management of said institution as the Board of Regents thereof may from time to time determine, and the same shall constitute a continuing appropriation, and any amount remaining to the credit of said fund at the close of any fiscal year shall be carried over and credited to such fund for the succeeding year, and any claims otherwise payable from said fund, when duly approved, shall be paid therefrom regardless of the time when they were incurred.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed and annulled.

Approved March 14th, 1921.

CHAPTER 82.

(House Bill No. 120.)

AN ACT

To Repeal Initiative Measure Filed in the Office of the Secretary of State July 6, 1916, and Approved by a Majority of the Votes Cast Thereon at the General Election, Held on the 7th Day of November, 1916, Entitled "An Act Relating to the Preservation of Fish and Game and Amending Para-

graphs 654 and 670, Title 18, Penal Code of the Revised Statutes of Arizona, 1913;" and Repealing All Acts in Conflict Herewith; and to Provide for the Submission of Such Proposed Act to the People of the State of Arizona.

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

Section 1. That it is hereby proposed that there shall be submitted to the people of the State of Arizona, under the provisions of Section 1, Article 4, of the Constitution of Arizona, an Act, in title and form as follows, to-wit:

"AN ACT

To repeal initiative measure filed in the office of the Secretary of State July 6, 1916, and approved by a majority of the votes cast thereon at the general election, held on the 7th day of November 1916, entitled 'An Act relating to the preservation of fish and game and amending paragraphs 654 and 670, Title 18, Penal Code, of the Revised Statutes of Arizona, 1913;' and repealing all Acts in conflict herewith.

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

Section 1. That the initiative measure filed in the office of the Secretary of State July 6, 1916, and approved by a majority of the votes cast thereon at the general election held on the 7th day of November 1916, entitled an Act relating to the preservation of fish and game and amending paragraphs 654 and 670, Title 18, Penal Code of the Revised Statutes of Arizona, 1913, be and the same is hereby repealed.

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

Section 2. The submission to the people of the State of Arizona of said proposed Act, as set forth in Section 1 of this Act, is hereby ordered, in accordance with the provisions of Section 1, Article 4, of the Constitution of Arizona.

Section 3. When this Act shall receive the affirmative vote of a majority of each House of the Legislature, and shall be entered on the respective Journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed Act to the people of the State of Arizona, at the next regular or general election.

Passed the House February 17th, 1921.
Passed the Senate March 10th, 1921.
Approved March 14th, 1921.
Filed in the Office of the Secretary of State March 14th, 1921.

CHAPTER 83.

(House Bill No. 108.)

AN ACT

To Amend Paragraph 1771, Part XI, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Publication of Supreme Court Reports."

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

Section 1. That Paragraph 1771, Part XI, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

1771. 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 exchange with the libraries of other states and foreign countries. The Secretary of State shall further distribute the Supreme Court Reports as follows:

To each of the Judges of the Supreme Court, to the Judges of the United States Court in this State, to each Judge of a Court of Record of this State, to the reporter of decisions of the Supreme Court, to each clerk of a court record of this State, to the general library of the State University, to the law library of the State University, one copy, and to the law library of each county of this State one copy.

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

Approved March 14th, 1921.

CHAPTER 84.

(House Bill No. 89.)

AN ACT

To Prevent the Introduction Into and Dissemination Within the State of Arizona of Contagious and Infectious Diseases of Honey Bees; Providing for the Eradication of Bee Diseases; Authorizing the Arizona Commission of Agriculture and Horticulture to Make Rules and Regulations for Carrying Out the Provisions of this Act; Prescribing a Penalty for Violations, and Repealing Chapter 58, Laws 1913.

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

Section 1. All honey bees shipped or moved into the State of Arizona shall be accompanied by a certificate of inspection signed by a duly authorized official of the State or country from which such bees are shipped or moved. Such certificate shall certify to the apparent freedom of the bees, and their combs and hives, from contagious and infectious diseases and must be based upon an actual inspection of the bees themselves within a period of sixty (60) days preceding date of shipment; provided, that when honey bees are to be shipped into this State from other States or countries wherein no official Apiary Inspector or State Entomologist is available, the Arizona Commission of Agriculture and Horticulture, through its chief executive officer, may issue permit for such shipment upon presentation of suitable evidence showing such bees to be free from disease; and provided, further, that the provisions of this section shall not apply to shipments of live bees in wire cages, when without combs or honey.

Section 2. The Arizona Commission of Agriculture and Horticulture, created by Chapter 137, Laws of Arizona, 1919, shall appoint an Apiary Inspector, who must be qualified by scientific training and practical experience in beekeeping, and shall have full plenary power to deal with American and European foul-brood and all other contagious or infectious diseases of honey bees which, in its opinion, may be prevented, and controlled or eradicated, and shall have full power and is hereby authorized to make, promulgate and enforce such rules, ordinances and regulations and to do and perform such acts, through its agents or otherwise, as in its judgment may be necessary to control, eradicate or prevent the introduction, spread or dissemination of any and all contagious diseases of honey bees as far as may be possible and all such rules, ordinances and regulations of said commission shall have the force and effect of law.

Section 3. The Arizona Commission of Agriculture and Horticulture, its agents and employees are hereby authorized and it is their duty whenever the occasion may arise, to enter in and upon any premises, building or place for the purpose of inspecting any honey bees or beekeeping fixtures or appliances therein or thought to be therein, to determine whether said bees or fixtures are infected with any contagious or infectious disease or which they may have reason to believe have been or are being transported in violation of any of the provisions of this Act.

The said Commission, through its agents or employees, may

require the removal from this state of any honey bees or beekeeping fixtures, which have been brought into the state in violations of the provisions of this Act, or if finding any honey bees or fixtures infected with any contagious or infectious disease or if finding that such bees or fixtures have been exposed to danger of infection by such diseases may require the destruction, treatment or disinfection of such infected or exposed bees, hives, fixtures or appliances.

Section 4. The Apiary Inspector shall annually make or cause to be made through his deputies, a full inspection of all the apiaries in the State, and such supplementary inspections of apiaries as may be necessary to discover and suppress all bee diseases of a contagious nature. All inspection of bees shall be made during the breeding season and during a honey flow.

Immediately upon the discovery of such foul brood the inspector of apiaries shall inspect or cause to be inspected all apiaries within a radius of three miles of the infected apiary. Immediately after such inspection, said Inspector shall quarantine or cause to be quarantined the entire district, comprising all apiaries within a radius of three miles of any infected apiary included in the inspected territory. And no bees shall be moved into or out of said quarantined district without written permit from the Inspector of apiaries. Such quarantined district shall exist until removed by said Inspector.

If upon subsequent inspection, the disease is still found to exist in the apiary or colony, the Inspector of apiaries, or his deputies, shall cause the diseased colonies to be destroyed by burning same to prevent the spread of the disease.

Section 5. The shipment or movement into this State of any used or second-hand hives, honey combs, frames or other beekeeping fixtures is hereby prohibited except under such rules and regulations as may be prescribed by the Arizona Commission of Agriculture and Horticulture in accordance with Section 2 of this Act.

Section 6. Any person, firm or corporation violating any of the provisions of this Act or of the rules or regulations of the Arizona Commission of Agriculture and Horticulture adopted in accordance with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not less than Fifty ($50.00) Dollars nor more than One Hundred ($100.00) Dollars or by imprisonment for a period of not less than thirty (30) days or more than sixty (60) days, or by both fine and imprisonment.

Section 7. Chapter 58, Laws 1913 and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved March 14th, 1921.

CHAPTER 85.

(House Bill No. 83.)

AN ACT

Proposing to Amend the Constitution of the State of Arizona by Amending Section 5 of Article 9, Thereof So as to Provide for the Issuance of State Bonds to Promote and Assist in the Reclamation and Irrigation of Arable and Irrigable Lands Within the State of Arizona and Providing for the Submission of Said Proposed Amendment to the Electors of the State for Their Approval or Rejection at an Election to be Called for Such Purpose.

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

Section 1. That it is proposed to amend Section 5 of Article 9 of the Constitution of the State of Arizona to read as follows:

Section 5. The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of Three Hundred and Fifty Thousand ($350,000.00) Dollars, except as hereinafter provided; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts, the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or the payment of the debt thereby created. No money shall be paid out of the State Treasury, except in the manner provided by law.

In addition to the above limited power to contract debts, the State may loan its credit to promote and assist in the reclamation of arable and irrigable lands within the State lying within the

confines of irrigation districts regularly organized and existing under the laws of the State of Arizona and for such purpose may create bonded indebtedness and issue its bonds as may be provided by law whenever the lands in any such irrigation district and the water supply therefor and the proposed irrigation works and system thereof have been thoroughly investigated and found to be adequate and sufficient and the cost thereof per acre reasonable, and the building of the whole project feasible and advantageous to the State, and when adequate provision has been made by such irrigation district for the payment of such State bonds, interest and principal, as and when the installments of interest and principal thereof shall and may become due and payable.

Section 2. It is hereby further provided that the State shall not be responsible or liable for more than five per cent (5%) of the State's total taxable valuation; and it is hereby further provided that the State shall not be responsible or liable for more than one and one-half per cent (1½%) of the State's total taxable valuation for any one project.

Section 3. The validity of this amendment shall not be affected by the adoption of any other amendment to the said Section 5 of Article IX of the Constitution of Arizona proposed or submitted by the Regular Session of the Fifth Legislature of the State of Arizona, and the adoption of this amendment shall not invalidate any other amendment to the said Section 5 of Article IX of the Constitution of the State of Arizona proposed or submitted by the Regular Session of the Fifth Legislature of the State of Arizona.

Section 4. That said proposed amendment shall be submitted to the electors of the State of Arizona for their approval or rejection at a special election which is hereby called for such purpose to be held in manner provided by law, for general elections, on the 8th day of November, 1921.

Passed the House March 2nd, 1921.

Passed the Senate March 10th, 1921.

House concurred March 10th, 1921, in Senate amendments by unanimous vote.

Approved March 14th, 1921.

Filed in the Office of the Secretary of State March 14th, 1921.

"A referendum having been ffled on Sec. 4 of this Act, the Special Election will not be held and the Act will be submitted at the next General Election, unless the Courts order otherwise."

ERNEST R. HALL,
Secretary of State

CHAPTER 86.

(Senate Bill No. 160.)

AN ACT

Ratifying, Approving and Validating the Highway Construction and Improvement Bonds of Maricopa County, in the Sum of Four Million Five Hundred Thousand ($4,500,000.00) Dollars, Authorized to be Issued and Sold by the Board of Supervisors of Said County at an Election by the Property Tax Payers of Said County Held December 31st, 1920.

WHEREAS, at an election by the property tax payers of Maricopa County, Arizona, held December 31st, 1920, the Board of Supervisors of said County were authorized and empowered to issue and sell the bonds of said county to the amount of Four Million Five Hundred Thousand ($4,500,000.00) Dollars, for the purpose of providing funds for the construction and improvement of certain public highways of said county; and

WHEREAS, the right and power of the Board of Supervisors of said county to issue and sell said bonds, and the validity of said bonds when so issued and sold by the Board of Supervisors of said county has been and is now questioned and disputed:

Now, Therefore, be it Enacted by the Legislature of the State of Arizona:

Section 1. That the election by the property tax payers of Maricopa County, Arizona, held December 31st, 1920, by and through which the Board of Supervisors of Maricopa County were authorized and empowered to issue and sell the bonds of said county to the amount of Four Million Five Hundred Thousand ($4,500,000.00) Dollars, for the purpose of providing funds for the construction and improvement of certain of the public highways of said county, was a valid election and conferred upon the Board of Supervisors of said county the power and authority to issue and sell said bonds, and that said bonds when issued and sold by said Board of Supervisors are hereby declared to be free from any defect or invalidity by reason of any act or omission of said Board of Supervisors, in calling and holding said election or preparatory thereto.

Approved March 14th, 1921.

CHAPTER 87.

(Senate Bill No. 124.)

AN ACT

To Provide for the Relief of A. A. Miller on Account of Services Rendered to the Board of Dental Examiners During the Fiscal Years Ending June 30, 1919, and June 30, 1920.

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

Section 1. That there is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of One Hundred Twenty Dollars and Ninety-four Cents ($120.94), for the purpose of paying lawful Claim of E. A. Miller against the State of Arizona on account of services rendered to Board of Dental Examiners during the fiscal years ending June 30, 1919, and June 30, 1920, and the State Auditor is hereby authorized and directed to draw his warrant in favor of E. A. Miller, in amount One Hundred Twenty Dollars and ninety-four cents ($120.94), and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 14th, 1921.

CHAPTER 88.

(Senate Bill No. 119.)

AN ACT

To Amend Subdivision (1) of Paragraph 70, of Chapter VIII, Title I, Revised Statutes of Arizona, 1913, Civil Code, Entitled "State Auditor," and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That subdivision (1) of Paragraph 70, of Chapter VIII, Title I, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

(1).—Audit, adjust and settle the amount of claims against the state payable out of funds of the state, except only such claims as may be expressly required by law to be audited and settled by some other officer, board, commission, or department. The auditor shall have power to investigate each and every claim presented to him as a claim upon which a warrant is to

drawn upon the state treasury. And in the event such an investigation appears to disclose that all or any portion of any claim so presented is not for an actual public purpose, connected with the activities of the office, board, commission, or department where the investigated claim originated, the auditor shall refuse to draw a warrant, except for such amount of each claim as appears to be for an actual public purpose. He shall submit his reasons for rejecting all or any portion of claims for which he refuses to draw a warrant to the office, board, commission, or department, and a warrant shall not be drawn therefor until a new claim, fully itemized, stating specifically the actual public purpose of, and the necessity for each particular item or amount of expenditure referred to in the auditor's statement of reasons, is presented to the auditor properly verified by the oath of the person making the expenditure so in question, and again approved for audit and warrant by the officer, board, commission, or department which in the first instance audited the rejected claim. In event such verified claim is not filed, or if re-filed, in event that it does not then appear that a public purpose is in fact involved respecting the claim thereof, the auditor shall have power to again reject the claim, and report the fact of such rejection to the Governor, and no warrant shall be drawn thereon, unless the Governor specifically approves the claim in whole or in part.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14th, 1921.

CHAPTER 89.

(Senate Bill No. 113.)

AN ACT

To Amend Description of Real Estate in Section 44, Chapter 174, Session Laws of Arizona, 1919, Relating to Appropriations for the Construction and Equipment of Buildings for the School for the Deaf, Dumb and Blind, and Declaring an Emergency.

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

Section 1. That the description of real estate in section 44, chapter 174, session laws of Arizona, 1919, be amended to read as follows:

All of lots 8, 14, 13 and that part of lot 9 lying west of the Santa Cruz River in section 2; also all of lot 4 and parts of lots 3 and 5 in section 11, all in township 14 south, range 13 east, of the Gila and Salt River Base and Meridian, in Pima County, Arizona, containing approximately sixty (60) acres, good and merchantable title to which is vested in the state of Arizona.

Section 2. WHEREAS, This act must have an early operation for the continuation of work already begun, all of which is to the preservation of the public peace, health and safety of the state, an emergency is 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 operations of the referendum provisions of the State Constitution.

Approved March 14th, 1921.

CHAPTER 90.

(Senate Bill No. 63.)

AN ACT

To Amend Section 5, Article IX of the Constitution of the State of Arizona, Entitled "Public Debt, Revenue and Taxation" and to Provide for the Submission of the Said Proposed Amendment to the Vote of the People of the State of Arizona; and to Provide for the Submission of Such Proposed Act to the People of the State of Arizona.

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

Section 1. That it is hereby proposed that there shall be submitted to the people of the State of Arizona, under the provisions of Section 1 of Article 21 of the Constitution of Arizona, an Act, in title and form as follows: to-wit:

AN ACT

To amend Section 5, Article IX of the Constitution of the State of Arizona, entitled "Public Debt, Revenue and Taxation," and to provide for the submission of the said proposed amendment to the vote of the people of the State of Arizona.

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

Section 1. That Section 5 of Article IX, of the Constitution of the State of Arizona is hereby amended to read as follows:

"5. The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of Three Hundred and Fifty Thousand ($350,000.00) Dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

The State may also contract debts in the manner to be provided by law. Provided, that such debts shall not exceed four per centum of the assessed valuation of the taxable property within the State. Questions upon bond issues or special assessments shall be submitted to the vote of real property taxpayers, who shall also, in all respects, be qualified electors of the State and of the political subdivision thereof affected by such questions.

In addition to the above limited power to contract debts, the State may borrow money to repel invasion, suppress insurrections, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the payment of the debt thereby created. No money shall be paid out of the State Treasury, except in the manner provided by law.

The validity of this amendment shall not be affected by the adoption of any other amendment to the said Section 5 of Article IX of the Constitution of Arizona proposed or submitted by the Regular Session of the Fifth Legislature of the State of Arizona, and the adoption of this amendment shall not invalidate any other amendment to the said Section 5 of Article IX of the Constitution of the State of Arizona, proposed or submitted by the Regular Session of the Fifth Legislature of the State of Arizona.

The legislature shall enact appropriate legislation to carry into effect the provisions of this section.

Section 2. The submission to the people of the State of Arizona of said proposed Act, as set forth in Section 1, of this act, is hereby ordered, in accordance with the provisions of Section 1, Article 21, of the Constitution of Arizona.

Section 3. When said proposed amendment shall have been 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, or at any special election that may be called by the Legislature for the consideration of amendments to the Constitution.

Passed the Senate March 10th, 1921.

Passed the House March 10th, 1921.

Approved March 14th, 1921.

Filed in the Office of the Secretary of State March 14th, 1921.

CHAPTER 91.

(Senate Bill No. 35.)

AN ACT

To Amend Paragraph 4545 of Chapter VII, Title 42, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Pioneers' Home."

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

Section 1. That Paragraph 4545, of Chapter VII, Title 42, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

4545. Any person of good character who is, and has been for a period of five years prior to his application for admission, a citizen of the United States, and of the State of Arizona, who shall have been a resident of the State of Arizona for not less than thirty-five years, and who shall have been active in the development of Arizona, and who shall have reached the age of sixty years or over, and who, because of adverse circumstances or failing health or other disability, shall be unable to properly provide himself with the necessities and ordinary comforts of life, shall be entitled to become an inmate of said home at the expense of the State of Arizona.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 14th, 1921.

CHAPTER 92.

(Senate Bill No. 24.)

AN ACT

Declaring Armistice Day a Legal Holiday, and to Amend Paragraph 3283 of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Holidays."

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

Section 1. That Paragraph 3283 of the Revised Statutes of the State of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

3283. Sunday of each week, and 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, the twelfth of October to be known as Columbus Day, and the eleventh day of November, to be known as Armistice Day, of each year, shall each and all be holidays. When any other such holiday shall fall on Sunday, the following Monday shall be observed as a holiday.

Approved March 14th, 1921.

CHAPTER 93.

(Senate Bill No. 66.)

AN ACT

Providing for the Proper Labeling, Handling and Advertising the Facts Pertaining to the Importation Into the United States From Any Foreign Country, of Meat, Poultry, Eggs, and Butter; Excepting Certain Foreign Countries Contiguous to the Continental United States, and Providing a Penalty for Any Violations Thereof.

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

Section 1. That it shall be unlawful for any person or persons to sell or offer to sell or dispose of to another in any manner any meat, poultry, eggs, or butter which have been imported into the United States from any foreign country, excepting

products which were produced in the Dominion of Canada or the Republic of Mexico, and have been imported to this country from the Dominion of Canada or the Republic of Mexico, without the same shall be plainly labeled in such manner as to show the country of production of such product, and shall be plainly stamped or marked to show the date on which such meat, poultry, eggs or butter were exported from the country of origin.

Section 2. The owner or owners of any store or place of business, whether wholesale or retail, which shall sell, offer to sell or dispose of to another any meats, poultry, eggs or butter in any condition whatsoever, shall display in a conspicuous place over the counter of such store or place of business, or at such other point in such store or place of business so as to be in plain view of all parties entering such store or place of business by the main entrance, a sign not less than four (4) feet long by eight (8) inches deep, which shall contain lettering as large as may be permitted by the area of such sign, containing the following inscription: "This store sells imported meats, poultry, eggs, butter;" but if such store shall handle only one or more of these products the said sign shall be so modified as to state the product or products sold.

Section 3. Any person or persons who violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than Fifty Dollars ($50.00), nor more than One Hundred Dollars ($100.00).

Approved March 17th, 1921.

CHAPTER 94.

(Senate Bill No. 84.)

AN ACT

Appropriating the Sum of Five Thousand ($5,000.00) Dollars for Each of the Years 1921-1922 to be Expended for Conducting During Said Years the Northern Arizona State Fair, at Prescott, Yavapai County, Arizona, and for the Construction of Exhibition Buildings and for Permanent Improvement of Said Fair.

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

Section 1. The sum of Five Thousand ($5,000.00) Dollars for each of the years 1921 and 1922 is hereby appropriated out of any money in the State Treasury not otherwise appropriated,

for the purpose of aiding the cities and counties of Northern Arizona in conducting and maintaining the annual Northern Arizona State Fair, held at Prescott, Arizona, and participated in by Apache, Coconino, Mohave, Navajo and Yavapai Counties. The money hereby appropriated may also, at the discretion of the officers conducting the said Northern Arizona State Fair, be used toward paying for the construction of necessary exhibition buildings and permanent improvement of the grounds belonging to the Northern Arizona State Fair Association.

Section 2. The State Auditor is hereby authorized and directed to draw his warrant upon the fund above appropriated from time to time upon the receipt of properly verified vouchers, approved by the President of the Northern Arizona State Fair Association, and the State Treasurer is hereby authorized and directed to pay such warrants.

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

Approved March 17th, 1921.

CHAPTER 95.

(Senate Bill No. 92.)

AN ACT

To Amend Paragraphs 774 and 791 of Chapter III, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Executors and Administrators, Their Letters, Bonds, Removals, and Suspensions."

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

Section 1. That Paragraph 774 of Chapter III, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same hereby is amended to read as follows:

774. No person is competent to serve as executor or executrix who at the time the will is admitted to probate is:

(1) Under the age of majority.

(2) Convicted of an infamous crime.

(3) Not a bona fide resident of this State AND A CITIZEN OF THE UNITED STATES, except in ancillary probate.

(4) Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity.

(5) A duly qualified and acting coroner.

Section 2. That Paragraph 791 of Chapter III, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same hereby is amended to read as follows:

791. No person is competent to serve as administrator or administratrix who is:

(1) Under the age of majority.

(2) Convicted of an infamous crime.

(3) Not a bona fide resident of this state AND A CITIZEN OF THE UNITED STATES, except in ancillary probate.

(4) Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

(5) A duly qualified and acting coroner.

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

Approved March 17th, 1921.

CHAPTER 96.

(Substitute Senate Bill No. 95.)

AN ACT

To Amend Paragraphs 4995, 4996, 4999, 5001, 5010, 5013, 5021, 5022, and 5023, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code.

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

Section 1. That Paragraph 4995, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

4995. All property within the jurisdiction of this 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 bargainer, or intended to take effect in possession or enjoyment after the death of the grantor, bargainer or donor, to any person or persons, or to any body or bodies, politic or corporate, educational, religious or other institution, in trust or otherwise, or by reason whereof any person, or body, politic or corporate, educational, religious or other institution, 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 specified in the next section, to be paid to the State Treasurer for the use of the State; and all heirs, legatees, and devises, 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; provided that State Institutions and Hospitals not conducted for the purpose of profit shall be exempt from the provisions of this chapter.

Section 2. That Paragraph 4996, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

4996. When such inheritance, devise, bequest, legacy, gift or beneficial interest to any property or income therefrom shall pass to or from 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 on the appraised value thereof received by each person, on all amounts not exceeding ten thousand dollars; two per centum on all amounts received over ten thousand dollars and not exceeding twenty thousand dollars; three per centum on all amounts received over twenty thousand dollars; provided, that the tax is to be levied in the above cases only on the excess of five thousand dollars 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 on the appraised value thereof received by each person on all amounts not exceeding

ten thousand dollars; three per centum on all amounts received over ten thousand dollars and not exceeding twenty thousand dollars; four per centum on all amounts received over twenty thousand dollars. In all other cases the tax shall be at the rate of four per centum on the appraised value thereof received by each such person, body politic or corporate, educational, religious or other institution, on the whole of all amounts received not exceeding ten thousand dollars; five per centum on the whole of all amounts received over ten thousand dollars and not exceeding twenty thousand dollars; six per centum on the whole of all amounts received over twenty thousand dollars and not exceeding fifty thousand dollars; seven per centum on the whole of all amounts received over fifty thousand dollars.

Section 3. That Paragraph 4999, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

4999. The tax imposed by this chapter 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 final settlement of the account of any executor, administrator or trustee shall be accepted or allowed unless it shall show and the court shall find, that all taxes imposed by the provisions of this title upon any property or interest therein belonging to the estate to be paid by such executors, administrators or trustees, and to be settled by said accounts, shall have been paid and the receipt of the State Treasurer for such tax shall be the proper voucher for such payment. All taxes paid into the State treasury under the provisions of this chapter 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, then all moneys in excess of five thousand dollars shall be transferred to the general fund.

Section 4. That Paragraph 5001, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5001. If such tax is not paid within twelve months from the accruing thereof, interest shall be charged and collected therefrom at the rate of eight per centum per annum from the time the tax is due and payable.

Section 5. That Paragraph 5010, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5010. 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 of testamentary or of letters of administration, 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.

Section 6. That Paragraph 5013, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5013. Every executor or administrator, or trustees of any estate 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 of the amount of such legacy or distributive share, together with the amount of tax which has accrued or will accrue thereof, 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.

Section 7. That Paragraph 5021, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5021. If the State Treasurer shall have reason to believe

that any tax is due and unpaid under this chapter, after the refusal or neglect of the person liable therefor to pay the same, he shall notify the County Attorney in writing of such failure or neglect, and such County Attorney shall apply to the superior court for a citation citing the person liable to pay such tax to appear before the court on the day specified, not more than thirty 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 chapter 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 chapter in said Superior Court, the person or corporation from which 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 proceeds specified in this section, the State Treasurer shall file with the State Auditor a duly verified itemized account of all expenses incurred for the service of the citation, and other lawful disbursements not otherwise paid, and the State Auditor shall thereupon draw his warrant upon the State Treasurer for the payment thereof, and in favor of the said Treasurer, payable from the inheritance tax fund.

Section 8. That Paragraph 5022, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5022. Each Superior Court shall keep 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, devises, 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 amounts of the property of any such decedent, as shown by the inventory thereof, when made and filed in his office, and the return made by appraisers appointed by him under this chapter, 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 State Treasurer shall 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.

Section 9. That Paragraph 5023, of Chapter 13, Title 49, Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

5023. 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, upon the forms furnished by the State Treasurer containing all the data and matters required to be entered in such book to the State Treasurer. The County Recorder of each county having custody of records of deeds shall, at the same time, make reports containing a statement of any conveyances 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, which shall be immediately transmitted to the State Treasurer.

Approved March 17th, 1921.

CHAPTER 97.

(Senate Bill No. 103.)

AN ACT

To Amend Paragraphs 3741, 3743, 3746 and 3749 of Chapter I, Title XXX, of the Revised Statutes of Arizona, 1913, Civil Code, and Providing Penalties and Repealing All Acts or Parts of Acts in Conflict Therewith.

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

Section 1. That paragraph 3741 of Chapter I, Title XXX, Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

3741. The Live Stock Sanitary Board shall grant to each and every applicant therefor, on the payment of the fees herein provided, a license to slaughter cattle, sheep and goats, as may be set forth in such license so granted. If such slaughter business is to be carried on within, or within four miles of, any town of more than five thousand inhabitants, the applicant shall pay to such Board a sum equal to One Hundred Fifty ($150.00) Dollars per annum for a license to operate such business of slaughtering, the same to be at a fixed and definite slaughtering place; in the event that such slaughtering business is to be carried on within, or within four miles of, any town of three thousand inhabitants and less than five thousand inhabitants, then the applicant for such license shall pay the said Board at the rate of One Hundred Twenty ($120.00) Dollars per annum for such license; in case the business is to be carried on within, or within four miles of, any town of one thousand inhabitants and less than three thousand inhabitants, the applicant shall pay to said Board at the rate of Ninety ($90.00) Dollars per annum for such license; all licenses to designate a fixed and definite place where such slaughtering is to be done; in all other cases an applicant shall pay at the rate of Thirty ($30.00) Dollars per annum for such slaughtering licenses.

No license issued under the foregoing provisions of this paragraph shall be issued for a shorter term or less proportionate rate of fee than will apply thereto, computed from the date of the issuance of such license up to December the thirty-first of the year in which such license is issued; provided, that any person, whether a producer or not, who slaughters animals for sale for food, shall be required to obtain a special license, which shall designate the place where such person intends to slaughter and from what live stock, by showing the names of owners,

brands and other identifying marks of animals to be slaughtered under that special license, and shall state the number of animals intended to be slaughtered under such special license, which in no event shall be of a number greater than five head of cattle nor more than twenty sheep or twenty goats. No more than one special license shall be issued to any applicant for slaughter in any one year. Persons slaughtering more than the limit number provided in a special license, before slaughtering same, shall procure the regular license at the regular rates in this paragraph required.

It shall be a misdemeanor for any person to slaughter any animal of the kind mentioned in this act for sale for food, or to peddle or to offer for sale any portion thereof, without first procuring one of the two classes of licenses in this paragraph specified; and the possession of the carcass, or of any portion of the meat of any such animal mentioned herein, shall be prima facie evidence of a violation of this paragraph, unless the person in whose possession such carcass or meat is found shall be able to show that the animal of which it is the whole, or part, was actually slaughtered under the authority of a license issued under the provisions of this paragraph.

Section 2. That paragraph 3743 of Chapter I, Title XXX, of Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

3743. Producers who kill or slaughter animals for the sole purpose of using the meat thereof for food for themselves, their immediate family and employes, shall not be required to have such animals inspected before killing, but all animals to be slaughtered by the producer thereof, the meat of which is to be sold, shall be inspected as in this chapter provided, before the killing of same. The term "producers" within the meaning of this and succeeding paragraphs, shall be taken to include the owners of herds and the proprietors, tenants and the occupants of lands and premises whereon any of the animals mentioned in this section are raised or prepared for market. Provided, that the hide of every animal of kind mentioned in this act, and slaughtered under permission of this paragraph, shall be hung up in a conspicuous place on premises where animal is slaughtered, and remain there until such hide is inspected and tagged.

Section 3. That paragraph 3746 of Chapter I, Title XXX, of the Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

3746. Before any producer shall slaughter any domestic animal intended for sale for food, he shall, at least five days

before he intends to slaughter any such animal, give written notice thereof to an inspector of the Live Stock Sanitary Board. Such notice shall describe the animal, or animals, intended to be killed; the name of the owner, or owners, thereof; the brands and marks thereon, and the age and sex of such animals, and in such notice shall specify and describe the location of the place where it is intended to slaughter the animals described in such notice. It shall be the duty of such live stock inspector to inspect the animals mentioned in this notice, or he may designate two persons who shall be disinterested land owners and who are in no way related to the person intending to slaughter such animals. If disinterested persons are named to make inspection of such animals, then, upon notice, they shall proceed to do so and report the result of such inspection to the inspector appointing them, and shall also transmit a duplicate report of their inspection to the Live Stock Sanitary Board at Phoenix, Arizona. No such disinterested persons specially appointed by such sanitary inspector to inspect, shall have any continued authority to make inspections, but a specific appointment shall be made in each case, where an inspection is required, under a notice given by the producer who intends to slaughter animals for sale.

Section 4. That paragraph 3749 of Chapter I, Title XXX, of Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended to read as follows:

3749. Except as in this act provided, no other tax, license or other burden or fee shall be imposed, levied, demanded or collected from any producers herein defined, because of any sale or sales of any such products; nor shall any penalty or punishment be imposed upon him on account of such sale, except for a violation of the terms of this act; nor shall any town or city in this state impose by municipal ordinance, under any guise, any tax, fee or penalty, 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; no municipal ordinance providing for such inspection shall be valid unless it applies in precisely the same manner and upon precisely the same terms to others offering similar products for sale.

(a) That no person, whether a producer or not, shall sell or peddle the meat of any animal mentioned in this act unless he shall have the full hide of that animal in his possession at all times while so selling or peddling the meat. Every person selling or peddling the meat of such animal shall exhibit the hide thereof to any inspector or other officer of the Live Stock Sanitary Board, and do so immediately upon demand of any such inspector or officer. Any person failing to do either of the things above

provided, respecting the hide of animals, whose meat is offered for sale, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine not exceeding Three Hundred ($300.00) Dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

(b) The possession by any person of any carcass, or any edible part thereof, of any cattle, sheep or goat slaughtered otherwise than in compliance with the provisions of this chapter, shall be taken and deemed to be an unlawful possession, and for the purposes of enforcing the provisions of this chapter each and every officer hereinafter specified shall be, and is hereby given the authority to make the inquiry and investigation as hereinafter provided, and any person or persons having in their possession the carcass, or any edible part thereof, of any neat cattle, sheep or goats, shall, upon the demand of any sheriff, deputy sheriff, constable or inspector of the Live Stock Sanitary Board of Arizona, state to such officer where and the name of the person from whom such meat was obtained. If the person in possession then claims to have slaughtered the animal from which said meat was taken, he shall upon request then exhibit to such officer the whole hide of such animal slaughtered; if in answer to inquiries of officer, the person then claims that such meat was procured from another person, then, upon demand made upon that person by any of the aforesaid officers, that person shall forthwith exhibit the whole hide of such animal slaughtered and from which meat was taken.

Any person who, upon demand of the proper officer refuses to give the information herein required to be given, or who shall give false information as to such matters inquired into, or who fails or refuses to exhibit the hide, when the animal has been slaughtered by him, or at his direction, shall be prima facie guilty of having slaughtered the animal from which such meat was obtained, in violation of the provisions of this act as to the inspection and slaughtering of animals mentioned in this act; and upon a trial upon a complaint made that said animal was either slaughtered without inspection, or complaint that animal was not slaughtered under a license permitting a slaughter for sale of animal meat mentioned; or other complaint of violation of the provisions of this act as to licenses, inspection or selling of meat, or either, made against any person in possession of any animal meat of kind above mentioned, proof that the party so charged refused, upon demand of the proper officer, to give the information demanded of him as above provided or that he gave to such officer false information relating thereto, or failed or refused to exhibit the hide, as the case may be, shall be prima

facie evidence that such person is guilty of the act charged or was an accessory thereto and upon conviction either as a principal or accessory to such misdemeanor charged, such defendant or defendants shall be punished by a fine of not less than Fifty ($50.00) Dollars nor more than Three Hundred ($300.00) Dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than six months, or by both such fine and imprisonment.

Section 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 98.

(Senate Bill No. 134.)

AN ACT

To Amend Sections 1 and 2 of an Act Passed by the Regular Session of the Second State Legislature of Arizona, 1915, Entitled "An Act to Amend Paragraph 1280, Chapter I, Title VI, Revised Statutes of Arizona, 1913, Civil Code, Giving Justices of the Peace Exclusive Original Jurisdiction to Try and Determine Certain Civil Actions, Known as H. B. No. 61, Chapter 44, Acts of the Second Legislature, Regular Session of the State of Arizona, 1915, Approved March 16, 1915."

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

Section 1. That Section 1 of an act to amend Paragraph 1280, Chapter I, Title VI, Revised Statutes of Arizona, 1913, Civil Code, giving Justices of the Peace exclusive original jurisdiction to try and determine certain civil actions, known as H. B. No. 61, Chapter 44, Acts of the Second Legislature, Regular Session of the State of Arizona, 1915, approved March 16, 1915, be and the same is hereby amended to read as follows:

1280. They shall have exclusive original jurisdiction to try and determine all civil actions when the amount involved, exclusive of interest and costs, does not amount to Two Hundred ($200.00) Dollars. They shall also have jurisdiction, concurrent with the Superior Courts in cases of forcible entry and detainer where the rental value of the property involved does not exceed

Twenty-five ($25.00) Dollars per month and where the whole amount of damages is less than Two Hundred ($200.00) Dollars.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 99.

(Senate Bill No. 137.)

AN ACT

To Punish the Circulation of False Rumors Regarding a Bank.

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

Section 1. Any person who wilfully and knowingly makes, circulates or transmits to another or others, any statement or rumor, written, printed or by word of mouth, which is untrue in facts and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, doing business in this State; or who knowingly counsels, aids, procures or induces another to start, transmit or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Approved March 17th, 1921.

CHAPTER 100.

(Senate Bill No. 142.)

AN ACT

To Amend Section 109, Chapter 5, Session Laws, Second Special Session, Second Legislature of the State of Arizona, 1915, Relating to the Investment of Funds Derived From the Sale of State Lands and Authorizing the Investment of Such Funds in Mortgages on Farm Lands Under United States Reclamation Projects, as Amended by Chapter 25 of the Session Laws of Arizona, 1919, and Repealing All Acts in Conflict Herewith, With an Emergency Clause.

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

Section 1. That Section 109, Chapter 5, Session Laws of Second Special Session, Second Legislature of the State of Arizona, 1915, as amended by Chapter 25, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

109. Investments authorized. Such moneys shall be invested in the bonds of the United States; bonds of the State of Arizona, or of the counties, municipalities or school districts thereof, or first mortgages on farm lands in the State of Arizona, or as otherwise provided in this act; Provided, that for the purpose of construing this section the lien held by the United States for the repayment of the construction charges on any United States Reclamation Project or on any United States Indian Service Project, shall not be deemed a first mortgage on the farm lands under any such project; and provided that the State Treasurer, with the approval of the Governor and the Secretary of State, is hereby authorized and directed to waive, in favor of the United States, any and all state priorities of lien of any and all such mortgages upon any and all lands under any United States Reclamation Project, or any United States Indian Service Project.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. 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 act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

Approved March 17th, 1921.

CHAPTER 101.

(Senate Bill No. 148.)

AN ACT

To Amend Paragraph 1847 of Chapter II, and Paragraph 1922 of Chapter VII, Title VII, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Cities and Towns."

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

Section 1. That Paragraph 1847, of Chapter II, Title VII, Revised Statutes of Arizona, 1913, Civil Code, entitled "Cities and Towns," be, and the same is hereby amended to read as follows:

1847. No person shall be entitled to vote at any election in any such town, who is not qualified to register and vote at elections of county officers, and who shall not also have resided for six months continuously preceding such election, in such town.

Section 2. That Paragraph 1922 of Chapter VII, Title VII, Revised Statutes of Arizona, 1913, Civil Code, entitled "Cities and Towns," be, and the same is hereby amended to read as follows:

1922. The mayor and common council of any city or town shall have the power by ordinance or resolution in writing to provide for and require a registration of all the voters of, or in said city or town. Such registration may be made anew every two years, and shall begin within sixty days before, and be closed ten days before the regular city or town election. Such Registration shall show:

(1) The name in full of each registered voter.

(2) The sex of the voter, and that he or she is twenty-one years of age or over.

(3) Place of nativity.

(4) His place of residence by street and number, or by ward.

(5) If not a native of the United States, the time and place of naturalization.

(6) Whether on the tax roll of said city or town, or not.

(7) Date of the entry on the register.

Every voter may change the place of his residence as recorded on said register up to the time of closing same, and no person shall vote at any election in any ward except the one in which he shall have lived for ten days next preceding such election and as shown on said register. Provided, that in special elections called in any municipal corporation in the state where the question of issuing bonds of such municipal corporation for sanitary and health purposes, the construction of sewers, water works, or the improvement of streets therein, is submitted to the qualified electors thereof, who are the owners of real or personal property subject to taxation within such municipal corporation, the mayor and common council of such municipal

corporation may by resolution spread upon their minutes, provide and require a registration of all persons to vote at such special elections, who possess the qualifications contained in this proviso, but such resolution shall be passed by the mayor and common council at least thirty days prior to the holding of such election, and in such case, the said registration shall begin at least thirty days before and close ten days prior to the holding of such election, and no person shall be permitted to vote at any such special election unless the real or personal property of the person offering to vote which is subject to taxation within such municipal corporation, shall appear in the last assessment or tax roll of such municipal corporation, and the assessor or tax collector of such municipal corporation, as the case may be, is hereby required to enter in the assessment or tax roll of such municipal corporation the property of persons owning real or personal property subject to taxation within such municipal corporation, at any time prior to the day on which such election is held, upon the application of such persons.

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

Approved March 17th, 1921.

CHAPTER 102.

(Senate Bill No. 167.)

AN ACT

To Amend Paragraph 103, Chapter IX, Title I, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "State Treasurer."

Section 1. That Paragraph 103, Chapter IX, Title 1, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "State Treasurer," be and the same is hereby amended to read as follows:

103. All state warrants shall be paid by the treasurer, in the order of their presentation, if drawn in accordance with the state laws. If, upon presentation to the state treasurer of any warrant, he has not the funds in hand to pay the same, he shall endorse the day of its presentation up(o)n the back of the warrant, and may provide that said warrant shall not be paid without thirty (30) days notice to the holder thereof, unless such notice be waived, and whenever it is paid, interest, at the rate of not

to exceed eight per centum 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, and further provided that from and after January 1, 1923, the said rate of interest shall be not to exceed five (5%) per centum per annum.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, This State is without funds to pay many of its necessary and ordinary expenses and such funds are immediately necessary, an immediate going into effect of this act is necessary for the public peace, health and safety, and an emergency is hereby declared to exist and this act is hereby exempted from the operation of the referendum provisions of the State Constitution and shall take effect and be in full force from and after its passage and its approval by the Governor.

Approved March 17th, 1921.

CHAPTER 103.

(Substitute Senate Bill No. 85.)

AN ACT

In Relation to Industry; Creating an Industrial Commission, Defining Its Powers and Duties and Making an Appropriation Therefor; Relating to the Compensation of Injured Workmen in the Industries of this State, Including Also Workmen Engaged in Manual or Mechanical Labor Deemed Especially Dangerous Who in the Course of Such Employment Suffer Personal Injury or Death From Any Accident Arising Out of, and in the Course of, Such Employment Caused in Whole, or in Part, or Contributed to, by a Necessary Risk or Danger of Such Employment, or by 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; Preserving the Constitutional Option of Said Employee Engaged in Such Labor Deemed Especially Dangerous to Settle for Such Compensation, or Retain the Right to Sue Said Employer as Provided by the State Constitution;

Providing Compulsory Compensation for Employers of the State, County, City, Town, Municipal Corporation, and School Districts; Providing for the Compensation of the Dependents of Workmen Where Injuries Result in Death; Providing for a State Compensation Fund and Accident Benefit Fund and the Manner of Their Disbursement, and Making an Appropriation Therefor; Providing for the Payment of Compensation Direct by Employers and by Insuring in Casualty Companies; Regulating Such Insurance; Providing for the Voluntary Acceptance of the Provisions of this Act by Employers of Certain Workmen Engaged in Agriculture or Employing Domestic Servants; Defining and Regulating the Liability of Employers to Their Employees; Providing for the Regulation of Industrial Relations; Repealing Chapter VII of Title 14 of the Revised Statutes of Arizona, 1913, Entitled "Compensation for Injuries to Workmen Engaged in Dangerous and Hazardous Employment" and All Acts Amendatory Thereof, and All Other Acts or Parts of Acts in Conflict Herewith; and Providing for Contingent Invalidation of this Act; With the Emergency Clause.

In order to provide a workmen's compensation law as provided in Section 8 of Article XVIII of the State Constitution, and to further provide an adequate system, means or plan whereby employers in general and the State and all of its political subdivisions shall pay to employees injured while employed adequate comepnsation for injuries sustained, or to the heirs of such in case of death, and because public policy and the safety and welfare of the citizens of the State demand that legislation be adopted promoting the regulation of industrial re ations and the payment of such compensation,

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

INDUSTRIAL COMMISSION

Section 1. Commission Created, Membership, Terms.—There is hereby created the Industrial Commission of Arizona, to be composed of three members who shall be appointed by the Governor, by and with the advice of the Senate, one member of said commission shall be appointed for a term of two years, one member for a term of four years and one member for a term of six years from the date this act becomes effective; and thereafter each member shall be appointed for a term of six years. Not more than two members of the commission shall belong to the same political party.

Section 2. Removals for Cause.—The Governor at any time may remove any members of the commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

Section 3. Limitation, Business and Political.—No commissioner shall hold any office of trust or profit, or engage in any occupation or business other than his duties as such commissioner; and no commissioner nor any regular employee of the commission shall serve on any committee of any political party.

Section 4. Salary, Qualifications, Bonds of Commissioners and Employees.—Each of said commissioners shall receive an annual salary of $4,000, payable in the same manner as the salaries of other officers of the State are paid. Before entering upon the duties of his office, each commissioner shall take and subscribe to the constitutional oath of office, which oath shall be filed in the office of the Secretary of State. Each member of the commission shall give a corporate surety bond in the sum of $10,000, which bond shall be approved by the Governor and filed with the State Treasurer. All employees or deputies of the commission receiving or disbursing funds of the State shall give corporate surety bonds to the State in amounts and with surety to be approved by the commission. The premiums of all bonds provided for in this section shall be paid out of the State Treasury.

Section 5. Organization, Quorum, Vacancies.—Within thirty days after this act goes into effect, the commission shall meet at the seat of government and organize by choosing one of its members as chairman. A majority of the commission shall constitute a quorum to transact business. No vacancy shall impair the rights of the remaining commissioners to exercise all the powers of the commission; and in case a vacancy exists, the remaining members of the commission shall exercise all of the powers and authorities of the commission until such vacancy is filled.

Section 6. Offices, Places of Sessions.—The commission shall keep and maintain its offices at the State Capitol, in suitable room or rooms. Necessary office furniture shall be furnished to the commission in the State Capitol. The commission may hold sessions in any place within the State of Arizona.

Section 7. Official Seal, Judicial Notice, Certification of Records.—The commission shall have an official seal for the authentication of its orders and proceedings, upon which seal shall be engraved the words, "The Industrial Commission of Arizona," and such other design as the commission may prescribe;

and the courts in this State shall take judicial notice of the seal of the commission, and in all cases copies of orders, proceedings, or records in the office of the industrial commission of Arizona, certified by the Secretary of said commission under its seal, shall be equal to the original as evidence.

Section 8. Business Hours, Sessions, Records, Voting.—The commission shall be open for the transaction of business during all business hours of each and every day except Sunday and legal holidays. The sessions of the commission shall be open to the public. All proceedings of the commission shall be shown on its records, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast.

Section 9. Adoption and Change of Rules of Procedure.—Subject to the provisions of this act, the commission may adopt its own rules of procedure, and may change the same from time to time in its discretion.

Section 10. Commission Employees, Compensation, Expenses.—The commission may employ actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and fix their compensation. Such employment and compensation shall be first approved by the Governor, and together with necessary traveling expenses allowed by the commission, shall be paid out of the State compensation fund. The members of the commission and the secretary shall be entitled to receive from the State treasury their salaries or compensation, and also their actual and necessary expenses while traveling on the business of the commission and the members of the commission may confer and meet with officers of other states and officers of the United States on any matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the commission.

Section 11. Right of Examination.—Any commissioner may enter any place of employment for the purpose of collecting facts and statistics, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner to his place of employment.

Section 12. General Powers of Commission.—It shall also be the duty of the commission, and it shall have full power, jurisdiction and authority:

(1) To administer and enforce all laws for the protection of life, health, safety and welfare of employees in every case and

under every law, where such duty is not now specifically delegated to any board or officer, and in such latter cases, to counsel and advise and assist in the administration and enforcement of all such laws.

(2) To investigate, ascertain and determine such reasonable classification of persons, employments and places of employment as shall be necessary to carry out the purposes of this act.

(3) To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees.

(4) To establish and conduct free employment agencies and license and supervise the work of private employment offices, and to do all in its power to bring together employers seeking employees and working people seeking employment, and to make known the opportunities for employment in this state.

(5) To collect, collate and publish all statistical and other information relating to employees, employers, employments, and places of employment, with such other statistics as it may deem proper.

(6) Upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee, the commission shall proceed, with or without notice, to make such investigations as may be necessary to determine the matter complained of.

(7) All orders of the commission in conformity with law shall be valid and in force and prima facie reasonable and lawful until they are found otherwise, and action brought for that purpose pursuant to the provisions of this act or until altered or revoked by the commission.

(8) All general orders of the commission shall take effect within thirty days after their publication. Special orders shall take effect as therein directed. The commission shall, upon application of any employer, grant such time as may be reasonably necessary for compliance with any order. Any persons may petition the commission for an extension of time, which the commission shall grant if it finds such extension of time necessary.

Section 13. Hearings as to Reasonableness of Orders.—1. Any employer or other person interested either because of ownership or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission provided in this act. 2. Such petition for hearing shall be verified, petition

filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired, and every reason why such order is unreasonable or unlawful, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which hearing is sought other than those set forth in the petition. 3. Upon receipt of such petition, if the issues raised in such petition have heretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issue raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision. 4. Upon such investigation, if it shall be found that the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable. 5. Whenever, at the time of final determination upon such hearing, it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

Section 14. Limitation as to Actions, Presumptions.—No action, proceedings, or suit to set aside, or amend any order of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in Section 13, and in the petition therefor shall have raised every issue in such action. Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable, and lawful unless prior to the institution of the prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in Section 13.

Section 15. Administer Oaths, Certify Acts, Issue Process, Duties of Superior Courts.—Each of the commissioners and the secretary of the commission, for the purpose mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of the failure of any person to comply with any order of the commission or any subpoena lawfully issued, or upon the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the

Superior Court of any county in this State, on the application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirement of a subpoena issued from such court or a refusal to testify therein.

Section 16. Payment of Witnesses.—Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the Superior Court, which shall be audited and paid by the State out of the state compensation fund in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But, no witness subpoenaed at the instance of the parties other than the commission shall be entitled to compensation from the State for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

Section 17. Depositions.—The commission or any party may in any investigation cause depositions of witnesses residing within or without the State to be taken as in civil cases.

Section 18. Record of Proceedings.—A full and complete record shall be kept of all proceedings had before the commission of any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

Section 19. Publication of Rules.—Publication of rules and orders of the commission shall be made by the commission in pamphlet form to be furnished on demand at the office of the commission. The expense of all publication shall be audited and paid as are other expenses of the commission.

Section 20. Designation of Agents, Duties and Powers.—1. For the purpose of making any investigation with regard to any employment or place of employment the commission shall have power to appoint by an order in writing, any member of the commission, or any other competent person who is a resident of the state as an agent, whose duty shall be prescribed in such order. 2. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission and the same powers as a referee appointed by a superior court with regard to taking testimony. 3. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The action of the commission shall be based upon its examination of all testimony and records.

The recommendation made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so orders, nor further investigation.

Section 21. Attorneys.—Upon request of the commission, the attorney general, or the county attorneys of the county in which any investigation, hearing or trial had under the provision of this act is pending, shall aid therein and prosecute, under the supervision of the commission, all necessary actions or proceedings for the enforcement of this act.

Section 22. Orders not Void for Technical Omission.—A substantial compliance with the requirements of this act shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

Section 23. Action to Vacate Orders, Procedure.—Any employer or other person in interest, being dissatisfied with any order of the commission, may commence an action in the Superior Court of the county where the property, plant or place of employment affected by such order may lie, against the commission as defendant, to set aside, vacate or amend any such order, on the ground that the order is unreasonable or unlawful, and the Superior Court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the commission shall be filed within ten days after the service of summons upon it, and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer, said action shall be at issue, and shall be advanced and assigned for trial by the court, upon the application of either party at the earliest possible date.

Section 24. Stay of Court Proceedings When Commission Has Not Determined Issues.—1. If, upon the trial of such action, it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed, as provided in Section 13, or that the commission has not theretofore had ample opportunity to hear and determine any of the issues raised, in said action, or for any reason has not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issues not adequately considered, and shall stay further proceedings in such action for fifteen days from the date of such transmission, and may therefore grant such further stay as may be necessary. 2. Upon the receipt of such state-

ment, the commission shall consider the issues not theretofore considered, and may alter, modify, amend or rescind its order complained of in said action and shall report its order thereon to said Court, within ten days from the receipt of the statement from the court, for further hearing and consideration. 3. The court shall thereupon order the pleading to be so amended as to raise the issues resulting from such alteration, modification, amendment or rescission of the commission's order, and shall thereafter proceed with such action in the manner provided by law for other civil actions.

Section 25. Jurisdiction of Courts.—No court of this state, except the superior court and the supreme court on appeal, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend, or annul any order of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties; provided, that the writs of mandamus shall lie from the said supreme court to the commission in all proper cases, and appeal shall lie from the superior court to the supreme court in all cases.

Section 26. Power of Court to Suspend Orders. Bonds.—The pendency of an action to set aside, vacate, or amend an order of the commission shall not of itself stay or suspend the operation of an order of the commission; but, during the pendency of said action, the said superior court in its discretion may stay or suspend, in the whole or in part, the operation of the commission's order. But no order so staying or suspending an order of the commission shall be made by the said court otherwise than upon three days' notice and after hearing. In case the order is stayed or suspended, the order of the court shall not become effective until a suspending bond first shall have been executed and filed in the action and approved by the court or the clerk thereof, payable to the State of Arizona, and sufficient in amount and security to insure the prompt payment by the party petitioning to set aside, vacate, or amend such order of all damages caused by the delay in the enforcement of the order of the commission.

Section 27. Proceedings have Preference. Exceptions.—All actions and proceedings under this act, and all actions or proceedings to which the commission or this state may be parties, and in which any question arises under this act or under or concerning any order of the commission, shall be preferred over all other civil cases, except election causes and causes involving or affecting the corporation commission, 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.

Section 28. Penalties.—If any employer, employee, or other person shall violate any provision of this act, or shall do any act prohibited by this act, or shall fail or refuse to perform any duty lawfully enjoined, within the time prescribed by the commission for which no penalty has been specifically provided, or fail, neglect, or refuse to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provision of this act, for each such violation, failure or refusal such employer or other person shall be fined not less than $50.00 nor more than $1,000 for the offense, and not less than $100 nor more than $5,000 for each subsequent offense.

Section 29. Statement by Employers, Penalty for Failure.—Every employer shall furnish the commission, upon request, all information required by it to carry out the purpose of this act. In the month of July of each year, every employer shall prepare and mail to the commission at the state capitol, Phoenix, Arizona, a statement containing the following information, viz.: The number of employees employed during the preceding year from July 1 to June 30, inclusive; the number of such employees employed at each kind of employment; and the scale of wages paid to each class of employment, showing the minimum and maximum wage paid, and the aggregate amount of wages paid to all employees, which information shall be furnished on a blank or blanks to be prepared by the commission; and it shall be the duty of the commission to furnish such blanks and other blanks required by this act to employers free of charge, upon request therefor. Every employer shall cause said blanks to be properly filled out so as to answer fully and correctly all questions therein propounded and to give all the information therein sought, or if unable to do so, he shall give to the commission in writing good and sufficient reason for such failure. The commission may require the information herein required to be furnished to be certified under oath and returned to the commission within the period fixed by it or by law. The commission, or any member thereof, or any person employed by the commission for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer is required by this act to furnish to the commission. Any employer who shall refuse to furnish to the commission the annual statement herein required, or who shall refuse

to furnish such other information as may be required by the commission under authority of this section, or who shall wilfully furnish a false or untrue statement, shall be liable to a penalty of not to exceed $500 for such offense, to be collected in a civil action brought against said employer in the name of the State; all such penalties, when collected, shall be paid to the compensation fund hereinafter provided for.

Section 30. State Compensation Fund.—There is hereby created a fund, to be known as the state compensation fund, for the purpose of insuring employers against liability for compensation under this act, and of assuring to the persons entitled thereto the compensation provided by this act. Such fund shall consist of all premiums and penalties received and paid into the fund, or property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon money belonging to the fund and deposited or invested as herein provided. Such fund shall be administered by the commission without liability on the part of the state beyond the amount of such fund. Such fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of compensation and of expenses in the manner provided in this act.

Section 31. Administration of Fund.—It shall be the duty of the commission to conduct the business of the state compensation fund, and it is hereby vested with full authority over the said fund, and may do any and all things which are necessary or convenient in the administration thereof, or in connection with the compensation business to be carried on by it under the provisions of this act.

Section 32. Classification of Employments.—Employments affected by the provisions of this act shall be divided by the commission, for the purpose of the said fund, into classes. Separate accounts shall be kept of the amounts collected and expended in respect to each class for convenience in determining equitable rates; but for the purpose of paying compensation the state compensation fund shall be deemed one and indivisible. The commission shall have power to rearrange any of the classes by withdrawing any employment embraced in it and transferring it wholly or in part to any other class. The commission shall determine the hazards of the different classes, and fix the rates of premium therefor, based upon the total payrol and number of employees in each of such classes of employment, at the lowest possible rate consistent with the maintenance of a solvent state compensation fund and the creation of a surplus and reserve; and for such purpose may adopt a system of schedule rating in

such a manner as to take account of the peculiar hazard of such individual risk. In that the intent is that the state compensation fund and the accident benefit fund hereinafter provided for shall ultimately be neither more nor less than self-supporting, the actual loss experience of the several classes of those funds shall be ascertained as soon as practical after the first day of July, 1921, for the first year's operation of the fund, and annually thereafter within six months after the close of each fiscal year, and should it then be shown that there exists an excess of assets over liabilities, such liabilities to include the necessary reserves and the sum of $100,000 for the catastrophe hazard, then the commission shall either allow a credit to the account of or declare a cash dividend to each individual member of any class which is shown to have made contributions in excess of liabilities properly chargeable to such class, the amount of the credit so allowed or cash dividend declared to be proportionate to the amount of money said individual member of such class has paid or contributed to said fund; provided, that before the commission shall allow any credit or shall declare any cash dividend to any individual member of any class, as set out above, the commission shall set aside as a reserve such amounts as shall reimburse the general fund of the State to the amount of the appropriation of $100,000 as hereinafter made and within the time prescribed by Section 99 hereof.

Section 33. Commission May Sue and Be Sued.—The commission may, in its official name, sue and be sued in all the courts of the state, in all actions or proceedings arising out of anything done or suffered in connection with the state compensation fund or business relating thereto. Service of summons on any member of the commission or the secretary thereof shall be deemed service on the commission.

Section 34. Contracts as to Insurance.—The commission may, in its official name, make contracts of insurance as herein provided, and such other contracts relating to the state compensation fund as are authorized or permitted under the provisions of this act. Such contracts of insurance may include and cover the entire underlying liability of employers insured in the state compensation fund so that such employers may be fully protected, not only for all compensation claims, but for all liability claims whatsoever by employees or the dependents or heirs of killed employees, including the cost of defense in the event of suit.

Section 35. Policy of Insurance. Payment of Premiums.—1. Every employer insuring in the state compensation fund shall

receive from the commission a contract or policy of insurance in a form to be approved by the state commission. 2. Except as otherwise provided in this act, all premiums shall be paid by every employer who elects to insure with the state compensation fund to the commission on or before July 1st, 1921, and semi-annually thereafter, or at such other times as may be prescribed by the commission. Receipts shall be given for such payments and the money shall be paid over to the state treasurer to the credit of the state compensation fund.

Section 36. Withdrawal from Fund.—Any employer may, upon complying with subs. 2 or 3 of section 48 withdraw from the fund by turning in his insurance contract or policy for cancellation; provided, he is not in arrears for premiums due to the fund and has given to the commission written notice of his intention to withdraw before the expiration of period for which he has elected to insure in said fund.

Section 37. Reinsurance.—The commission may reinsure any risk, or any part thereof, and may enter into agreements of reinsurance in the same way and to the same extent as other reinsurance carriers.

Section 38. Requirements in Fixing Rates.—The commission shall observe the following requirements in classifying and fixing the rates of premiums for the risks of same: 1. It shall keep an accurate account of the money paid in premiums by each of the several classes of occupations or industries, and the expenses of administering the state compensation fund, and the disbursements on account of injuries and death of employees in each of said classes, including the setting up of reserves adequate to meet anticipated and unexpected losses, and to carry the claims to maturity; and it shall also keep an account of the money received from each individual employer, and the amount disbursed from the state compensation fund for expense and on account of injuries and death of the employees of such employer, including the reserves so set up. 2. Ten per cent of the money paid into the state compensation fund shall be set aside for the creation of a surplus until such fund shall amount to the sum of $100,000, and thereafter 5 per cent. of all the money paid into the state compensation fund shall be credited to such surplus fund, until, in the judgment of the commission, such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses. The commission shall also set up and maintain a reserve adequate to meet the anticipated losses and carry all claims and policies to maturity. The amount of such surplus and reserve shall be subject to the

approval of the commission. 3 At the end of every year, and at such other times as the commission in its discretion may determine, a readjustment of the rate shall be made for each of the several classes of employments or industries. If at any time there is an aggregate balance remaining to the credit of any class of employment or industry, which the commission deems may safely and properly be divided, it may, in its discretion, credit to each individual member of such class who shall have been a subscriber to the state compensation fund for a period of six months or more prior to the time of such readjustment, such proportion of such balance as he is properly entitled to, having regard to his prior paid premiums since the last readjustment of rates. 4. Should any such accounting show a balance remaining to the credit of any class of occupation or industry, after the above mentioned amounts have been credited to the surplus and reserve fund, and after the payment of expense of administering said fund and the payment awards for all injuries or deaths lawfully chargeable against the same, the premium rate for such class shall be reduced; and each individual of such class who has been a subscriber to the state compensation fund for a period of six months or longer prior to the time of such readjustment, and whose premium or premiums so paid to the fund exceeds the amount of the disbursements from the fund on account of injuries or deaths of his employees during such period, shall be entitled to a credit on the installment or installments of premium next due from him, the amount of which credit shall be such proportion of said balance as the amount of his prior paid premiums sustains to the whole amount of said premiums paid by the class to which he belongs since the last readjustment of rates. The foregoing Section shall be construed with and as supplementary to the provisions of Section 32 hereof.

Section 39. Rules and Regulations as to Insurance Fund. Wage Expenditures.—The commission shall adopt rules and regulations with respect to the collection, maintenance and disbursement of the state compensation fund, one of which shall provide that, in the event the amount of premiums collected from any employer at the beginning of any period of six months is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, an adjustment of the amount of said premium shall be made at the end of such period, and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period; and, in the event such wage expenditure for said period is less than the amount on which such estimated premiums was collected,

when such employer shall be entitled to receive a refund from the state compensation fund of the difference between the amount so paid by him and the amount so found to be actually due, or have the amount of such difference credited on succeeding payments at his option, and should such actual premium, when ascertained as aforesaid, exceed in amount the premium so paid by such employer at the beginning of such period, such employer shall, upon being advised of the true amount of such premium due, forthwith pay to the state treasurer an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of said six months' period.

Section 40. State Treasurer to be Custodian of Fund.—The State Treasurer shall be the custodian of the state compensation fund, and all disbursements therefrom shall be paid by him upon vouchers authorized by the industrial commission of Arizona and signed by a member of the commission and the secretary thereof.

Section 41. Manner of Deposit. Interest.—The state treasurer shall, with the consent of the commission, deposit any portion of the fund not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer; provided, that the best interest obtainable shall be collected upon such deposits, and all interest earned by such portion of the state compensation fund as may be deposited by the state treasurer in pursuance to the authority herein given shall be collected by him and placed to the credit of such fund.

Section 42 Surplus May Be Invested —The commission shall have power to invest any of the surplus or reserve belonging to the state compensation fund in bonds of the United States or federal land banks, of the State of Arizona, or of any county, city, town or school district of the State of Arizona, at current market prices for such bonds; provided, that such purchase or investment be authorized by a resolution adopted by the commission; and it shall be the duty of the boards or officers of the several taxing districts of the state, in the issuance and sale of bonds of their respective taxing districts, to offer in writing to the commission, prior to advertising the same for sale, all such issues of the taxing districts so issuing such bonds; and said commission shall, within ten days after the receipt of such written offer, either accept the same and purchase such bonds or any portion thereof at par, and accrued interest, or reject such offer in writing; and all such bonds so purchased forthwith shall be

placed in the hands of the state treasurer, who is hereby designated as custodian thereof, and it shall be his duty to collect the interest thereon as the same becomes due and payable, and also the principal thereof, and to pay the same, when so collected, into the state compensation fund. The state treasurer shall honor and pay all vouchers drawn on the state compensation fund for the purchase of such bonds when signed by any two members of the commission upon delivery of said bonds to him when there is attached to such voucher a certified copy of such resolution of the commission authorizing the purchase of such bonds; and the commission may sell any of said bonds upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of said bonds by the treasurer.

Section 43. Separate Bond by Treasurer.—The state treasurer shall give a separate and additional corporate surety bond in such amount as may be fixed by the governor, conditioned upon the faithful performance of his duties as custodian of the state compensation fund.

Section 44. Employers Subject to This Act.—The following shall constitute employers subject to the provisions of this act:

(1) The state, and each county, city, town, municipal corporation, and school district therein.

(2) Every person, firm and private corporation, including every public utility, that has in service three or more workmen or operatives regularly employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written, except agricultural workers not employed in the use of machinery, and domestic servants; provided, that employers who have in service agricultural workers as designated and domestic servants shall have the right to come under the terms of this act by complying with the provisions thereof and all rules and regulations of the commission.

The term "regularly," as herein used, shall include all employments, whether continuous throughout the year or for only a portion of the year. It means all employments in the usual course of the trade, business, profession or occupation of an employer.

Where any employer procures any work to be done wholly or in part for him by a contractor over whose work he retains supervision or control, and the work so procured to be done is a part or process in the trade or business of said employer, then such contractor and all persons employed by him, and all subcontrac-

tors under him, and all persons employed by any such subcontractors, shall be deemed, within the meaning of this section, employees of such original employer. Any person, firm or corporation engaged in the performance of work as an independent contractor, shall be deemed an employer within the meaning of this section. The words "independent contractor," as herein used, is defined to be any person, association or corporation engaged in the performance of any work for another, and while so engaged, is independent of the employer in all that pertains to the execution of the work, is not subject to the rule or control of the employer, is engaged only in the performance of a definite job or piece of work, and is subordinate to the employer only in effecting a result in accordance with the employer's design.

Section 45. Employee, Workman, and Operative.—The terms "employee," "workman," and "operative," as used in this act, shall be construed to mean:

(1) Every person in the service of the state, and of every county, city, town, municipal corporation, or school district, including regular members of lawfully constituted police and fire departments of cities and towns, under any appointment or contract of hire, express or implied, oral or written, except any elective official of the state, or of any county, city, town, municipal corporation, or school district therein, or other official receiving more than $2,400.00 per year salary.

(2) Every person, except agricultural laborers as designated and domestic servants in the service of any employer, as defined in subdivision 2 of section 44, who employs three or more workmen or operatives regularly in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written, including aliens, and also including minors who are legally or illegally permitted to work for hire under the laws of the state, but not including any person whose employment is but casual and is not in the usual course of trade, business or occupation of his employer.

All lessees in mines or of mining property, and the employees and contractors of all such lessees who are engaged in the performance of work which is a part of process in the business that is being actually conducted by the lessor, and over whose work the lessor retains supervision or control, shall be deemed, within the meaning of this section, employees of such lessor, drawing such wages as are paid employees for similar work; provided, that the lessor may deduct from the proceeds of ores mined by the lessees the premium required to be paid.

Section 46. Construction of Terms.—The following terms as used in this act shall be construed as follows:

(1) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

(2) The term "general order" shall mean and include such order as applies generally throughout the state to all persons under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(3) The words "personal injury by accident arising out of or in the course of employment" shall include an injury caused by the willful act of a third person directed against an employee because of his employment.

These shall not include a disease except as it shall result from the injury.

(4) The term "compensation" shall mean the compensation and benefits provided for in this act.

(5) The term "award" shall mean the finding or decision of the commission as to the amount of compensation or benefit due any injured or the dependents of any deceased employee.

(6) The term "hazardous employment" as used in this act shall be construed to mean and shall include the following:

(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, plants, 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 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, subways 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.

Section 47. Payments of Compensation.—Every employee mentioned in section 45 who is injured and the dependents of every such employee who is killed by accident arising out of, or in the course of his employment, wheresoever such injury has occurred, provided the same was not purposely self-inflicted, shall be entitled to receive, and shall be paid such compensation for loss sustained on account of such injury or death, and such medical, nurse and hospital services and medicines, and such amount of funeral expenses, in case of death, as are herein provided.

Section 48. Securement of Compensation. Insurance Associations Subject to Rules.—Employers, but not including the state or its legal subdivisions, shall secure compensation to their employees in one of the following ways:

(1) By insuring and keeping insured the payment of such compensation with the state compensation fund.

(2) By insuring and keeping insured the payment of such compensation, with any stock corporation or mutual association authorized to transact the business of workmen's compensation insurance in the state; provided, that any such stock corporation or mutual association must write and carry all risks or insurance for which application may be made to it, which are not prohibited by other laws of Arizona, and any carrier assuming a risk shall carry it to the conclusion of the policy period unless cancellation is agreed to by the industrial commission and the employer; and

provided, that any policy written shall be subject to cancellation at any time by the commission.

(3) By furnishing to the commission satisfactory proof of financial ability to pay direct the compensation in the amount and manner and when due as provided for in this act. In the latter case the commission may, in its discretion, require the deposit of acceptable security, indemnity, or bond to secure the payment of compensation liabilities, as they are incurred.

(4) In the event that the employer, who shall, under orders of the commission, elect to pay direct the compensation to employees, as provided in this act, shall not fully comply with the provisions hereof relating to the payment of compensation, then the claim of the injured employee, or in the event of his death, that of his legal successors entitled, shall be deemed to be assigned to the commission for the benefit of the state compensation fund, and the commission shall pay to said injured employee, or in the event of his death, to his legal successors entitled, such benefits or amounts as may be due under the provisions of this act, and the commission shall then have a cause of action against said employer for the amount so paid, to be recovered by said commission, together with all costs and necessary expenses incident to said recovery, including a reasonable attorney's fee to be fixed by the court having jurisdiction, and in the event that a bond of such employer is on file with the commission, such recovery shall be made upon such bond, and the commission, in the event of the necessity of such suit, may, within its discretion, revoke the authority of said employer to pay compensation direct.

(5) All stock corporations or mutual associations transacting the business of workmen's compensation insurance in this state under the terms of subdivision (2) of this section shall be subject to the rules and regulations of the commission, including rates to be charged and methods of compensation to be used and only such corporations or mutual associations shall be permitted to transact in this state the business of workmen's compensation insurance as shall be possessed of a paid-up capital stock of $500,000 and surplus of $100,000, or an aggregate capital and surplus of $600,000 in the case of stock corporations, and in the case of mutual associations of net assets over and above all liability of $600,000, and in both cases their liability shall include a reinsurance reserve which shall equal 65 per cent. of the gross annual premiums or deposits received by such corporation or association on account of workmen's compensation insurance, and 50 per cent. of the gross annual premiums on all other lines

of insurance and a pro rata amount of gross premiums collected for more than one year. Provided, further, that a satisfactory bond to be approved by the Arizona Corporation Commission executed by a surety company authorized to do business in this state shall be filed with the Arizona Corporation Commission for an amount equal to 76 per cent. of the 65 per cent. of the gross annual premiums or deposits received by such corporations or associations on account of workmen's compensation insurance collected by it in the State of Arizona, or in lieu thereof such corporations or mutual associations may make a deposit of a similar amount in approved securities, said bond or securities to be held by the said Corporation Commission as security for the fulfillment of its obligations in the State of Arizona. The provisions of this Act respecting stock corporations and mutual associations transacting business of workmen's compensation insurance shall not apply to such corporations or associations not transacting workmen's compensation insurance in this state under the provisions of this Act.

Section 49. Notice to Be Filed.—If the insurance so effected is not with the state compensation fund, the employer shall forthwith file with the commission in form prescribed by it notice of his insurance, together with a copy of the contract or policy of insurance.

Section 50. Policy to Cover Entire Liability.—Every policy of insurance covering the liability of the employer for compensation, whether issued by the commission or by a stock company, or by a mutual association authorized to transact workmen's compensation insurance in this state, shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the Arizona Industrial Commission or the State of Arizona for the benefit of the state compensation fund, to enforce in their own names, either by, at any time, filing a separate claim or by, at any time, making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation; provided, however, that payment in whole or in part of such compensation, by either the employer or the insurance carrier, shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

Section 51. Notice as to Injury. Jurisdiction and effect of Award.—Every such policy and contract shall contain a provision that as between the employee and the insurance carrier the notice to or knowledge of the occurrence of the injury on the part of

the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this Act, be jurisdiction of the insurance carrier, and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions and awards rendered against the employer for the payment of compensation under the provisions of this Act.

Section 52. Insolvency of Employer Not to Relieve Insurance Carrier.—Every such policy and contract shall contain a provision to the effect that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the insurance carrier from the payment of compensation for injuries or death sustained by an employee during the life of such policy or contract. In the event that the employer or the carrier of insurance shall not fully comply with the provisions of this Act relating to the payment of insurance and the lawful orders of the commission, then the claim of the injured employee, or in the event of his death, that of his legal successors entitled, shall be deemed to be assigned to the Arizona Industrial Commission for the benefit of the State compensation fund, and the Arizona Industrial Commission shall pay to the said injured employee, or in the event of his death to his legal successors entitled, such benefits or amounts as may be due under the provisions of this Act, and the Arizona Industrial Commission shall have a cause of action against said employer and against said insurance carrier for the amount so paid to be recovered, together with all costs and necessary expenses incident to said recovery, including a reasonable attorney's fee to be fixed by the court having jurisdiction, and such recovery shall be made upon bond of said insurance carrier filed under the provisions of this Act. In the event that recovery is had against any insurance carrier for failure to pay claims as provided for in this Act, the Arizona Industrial Commission may certify such fact of such recovery to the Arizona Corporation Commission and the permit of said insurance carrier to write further business in this state of any kind whatsoever shall be revoked by said Arizona Corporation Commission.

Section 53. Insurance by County, City, Town, Municipal Corporation, or School District.—Each county, city, town, municipal corporation, or school district which is liable to its employees for compensation must insure in the state compensation fund.

Section 54. As soon as possible after the expiration of each quarter year beginning with the quarter expiring March 31,

1921, it shall be the duty of the State Auditor and the clerk of the board of supervisors of each county and the clerk of each municipal corporation and each town and city and school district, to furnish the commission with a true and accurate payroll of the state, county, municipal corporation, city and school district respectively in the state, showing the total amount paid to employees during each month of said quarter year, and a segregation of employment in accordance with the requirements of the commission; it shall thereupon be the duty of each of said clerks respectively, of each county, municipal corporation, city, town and school district, to make up and submit to the respective governing bodies thereof respectively, for approval, a claim for the amount of premiums due the commission for the benefit of the state compensation fund and such premiums shall be at once paid to the commission by the proper officer. The State Auditor is hereby authorized to draw his warrant for such premiums as may be due from the state in accordance with the terms hereof in favor of the treasurer for the benefit of the state compensation fund and the treasurer shall at once pay said warrant and apply the proceeds thereof to the credit of said state compensation fund. Any official who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00).

Section 55. Employees covered by State Fund to be Compensated.—Every employee covered by insurance in the state compensation fund, who is injured, by accident arising out of or in the course of employment, and the dependents of such as are killed, provided, the same are not purposely self-inflicted, on or after May 31, 1921, shall be paid such compensation out of the state compensation fund for loss sustained on account of such injury or costs as is provided in this Act, and shall be entitled to receive such medical, nurse and hospital services and medicines, and such amount of funeral expenses in case of death, as are provided by this Act.

Section 56. Payments Into State Fund Regulated by Class and Rates.—Except as hereinafter provided, every employer (except the state) who shall have insured in the state compensation fund, shall in the month of April, 1921, and semi-annually thereafter, pay into the state compensation fund the amount of premium determined and fixed by the commission for the employment or occupation of such employer, to be determined by the classifications, rules and rates made and published by the commission; and such employer shall semi-annually thereafter

pay such further sum of money into the state compensation fund as may be ascertained to be due from him by applying the rules of the commission, and a receipt or certificate certifying that such payment has been made shall immediately be mailed to such employer by the commission, which receipt or certificate, attested by the seal of the commission, shall be prima facie evidence of the payment of such premium. In the event any employer shall fail to pay to the state compensation fund or to any insurance company, authorized to do business in this state, the premium, when the same shall become due, and suit shall be instituted to recover such premium, the prevailing party shall be entitled to a reasonable attorney's fee to be fixed by the court.

Section 57 (a). Accident Benefits.—Every injured employee within the provisions of this Act shall be entitled to receive, and shall receive promptly, such medical, surgical and hospital or other treatment, nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may be reasonably required at the time of the injury and within ninety days thereafter, which may be extended to one year by the Arizona Industrial Commission. The benefits conferred by this Section upon the injured employee shall hereinafter be termed "Accident Benefits."

(b) For the purpose of providing a fund to take care of said accident benefits as in this Act provided, the Arizona Industrial Commission is authorized and directed to collect a premium upon the total payroll of every employer, inclduing the state and its legal subdivisions, except as hereinafter provided, in such a percentage as the commission shall by order fix; every employer paying such premium shall be relieved from furnishing accident benefits, and the same shall be provided by the Arizona Industrial Commission. Every employer paying such premium for accident benefits may collect one-half thereof, not to exceed one dollar per month, from each employee, and may deduct the same from the wages of such employee.

The Arizona Industrial Commission shall have the authority to adopt such reasonable rules and regulations as may be necessary to carry out the provisions of this subdivision of this section. All fees and charges for such accident benefits shall be subject to regulation by the commission, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living.

The state compensation fund provided for in this Act shall not be liable for any accident benefits provided by this section,

but the fund provided for accident benefits shall be a separate and distinct fund, and shall be so kept.

(c) It shall be the duty of every employer operating under the provisions of this Act, immediately upon the occurrence of any injury to any of his employees, to render to such employee all necessary first aid, including cost of transportation of the injured employee from the place of injury to the nearest place of proper treatment where the injury is such as to make it reasonably necessary for such transportation; such employer shall forthwith notify the commission of such accident, giving the name of the injured employee, the nature of the accident, and where and by whom the injured employee is being treated, and the date of the accident Every employer paying accident benefit premiums to the Arizona Industrial Commission furnishing first aid shall be entitled to receive from the commission the amount of such expenditure reasonably made.

(d) Every employer, except the state and its legal subdivisions, operating under this Act, alone or together with other employers may, in lieu of making premium payments to the accident benefit fund, make arrangements for the purpose of providing accident benefits as defined in this Act for injured employees and such employer may collect one-half of the cost of such accident benefits from their collective employees, not to exceed one dollar per month from any one employee, and may deduct the same from the wages of each employee. Employers electing to make such arrangements for providing accident benefits shall notify the Arizona Industrial Commission of such election and render a detailed statement of the arrangements made. Every employer who maintains a hospital of any kind for his employees, or who contracts with a physician for the hospital care of injured employees, shall, on or before the thirtieth day of January of each year, make a written report to the Arizona Industrial Commission for the preceding year, which report shall contain a statement showing: (1) Total amount of hospital fees collected, showing separately the amount contributed by the employees and the amount contributed by the employers; (2) an itemized account of the expenditures, investments, or other disposition of such fees, and (3) a statement showing what balance, if any, remains. Such reports shall be verified by the employer, if an individual, by a member, if a partnership, by the secretary, president, general manager or other executive officer, if a corporation; by a physician, if contracted to a physician.

Every employer who fails to so notify said Arizona Industria

Commission of such election and arrangement, or who fails to render the financial report required herein, shall be liable for accident benefits as heretofore provided by subdivision (b) of this section.

(e) If it be shown or the commission finds that the employer is furnishing the requirements of medical, surgical, or hospital aid or treatment provided for in this Act in such a manner that there are reasonable grounds for believing that the health, life or recovery of the employee is being endangered or impaired thereby, the commission may, upon application of the employee or upon its own motion, order a change in the physician or other requirements, and if the employer fails to promptly comply with such order, the injured employee may elect to have such medical, surgical or hospital aid or treatment provided by or through the Arizona Industrial Commission, in which event the cause of action of said injured employee against the employer or hospital association shall be assigned to the Arizona Industrial Commission for the benefit of the accident benefit fund, and the Arizona Industrial Commission shall furnish to said injured employee the medical, surgical, or hospital aid or treatment provided for in this Act.

(f) The State of Arizona and its legal subdivisions, which for the purpose of this Act, are all counties, cities, towns, municipal corporations and school districts, shall pay to the Arizona Industrial Commission for the benefit of the accident benefit fund, such premiums as are authorized to be collected by the provisions of this section, and the respective officers of such state, and each respective legal subdivision as are charged with the duty of paying premiums or rates for the benefit of the state compensation fund, shall be charged with the duty of paying the premiums or rates for the benefit of the accident benefit fund, and the same penalties as are provided for disobedience of the provisions of this Act with respect to the payment of premiums to the state compensation fund, shall apply to all negligence or omission of such officers to pay such amounts due for the use of the accident benefit fund as provided for in this section.

(g) The commission shall conduct the business of the administration of the accident benefit fund with the same power as is herein provided for the administration of the state compensation fund. The state Treasurer is hereby made the custodian of all funds within the accident benefit fund and all disbursements therefrom shall be paid by him in the same manner as is provided for disbursements from the state compensation fund; provided,

that until further provided for by law, said fund shall remain in the custody of said State Treasurer unless used for the purpose of said fund and shall not be invested in any manner whatsoever. The State Treasurer may deposit any portion of said accident benefit fund not needed for immediate use in the same manner and subject to all the restrictions as are herein provided for the deposit of surplus funds of the state compensation fund.

Section 58. Tax on Employers Not Insuring in Said Fund.—Employers who do not insure either in the state compensation fund or with any stock corporation or mutual association shall pay a tax of the same per cent, as required by law to be paid by insurance companies upon their premiums, based upon an amount equivalent to premiums which would be paid by such employer if insured in the state compensation fund; said tax to be computed and collected by the state commission and paid into the state compensation fund.

Section 59. Compensation to Workmen Hired or Injured in or Out of State.—If a workman who has been hired in this state receives personal injury by accident arising out of and in the course of such employment, he shall be entitled to compensation according to the law of this state as provided for in this Act, even though such injury was received outside of this state. If a workman who has been hired outside of this state is injured while engaged in his employer's business, and is entitled to compensation for such injury under the law of the state where he was hired, he shall be entitled to enforce against his employer his rights in this state if his rights are such that they can reasonably be determined and dealt with by the commission and the courts in this state.

Section 60. Employers who comply with the provisions of Section 48 shall not be liable to respond in damages at common law or by statute, except as hereinafter provided, for injury or death of any employee wherever occurring, provided, however, that it shall be optional with employees engaged in occupations now declared by Section 46 hereof to be hazardous, to accept compensation as provided for herein or to reject the provisions hereof and retain the right to sue said employer as provided by law. Such election to reject the terms of this act shall be made by a notice in writing, which shall be given by an employee to his employer, in duplicate, in substantially the following language and form:

EMPLOYEE'S NOTICE TO REJECT TERMS OF THIS ACT

To (name of employer):

You are hereby notified that the undersigned elects to reject

the terms, conditions and provisions of an act for the payment of compensation, as provided by the Industrial Commission Act of the State of Arizona, and acts amendatory thereto.

Signed.....

Dated.....

Which notice must be filed with the employer prior to injuries sustained by such employee, and thereafter, and within five days, the employer must file with the commission the duplicate of such notice so served by such employee.

All employees in hazardous occupations as defined herein shall be conclusively presumed to have elected to take compensation in accordance with the terms, conditions and provisions of this Act, unless said notice in writing shall have been served by the said employee upon his employer prior to injury, as hereinbefore provided.

Every employer of employees engaged in hazardous occupations as designated herein shall post and keep posted in a conspicuous place upon his premises, in all languages spoken by employees and available for inspection by all workmen, a notice in substantially the following form:

"All employees are hereby notified that in the event they do not specifically reject the provisions of the Arizona Industrial Commission Act they are deemed by the laws of Arizona to have accepted the provisions of such Act, and to have elected to accept compensation under the terms of said Act, and that under the terms of said Act employees shall have the right to reject the same by written notice thereof prior to any injury sustained, and that blanks and forms for such notice are available to all employees at the office of this company."

In the event that any employer of labor in employments designated herein as hazardous, shall fail to post and keep posted said notice in accordance with the requirements hereof, or shall fail to keep on hand and available at the place where laborers are hired, the blank forms of notice herein provided for to be signed by workmen, no employee who shall thereafter engage in employment for such employer, during the time that such notices shall not be posted or during the time that such blanks are not available, shall be deemed to have accepted the provisions of this Act, and it shall be optional for such employee, if injured during said period when blanks were not available or such notice was not posted, to accept compensation hereunder or maintain other action against the employer under the laws of this State.

Section 61. In the event that it shall be held by the supreme court of this state that the provision of the foregoing section limiting the amount of compensation in cases of death to the awards specified in this Act shall be invalid or unconstitutional, then and in such case in any action for death, the employer sued may plead such defenses as are now provided for by the laws of this state. If a judgment is recovered in any such action, the commission shall determine the amount to which the plaintiff would be entitled by accepting the provisions of this Act, and the same shall be paid by the state compensation fund or other insurance carrier or employer insuring such risk toward the satisfaction of such judgment. Any deficiency shall be paid by the employer against whom the judgment is recovered. In all such cases before action is brought, all heirs and dependents of deceased employees who are sui juris may waive any such right of action by accepting the benefits of this Act. Minor heirs and dependents who are not sui juris may, through their legal representative and by order of the superior court in proper probate proceedings, accept the compensation herein provided in full satisfaction of any right of action on their part against any employer for damages on account of death of a deceased employee. The bringing of any action for death of a deceased employee shall constitute a waiver by the plaintiff in such action of any right to compensation under this Act.

Section 62. Notice of Authorization to be Posted by Employers Electing to Pay Direct Compensation.—Each employer providing insurance or electing directly to pay compensation to his injured or the dependents of his killed employees as herein provided, other than the employers mentioned in subdivision 1 of section 44, shall post in conspicuous places about his place of business typewritten or printed notices stating the fact that he has complied with the provisions of this Act and of all of the rules and regulations of the commission made in pursuance thereof, and has been authorized by the commission directly to compensate such employees or dependents, and the same, when so posted, shall constitute sufficient notice of his employees of the fact that he has complied with the law as to securing compensation to his employees and their dependents.

Section 63. Employers Not Entitled to Benefits During period of Non-compliance. Certain Defense Unavailable.—Employers who shall fail to comply with the provisions of Section 48 shall not be entitled to the benefits of this Act during the period of non-compliance, but shall be liable to their employees or the dependents of their employees in case of death or damage suffered by reason of personal injuries arising out of and in the

course of employment caused by the wrongful act, neglect, or default of the employer or any of the employer's officers, agents, or employees, and also to the personal representatives of such employees where death results from such injuries. And in such action, the defendant shall not avail himself or herself of either of the following defenses: The defense of assumption of risk, or the defense of contributory negligence. And in all such cases proof of the injury shall constitute prima facie evidence of negligence on the part of the employer and the burden shall be upon the employer to show freedom from negligence resulting in such injury. And such employers shall also be subject to the provision of the two sections next succeeding.

Section 64. Rights of Employee When Employer Fails to Comply with this Act. Prosecution or Compromise of Suit.—Any employee whose employer has failed to comply with the provisions of Section 48 hereof, who has been injured by accident arising out of or in the course of his employment, wheresoever such injury has occurred, and which was not purposely self-inflicted, or his dependents in case death has ensued, may, in lieu of proceeding against his employer by civil action in the courts, as provided in the last preceding section, file his application with the commission for compensation in accordance with the terms of this Act, and the commission shall hear and determine such application for compensation in like manner as in other claims before the commission; and the amount of compensation which said commission may ascertain and determine to be due to such injured employee, or his dependents in case death has ensued, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the commission. An abstract of any award may be filed in the office of the clerk of the superior court in any county in the state and must be docketed in the judgment docket of the superior court thereof. The time of the receipt of the abstract must be noted by him thereon and entered in the docket. The award when so filed and docketed is a lien upon the real property of the employer situated in the county for a period of eight years from the date of the award unless previously satisfied. Execution may be issued thereon within the same time and in the same manner and with like effect as if said award were a judgment of the superior court. The commission shall adopt and publish rules and regulations governing the procedure before the commission provided in this section, and shall prescribe forms of notices and the modes and manner of serving the same in all claims for compensation arising under this section.

Section 65. Procedure in Case of Default by Employers. Action by Attorney General.—If any employer shall default in any payment required to be made by him to the state compensation fund, or the accident benefit fund, the amount due from him with interest thereon at the rate of 12 per cent. per annum shall be collected by civil action against him in the name of the commission as plaintiff; and it shall be the duty of the commission on the first Monday in each month to certify to the attorney general of the state the names and residences of all employers known to the commission to be in default for such payments for a longer period than five days, and the amount due from each such employer, and it shall then be the duty of the attorney general forthwith to bring or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due, and the same when so collected shall be paid into the state compensation fund, or accident benefit fund, and each employer's compliance with the provisions of this Act requiring payments to be made to the state compensation fund shall date from the time of the payment of said money so collected as aforesaid to the state treasurer for credit to the respective fund.

Section 66. Right to Recover Under This Act Exclusive Remedy. Exceptions.—The right to recover compensation pursuant to the provisions of this Act for injuries sustained by an employee shall be the exclusive remedy against the employer, except as provided in sections 60 and 61 of this Act, and except where the injury is caused by the employer's willful misconduct and such act causing such injury is the personal act of the employer himself, or if the employer be a partnership, on the part of one of the partners, or if a corporation, on the part of an elective officer or officers thereof, and such act indicates a willful disregard of the life, limb, or bodily safety of employees, such injured employee may, at his option, either claim compensation under this Act or maintain an action at law for damages. The term "willful misconduct" as employed in this section shall be construed to mean an act done knowingly and purposely with the direct object of injuring another.

Section 67. Election as to Remedy. Assignment of Cause. Compromise.—If an employee entitled to compensation under this Act is injured or killed by the negligence or wrong of another not in the same employ, such injured employee, or in case of death, his dependents, shall, before any suit or claim under this Act, elect whether to take compensation under this title or to pursue his remedy against such other. Such election shall be evidence in such manner as the commission may by rule or

regulation prescribe. If he elect to take compensation under this Act, the cause of action against such other shall be assigned to the state for the benefit of the state compensation fund, if compensation be payable therefrom, and otherwise to the person or association or corporation liable for the payment of such compensation, and if he elect to proceed against such other, the state compensation fund, person, or association, or corporation, as the case may be, shall contribute only the deficiency, if any, between the amount of the recovery against such other person actually collected and the compensation provided or estimated by this Act for such case. Such a cause of action assigned to the state may be prosecuted or compromised by the commission. Compromise of any such cause of action by the employee or his dependents at an amount less than the compensation provided for by this Act shall be made only with the written approval of the commission, if the deficiency of compensation would be payable from the state compensation fund, and otherwise with the written approval of the person, association, or corporation liable to pay the same.

Section 68. Waiver of Right to Exercise Option.—Every employee, or his legal representative in case death results, who makes application for an award, or with the consent of the commission accepts compensation from an employer, waives any right to exercise any option to institute proceedings in any court. Every employee or his legal representative in case death results, who exercises any option to institute proceedings in court, as provided in this Act, waives any right to any award or direct payment of compensation from his employer.

Section 69. Judgments Have Same Preference as Taxes.—All judgments obtained in any action prosecuted by the commission or by the state under the authority of this Act shall have the same preference against the assets of the employer as claims for taxes now have.

Section 70. Compensation Exceptions.—No compensation shall be allowed for the first seven days after the injury is received, provided, however, that this shall not prevent disbursement from the accident benefit fund and shall not apply to the payment of funeral expenses.

Section 71. Every employee in the employ of an employer within the provisions of this Act, who shall be injured by accident arising out of and in the course of employment, or his dependents, as hereinafter defined, in case of his death, shall be entitled to receive the following compensation on the basis of average monthly wage at time of injury:

(A) DEATH BENEFITS

If the injury causes death, the compensation shall be known as a death benefit, and shall be payable in the amount and to and for the benefit of the persons following:

1. Burial expenses, not to exceed one hundred and fifty ($150.00) dollars, in addition to the compensation payable under this Act.

2. To the widow, if there is no child, thirty-five per centum of the average wage of the deceased. This compensation shall be paid until her death or remarriage, with two years' compensation in one sum upon remarriage.

3. To the widower, if there is no child, thirty-five per centum of the average wage of the deceased, if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or remarriage.

4. To the widow or widower, if there is a child or children, the compensation payable under subdivision (1) or subdivision (2), and in addition the additional amount of fifteen per centum of such wage for each child until the age of eighteen years. In case of the subsequent death of such surviving wife, or dependent husband, a single surviving child of the deceased employee shall have his compensation increased to twenty-five per centum of such wages; or in the event that there is more than one surviving child, twenty-five per centum should be paid for one child under eighteen, and fifteen per centum for each additional such child, to be divided among such children share and share alike, but not exceeding a total of sixty-six and two-thirds per cent. of the average wage: provided, that compensation on account of any such child ceases when it dies, marries or reaches the age of eighteen years, or if over eighteen years and incapable of self-support, becomes capable of self-support.

5. If there be a surviving child or children of the deceased under the age of eighteen years, but no surviving wife (or dependent husband), then for the support of each child until the age of eighteen years, the provisions of the foregoing subsection shall apply.

6. If there be no surviving wife (or dependent husband) or child under the age of eighteen years, there shall be paid to a parent, if wholly dependent for support upon the deceased employee at the time of his death, twenty-five per centum of the average monthly wage of the deceased during dependency, with an added allowance of fifteen per centum if two dependent

parents survive; to the brothers or sisters, under the age of eighteen years, if one is wholly dependent upon the deceased employee for support at the time of injury causing death, twenty-five per centum of the average monthly wage for the support of such brother or sister, until of the age of eighteen years. If more than one brother or sister is wholly dependent, thirty-five per centum of the average monthly wage at the time of injury causing death, divided among such dependents share and share alike. If there is no one of them wholly dependent, but one or more partly dependent, fifteen per centum divided among such dependents share and share alike.

7. In all other cases, questions of total or partial dependency shall be determined in accordance with the facts as the facts may be at the time of the injury. If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid shall be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the employee to such partial dependents bears to the average wage of deceased at the time of the injury resulting in his death. The duration of such compensation to partial dependents shall be fixed by the commission in accordance with the facts shown, but in no case exceed compensation for one hundred months.

8. Compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the commission may, from time to time, apportion such compensation between them in such way as it deems best for the interests of all beneficiaries.

If a dependent to whom a death benefit is to be paid is an alien not residing in the United States, the compensation shall be only sixty (60) per cent. of the amount or amounts above specified.

9. Any excess of wages of one hundred and thirty ($130.00) dollars a month shall not be taken into account in computing compensation for death benefits.

10. If there be no dependents, the employer or insurance carrier, or the state compensation fund, shall pay the burial expenses of the deceased, as provided herein, and shall pay into the state treasury the sum of $850.00. Such payments shall be held in a special fund for the purpose of enabling the commission to provide such additional awards as may be necessary to enable injured employees to accept the benefits of any Act that may be passed by the legislature of Arizona, or the Congress of the United

States, or both assemblies jointly, to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to safe employment.

11. In case of the death of any dependent specified in the foregoing enumeration before the expiration of the time named in the award, funeral expenses not to exceed one hundred and fifty ($150.00) dollars shall be paid.

(B) TOTAL DISABILITY.

1. Temporary total disability: For temporary total disability, if there be no one residing in the United States totally dependent upon the workman at the time of the injury, compensation of sixty-five (65) per cent. of the average monthly wage, but not more than eighty-four dollars and fifty cents ($84.50) nor less than thirty ($30.00) dollars per month, but not exceeding one hundred months, during the period of such disability, total amount not to exceed eight thousand four hundred and fifty ($8,450.00) dollars; if there be persons residing in the United States totally dependent for support upon the workman, compensation as provided herein with an additional allowance of ten ($10.00) dollars per month for such dependents during the period of such disability.

2. Permanent total disability: In cases of total disability adjudged to be permanent, compensation of sixty-five (65) per cent. of the average monthly wage, but not less than thirty ($30.00) per month nor more than eighty-four dollars and fifty cents ($84.50) per month during the life of the injured person.

In cases of the following specified injuries, in the absence of proof to the contrary, the disability caused thereby shall be deemed total and permanent:

1. The total and permanent loss of sight of both eyes.
2. The loss by separation of both legs at or above the knee.
3. The loss by separation of both arms at or above the elbow.
4. An injury to the spine resulting in permanent and complete paralysis of both legs or both arms, or one leg and one arm.
5. An injury to the skull resulting in incurable imbecility or insanity.
6. The loss by separation of one arm at or above the elbow, and one leg by separation at or above the knee may be deemed a permanent total disability.

The above enumeration is not taken as exclusive; and in all other cases permanent total disability shall be determined in accordance with the facts.

(C) PARTIAL DISABILITY.

1. Temporary partial disability: For temporary partial disability, sixty-five (65) per cent. of the difference between the wages earned before the injury and the wages which the injured person is able to earn thereafter, but not more than fifty ($50.00) dollars per month for a period not to exceed sixty (60) months during the period of said disability. For the purpose of this provision any excess of wages over one hundred and thirty ($130.00) dollars per month shall not be taken into account in computing compensation for temporary partial disability.

2. In case of any of the following specified injuries, the disability caused thereby shall be deemed a permanent partial disability, and compensation of fifty-five (55) per cent. of the average monthly wage, subject to a minimum of thirty ($30.00) dollars per month and a maximum of seventy-one dollars and fifty cents ($71.50) per month, shall be paid in addition to the compensation paid for temporary total disability for the period named in the following schedule:

(a) For the loss of a thumb, fifteen (15) months.

(b) For the loss of a first finger, commonly called the index finger, nine (9) months.

(c) For the loss of a second finger, seven (7) months.

(d) For the loss of the third finger, five (5) months.

(e) For the loss of the fourth finger, commonly called the little finger, four (4) months.

(f) The loss of a distal or second phalange of the thumb, or the distal or third phalange of the first, second, third or fourth finger, shall be considered a permanent partial disability, and equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount specified for the loss of the entire thumb or finger.

(g) The loss of more than one phalange of the thumb or finger shall be considered as the loss of the entire finger or thumb; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(h) For the loss of a great toe, seven (7) months.

(i) For the loss of one of the other toes other than the great toe, two and one-half (2½) months.

(j) However, the loss of the first phalange of any toe shall

be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

(k) The loss of more than one phalange shall be considered as the loss of the entire toe.

(l) For the loss of a major hand, fifty (50) months; the loss of a minor hand, forty (40) months.

(m) For the loss of a major arm, sixty (60) months; for the loss of a minor arm, fifty (50) months.

(n) For the loss of a foot, forty (40) months.

(o) For the loss of a leg, fifty (50) months.

(p) For the loss of an eye by enucleation, thirty (30) months.

(q) The permanent and complete loss of sight in one eye without enucleation, twenty-five (25) months.

(r) For permanent and complete loss of hearing in one ear, twenty (20) months.

(s) For permanent and complete loss of hearing in both ears, sixty (60) months.

(t) The permanent and complete loss of the use of a finger, toe, arm, hand, foot, or leg may be deemed the same as the loss of any such member by separation.

(u) For the partial loss of use of a finger, toe, arm, hand, foot, leg, or partial loss of sight or hearing, fifty (50) per cent. of the average monthly wage during that proportion of the number of months in the foregoing schedule provided for the complete loss of use of such member, or complete loss of sight or hearing, which the partial loss of use thereof bears to the total loss of use of such member or total loss of sight or hearing.

(v) Facial disfigurement: For permanent disfigurement about the head or face, which shall include injury to or loss of teeth, the commission may allow such sum for compensation thereof as it may deem just, in accordance with the proof submitted, for a period not to exceed eighteen (18) months.

(w) Where the injury causes partial disability for work, the employee shall receive, during such disability, compensation equal to fifty-five (55) per cent. of the difference between his average monthly wages before the accident and the monthly wages he is able to earn thereafter. In no case shall the payments continue after the disability ends, or death of the injured person, and in case the partial disability begins after a period

of total disability the period of total disability shall be deducted from such total period of compensation.

In determining the percentage of disability, consideration shall be given, among other things, to any previous disability, the occupation of the injured employee, the nature of the physical injury, and the age of the employee at the time of the injury.

(x) Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous disability, the percentage of disability for a subsequent injury shall be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

(y) The commission may adopt a schedule for rating permanent disabilities and reasonable and proper rules to carry out the provisions of this subsection.

No compensation shall be payable for the death or disability of an employee, if his death be caused by, or in so far as his disability may be aggravated, caused or continued by an unreasonable refusal or neglect to submit to or follow any competent and reasonable surgical treatment or medical aid.

(z) All hernias are considered to be injuries within the provisions of this Act causing incapacitating conditions, or permanent disability, and until otherwise ordered by the commission, the following rules for rating shall govern hernia cases:

Section 72. (a) Real traumatic hernia is an injury to the abdominal (belly) wall of sufficient severity to puncture or tear asunder said wall, and permit the exposure or protruding of the abdominal viscera or some part thereof. Such injury will be compensated as a temporary total disability, and as a partial permanent disability, depending upon the lessening of the injured individual's earning capacity.

(b) All other hernias, whenever occurring or discovered and whatsoever the cause, except as under (a), are considered to be diseases causing incapacitating conditions, or permanent partial disability; but the permanent, partial disability and the causes of such are considered to be as shown by medical facts to have either existed from birth; to have been years in formation, or both, and are not compensatory except as hereinafter provided.

(c) All cases coming under (b) in which it can be proven:

First, that the immediate cause, which calls attention to the

presence of the hernia, was a sudden effort or severe strain or blow received while in the course of employment;

Second, that the descent of the hernia occurred immediately following the cause;

Third, that the cause was accompanied, or immediately followed, by severe pain in the hernial region;

Fourth, that the above facts were of such severity that the same were noticed by the claimant and communicated immediately to one or more persons;

are considered to be aggravations of previous ailments or diseases, and will be compensated as such for time lost only to a limited extent, depending upon the nature of the proof submitted and the result of the local medical examination, but not to exceed two months.

Section 73. (a) The following persons shall be conclusively presumed to be totally dependent for support upon a deceased employee:

1. A wife upon a husband whom she has not voluntarily abandoned at the time of the injury;

2. A husband, mentally or physically incapacitated from wage earning, upon a wife whom he has not voluntarily abandoned at the time of the injury;

3. A natural, posthumous, or adopted child or children, whether legitimate or illegitimate, under the age of eighteen years, or over that age if physically or mentally incapacitated from wage earning, upon the parent with whom he or they are living at the time of the injury resulting in the death of such parent, there being no surviving parent. Step-parents may be regarded in this Act as parents, if the fact of dependency is shown, and a step-child or step-children may be regarded in this Act as a natural child or children, if the existence and fact of dependency is shown.

(b) Questions as to who constitute dependents and the extent of their dependency shall be determined as of the date of the accident or injury to the employee, and their right to any death benefit shall become fixed as of such time, irrespective of any subsequent change in conditions, and the death benefits shall be directly recoverable by and payable to the dependent or dependents entitled thereto, or to their legal guardians or trustees.

Section 74. No compensation, except accident benefits, shall be paid under this Act for an injury which does not incapacitate

the employee for a period of at least seven days from earning full wages, but if the incapacity extends beyond the period of seven days, compensation shall begin on the eighth day after the injury; provided, however, that if such disability continues for one week beyond the period of said seven days, such compensation shall be computed from the date of the injury.

Section 75. Compensation payable under this Act, whether determined or due, or not, shall not, prior to the issuance and delivery of the warrant therefor, be assignable; shall be exempt from attachment, garnishment and execution, and shall not pass to another person by operation of the law; provided, however, that the payments to the consul-general, consul, vice-consul general, or vice consul, of the nation of which any dependent of a deceased employee is a resident or subject, or a representative of such consul-general, consul, vice-consul general, or vice-consul, of any compensation due under this Act to any dependent residing outside of the United States, any power of attorney to receive or receipt for the same to the contrary notwithstanding, shall be as full a discharge of the benefits or compensation payable under this Act as if payments were made directly to the beneficiary.

Section 76. Agreements of Waiver to Compensation Invalid. —No agreement by an employee to waive his rights to compensation under this Act, except as herein provided, shall be valid. No agreement by an employee to pay any portion of the premium paid by his employer, except premiums for accident benefits, shall be valid, and any employer who deducts any portion of such premium, except for accidental benefits, from the wage or salary of any employee entitled to the benefits of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100, for each such offense.

Section 77. The Arizona Industrial Commission may, in its discretion, allow the conversion of the compensation herein provided for into a lump-sum payment, not to exceed the sum of $6,500, under such rules and regulations and system of computation as may be devised for obtaining the present value of such compensation.

Section 78. (a) Any workman entitled to receive compensation under this Act is required, if requested by the commission, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman, and as may be provided by the rules of the commission. The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee

and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. If the employee refuses to submit to any such examination, or obstructs the same, his right to compensation shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period. Any physician who shall make or be present at any such examination may be required to testify as to the result thereof.

(b) If any employee shall persist in unsanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to promote his recovery, the commission may in its discretion, reduce or suspend the compensation of any such injured employee.

(c) If, for the purpose of obtaining any benefit or payment under the provisions of this Act, either for himself or for any other person, any one wilfully makes a false statement or representation, he shall be guilty of a misdemeanor, and if a claimant he shall forfeit all right to compensation under this Act after conviction for such offense.

Section 79. Application of Provisions as to Those Engaged in Interstate Commerce.—The provisions of this Act shall apply to employers and their employees engaged in intrastate and also in interstate and foreign commerce for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States only to the extent that their mutual connection with intrastate work may and shall be clearly separate and distinguishable from interstate or foreign commerce.

Section 80. (a) Every employer governed by the provisions of this Act, and every physician and surgeon who attends an injured employee, within the purview of this Act, is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, from time to time, make a full and complete report of every known injury to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such report shall be furnished to the commission in such form and in such detail as the commission may, from time to time, prescribe, and shall make special answers to all questions required by the commission under its rules and regulations. The commissions shall fix a schedule of fees to be charged by physicians attending injured employees, which schedule shall not be exceeded. It

shall be unlawful for any person, firm or corporation, agent or officer of any firm or corporation, or any attending physician or surgeon, to fail or refuse to comply with any of the provisions of this section; and any person, firm, or corporation, or physician or surgeon, who fails or refuses to comply with the provisions of this section, shall be guilty of a misdemeanor for each and every offense, and, upon conviction thereof, shall be punished by a fine of not less than fifty ($50.00) dollars nor more than two hundred ($200.00) dollars.

(b) Any physician, having attended an employee within the purview of this Act, in a professional capacity, may be required to testify before the commission when it shall so direct. Information gained by the attending physician or surgeon, while in attendance on the injured man, shall not be considered a privileged communication, if required by the commission for a proper understanding of the case and a determination of the rights involved.

(c) Whenever any accident occurs to any employee, it shall be the duty of the employee to forthwith report such accident and the injury resulting therefrom to the employer, and it shall also be the duty of any physician employed by such injured employee to forthwith report such accident and the injury resulting therefrom to the employer and to the Arizona Industrial Commission. Whenever any accident occurs to any employee, and knowledge of same comes to the attention of the employer by such report or otherwise, the employer may at once designate, and send the physician so chosen by such employer and authorized by such employer, in writing; and the physician so chosen shall be permitted by the employee or any person or persons in charge of said employee to make one examination of said injured employee in order to ascertain the character and extent of the injury occasioned by such accident. Thereupon, it shall be the duty of the said physician, so chosen, to forthwith report to the employer and to the Arizona Industrial Commission the character and extent of the said injury, as so ascertained by said physician.

(d) If the happening of the said accident, or the infliction of said injury to said employee shall not have been reported by said employee or his said physician forthwith, as above described and immediately after the happening of said accident and injury, or if the said injured employee or those in charge of him (the injured employee being a party to the refusal) shall refuse to permit the employer's physician, so chosen, to make such examination, no compensation shall be paid for the injury so claimed

to result from said accident; but it shall be within the discretion of the Arizona Industrial Commission to relieve said injured person or his dependents from such loss or forfeiture of compensation, if the said Arizona Industrial Commission shall be of the opinion, after investigation, that the circumstances attending the failure on the part of the employee, or of his physician, to report said accident and injury are such as to have excused the said employee and his physician for such failure to so report, and that such relieving of the employee or his dependents from the consequences of such failure to report will not result in an unwarrantable charge against said state compensation fund or accident benefit fund.

Section 81. (a) Where a workman is entitled to compensation under this Act he shall file with the commission his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this Act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the commission without charge.

(b) Where death results from injury to parties entitled to compensation under this Act, or some one in their behalf, shall make application for the same to the commission, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this Act, certificate of attending physician, if any, and such other proof as required by the rules of the commission.

(c) If change of circumstances warrant an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto occurred.

Section 82. Books, Records and Payrolls, Subject to Examination, Penalty.—All books, records, and payrolls of the employers of the state showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the commission or any of its traveling auditors, inspectors or assistants, for the purpose of ascertaining the correctness of the wage expenditures, the number of men employed, and such other information as may be necessary for the uses and purposes of the commission in its administration of the law. Refusal on the part of any employer to submit his books,

records and payrolls for the inspection of any member of the commission, or traveling auditor, inspector or assistant presenting written authority from the commission, shall subject such employer to a penalty of $100 for each offense, to be collected by civil action in the name of the state, and paid into the state insurance fund to become a part thereof.

Section 83. Liability of Employers for Misrepresentation.—Any employer who misrepresents to the commission the amount of payroll upon which the premium under this Act is based, shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the state under this section shall be enforced in a civil action in the name of the state, and all sums collected under this section shall be paid into the state compensation fund.

Section 84. Enforcement of Act.—Upon the request of the commission the attorney general, or, under his direction, any county attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this Act or for the recovery of any money due the state compensation fund or accident benefit fund, or any penalty provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions or proceedings brought against the commission or the members thereof in their official capacity.

Section 85. Expenditure for Information.—The commission may make necessary expenditures to obtain statistical and other information provided for herein.

Section 86. It shall be the duty of the State Auditor, annually or as often as he may deem necessary, to make an audit of all books of accounts and record and of funds and securities of the Arizona Industrial Commission, and said Auditor is authorized to employ and fix the compensation of a competent accountant for the purpose of making such audit or audits, the expenses thereof to be paid out of the General Fund of the State.

Section 87. Annual Report by Commission.—General Distribution of Information.—Annually, on or before the 1st day of September, the commission, under oath of at least two of its members, shall make a report to the governor for the preceding fiscal year, which shall include a statement of the number of awards made by it and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with

any other matters which the commission deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the commission from time to time to publish and distribute among employers and employees such general information as to the business transacted by the commission as in its judgment may be useful.

Section 88. Classifications, Rates, Rules, and Regulations to Be Printed.—The commission shall cause to be printed, in proper form for distribution to the public, its classifications, rates, rules, regulations, and rules of procedure, and shall furnish the same to any person upon application therefor.

Section 89. No Injunction to Issue. Exception.—No injunction shall issue suspending or restraining any order, award, classification, or rate adopted by the commission or any action of any officer required to be taken by them or any of them by and of the provisions of this act, except as herein provided; but nothing herein shall affect any right of defense in any action brought by the commission or the state in pursuance of authority contained in this act.

Section 90. If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his workmen, or if any workman shall be adjudicated to be outside the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of this act for the creation of the compensation fund or the accident benefit fund, or if any of the provisions of Section 60 of this act relating to and requiring employees in hazardous occupations to elect to reject the provisions of this act by notice to employers in writing prior to receiving injuries, otherwise to be bound to accept compensation thereunder, shall be held invalid or unconstitutional, this entire act and every section thereof shall be thereby invalidated, except the provisions of Section 95, and an accounting according to the justice of the case shall be had of moneys received. In other respects, an adjudication of invalidity of any part of this Act shall not affect the validity of the Act as a whole or any part thereof.

Section 91. Appeal to Supreme Court.—(a) Within thirty days after the application for a rehearing is denied, or if the application is granted within thirty days after the rendition of the decision on the rehearing, any party affected thereby may apply to the supreme court of this state for a writ of certiorari

to review (hereinafter referred to as a writ of review) for the purpose of having the lawfulness of the original award or the award on rehearing inquired into and determined.

(b) Such writ shall be made returnable not later than thirty days after the date of the issuance thereof, and shall direct the commission to certify its record, which shall include all the proceedings and the evidence taken in the case to the court. On the return day the cause shall be heard in the court unless for good cause the same be continued. No new or additional evidence may be introduced in such court, but the cause shall be heard on the record to the commission as certified by it. The review shall not be extended further than to determine whether or not:

(1) The commission acted without or in excess of its power.

(2) If findings of fact are made, whether or not such findings of fact support the award under review. If necessary, the court may review the evidence.

(c) The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceeding. Upon the hearing the court shall enter judgment either affirming or setting aside the award.

(d) The provisions of the code of civil procedure of this state relating to certiorari shall, so far as applicable, and not in conflict with this Act, apply to proceedings in the courts under the provisions of this section. No court of this state (except the supreme court) shall have jurisdiction to review, reverse, or annul any award of the commission, or to suspend or delay the operation or execution thereof; provided, that a writ of mandamus shall lie from the supreme court in all proper cases.

Section 92. Latitude of Commission in Procedure.—The commission shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided; but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this Act.

Section 93. Minor Deemed Sui Juris.—A minor working at an age legally permitted under the laws of this state shall be deemed sui juris for the purpose of this Act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.

Section 94. If the provisions of this Act relative to compensation for injuries to or death of workmen become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this Act by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of the validity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death; provided, that such action be commenced within one year after such repeal or adjudication; but in any such action any sum paid out of the compensation fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows:

If the defendant employer shall have paid without delinquency into the compensation fund the payment provided for by section 56, such sums shall be credited upon the recovery as payment thereon, otherwise the sum shall not be so credited, but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Section 95. If this Act shall be hereafter repealed, or declared invalid, all moneys which are in the compensation fund or accident benefit fund at the time of the repeal or invalidating decision, shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

Section 96. This Act shall not affect any action pending or cause of action existing prior to May 31, 1921.

Section 97. Chpater VII of Title 14 of the Revised Statutes of Arizona, 1913, Civil Code, with all Acts amendatory thereof, and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Section 98. The compensation provisions of this Act shall be effective on and after May 31, 1921.

Section 99. The sum of one hundred thousand ($100,000.00) dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the same is hereby set aside for the state compensation fund and the accident benefit fund, in the proportion of ninety thousand ($90,000.00) dollars to the compensation fund, and ten thousand ($10,000.00) dollars to the accident benefit fund, to be administered by the com-

mission as provided in this Act; provided that the commission shall arrange to return the amount so advanced, in installments, at the discretion of the commission but within a period of not to exceed fifteen years; and the further sum of fifty thousand ($50,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the payment of salaries and expenses of the commission and the employees of said commission, as herein authorized, from the time this Act becomes effective until the close of the fiscal year ending June 30, 1923.

Section 100. 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 Act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

Approved March 17th, 1921.

CHAPTER 104.

(Senate Bill No. 139.)

AN ACT

To Create the Office and Prescribe the Duties and Powers of Matrons of County, City and Town Jails.

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

Section 1. In all first and second class counties, the Sheriff, by and with the consent of the Board of Supervisors, and in all cities and towns having a population of five thousand or more, the chief of police or town marshal thereof, by and with the consent of the governing body of such city or town, may appoint and deputize at a salary to be approved by such board of supervisors or governing body, a matron of the county jail or of the city or town jail, as the case may be. In all other class counties, cities or towns, the sheriff, chief of police or town marshal, may, when authorized by the board of supervisors or the governing body of such city or town, appoint and deputize a matron of the county, city or town jail, at a salary to be approved by such board of supervisors or the governing body of such city or town, provided, that in any such other class county, city or town, not having a regularly appointed matron, as herein provided, at any time any female shall be incarcerated

in any county, city or town jail, it shall be the duty of the sheriff, chief of police, or town marshal to appoint and deputize, temporarily, a matron for the period of the incarceration of such female at a salary not to exceed five dollars ($5.00) per diem.

Such matron, except for temporary appointment, shall be a woman not less than forty years of age, and of good moral character.

She shall have free access, at all reasonable times, to the immediate presence of all female prisoners in the jail of which she is matron, including the right of personal visitation and conversation with them; and in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners.

The term of office of such matron, except in the case of temporary appointment, shall be two years in county jails, one year in city or town jails, from her appointment and qualification and until her successor is appointed and qualified.

Section 2. Any officer, deputy, jailer, keeper, guard, or person having charge or control of any such county or city jail who shall refuse the duly appointed and qualified matron thereof free access, at all reasonable times, to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person of a female prisoner to be made except by the matron of such jail, or obstruct the performance by the matron of her official duties in such jail, is guilty of a misdemeanor, and upon conviction, in addition to such other penalties as are provided by law, shall be removed from office.

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

Approved March 17th, 1921.

CHAPTER 105.

(House Bill No. 59.)

AN ACT

To Amend Paragraph 3834, Chapter 1, Title 32 of Revised Statutes of Arizona, 1913, Civil Code, Entitled "Marriage and Divorce," and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 3834 of Chapter 1, Title 32, of the Revised Statutes of Arizona, Civil Code, 1913, be and the same is hereby amended to read as follows:

3834. Any person desirous of marrying shall apply to the Clerk of the Superior Court, for a license to marry, and shall be required by such clerk to take and subscribe to an oath that he will and does declare, depose and certify, truly to the name and age of himself or herself; the place of residence; the race to which he or she belongs; the relationship between the parties if any, applying for such license. Which oath so taken shall be filed by the said clerk as a part of the record of the matter and shall then issue to said applicants a license directed to the persons, authorized by law, to solemnize the rites of matrimony, which shall be sufficient authority for any one of such persons to solemnize such marriage.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 106.

(House Bill No. 91.)

AN ACT

For the Relief of the Southwestern Portland Cement Company, and Appropriating the Sum of Eighteen Hundred and Three Dollars and Six Cents ($1,803.06) for the Payment of Three (3) Carloads of Cement, Shipped to the Tempe State Normal School on August 23rd and 29th, 1918, as Per Invoices Numbered 1406, 1437 and 1438, and Which Claims Were Not Paid Because Not Presented Within the Statutory Period of One (1) Year, and Declaring an Emergency.

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

Section 1. That the sum of Eighteen Hundred and Three Dollars and Six Cents ($1,803.06) is hereby appropriated out of any money that may be in the Tempe Normal Fund for the payment of the Southwestern Portland Cement Company for three (3) carloads of cement shipped by the said company to the Tempe Normal School at Tempe, Arizona, as evidenced by invoices numbered 1406, 1437 and 1438, and which sum is a just debt against the State of Arizona, now remaining due and unpaid.

Section 2. WHEREAS, the immediate operation of this act is necessary to preserve the public peace, health and safety, and preserve the credit of the 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 declared exempt from the Referendum Provisions of the State Constitution.

Approved March 17th, 1921.

CHAPTER 107.

(House Bill No. 97.)

AN ACT

To Amend Paragraph 500, Chapter XI, Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Change of Venue" to Permit Judges of the Superior Court in Counties Having More than One Superior Judge to Transfer Civil Actions to Another Superior Judge in the Same County Upon the Filing of an Affidavit Alleging Interest or Prejudice, and Providing the Repeal of All Acts and Parts of Acts in Conflict With the Provisions of this Act.

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

Section 1. That Paragraph 500, Chapter XI, Title VI, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

500. If either party to a civil action brought in any Superior Court, or division thereof, shall file an Affidavit alleging either:

(1) That the judge of said court has been engaged as counsel in the case prior to his appointment or election as judge, or is otherwise interested in the case;

(2) That said judge is of kin or related to either party;

(3) That said judge is a material witness in the case;

(4) That the affiant has cause to believe and does believe that on account of the bias or prejudice or interest of said judge he cannot obtain a fair and impartial trial;

It shall be the duty of the said Judge to at once transfer the action to some other division of the superior court of the same county if there be more than one division of said court in said county, or in the event that there be no other superior judge of said county, or that the judges of all other divisions of said superior court are disqualified or unable to act, then and in that event to request the judge of some other superior court of some other county to hold the superior court in the county where such action is pending, and to preside at the trial of such action and to hear all the matters involved therein.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 108.

(House Bill No. 102.)

AN ACT

Authorizing and Empowering the Board of Supervisors of the County of Maricopa, State of Arizona, to Audit, Allow and Pay the Claim of Helen D. Cox, Administratrix of the Estate of Harry N. Cox, Deceased, for Merchandise Furnished to Indigent Persons by Said Harry N. Cox, Upon Orders of the Board of Supervisors of Maricopa County.

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

Section 1. The board of supervisors of the county of Maricopa, state of Arizona, is hereby authorized and empowered to pay the claim of Helen D. Cox, Administratrix of the estate of Harry N. Cox, deceased, amounting to the sum of Five Hundred and Twenty and 07-100 ($520.07) Dollars, or such other sum as said board of supervisors may find to be correct for merchandise and money furnished to indigent persons by said Harry N. Cox, upon orders of the board of supervisors of said Maricopa County.

Approved March 17th, 1921.

CHAPTER 109.

(Substitute House Bill No. 106.)

AN ACT

Making an Appropriation for the Maintenance of the University of Arizona, of the Northern Arizona Normal School, and of the Tempe Normal School for the Balance of the Fiscal Year Ending June 30, 1921, With an Emergency Clause.

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

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the maintenance of the University of Arizona, to be expended under the direction of the Board of Regents of the University of Arizona, the sum of Seventy-five Thousand ($75,000.00) Dollars, or so much thereof as may be necessary, to be expended during the fiscal year ending June 30, 1921, and the State Auditor is hereby authorized and directed to draw his warrants on the General Fund for all expenditures approved and allowed by said Board of Regents of the University of Arizona under the provisions of this Section, and the State Treasurer is hereby authorized and directed to pay said warrants out of the General Fund of the State.

Section 2. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the maintenance of the Northern Arizona Normal School, to be expended under the direction of the Board of Education of the Northern Arizona Normal School, the sum of Twenty Thousand ($20,000.00) Dollars, or so much thereof as may be necessary, to be expended during the fiscal year ending June 30, 1921, and the State Audior is hereby authorized and directed to draw his warrants on the General Fund for all expenditures approved and allowed by said Board of Education of the Northern Arizona Normal School under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay said warrants out of the General Fund of the State.

Section 3. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the Maintenance of the Tempe Normal School, to be expended under the direction of the Board of Education of the Tempe Normal School, the sum of Twenty Thousand ($20,000.00) Dollars, or so much thereof as may be necessary, to be expended during the fiscal year ending June 30, 1921, and the State Auditor is hereby authorized and directed to draw his

warrants on the General Fund for all expenditures approved and allowed by said Board of Education of the Tempe Normal School under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay said warrants out of the General Fund of the State.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 5. WHEREAS, an immediate operation of this act is necessary for the preservation of the public peace, health and safety, and for the proper maintenance of the University of Arizona, of the Northern Arizona Normal School, and of the Tempe Normal School, for the balance of the fiscal year ending June 30, 1921, an emergency is hereby declared to exist, and this act shall be in full and immediate force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the Referendum Provisions of the State Constitution.

Approved March 17th, 1921.

CHAPTER 110.

(House Bill No. 107.)

AN ACT

To Amend Subdivision 9, Paragraph 60, Chapter VII, Title I, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Secretary of State."

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

Section 1. That Subdivision 9, Paragraph 60, Chapter VII, Title I, Revised Statutes of Arizona, 1913, Civil Code, entitled "Secretary of State," be, and the same is hereby amended to read as follows:

(9) To the general library of the State University, to the law library of the State University, to each professor of law, in the State University, and to each of the State Normal Schools, one copy.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 111.

(House Bill No. 123.)

AN ACT

To Amend Paragraphs 3013 and 3014, Chapter 12, of Title 12, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Primary Elections."

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

Section 1. That Paragraphs 3013 and 3014, Chapter 12, of Title 12, Revised Statutes of Arizona, 1913, Civil Code, entitled "Primary Elections," be and the same are hereby amended to read as follows:

3013. 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 ninety (90) days nor less than thirty (30) 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 superior 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.)

Names 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.

3014. Such nomination papers shall be filed not more than ninety (90) days nor less than thirty (30) 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.

Section. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 112.

(House Bill No. 134.)

AN ACT

To Amend Paragraph 2513 of Chapter IV, Title X, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Board of Supervisors."

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

Section 1. That Paragraph 2513 of Chapter IV, Title X, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Board of Supervisors," be and the same is hereby amended to read as follows:

2513. Sheriffs, clerks of the board of supervisors, recorders,

treasurers, tax collectors, county attorneys, and clerks of the superior court must keep their offices open for the transaction of business from 9 o'clock A. M. till 5 o'clock P. M. every day in the year, except Sundays and holidays, and except one hour each day from 12 o'clock M. till 1 o'clock P. M., in all counties other than counties of the first class.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 113.

(House Bill No. 169.)

AN ACT

Providing for the Construction of Works to Control the Floods of Cave Creek and Making an Appropriation Therefor.

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

Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, not to exceed Fifty Thousand ($50,000.00) Dollars, and in no event more than one-fourth of the total sum required for the construction of works to control the floods of Cave Creek so as to protect therefrom the improved lands, public roads, canals, State Fair Grounds, State Capitol Grounds and State School Lands, now subject to overflow and destruction from such floods. Provided, that before any of the money herein appropriated shall be expended, the interest of the State to its proportionate amount of any irrigation water that may be stored or developed by the contemplated flood control structures, shall be secured by an agreement approved by the Attorney General and the State Land Department, and signed by the Governor.

Section 2. The money hereby appropriated shall be expended under the direction of the State Engineer, or such agent as he may appoint, provided, that no part thereof shall be expended until the remainder of the funds required for the construction of works adequate in the judgment of the State Engineer for the control of said Cave Creek floods shall be assured by the owners of the improved lands subject to overflow from such floods, the city of Phoenix, the county of Maricopa, and other responsible organizations.

Section 3. When notified by the State Engineer that the

conditions specified in sections 1 and 2 of this act have been fulfilled, the State Auditor is hereby authorized and directed to draw his warrant for the purposes authorized by this act, upon claims approved by the State Engineer for not to exceed Fifty Thousand ($50,000.00) Dollars, and the State Treasurer is hereby authorized and directed to pay said warrants out of any moneys in the General Fund not otherwise appropriated.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 114.

(House Bill No. 170.)

AN ACT

Declaring Every Child to be the Legitimate Child of Its Natural Parents; Making Such Child an Heir of Such Parents and Providing the Procedure for Establishing Such Parentage.

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

Section 1. Every child is hereby declared to be the legitimate child of its natural parents and as such is entitled to support and education to the same extent as if it had been born in lawful wedlock. It shall inherit from its natural parents and from their kindred heir lineal and collateral in the same manner as children born in lawful wedlock as provided in Paragraph 1092, Chapter 14, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code.

This section shall apply to cases where the natural father of any such child is married to one other than the mother of said child, as well as where he is single. Provided, however, this law shall not be so construed as to give to said child the right to dwelling or a residence with the family of its father, if such father be married.

Section 2. The mother of any child born out of lawful wedlock may within one year after the birth of such child bring a civil action in the superior court to establish the parentage of such child. Such action shall be commenced by complaint filed by the mother as plaintiff against the alleged natural father as defendant, and summons shall be issued and served and the same proceedings had as in other civil cases. In such cases the parentage may be proved like any other fact.

Provided, that the mother of said child shall not be considered a competent witness in any case where the alleged natural father of said child shall be dead at the time of the trial.

Provided further, that a statement in writing may be made by the parents of said child, admitting the parentage thereof, and upon which a judgment may be entered.

Section 3. This action shall be deemed cumulative as to the remedies contained in Paragraphs 369 to 381, inclusive, Revised Statutes of Arizona, 1913, Penal Code, relating to bastardy proceedings, but all children hereafter born in this state shall be deemed to be legitimate.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17th, 1921.

CHAPTER 115.

(House Bill No. 173.)

AN ACT

To Amend Chapter 10, of the Regular Session Laws of 1919, Relating to Appeals From the Superior Court to the Supreme Court of the State.

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

Section 1. That Section 1 of Chapter 10, of the Regular Session Laws of 1919, be amended to read as follows, to-wit:

"In every appeal of a criminal case, and in every case in which any county of this State, or any State officer shall be a party, the party appealing from the judgment rendered against him and in favor of the State, the county or of such official, shall serve personally or by registered mail upon the County Attorney of the county wherein the judgment was rendered, and also upon the Attorney General, two copies of his brief on appeal at the time of filing such brief in the Supreme Court of this State. No brief of an appellant on appeal shall be considered by the Supreme Court until the record shows affirmatively that said copies have been so served."

Section 2. That Section 2 of Chapter 10 of the Regular Session Laws of 1919, be amended to read as follows, to-wit:

"That within ten days after such service upon the County

Attorney, he shall in aid of an answer to said brief, personally or by registered mail furnish the Attorney General with a true statement of the facts in the case, together with all legal authorities and citations which he may have in hand, in response to the assignments of error set forth in the appellant's brief. Failure of the County Attorney to furnish the Attorney General with the statement of the facts, together with the authorities and citations as in this Section provided, may in the discretion of the Supreme Court be sufficient grounds to remand the case back to the Superior Court for a new trial."

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

Approved March 17th, 1921.

CHAPTER 116.

(House Bill No. 25.)

AN ACT

To Provide a License Tax on Gasoline; to Provide for the Collection Thereof, and to Provide the Manner of Ascertaining the Number of Gallons of Gasoline Sold or Distributed in the State of Arizona; to Provide for the Registering of Dealers Engaged in the Distribution and Sale of Gasoline; To Fix a Penalty for Violations of the Provisions of this Act; to Define Certain Words, Terms and Phrases Used Therein, Making an Appropriation Therefor, and to Repeal All Other Acts or Parts of Acts in Conflict Herewith.

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

Section 1. Definition. The following words, terms and phrases in this act are, for the purposes thereof, defined as follows:

(a) The term "dealer" is hereby defined as any person, firm or corporation who imports or causes to be imported gasoline for use, distribution or sale in, and after the same reaches the State of Arizona; and also any person, firm or corporation who produces, refines, manufactures or compounds such gasoline in the State of Arizona for use, distribution or sale in this State.

Section 2. That in addition to the taxes now provided for by law, each and every dealer, as defined in this act, who is now engaged or who may hereafter engage in his own name, or

in the name of others, or in the name of his representatives or agents in this state, in the sale or distribution, as dealers and distributors of gasoline shall not later than the fifteenth (15) day of each calendar month render a statement to the secretary of state of the state of Arizona of gasoline sold or distributed by him or them in the state of Arizona during the preceding calendar month, and pay a license tax of one (1) cent per gallon on all gasoline so sold or distributed, as shown by such statement in the manner and within the time hereinafter provided, which tax shall be added to the sales price of the dealer as herein defined.

Section 3. All dealers in gasoline in the state of Arizona shall file a duly acknowledged certificate with the secretary of state of the state of Arizona, on forms prescribed, prepared and furnished by the secretary of state, which shall contain: The name under which such dealer is transacting business within the state of Arizona; such certificate shall state the place or places of business and location of distributing stations of the dealer in the state of Arizona; the name and address of the managing agent; the names and addresses of the several persons constituting the firm or partnership, and if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers, resident general agent and attorney in fact. If such dealer is an association of persons, firm, partnership or corporation organized under the laws of another state, territory or country, if it has not already done so it must first comply with the laws of Arizona relating to the transaction of its appropriate business therein. No dealer as herein defined, shall, after this law goes into effect, sell or distribute any gasoline until such certificate is furnished as required by this act.

Section 4. Every dealer in gasoline shall render to the secretary of state of the state of Arizona, on or before the fifteenth (15) day of each month, on forms prescribed, prepared and furnished by the secretary of state, a sworn statement of the number of gallons of gasoline sold by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers in case of a domestic corporation or by the resident general agent or attorney in fact in case of a foreign corporation; by the managing agent or owner in case of a firm or association, and shall contain the total number of gallons of gasoline sold. Bills shall be rendered to all purchasers of gasoline by dealers in gasoline, as herein defined. Said bills shall contain a statement printed thereon in a conspicuous place that the dealer in gasoline has assumed the liability to the state for the

license tax herein imposed and that he or they will pay said license tax on or before the fifteenth (15) day of the following month.

Section 5. Said license tax shall be paid on or before the fifteenth (15) day of each month to the secretary of state, who shall receipt the dealer therefor, and promptly turn over to the state treasurer as are other receipts of his office, and the state treasurer shall place the same to the credit of the gasoline tax fund. Such portion of said fund as may be necessary to be expended by the secretary of state to carry out the provisions of this act, is hereby appropriated and the state auditor is hereby authorized and directed to draw his warrants for said expenditures on said fund and the state treasurer is hereby authorized and directed to pay said warrants out of said fund. The balance of said fund shall be placed to the credit of the state road tax fund and is hereby appropriated to said road tax fund.

Section 6. Every dealer in gasoline as in this act defined shall keep a record of all purchases, receipts, sales and distribution of gasoline; such records shall at times during the business hours of the day be subject to inspection by the secretary of state or his deputies, or such other officers duly authorized by said secretary of state.

Section 7. Said license tax shall not be imposed on gasoline when sold for exportation from the state of Arizona to any other state or nation.

Section 8. Any dealer, association or persons, firm or corporation 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 not to exceed one thousand ($1,000.00) dollars or to imprisonment in the county jail for a period not to exceed six (6) months, or both.

Section 9. Any person, association of persons, firm or corporation failing to pay such license tax herein provided for a period of thirty (30) days from and after the date when the same should have been paid as required by this act, the amount thereof shall be collected of such person, association of persons, firm or corporation for the use of this state, or the county attorney of any county or judicial district within the state, shall commence and p osecute to final determination in any court of competent jurisdiction an action at law to collect the same.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 117.

(House Bill No. 74.)

AN ACT

Providing a Method by Which Registered Electors Absent From Their Election Precincts on Election Day May Vote, and Prescribing a Penalty for Violations Thereof.

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

Section 1. ELECTOR ABSENT FROM COUNTY MAY VOTE. Any qualified elector of this State having complied with the laws in regard to registration, who is absent from the county of which he is an elector on the day of holding any general election, may vote at any such election as hereinafter provided.

Section 2. APPLICATION ON EXPECTED ABSENCE. At any time within thirty days next preceding such election, any voter expecting to be absent on the day of such election from the county in which his voting precinct is situated, may make application in person to the Justice of the Peace of the precinct in which said applicant is registered, or to the County Recorder of such county for an official absent voter ballot to be used as hereinafter provided.

Section 3. FORM--COLOR--DESIGNATION. For all general elections there shall be prepared and printed a sufficient number of official ballots to be known as absent voters' ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture and shall contain the same matter as the regular official ballots, except that they shall be printed upon tinted paper of a different tint from that of the sample and regular ballots.

Section 4. BLANK--FORM. Application for such ballot shall be made upon a blank to be furnished by the County Recorder of the county of which the applicant is an elector, and shall be in substantially the following form:

I, ..., a duly qualified elector, residing at .....county, State of Arizona, and to my best knowledge and belief entitled to vote at the next election, expecting to be absent from the said county on the day for holding such election hereby make application for an official absent voter ballot to be voted by me at such election.

Date.....

(Signed).....

This application was delivered by me to....., the above applicant, this.....day of.....

(Signed).....
Justice of the Peace, or
County Recorder.

Section 5. DELIVERY OF APPLICATION. The County Recorder shall furnish each Justice of the Peace within the County, a sufficient number of the said application blanks.

Section 6. ABSENT VOTER BALLOT--AFFIDAVIT. Upon receipt of such application properly filled out and duly signed, or as soon thereafter as the official absent voter ballot for the precinct in which the applicant resides has been printed, the said County Recorder shall send to such absent voter by mail, postage prepaid, one such official absent voter ballot and shall enclose with such ballot an envelope, which envelope shall bear upon the front thereof the name, official title and postoffice address of such County Recorder, and upon the other side a printed affidavit in substantially the following form:

County of.....
} ss.
State of.....

I, ..., solemnly swear that I am a resident elector of the.....voting precinct of the county of....., State of Arizona, and entitled to vote in such precinct at the next election; that I expect to be absent from said county of my residence on the day of holding such election and that I will have no opportunity to vote in person on that day.

.....
(Name of Voter.)

Subscribed and sworn to before me this.....day of ....., 19....., and I hereby certify that this affiant exhibited the enclosed ballots to me unmarked, that he then, in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot, and enclosed and sealed the same in this envelope. That the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....
(Notary Public, Justice of the Peace, or other officer authorized to administer oaths.)

Section 7. SUBSCRIBING VOTER--FOLDING AND MAILING BALLOT. Such absent voter shall make and sub-

scribe the said affidavit before an officer authorized by law to administer oath, and such absent voter shall thereupon, in the presence of such officer and no other person, mark such ballot (but in such manner that such officer cannot see the vote), and such ballot shall thereupon in the presence of such officer, be folded by such voter so as to conceal the vote, and be in the presence of such officer deposited by voter in said envelope, and such envelope securely sealed. Said envelope shall be mailed by such absent voter, postage prepaid.

Section 8. DUTIES OF COUNTY RECORDER. Upon receipt of such envelope containing ballot the County Recorder shall forthwith enclose the same, unopened, together with the written application of such absent voter, in a larger envelope, which shall be securely sealed and endorsed with the name or number of the proper voting precinct, the name and official title of such recorder, and the words "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are opened," and such recorder shall thereafter safely keep the same in his office until same is delivered by him as provided in the next Section.

Section 9. SUPERSCRIPTION OF ENVELOPE--TRANSMITTING. In case such envelope is received by such recorder prior to the delivery of the official ballots to the judges of election of the voting precinct in which such absent voter resides, such ballot, envelope and application sealed in such envelope shall be enclosed with said official ballots and delivered therewith to the judges of such voting precinct. In case the official ballots for such voting precinct shall have been delivered to such judges of election at the time of the receipt by the judges of such absent voter ballot, such recorder shall immediately enclose such application and such ballot with the envelope containing such ballot, unopened, in a larger envelope which shall be securely sealed by him and endorsed on the front with the name, official title, name of the voting precinct and postoffice address of the judges of election of the voting precinct in which such absent voter resides, and the words, "This envelope contains an absent voter ballot and must be opened only on election day at the polls while the same are open," and forthwith mail the same, postage prepaid, to such judges of election.

Section 10. PROCEDURE BY JUDGES OF ELECTION. At any time between the opening and closing of the polls on such election day, the judges of election of such voting district shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to

such affidavit. In case the judges find the affidavit is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such voting precinct and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and take out the ballot or ballots therein contained, and without unfolding the same, or permitting it to be opened or examined, and having endorsed his initials on the stub in the same manner that other ballots are endorsed, deposit the same in the proper ballot box, showing by the records of such election such elector to have voted. In case such affidavit is found to be insufficient, or that the signatures do not correspond, or that such applicant is not then a duly qualified elector of such voting precinct, such vote shall not be allowed, but without opening the absent voter envelope, the judges of election shall mark across the face thereof, "Rejected as Defective," or "Rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents, unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots, as the case may be, retained or preserved in the manner as now by law provided for the retention and preservation of official ballots voted at such election.

Section 11. PROVISIONS OF ACT EXTENDED. The provisions of this Act shall be construed so as to permit any qualified elector of this State who is present in his county after the official absent voter ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day as before provided in Section 2, to vote before he leaves his county, in like manner as an absent voter, and any qualified elector who has marked his ballot as hereinbefore provided, who shall unexpectedly return to his voting precinct before or on election day, shall be permitted to vote in person, provided his ballot has not already been deposited in the ballot box.

Section 12. ABSENT VOTER BALLOTS TO BE DULY PREPARED. It shall be the duty of the Clerk of the Board of Supervisors of each of the several counties, or any other officer, by law required, to prepare any general election ballot, to prepare and have printed and delivered to the County Recorder, at least fifteen days prior to the holding of such election, a sufficient number of absent voter ballots provided for, in Section 5, for the use of all voters likely to be absent from such county on the day of such election.

Section 13. FALSE SWEARING--NEGLECT OF DUTIES BY OFFICERS--PENALTIES. If any person shall wilfully swear falsely to the affidavit in Section 6, provided for, he shall upon conviction thereof be deemed guilty of perjury and shall be punished as in such cases by law provided. If the County Recorder or any election officer shall refuse or neglect to perform any of the duties prescribed in this Act, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in Section 6, shall make any false statements in his certificate thereto attached, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding $100 or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Approved March 17th, 1921.

CHAPTER 118.

(House Bill No. 14.)

AN ACT

To Authorize and Regulate the Practice of Chiropractic, to Provide for the Licensing and Examination of Chiropractors, to Create a State Board of Examination and Registration, to Provide for the Appointment of Same, to Establish Rules and Regulations Governing Said Board, to Provide a Curriculum, and Establish a Fee for Examination, to Provide for the Disposal of the Fund Arising From Said Fee, to Regulate the Holding of Meetings of Said Board and Issuance of License to Practice Chiropractic, to Provide a Penalty for Practicing Chiropractic Without a License as Provided by this Act, and to Repeal All Acts in Conflict Herewith.

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

Section 1. That there is hereby created and established a board to be known by the name and style of the State Board of Chiropractic Examiners, and said board shall be composed of three (3) resident course graduated practicing Chiropractors of integrity and ability, who shall be residents of the State of Arizona and who shall have practiced Chiropractic in the State for a period of at least three (3) years. No two members of said board shall be graduates of the same school or college of Chiropractic.

Section 2. The Governor of the State of Arizona shall within thirty (30) days after the taking effect of this Act appoint three (3) Chiropractors, who shall possess the qualifications specified in Section One of this Act, to constitute the members of said board. Said members shall be so classified by the Governor that the term of office of one shall expire in one year, one in two years and one in three years from the date of appointment. Annually thereafter the Governor shall appoint one member who shall be a licensed practitioner and possess the qualifications specified in Section One of this Act, who shall serve for a period of three (3) years, and the Governor shall fill vacancies in said board caused by death or otherwise as soon as practicable.

Section 3. (a) Said Board of Chiropractic Examiners shall convene within thirty (30) days after their appointment and elect a president, a vice-president and secretary-treasurer from their membership.

(b) Said board shall hold regular sessions at such places as the board may decide, the first week in January and July, respectively, of each year, and shall publish such dates for examination and place of meeting in some newspaper of general circulation at least fifteen (15) days prior to said meeting.

(c) Said board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to their duties. They shall adopt a seal, which shall be affixed to all licenses issued by them and shall from time to time adopt such rules and regulations as they deem proper and necessary for the performance of their duties, which shall be without prejudice, partiality or discrimination as to the different schools of Chiropractic. The secretary of said board shall keep a record of the proceedings of the board which shall at all times be open to public inspection. Said board shall also keep on file with the Secretary of State a copy of the rules and regulations for public inspection, and shall elect annually a president, vice president and secretary-treasurer.

A majority of the board shall constitute a quorum.

(d) A license to practice Chiropractic within this State shall be issued to the individual members of said board at first meeting of said board upon payment of the regular fee as provided for in this Act.

Section 4. It shall be unlawful for any person to practice Chiropractic in this State unless he shall have first obtained a license as provided in this Act; provided, however, that nothing in this Act shall apply to or affect any persons who are now

actually engaged in the practice of such profession, except as hereinafter provided.

Section 5. (a) Any person wishing to practice Chiropractic in this State, before it shall be lawful for him to do so, shall make application to said Board of Chiropractic Examiners through the Secretary-treasurer thereof, upon form thereof and in such manner as be adopted and directed by the board at least ten (10) days prior to any meeting of said board. Each applicant shall be a graduate of a Chiropractic school or college which teaches a resident course of three (3) years, of six months each, or more, or the equivalent thereof requiring active attendance in the same. Application shall be made in writing and shall be signed by the applicant in his own hand-writing and shall be sworn to before some officer authorized to administer oath, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to a knowledge of the care of the sick, how long he has studied Chiropractic, under what teachers, what collateral branches, if any, he has studied, the length of time he has been engaged in clinical practice, accompanying same by reference therein, with any proof thereof in shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation.

(b) There shall be paid to the secretary-treasurer of the State Board of Chiropractic Examiners by each applicant for a license, a fee of Twenty-five ($25.00) Dollars, Ten ($10.00) Dollars of which shall accompany the application and the remaining Fifteen ($15.00) Dollars shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Section 6. Examinations for license to practice Chiropractic shall be made by said board according to the method deemed by it to be most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by a number instead of his or her name so that the identity will not be discovered or disclosed to the members of the board until after the examination papers are graded.

(b) All examinations shall be made in writing the subject of which shall be as follows: anatomy, physiology, symptomatology, chiropractic orthopedy, principles of chiropractic and adjusting, nerve tracing, chemistry, hygiene, and chiropractic analysis as taught by Chiropractic schools and colleges. A license shall be granted to all applicants who shall correctly answer seventy-five percentum (75%) of all questions asked,

and if any applicant shall fail to answer correctly sixty percentum (60%) of the questions on any branch of said examination he or she shall not be entitled to a license.

(c) Any Chiropractor who has complied with the provision of this act may adjust by hand any articulations of the spinal column, but shall not prescribe for or administer to any person any medicine or drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics, nor any other branch of medicine, nor practice osteopathy.

Section 7. Any person who has practiced Chiropractic for a livelihood in this State not less than five years prior to the passage of this act; and also any person graduated from any organized school or college of Chiropractic, who has been engaged in actual and bona fide practice as a Chiropractor in this state, for at least two years prior to the taking effect of this act; and also any person engaged in the actual practice of Chiropractic in this state, at the time of the passage of this act and who is a graduate of a legally incorporated Chiropractic school or college giving a three year course of six months each, or more, requiring actual attendance in class work, upon proper application and due proof of good moral character, furnished to said board within thirty (30) days after the organization of said board, and verified, showing that said applicant comes within either of said three classes herein, shall upon the payment of the fee of Twenty-five ($25.00) Dollars be granted a license to practice Chiropractic without examination.

Section 8. (a) The State Board of Chiropractic Examiners may refuse to grant or may revoke a license to practice Chiropractic in this State, or may cause a licentiate's name to be removed from the records in the offices of the county recorders of this state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this act, the practice of Chiropractic under a false or assumed name, or the impersonation of another practitioner of like or different name, the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him or her for the performance of his or her professional duties. Any person who is a licentiate, or who is an applicant for a license to practice Chiropractic against whom any of the foregoing grounds for revoking or refusing a license is presented to said board with the view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing

before said board in person or by attorney, or both, and witnesses may be examined by said board respecting the guilt or innocence of said accused.

(b) Said board may at any time within two years of the refusal or revocation or cancellation of registration under this section, by a majority vote, issue a new license or grant a license to the person affected, restoring him to or conferring upon him all rights and privileges of, and pertaining to the practice of Chiropractic as defined and regulated by this act. Any person to whom such have been restored shall pay to the secretary-treasurer the sum of Twenty-five ($25.00) Dollars upon issuance of a new license.

Section 9. (a) Every person who shall receive a license from the State Board of Chiropractic Examiners shall have it recorded in the office of the county recorder of the county in which the holder of said license is practicing his profession, and shall likewise have it recorded in the counties to which he shall subsequently remove for the purpose of practicing Chiropractic.

(b) The failure or refusal on the part of the holder of a license to have it recorded before he or she shall begin the practice of Chiropractic in this state after having been notified by the State Board of Chiropractic Examiners to do so, shall be sufficient grounds to revoke or cancel a license and render it null and void. The recorder shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of date when such license was presented for record.

Section 10. All persons practicing Chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to them as herein provided to said board of Chiropractic Examiners, a renewal license fee of Ten ($10.00) Dollars. The secretary-treasurer shall thirty days or more before September 1st of each year mail to all Chiropractors in this state a notice of the fact that the renewal fee will be due on or before the first day of September. Nothing in this act shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

Section 11. (a) All examination and renewal fees received by the State Board of Chiropractic Examiners under this act shall be paid to the secretary-treasurer of said board, who shall at the end of each year deposit the same with the state treasurer and the said state treasurer shall place said money so received

in a special fund of the State Board of Chiropractic Examiners and shall pay the same out on warrants drawn by the Auditor of the state thereof, upon vouchers issued and signed by the president and secretary-treasurer of said board. Said moneys so received and placed in said fund may be used by the State Board of Chiropractic Examiners in defraying their expenses in carrying out the provisions of this act.

(b) The secretary-treasurer shall keep a true and accurate account of all funds received and all vouchers issued by the board, and on the first day of December of each year he shall file with the Governor of the State a report of all receipts and disbursements and the proceedings of said board for the fiscal year.

(c) The members of said board shall receive a per diem of Ten ($10.00) Dollars for each day during which they shall be actually engaged in the discharge of their duties, and mileage at the rate of twenty (20) cents per mile of each mile of travel from their respective places of residence to the place of meeting of said board, one way only.

(d) Such per diem and mileage and such other incidental expenses necessarily connected with said board shall be paid out of the fund of the State Board of Chiropractic Examiners and not otherwise.

Section 12. Chiropractic practitioners shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, and any and all matters pertaining to public health, reporting to the proper health officer the same as other practitioners. Provided that nothing in this Act shall be construed to authorize or permit any chiropractic practitioner to execute or register certificates of birth.

Section 13. The secretary-treasurer of the said board shall give bond in such sum and with such sureties as the board may deem proper. Upon sufficient proof to the Governor of the inability or misconduct of a member of the board, said member shall be dismissed and the Governor shall appoint as his successor some licensed Chiropractor practicing in this State who shall be a graduate of a different school than those represented on the board.

Section 14. Persons licensed to practice Chiropractic under the laws of any other state having equivalent requirements of this Act, may, in the discretion of the board, be issued a license to practice in this state without examination, upon payment

of the fee of Twenty-five ($25.00) Dollars as herein provided. Persons licensed under the provisions of this Act shall not use the title "Doctor" and shall state on their stationery, advertising and signs that their practice is limited to the practice of Chiropractic.

Section 15. Said board shall have the power to employ legal counsel and clerical assistance and to fix the salaries of the same and to incur such other expenses as may be deemed necessary to carry into effect the provisions of this Act. It shall also fix the salary of the secretary-treasurer, not to exceed the sum of Twelve Hundred ($1,200.00) Dollars per annum. The expense of said board, including the salary of secretary, shall not exceed the amount of fees collected by said board as herein provided.

Section 16. Any person who shall practice or attempt to practice Chiropractic, or any person who shall buy, sell or fraudulently obtain any diplomas or licenses to practice Chiropractic, whether recorded or not, or who shall use the title Chiropractor, D. C., or any other word or title to induce belief that he or she is engaged in the practice of Chiropractic without first complying with the provisions of this Act, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty ($50.00) Dollars, nor more than Two Hundred ($200.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days, nor more than one (1) year, or both, at the discretion of the court. All subsequent offenses shall be punished in like manner. Nothing in this Act shall be construed to interfere with any other method or science of healing in this State.

Section 17. It shall be the duty of the several prosecuting or county attorneys of this state to prosecute all persons charged with the violation of any of the provisions of this Act. It shall be the duty of the secretary-treasurer of said board, under the direction of said board, to aid said attorneys of this state in the enforcement of this act.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 18th, 1921.

CHAPTER 119.

(Substitute House Bill No. 19.)

AN ACT

To Amend Paragraph 4739 of Chapter 1, Title 48, Revised Statutes of Arizona, 1913, as Amended by Chapter 66 of the Acts of the Third Legislature of Arizona to Provide that Applicants for Certificates to Practice Medicine and Surgery Shall be Granted Certificates Without Examination Upon Presenting Certificates From Other States, Territories and Foreign Countries and Specifying the Conditions Under Which Such Certificates Shall be Issued; and Also Providing for Issuance of Temporary Certificates to Practice Medicine and Surgery, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 4739 of Chapter 1, Title 48, Revised Statutes of Arizona, 1913, as amended by Chapter 66 of the Acts of the Third Legislature of Arizona, be and the same is hereby amended to read as follows:

4739. Three forms of certificates shall be issued by said Board, under the seal thereof and signed by the President and Secretary; first, a certificate authorizing the holder thereof to practice medicine and surgery; second, a certificate authorizing the holder thereof to practice osteopathy; third, a reciprocity certificate under the provisions hereinafter specified. Any of these certificates, on being recorded in the office of the County Recorder, as hereinafter provided, shall constitute the holder thereof a duly licensed practitioner in accordance with the provisions of his certificate.

In order to procure a certificate to practice medicine and surgery, the applicant for such certificate must file with said board, at least two weeks prior to a regular meeting thereof, satisfactory testimonials of good moral character, and a diploma issued by some legally chartered medicine school, the requirements of which shall have been, at the time of granting such diploma, in no particular less than those prescribed by the Association of American Medical Colleges for that year, or satisfactory evidence of having possessed such diploma; and he must also file with said diploma an application sworn to before some person authorized to administer oaths, stating that he is the person named in such diploma, that he is the lawful holder thereof, and that the same was procured in the regular course

of instruction and examination without fraud or misrepresentation. The said application shall be made upon a blank furnished by said Board, and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as said Board may by rule provide. Applicants who have failed to meet the above requirements shall be rejected.

Applicants for a certificate to practice osteopathy shall be subject to the above regulations, except that in place of the diploma hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of osteopathy, having a course of instruction of at least twenty (20) months, requiring actual attendance and after 1908, of three (3) years of nine (9) months each, and including the studies examined upon in this Act.

Applicants for a certificate to practice any other system or mode of treatment not in this Act referred to except the practice of Chiropractic, shall be subject to the above regulations, except that in the diplomas hereinbefore referred to, they shall be required to file a diploma from a legally chartered college of the system or mode of treatment which the applicant claims or intends to follow.

In addition to the requirements above set forth, all applicants for certificates except as hereinafter provided, must be personally examined by said Board, as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice his profession, and shall be, in whole or in part, in writing, on the following fundamental subjects, to-wit:

Anatomy, histology, gynecology, pathology, bacteriology, chemistry and toxicology, physiology, obstetrics, general diagnosis, hygiene. Examination in each subject shall consist of not less than ten (10) questions, answers to which shall be marked upon a scale of zero to ten. An applicant must obtain not less than a general average of seventy-five (75) per cent, and not less than sixty (60) per cent in any one subject; provided, that applicants who can show five (5) years of reputable practice shall be granted a credit of five (5) per cent upon the general average, and five per cent additional for each subsequent ten (10) years of such practice, and shall receive not less than fifty (50) per cent upon any one subject.

The examination papers shall form a part of the records of the Board and shall be kept on file by the Secretary for a period of one (1) year after such examinations. In said examinations, the applicants shall be known and designated by numbers only,

and the names attached to the numbers shall be kept secret until after the Board has finally passed upon the applications. The secretary of the Board shall, in no instance, participate as an examiner in any examination held by the Board.

And provided further, that any applicant for a certificate to practice medicine and surgery shall be granted a certificate (to be designated 'Reciprocity Certificate'), without such examination, if he or she shall file with said Board the testimonials of good moral character and the diploma, (or the evidence of possession of such), and the application, all as hereinbefore required of any applicant; and shall present and file with the Board a certificate or license (or satisfactory evidence of the possession of such) to practice medicine or surgery, which certificate or license has been issued upon and after examination to said applicant by any state or territory of the United States, the District of Columbia, where the requirements for the granting of such certificate or license are at least equal to those in force in Arizona at that time," or by the National Board of Medical Examiners, and which certificate shall be accompanied by a further certificate, issued by the medical officer or board issuing the certificate or license first named, or by a certificate issued by the medical officer or board of the jurisdiction wherein the applicant last practiced, that the applicant at the time of the issuance of said last named certificate was an ethical practitioner and has practiced medicine and surgery for at least three (3) years immediately prior to the issuance of said certificate; and further provided that such applicant for a reciprocity certificate or license, who shall otherwise comply with the provisions hereof, and who shall file with said Board evidence of an honorable discharge from the Medical Corps of the Army or Navy of the United States, shall not be required to furnish character testimonials or file said additional certificate relating to ethical practice for said three-year period. Any applicant for a reciprocity certificate to practice medicine and surgery who shall present a certificate or license issued by any foreign country, and who otherwise complies with the provisions hereof, may, within the discretion of the Board, be granted such reciprocity certificate. The fee for certificates of this class shall be one hundred ($100.00) dollars, which amount shall be deposited with the Board at the time of filing the credentials. In case these credentials are held by the Board to be insufficient, seventy-five ($75.00) dollars of this deposit shall be returned to the applicant, the remaining twenty-five ($25.00) dollars constituting the fee of the Board for examining into the said credentials.

Provided, further, that the Board may, at its discretion

whenever the services of an applicant are needed as an emergency in any community, grant to a graduate of any recognized medical college, a temporary permit to practice medicine and surgery in said community, such temporary permit to be valid only until the next regular meeting of the Board. The fee for such temporary permit shall be twenty-five ($25.00) dollars.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 120.

(House Bill No. 136.)

AN ACT

To Amend Section 7, Chapter 162 of the Regular Session Laws, 1919, Pertaining to the Classification of Counties and Establishing Salaries.

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

Section 1. That Section 7, Subdivision "A" Chapter 162 of the Regular Session Laws, 1919, be amended to read as follows, to-wit:

(A) In counties of the first class, the county officers shall receive, respectively, the following annual salaries, to-wit: Clerk of the Superior Court, Twenty-seven Hundred Dollars ($2700.00); sheriff, Four Thousand Dollars ($4000.00); recorder, Twenty-seven Hundred Dollars ($2700.00); treasurer and ex-officio tax collector, Three Thousand Dollars ($3000.00); county attorney, Three Thousand Dollars ($3000.00); assessor, Twenty-seven Hundred Dollars ($2700.00); superintendent of schools, Twenty-four Hundred Dollars ($2400.00); also actual and necessary traveling expenses not to exceed Five Hundred Dollars ($500.00) per annum, receipts of such expenditures to be audited by the board of supervisors; chairman board of supervisors, Fifteen Hundred Dollars ($1500.00); members board of supervisors, Twelve Hundred Dollars ($1200.00) each. Each of said officers other than the board of supervisors and the superintendent of schools shall appoint one chief deputy, which said deputy shall receive respectively such salary as shall be agreed upon by said officer so appointing the deputy and the board of supervisors, but shall not be less than the following; providing that no salary shall be increased in excess of twenty-five per cent (25%) of the following:

Deputy clerk of the superior court, Eighteen Hundred Dollars ($1800.00); deputy sheriff, Twenty-one Hundred Dollars ($2,100.00); deputy recorder, Eighteen Hundred Dollars ($1800.00); deputy treasurer and ex-officio tax collector, Eighteen Hundred Dollars ($1800.00); deputy county attorney, Two Thousand Dollars ($2000.00); deputy assessor, Eighteen Hundred Dollars ($1800.00); deputy superintendent of schools, Eighteen Hundred Dollars ($1800.00). The board of supervisors of each county of the first class shall appoint a clerk, who shall receive an annual salary of Twenty-four Hundred Dollars ($2400.00).

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 121.

(House Bill No. 137.)

AN ACT

To Amend Chapter 33, Session Laws of Arizona, 1919, Regular Session, Entitled an Act Making It an Offense to Draw, Make, Utter, Deliver Any Check, Draft or Order for Payment of Money Upon Any Bank or Place of Depository When the Person Drawing, Making, Uttering, Delivering or Presenting Such Checks, Draft or Order Has Insufficient Funds on Credit in Such Bank or Depository for Payment of Such; Prescribing the Penalty Therefor and Repealing All Acts in Conflict Herewith.

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

Section 1. That Chapter 33, Session Laws of Arizona, 1919, Regular Session, be and the same is hereby amended to read as follows:

Every person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers to another person any check or draft on a bank, banker or depositary for the payment of money, knowing at the time of such making, drawing, uttering, or delivery, that he or his principal or the corporation of which he is an officer has not sufficient funds in, or credit with such bank, banker or depositary, to meet such check or draft in full upon its presentation, is punishable by imprisonment in the county jail for not more than one (1) year

or in the state prison for not more than fourteen (14) years. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank or depositary for the payment of such check or draft.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 122.

(House Bill No. 158.)

AN ACT

To Amend Paragraph 5133, Chapter 8, Title 50, Revised Statutes of Arizona, 1913, Civil Code, as Amended by Chapter 62, Session Laws of Arizona, 1919, and Section 2, Paragraph 5135, Chapter 8, Title 50, Revised Statutes of Arizona, 1913, Civil Code, Providing for the Use of Public Highways by Motor Vehicles.

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

Section 1. That Paragraph 5133, Chapter 8, Title 50, Revised Statutes of Arizona, 1913, Civil Code, as amended by Chapter 62, Session Laws of Arizona, 1919, be and the same is hereby amended to read as follows:

5133. (1) Every owner of a motor vehicle shall, for every such motor vehicle owned by him, file annually in the office of the County Assessor of the County within the state of Arizona of which the owner of said motor vehicle shall be a resident, on blanks to be prepared and furnished said county assessor for that purpose by the secretary of state as hereinafter provided, a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the make, factory number, style of vehicle and horse power. An annual license shall be assessed of Five ($5.00) Dollars for motor vehicles of twenty-five horsepower and under A. L. A. M. rating; Ten ($10.00) Dollars for motor vehicles of more than twenty-five and not more than forty horsepower A. L. A. M. rating; Fifteen ($15.00) Dollars for motor vehicles of more than forty horsepower A. L. A. M. rating; Ten ($10.00) Dollars for trucks of not more than one and one-half ton capacity, Fifteen ($15.00) Dollars for trucks of not more than three tons capacity, Twenty-five ($25.00) Dollars for trucks all over three ton capacity, and Two ($2.00)

Dollars for motorcycles. The provisions hereof with respect to the payment of registration fees shall not apply to motor vehicles owned by the United States, this state, a county or city or any of the departments thereof. Such state, county and city motor vehicles shall display a distinctive number plate showing the ownership thereof, but in all other respects the provisions of this chapter shall be applicable. The license hereunder granted when the same is applied for and granted on or after July first of each year, shall be at the rate of one-half the annual fee charged for such motor vehicle provided herein.

(2) The county assessor 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.

(3) The county assessor shall forthwith on such registration and the payment of the annual license herein provided and the payment by the owner of such motor vehicle of the personal property tax thereon for the current year, unless such personal property tax is secured by real estate assessed to the owner within said county, issue and deliver to the owner of such motor vehicle, a receipt showing the name and address with a brief description of the vehicle registered including the name of the make, factory number, style of vehicle and horsepower; which receipt shall be in triplicate; and shall also furnish to the owner of such motor vehicle the two number plates supplied by the secretary of state as provided in Paragraph 6 of this section.

(4) Upon the sale or transfer of a motor vehicle registered in accordance with this section, the vendor thereof shall immediately give notice of such sale with the name and residence of the vendee to the county assessor, and the vendee shall, within ten days after the date of such sale or transfer, notify the county assessor upon a blank furnished promptly by him for that purpose, stating the name and business of the previous owner, if known, the number under which such motor vehicle is registered and the name and residence, including the county and business address of the vendee. Upon filing such statement, duly verified, such vendee shall pay to the county assessor a fee of One ($1.00) Dollar for motor vehicles other than motorcycles, and upon receipt of such statement and fee the county assessor shall file such statement in his office and shall issue the vendee a receipt showing such transfer and a copy of said receipt shall be transmitted to the secretary of state, together with the fee in connection with the monthly report to the secretary of state and the secretary of state shall note upon his records such transfer ownership.

(5) Every motor vehicle shall also at all times have the number assigned to it displayed on the front and back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals. Such plates shall be of a distinctly different color each year, and there shall be at all times a marked contrast between the color of the number plates and that of the numerals and letters thereon, each letter shall not be less than three inches in height, and each stroke thereof shall be of a width of not less than half an inch. There shall also be, as a part of such number, the abbreviated name of the state, in colors similar to the rest of the number plate, such letters to be not less than one inch in height. This subdivision shall apply to motorcycles in all respects except that they are required to have a number displayed in the rear only, and the letters and numerals thereon shall be of two inches in height, and each stroke thereof one-quarter of an inch in width.

(6) The secretary of state shall designate the colors of the plates for each year, and shall procure and furnish to the assessor of each county in the state of Arizona, prior to the first day of January of each year, the necessary number plates provided for in paragraph 3 hereof, assigning to each county a numerical series of license numbers and plates, allotting to the county having the greatest number of motor vehicles the lowest numbered of such series, and to the county having the next highest number of motor vehicles, the next highest of the series of license numbers and plates, and so on until all counties shall have been supplied with sufficient license numbers and plates, consecutively numbered, as in the opinion of the secretary of state will be needed to license and equip all motor vehicles to be licensed in the respective counties during the current year. The secretary of state shall also cause to be printed all blanks and forms.

(7) A manufacturer of, or dealer in, motor vehicles shall register one vehicle manufactured or dealt in by him, and be entitled to as many duplicate number plates for each type or style so manufactured, or dealt in, as he may desire on payment of an additional fee of fifty (50) cents for each duplicate set of plates. If a corresponding number plate 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 subdivision 1, 3, 5 and 8 of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed for private use or for hire by a manufacturer of or dealer in automobiles.

(8) Every manufacturer of, or dealer in, motor vehicles shall upon the sale of a motor vehicle notify the sheriff and assessor of the county in which said motor vehicle is sold and is to be operated, of such sale, and the said sheriff shall see that such purchaser procures from the county assessor a motor vehicle license, as is required by the provisions of this chapter, within ten days after such purchase.

(9) No motor vehicle shall be used or operated upon the public highways after this chapter takes effect, which shall display thereon a number belonging to any other vehicle.

(10) No motor vehicle shall be used or operated on the public highways after this chapter takes effect, unless the owner shall have complied in all respects with this chapter, except that any person purchasing a motor vehicle from the manufacturer, dealer, or other person, after this chapter goes into effect, shall be allowed to operate such motor vehicle upon the public highways for a period of ten days after the purchase and delivery thereof; provided, that during such period such motor vehicle shall bear the registration number of the previous owner under which it was operated or might have been operated by him.

(11) 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, that the owners thereof have complied with the 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 for the current year, shall be displayed on such vehicle substantially as in this section provided. Such non-residents shall immediately notify the sheriff of the county or counties in which they operate showing that they have complied with the laws of the state, territory, federal district, or foreign country, whose license they display. All non-residents shall be required to pay the tax similar to that paid by the resident owners of motor vehicles after four months' residence in the state.

(12) It shall be the duty of the sheriff of every county in this state to keep a record of all motor vehicles registered in his county; to see that all owners of motor vehicles comply with the provisions of this chapter in all respects, and to rigidly enforce all its provisions. Any sheriff who neglects to comply with the provisions of this chapter shall be guilty of misdemeanor.

(13) On or before the tenth day of each month the county assessor shall forward to the secretary of state the duplicates

of the receipts given the owner of the motor vehicle under the provisions of Paragraph 3, hereof, showing thereon the license number assigned to the motor vehicle so registered, with a statement of the number and kind of motor vehicles licensed by them during the preceding month, and at the same time remit to the secretary of state the amount collected as annual licenses for motor vehicles during the preceding month, which statement shall show the name of the person from whom collected, the license number and the amount collected; and shall likewise furnish the secretary of state a statement showing the numbers of the license plates on hand at the close of the preceding month.

(14) Before issuing any license the assessor shall require proof that the applicant for said license is lawfully entitled to possession of such vehicle.

Before the county assessor shall issue a license for any motor vehicle brought into this state from any other state, except by regular dealers in motor vehicles, he shall require a certificate from the Motor Vehicle department of the State in which the motor vehicle was last licensed, showing the applicant for license for said motor vehicle to be the owner of said motor vehicle. In case the car has been sold after having been registered in such other state and no transfer of ownership has been made with the motor vehicle department of such other state, the applicant for license shall produce such bills of sale as shall show him to be the rightful owner of said vehicle and until satisfactory proof of ownership is shown to the assessor license shall not be issued.

(15) The secretary of state shall keep in his office a record of the motor vehicles licensed by the several county assessors of the state of Arizona under the provisions of this act, as shown by monthly statements rendered him as herein provided, which said records shall show, in convenient order, all the information shown upon the duplicate receipt given the owner of the motor vehicle with the county assessors at the time of application for registration.

Section 2. That Paragraph 5135, Chapter 8, Title 50, Revised Statutes of Arizona, 1913, Civil Code, providing for the use of public highways by motor vehicles, be and the same is hereby amended to read as follows:

5135. (1) 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 signals, 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 direction; provided, that motorcycles shall be required to exhibit but one white light during the period herein specified.

(2) No lights of more than thirty-two (32) candle power shall be used on any motor vehicle, and all lights in excess of four (4) candle power equipped with reflectors shall be arranged, designed, diffused, or deflected, that no dazzling rays or light shall, at a point seventy-five (75) feet or more ahead of the lamps rise more than forty-two (42) inches above the level surface on which the vehicle stands. All additional or supplemental lights including movable spotlights or searchlights shall comply with above restrictions and the rays of light from any such searchlight or spotlight shall at no time extend to the left of the center of the highway. All spotlights used upon motor vehicles and tractors shall be so constructed or arranged that no portion of the top of the beam of light shall rise or shall be capable of being raised by any person occupying any portion of such vehicle, to a point above the level surface upon which the vehicle stands and one hundred (100) feet directly ahead of such vehicle, except that when beam of light is swung thirty (30) degrees to the left or right of the straight ahead position no limitation is placed on the height to which the beam may be raised. No spotlight shall be used on or attached to any vehicle other than a motor vehicle or tractor. Spotlights are lights other than headlights, the direction of which is under the control of any occupant of the vehicle.

(3) Every motor vehicle and tractor shall have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of gas, steam or oil, as well as the falling out of residue from fuel. All exhaust pipes carrying exhaust from the engine shall be directed parallel to the ground or slightly upward.

(4) Except on vehicles actually engaged in the construction or repair of public highways, no tire on any vehicle operated upon any public highway or bridge shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood, which projects beyond the tread or traction surface of the tire, but this section shall not be so construed as to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow or ice or other conditions tending to cause such vehicle to slide

or skid; provided, however, that traction engines or tractors, the propulsive power of which is exerted not through wheels resting upon the ground, but by means of movable tracks, may be used, subject to the terms of this act.

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

Approved March 18th, 1921.

CHAPTER 123.

(House Bill No. 171.)

AN ACT

To Amend Sections 372 and 373, Title 10, Revised Statutes of Arizona, 1913, Penal Code, Relating to Bastardy Proceedings.

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

Section 1. Paragraph 372, Title 10, Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

372. If the defendant does not comply with the provisions of the preceding section, and there is probable cause to believe him guilty as charged in the complaint, the justice shall require him to enter into a recognizance, with sureties approved by the justice, in a sum not less than Five Hundred ($500.00) Dollars nor more than One Thousand ($1,000.00) Dollars, to appear before the superior court of the proper county and answer said complaint and abide the order of such court thereon. If he fails to give such recognizance, the justice shall commit him to the county jail, there to be held to answer such complaint. Thereupon the justice shall certify the examination, and return the same, and all process and papers in the case to the clerk of such court.

Section 2. Paragraph 373, Title 10, Revised Statutes of Arizona, 1913, Penal Code, is hereby amended so as to read as follows:

373. Upon trial, the issue shall be whether the defendant is guilty or not guilty. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and shall be charged with its maintenance until such child attains its majority. The court in its judgment shall direct the amount which shall be paid by the father for the support of such

child and the manner in which such payment shall be made, and shall also direct the payment of the costs of prosecution by said defendant. The court may from time to time after the entry of said judgment, on petition of either of the parties, or upon its own motion, amend, revise, and alter such portions of the judgment as relate to the payment of money for the maintenance of said child, as may be deemed just and as the welfare of said child may require. The examination taken before the justice shall in all cases be read to the jury when demanded by the defendant.

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

Approved March 18th, 1921.

CHAPTER 124.

(House Bill No. 187.)

AN ACT

Making an Additional Appropriation for the Contingent Expenses of Carrying on and Conducting and Defraying the Expenses of the Fifth State Legislature of the State of Arizona.

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

Section 1. The sum of Eight Thousand ($8,000.00) Dollars is hereby appropriated out of the General Fund of the State, or as much thereof as may be necessary, for the purposes of defraying the necessary contingent expenses of the Fifth Legislature of the State of Arizona.

Section 2. Whereas an urgent necessity exists for the appropriation of funds to defray the necessary contingent expenses of the Fifth Legislature of the State of Arizona, and for the payment of the actual and necessary clerical assistance after the close of the legislative session, and the provisions of this act are necessary for the support and maintenance of the legislature, and to preserve the public peace 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 provisions of the State Constitution.

Approved March 18th, 1921.

CHAPTER 125.

(Senate Bill No. 19.)

AN ACT

To Amend Paragraph 542, Chapter XIV, Part II, of Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Civil Procedure."

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

Section 1. That Paragraph 542, Chapter XIV, Part II, of Title VI, Revised Statutes of Arizona, 1913, Civil Code, entitled "Civil Procedure" be and the same is hereby amended to read as follows:

542. In all actions where equitable relief is sought, if a jury be demanded by either party, and where more than one material issue of fact is joined, the court, in its discretion, may submit written interrogatories to the jury, covering all or part of the issues of fact, and such interrogatories shall be answered by the jury; provided, that such interrogatories shall be approved by the court, and each interrogatory shall be confined to a single question of fact and shall be so framed as to be answered by yes or no, and shall be so answered where yes or no is possible. In every such case the verdict of the jury shall be deemed advisory to the court in the determination of the action.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 126.

(Senate Bill No. 54.)

AN ACT

For the Protection of the American Home and Family and to Secure Therefor Proper Housing Facilities: Prohibiting the Owner, Agent, Lessee or Lessor, Etc., of Any House, Dwelling, Apartment, Suite, Flat, or Any Other Structure to be Used for Purposes of Dwelling, to Refuse to Rent, Lease, Re-lease, Sub-lease to Any Family, Parent or Parents, or Guardian, Any Such House, Dwelling, Apartment, Suite, Flat, Etc., Because of, or on Account of, a Child or Children: Prohibiting the Advertising, Either by Sign, Placard,

Written or Printed Notice, or by Publication in Any Newspaper of General Circulation in this State, of Such Restrictions, and Fixing a Penalty for Violation Thereof.

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

Section 1. It shall be unlawful for any owner, agent, lessee, lessor of any house, dwelling, apartment, suite, flat, or other structure or building used for purposes of dwelling, or for any individual, association, co-partnership or corporation, or for any person or persons acting therefor, or on behalf of any such owner, agent, lessee, lessor, individual, association, co-partnership or corporation, within the State of Arizona, to refuse to rent, lease, sub-lease to any family, parent, parents or guardian, such house, dwelling, apartment, suite, flat, or other structure used for the purposes of dwelling for the reason that such family, parent, parents or guardian has a child or children.

Section 2. It shall be unlawful for any owner, agent, lessee, lessor, or for any individual, association, co-partnership or corporation, or for any person or persons acting therefor or on behalf of any such owner, agent, lessee, lessor, individual, association, co-partnership or corporation, to advertise what is commonly known as the "NO CHILDREN" restriction, either by the display of any sign, placard, written or printed notice, or by publication thereof in any newspaper of general circulation in this state; and for the purposes of this act it shall be construed as a violation of the provisions of Section 1 hereof, shall any such sign, placard, written or printed notice be displayed, or published by, or under authority of, any such owner, agent, lessee, lessor, individual, association, co-partnership or corporation.

Section 3. Any person, persons, owner or owners, agent, lessee, lessor, individual, association, co-partnership or corporation violating any of the provisions of Sections 1 and 2 of this Act, shall upon conviction thereof be punished for the first offense by a fine of not less than one hundred dollars ($100.00), or more than five hundred dollars ($500.00), and for any subsequent conviction by a fine of five hundred dollars ($500.00) or three months imprisonment in the county jail, or by both such fine and imprisonment.

Section 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 127.

(Senate Bill No. 68.)

AN ACT

To Amend Paragraph 4760, Chapter II, Title XLVIII, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Practice of Dentistry."

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

Section 1. That Paragraph 4760, Chapter II, Title XLVIII, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Practice of Dentistry," be and the same is hereby amended to read as follows:

4760. Examinations by the Board of Dental Examiners shall be of two kinds, viz.: (1) theoretical, and (2) practical. The theoretical examination shall be written in the English language and consist of questions and answers upon such subjects as are included in the curriculum of reputable dental colleges; provided, that the board may conduct additional examination, orally, on such subjects, and no member thereof shall be prevented from examining any applicant on all such subjects. The practical examination shall consist of demonstrations of skill in operative and mechanical dentistry.

In grading all examinations the theoretical examination and the practical work shall be graded at fifty per cent each; provided, that the board may allow applicants who have been engaged in the practice of dentistry for five years, sixty-six and two-thirds per cent for their practical work, and thirty-three and one-third per cent for their theoretical examination.

Provided that the Board of Dental Examiners shall excuse from written examination any applicant who has a diploma from a recognized dental college and who shall furnish a certificate signed by the Board of Dental Examiners of any state whose requirements for admission to practice dentistry at the time such applicant was admitted to practice dentistry by such state at least equal to the present requirements in that respect by the state of Arizona, to the effect that such applicant was admitted to practice dentistry in such state under requirements at least equal to the present requirements of this state in that respect, and that such applicant is a competent dentist, and has been in legal and ethical practice in such state for at least three consecutive years prior to the granting of such certificate.

The State Board of Dental Examiners may issue, from time

to time, as required, a temporary permit to any licensed dentist engaged by any state institution or Board of Education or Board of School Trustees authorizing such dentist to practice dentistry in free public clinics, only, as prescribed by such state institution, Board of Education or Board of School Trustees. Such permit shall expire on the date of the convening of the meeting of the State Dental Board, next after the issuance of such permit. Not more than one such permit shall be issued to any one person.

It shall be the duty of the secretary of state, upon presentation to him of a certificate by the Board of Dental Examiners, certifying under the seal of the Board, that the person named therein is possessed of the necessary qualifications and is entitled to practice dentistry in the state, to endorse thereon under the seal of the state of Arizona, a license to practice dentistry in the state.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 128.

(Senate Bill No. 86.)

In the State Senate

AN ACT

Regulating the Forfeiture of the Interest of the Purchaser Under a Contract for the Conveyance of Real Estate; Establishing Periods Which Must Elapse Prior to Forfeiture; Providing for Reinstatement After Default; Providing for the Sale of Such Real Estate by a Trustee or Trustees Under Power of Sale; and Providing for a Trial of Action for the Recovery of Possession from the Buyer Under a Contract Where Forfeiture Has Been Declared Under the Terms of This Act.

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

Section 1. That it shall be unlawful to enforce a forfeiture of the interest of the purchaser in default under a contract for the conveyance of real estate in this State until and after the expiration, after such default, of the periods hereinafter provided for, and it shall be lawful so to do when such default has continued for said periods, viz.:

In cases where the purchaser has paid less than twenty per cent of the purchase price, thirty days.

In cases where the purchaser has paid twenty per cent, or more, but less than thirty per cent of the purchase price, sixty days.

In cases where the purchaser has paid thirty per cent, or more but less than fifty per cent of the purchase price, one hundred and twenty days.

In cases where the purchaser has paid fifty per cent, or more, of the purchase price, nine months.

Section 2. The purchaser under any such contract may avoid forfeiture at any time prior to the expiration of the period of time set forth in Section 1 hereof applying thereto by complying with all the terms of his contract to the date of such compliance.

Section 3. That it shall be lawful for a trustee or trustees named and given a power of sale in a contract for the conveyance of real estate, not executed to secure the repayment of a loan of money, to sell and convey without right of redemption the real estate, or any part thereof, described in such contract, in accordance with the terms set forth in such contract, at any time after default and after the lapse of the period of time applying thereto, as set forth in Section 1 hereof.

Section 4. If any purchaser under any such contract shall refuse to surrender possession of any real estate in which his interest has been sold or forfeited in accordance with the provisions of this Act, the person or persons entitled to possession by reason of such sale or forfeiture, shall be entitled to bring an action in the Superior Court of the County in which such land is situated upon a verified complaint setting up in general terms the right of the plaintiff to possession by virtue of this Act, and upon such complaint being filed, proceedings shall be had thereon in accordance with the laws of this State now in force, or that may be hereafter adopted, relating to actions of forcible entry and detainer. Any modification of the pleadings or summons deemed necessary by the Judge of any such Superior Court may be provided by the rules of such Court, or by order in the cause. Subject to such modification, all actions filed under the provisions of this Section shall be tried and judgment rendered therein and appeals allowed therefrom as provided by the laws of this State now in force, or that may hereafter be adopted, relating to actions of forcible entry and detainer.

Section 5. All acts and parts of acts, in conflict with the provisions of this Act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 129.

(Senate Bill No. 87.)

AN ACT

To Amend Paragraph 4113 of Chapter 3, Title 35 of the Revised Statutes of Arizona, 1913, Civil Code, Relating to Foreclosure and Making Provision for Sale by a Trustee.

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

Section 1. That paragraph 4113 of Chapter 3, (entitled Foreclosure) Title 35 (entitled Mortgages) of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended so as to read as follows:

4113. All mortgages of real property and all deed of trust in the nature of mortgages shall, notwithstanding any provision contained in the mortgage, be foreclosed by action in a court of competent jurisdiction; provided that a trustee named in a deed of trust or trust deed, not executed to secure the repayment of a loan of money, may sell and convey, without right of redemption, in accordance with the power of sale stipulated either in such trust deed, deed of trust, declaration of trust, or other written instrument, at any time after the expiration of nine months continuous default on the part of the mortgagor, obligor or owner.

If any mortgagor, obligor, owner or other persons under such trust deed, deed of trust, declaration of trust or other written instrument shall refuse to surrender possession of any real estate in which his interest has been sold in accordance with the provisions of this act, the person or persons entitled to possession by reason of such sale shall be entitled to bring an action in the Superior Court of the county in which such land is situated upon a verified complaint setting up in general terms the right of the plaintiff to possession by virtue of this act, and upon such complaint being filed, proceedings shall be had thereon in accordance with the laws of this state now in force, or that may be hereafter adopted, relating to actions of forcible entry and detainer. Any modification of the pleadings or summons deemed necessary by the Judge of any such Superior Court may be provided by the rules of such Court, or by order in the cause. Subject to such modification, all actions filed under the provisions of this section shall be tried and judgment rendered therein and appeals allowed therefrom as provided by the laws of this state now in force, or

that may hereafter be adopted, relating to actions of forcible entry and detainer.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 130.

(Senate Bill No. 97.)

AN ACT

To Amend Paragraph 3199 of the Revised Statutes of Arizona, 1913, Civil Code, Being a Part of Chapter I, Title XV, as Amended in Chapter 41, Page 79, Laws of the Second Legislature of Arizona, Approved March 16, 1915.

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

Section 1. That Paragraph 3199 of the Revised Statutes of Arizona, 1913, Civil Code, being a part of Chapter I, Title XV, as amended in Chapter 41, page 79, Laws of the Second Legislature of Arizona, approved March 16, 1915, be and the same is hereby amended so as to read as follows, to-wit:

3199. Sheriffs shall collect the following fees in civil suits:

Serving each original summons in a civil suit	$1.50
Summoning each witness	.50
Levying and returning each writ of attachment or claim and delivery	2.00
Serving each writ of garnishment, injunction or other process not otherwise provided for	1.50
Taking and approving each bond and returning the same to the proper court when necessary	1.00
Indorsing the forfeiture of any bond required to be indorsed by him	.50
Levying each execution	2.00
Returning each execution	.50
Executing and returning each writ of possession or restitution	3.00
Posting the advertisement for sale under execution, or any order of sale	2.00
Posting any notice required by law not otherwise provided for	2.00

Executing a deed to each purchaser of real estate under execution or order of sale 2.50

Executing a bill of sale to each purchaser of personal property under an execution or order of sale, when demanded by purchaser 1.25

For each case tried in the Superior Court, a jury fee shall be taxed for the Sheriff of ..... .75

For services in designating a homestead or other exempt property 2.50

For receiving and paying money on redemption and issuing certificate of redemption 5.00

For traveling in the service of any civil process, sheriffs and constables shall receive Thirty Cents (30c) for each mile actually and necessarily traveled, to be charged one way only; if two or more persons are mentioned in the same writ he shall charge for the distance actually and necessarily traveled in the service of the same.

For collecting money on an Execution when same is made by sale, twenty cents (20c) for each One Hundred Dollars ($100.00) or major portion of One Hundred Dollars ($100.00).

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 from and after its passage and approval by the Governor.

Approved March 18th, 1921.

CHAPTER 131.

(Senate Bill No. 106.)

AN ACT

Authorizing and Empowering the Courts in Personal Injury Cases to Order and Direct a Physical Examination of the Person Injured.

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

Section 1. On or before the trial of any action brought to recover damages for injury to the person, the court before whom such action is pending may, from time to time, on application of any party therein, order and direct an examination of the person injured, as to the injury complained of, by a competent

and disinterested physician or physicians, surgeon or surgeons, in order to qualify the person or persons making such examination, to testify in the said cause as to the nature, extent, and probable duration of the injury complained of; and the court may in such order direct and determine the time and place of such examination; provided, this act shall not be construed to prevent any other person or physician from being called and examined as a witness.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 132.

(Senate Bill No. 121.

AN ACT

To Amend Section 2 of Chapter 51 of the Session Laws of Arizona, 1917, Which Amended Paragraph 1833 of the Revised Statutes of Arizona, 1913, Civil Code, Prescribing the Duties and Qualifications of Town Officers.

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

Section 1. That Section 2 of Chapter 51 of the Session Laws of Arizona, 1917, be amended to read as follows:

"Section 2. That Paragraph 1833 of the Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

1833. The town clerk shall also be treasurer of the town; the town marshal shall be collector of all taxes of the town; and the town engineer shall have full charge of the town streets, sewers and water works, and in towns of three thousand or more inhabitants, shall be a competent engineer, provided that in towns of less than three thousand inhabitants the town marshal, in addition to his duties as town marshal, may act as town engineer; and provided further, that in any town or city, having a water commission whose duty it is to manage water works and look after the affairs of the water department, the town engineer shall have nothing whatsoever to do with the water works and water department, or in the conduct and management of the same."

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 18th, 1921.

CHAPTER 133.

(House Bill No. 95.)

AN ACT

To Provide that All Sinking Funds of the State of Arizona or of Any County, City, Town or School District Thereof, May be Invested in the Discretion of the Governing Body or Officer in Charge of Such Sinking Fund in the Purchase of Bonds of the United States of America, or of Any County, City, Town, or School District, of the State of Arizona.

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

Section 1. That all sinking funds of the State of Arizona or of any County, City, Town or School District of the State of Arizona, may be invested in the discretion of the governing body or officer in charge of such sinking fund in the purchase of bonds of the United States of America, or of any County, City, Town or School District of the State of Arizona.

Section 2. That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 17th, 1921.

CHAPTER 134.

(House Bill No. 2.)

AN ACT

To Amend Paragraphs 2696 and 2697 and to Repeal Paragraphs 2698, 2699, 2700, 2701, 2702, 2703, 2704, and Subdivision 11 of Paragraph 2705, and 2707, 2713, 2714, 2715, 2716, 2717, 2718, 2842, 2850, 2853, of Title XI, Revised Statutes of Arizona, Civil Code, 1913, Entitled "Education."

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

"Section 1. That Paragraphs 2696 and 2697 of Title XI, Revised Statutes of Arizona, 1913, Civil Code, entitled "Education" be and the same are hereby amended to read as follows:"

2696. The Board of Education shall hold four regular meetings annually at such time as may be directed by said Board of Education. Special meetings may be held on the call of the president of said Board. 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, Five ($5.00) Dollars per day in lieu of all other expenses payable out of the funds apportioned for the State Board of Education, on the warrant of the State Auditor.

2697. The powers and duties of the Board are as follows:

1. To keep a record of its proceedings, subject to public inspection.

2. To adopt and use in the authentication of its acts an official seal.

3. It shall have power to make rules and regulations for its own government and for the government of its executive officers. It shall assign, in addition to those already assigned by law, their functions and duties, direct them as to their work and be free to change such assignments and directions to meet the necessities of the work under their direction. To determine the policy, direct the work to be undertaken and appropriate from its funds the money necessary to carry out such work. It may perform legislative functions not inconsistent with the law and shall delegate to its executive officer the execution of all policies decided upon.

4. To devise plans for the increase and management of the State school fund, and prepare a budget of the necessary expenditures for the proper maintenance of the State Board of Education and the carrying out of the necessary investigations, and present the same to the legislature for its approval and shall have control of expenditure of all money so appropriated.

5. 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 meetings; 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.

6. 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.

7. 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.

8. To have entire supervision and control of the certification of teachers in accordance with such rules and regulations as the Board may adopt.

9. To revoke all certificates or life diplomas for immoral or unprofessional conduct, or for evident unfitness to teach.

10. To expend a sum not to exceed Two Hundred ($200.00) Dollars annually for the purpose of maintaining State headquarters at the annual meeting of the National Educational Association.

11. To see that the School laws of the State are properly enforced.

12. Recommend to the legislature needed changes in existing laws or additional legislation.

13. In co-operation with other departments of the State Government, the Board shall see to it that the rules relating to schools, health, compulsory education, child labor and child conservation are enforced.

14. At such times as may be deemed advisable, prepare and order published such reports as may constitute a contribution to the general educational welfare of the State and provide for the distribution of the same.

15. To conduct teachers' institute at such time and place as may be advisable.

16. To submit, on or before the first day of October of each year prior to the meeting of the legislature, to the Governor a statement of the expenditures of each institution under its control, fully itemized as to purposes, subjects, and amounts of each, covering a period of two fully completed fiscal years prior thereto; and a statement of estimated expenditures of all kinds, for all purposes, continuing and new purposes, which may be required for each biennial period, likewise fully itemized as proposed purposes, objects and amounts of estimated expenditures to be required for each institute for such fiscal period of two years. The Governor shall transmit such estimates to the legislature, together with such recommendations as he may deem advisable, and the legislature shall appropriate such amounts as it may deem necessary. The expenditure of any fiscal year made in connection with any institution under the State Board of Education shall not exceed the amounts, item by item.

17. To appoint upon the recommendation of the Superintendent of Public Instruction such executive officers, specialists, assistants, clerks, or employees as in its judgment the execution of the work of the Board may demand, and fix the salaries of the same.

Section 2. That Paragraphs 2698, 2699, 2700, 2701, 2702, 2703, 2704, and Subdivision 11, Paragraph 2705; and Paragraphs 2707, 2713, 2714, 2715, 2716, 2717, 2718, 2842, 2850 and 2853, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 19, 1921.

CHAPTER 135.

(House Bill No. 22.)

(As Amended)

AN ACT

To Regulate the Practice of the Professions of Architecture, Assaying, Engineering and Land Surveying; Providing for the Creation of a Board of Examiners, and Granting to Said Board Certain Powers and Prescribing Its Duties, and Providing for the Registration of and the Issuance of Certificates of Registration to Professional Architects, Assayers, Engineers and Land Surveyors; Repealing All Acts or Parts of Acts in Conflict Herewith, and Providing Penalties for the Violation of this Act.

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

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer, a land surveyor or an assayer in this State, shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and from and after six months after this act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this state, as an architect, a professional engineer, hereinafter called engineer, a land surveyor or an assayer, except under the provisions of this act.

Section 2. Nothing in this act shall be construed as requiring registration by an individual, firm or corporation for the purpose of practicing architecture, engineering, land surveying or assaying

on property owned or leased by said individual, firm or corporation, unless the same involves the public safety or health; nor as requiring registration by any person, who prior to the time of the passage of this act was engaged in the practice of architecture, engineering, land surveying or assaying; provided, however, such person shall not represent himself as, or use the title of "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Assayer," unless such person is qualified by registration under this act.

Section 3. To carry out the provisions of this act there is hereby created a State Board of Registration, hereinafter called the Board, consisting of seven members, each a citizen of the United States, six of whom shall be appointed by the governor within sixty days after this act becomes effective. The dean or the acting dean of the College of Mines and Engineering at the University of Arizona shall be ex-officio a member of said board. Each of the remaining six members of the board shall be a professional architect, engineer or assayer, as defined in this act, and it shall be incumbent upon the governor to see that the board is at all times made up of representatives of the greatest possible diversity of professions or vocations covered by this act. Two of the members of the board first appointed shall hold office for a term of one year, two shall hold office for a term of two years, and two shall hold office for a term of three years from the 1st day of July following the passage of this act. Upon the expiration of each of said terms, the term of office of each member thereafter appointed shall be three years. The term of office of the six members first appointed to the board shall be decided by drawing lots at the first meeting of said board. Each member of the board shall continue to serve thereon after the expiration of his term until his successor has been duly appointed and has qualified. The governor may remove any member of the board for misconduct, incapacity or neglect of duty. Vacancies in the board caused by death, resignation, removal from the state or any other cause, shall be filled by appointment by the governor for the unexpired term. Each member of the board shall have had at least five years of active experience and shall be of recognized good standing in his profession or vocation, and shall be of at least thirty-five years of age, and shall have been a resident of this state for at least three years immediately preceding his appointment. Each appointed member of said board, excepting the members first appointed hereunder, must also have been registered under this act.

Section 4. Each member of the board shall receive a certificate of appointment from the governor, and before beginning

his term of office he shall file with the secretary of state the constitutional oath of office. Each member of the board first created shall receive a certificate of registration under this act from the governor of the state. The board or any committee thereof shall be entitled to the services of the Attorney General, in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law needed in performing its duty.

Section 5. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members a chairman, a vice-chairman and a secretary. A quorum of the board shall consist of not less than four members, of whom two shall be architects and two engineers.

Section 6. The secretary of the board shall receive and account for all moneys derived from the operation of this act and shall pay them to the State Treasurer, who shall keep such moneys in a fund to be known as the "Fund of the Board of Registration for Architects, Engineers, Land Surveyors and Assayers," which fund shall be continued from year to year and shall be drawn against only for the purposes of this act as herein provided.

Each member of the board shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this act. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, shall be paid out of said fund on the warrant of the auditor of the state issued on requisitions signed by the chairman and the secretary of the board; provided, however, that at no time after this act shall have been in effect for one year shall the total of warrants issued exceed the total amount of funds accumulated under this act. The secretary of the board shall give a surety bond satisfactory to the state Treasurer conditioned upon the faithful performance of his duties, the premium on said bond shall be regarded as a proper and necessary expense of the board.

Section 7. The board shall keep a record of its proceedings

and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the board shall be **prima facie** evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers, land surveyors and assayers, shall be prepared by the secretary of the board during the month of ....of each year; such roster shall be printed out of the funds of the board as provided in Section 7. On or before the 1st day of November of each year the board shall submit to the governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the board, certified by the chairman and secretary, and a copy of said roster of registered architects, registered engineers, registered land surveyors and registered assayers. A copy of this report shall be filed with the secretary of state.

Section 8. The board shall, on application thereof on prescribed form and the payment of a fee of Fifteen Dollars ($15.00), issue a certificate of registration as an architect, or as an engineer, and on the payment of a fee of Ten ($10.00) Dollars issue a certificate as a land surveyor or assayer;

1. To any person who submits evidence satisfactory to the board that he is fully qualified to practice architecture, engineering or land surveying, or assaying; or

2. To any person who submits to the board evidence that at the time of the passage of this act he has been practicing as an architect, engineer, land surveyor or assayer for a period of three years prior to the date of the taking effect of this act, and during said time had been a bona fide resident of the State of Arizona, and was still at the date of such application a resident of the state of Arizona; or

3. To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia; in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of architects, engineers, land surveyors or assayers are of a standard satisfactory to the board;

Provided, however, that no person shall be eligible for registration who is under twenty-five years of age, who is not a citizen of the United States or Canada, or who has not made declaration of his intention to become a citizen of the United

States, who does not speak and write the English language, who is not of good character and repute, and who has not been actively engaged for three or more years in architectural, engineering, land surveying or assaying work of a character satisfactory to the board. However, each year of teaching, or of study satisfactorily completed, of architecture, engineering or assaying in a school of architecture or engineering, or of assaying in a school of mines, of standing satisfactory to the board, shall be considered as equivalent to one year of such active engagement.

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as **prima facie** "evidence, satisfactory to the board," that the applicant is fully qualified to practice architecture, engineering, land surveying or assaying:

(A) Three or more years of active engagement in architectural, engineering, land surveying or assaying work;

(B) Graduation, after a course of not less than four years in architecture, engineering or assaying or land surveying, from a school or college approved by the board as of satisfactory standing, and an additional four years of active engagements in architectural, engineering, land surveying or assaying work;

(C) Full membership in the American Institute of Architects, American Institute of Chemical Engineers, American Society of Civil Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, Society of Naval Architects and Marine Engineers, American Association of Engineers, or such other National or State architectural or engineering societies as may be approved by the board, the requirements for full membership in which are not lower than the requirements for full membership in the professional societies or institutes named above.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the board.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty

of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of Five Dollars ($5.00) for architects and engineers and a similar fee for land surveyors and assayers. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent (10%) for each month or fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Section 9. The board shall have the power to revoke the certificate of registration of any architect, engineer, land surveyor or assayer registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of architecture, engineering, land surveying or assaying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect, engineer, land surveyor or assayer registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him and to produce evidence and witnesses in his defense. If after said hearing five or more members of the board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture, engineering, land surveying or assaying, the board shall revoke the certificate of registration of the accused.

The board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

The board shall immediately notify the Secretary of State and the clerk of each county, town and city in the state of its findings in the case of the revocation of a certificate of registration, or of its reissuance of a revoked certificate of registration.

A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of One Dollar ($1.00) shall be made for such reissuance.

Section 10. The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, a registered engineer, a registered land surveyor or a registered assayer while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Assayer." Plans, specifications, plats and reports issued by a registrant may be stamped with the said seal during the life of registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked unless said certificate shall have been renewed or reissued.

Section 11. Any person who after this act has been in effect six months is not legally authorized to practice as an architect, an engineer or a land surveyor or assayer in this state, according to the provisions of this act and shall so practice, or offer so to practice in this state, except as provided in section 12 of this act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment for three months, or by both fine and imprison-

ment. However, nothing in this act shall be construed as excluding any registered architect from the practice of engineering or as excluding any registered engineer from the practice of architecture.

Section 12. The following shall be exempted from the provisions of this act:

1. Offering to practice in this state as an architect, an engineer, a land surveyor or an assayer, by any person not a resident of and having no established place of business in this state.

2. Practice as an architect, an engineer, a land surveyor or an assayer in this state by any person not a resident of and having no established place of business in this state, when this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own state or country.

3. Practice as an architect, an engineer, a land surveyor or an assayer in this state by any person not a resident of and having no established place of business in this state, or any person resident in this state, but whose arrival in the state is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer, a land surveyor or an assayer and shall have paid the fee provided for in section 8 of this act. Such exemption shall continue for only such reasonable time as the board required in which to consider and grant or deny the said application for registration.

4. Engaging in architectural, engineering, land surveying or assaying work as an employee of a registered architect, a registered engineer, a registered land surveyor or a registered assayer, or as an employee of an architect, an engineer, a land surveyor or an assayer, authorized by paragraphs 2 and 3 of this section, provided that said work may not include responsible charge of design or supervision; or engaging, by a non-resident, in architectural, engineering, land surveying or assaying work as a full time employee of an individual, firm or corporation, having an established business in this state, of any character, when such practice shall be temporary in character and in no event to exceed a period of ninety (90) days.

5. Practice of architecture, engineering, land surveying or assaying by any person not a resident of and having no established place of business in this state, as a consulting associate of an architect, an engineer, a land surveyor or an assayer registered under the provisions of this act; provided, the non-

resident is qualified for such professional service in his own state or country.

6. Practice of architecture, engineering, land surveying or assaying solely as an officer or as an employee of the United States.

7. Practice of architecture, engineering, land surveying or assaying solely as an employee of this state or any political subdivision thereof, at the time this act becomes effective and thereafter only until the expiration of the then existing term of office for such employee.

8. Designing or executing work of an architectural or engineering character by a person not an architect or an enginer; provided that such person does not represent himself as an architect or as an engineer; and provided further than on drawings, specifications or other documents prepared or issued by such person the title Architect or Engineer shall not be used, nor any other title which might imply that such person is an architect or an engineer.

Section 13. A corporation or partnership may engage in the practice of architecture, engineering, land surveying or assaying in this state, provided the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required of architects, engineers, land surveyors and assayers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act.

Section 14. One year after this act goes into effect, neither the state nor any county, township, city, town or village nor other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture or engineering for which the plans, specifications and estimates have not been made by, and the construction and maintenance supervised by, a registered architect or a registered engineer; provided, that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the completed project does not exceed Five Thousand ($5,000.00) Dollars.

Section 15. Land Surveying as covered by this act refers only to surveys for the determination of areas or for the establishment or re-establishment of land boundaries and the subdivision and platting of land. Nothing in this act shall be construed as prohibiting registered architects or registered engineers from making land surveys where such surveys are essential to architectural or engineering projects.

Section 16. Any unrevoked or unexpired certificate of registration issued as provided in this act shall be **prima facie** evidence in all courts and places that the person named therein is legally registered to practice in the state of Arizona.

Section 17. All words used herein importing the masculine gender may also imply as importing the feminine gender.

Section 18. Any part of this act that may be found to be unconstitutional shall not invalidate any other portion of the act nor the whole thereof.

Section 19. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19th, 1921.

CHAPTER 136.

(House Bill No. 56.)

AN ACT

To Regulate the Sale, Offering, or Exposing for Sale and the Importing of Field and Garden Seeds: To Provide for the Testing of Such Seeds: To Make an Appropriation for Carrying Out the Provisions of this Act: To Provide a Penalty for Its Violation: And to Repeal All Acts or Parts of Acts in Conflict With this Act.

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

Section 1. The term "Agricultural seeds" or "Agricultural Seed" as used in this act shall be defined as the seeds of Canada Blue Grass, Kentucky Blue Grass, Brome Grass, Fescues, Millets, Tall Meadow Oat Grass, Orchard Grass, Red Top, Italian Rye Grass, Timothy, Chilean Alfalfa, Peruvian Alfalfa, Alsike Clover, Crimson Clover, Sweet Clover, Sour Clover, White Clover, Kafir, Milo, Hegari, Feterita, other sorghums, Sudan Grass, Cotton seed, Peas, Cowpeas, Beans, Soy Beans, Vetches, and other grasses and forage plants, Buckwheat, Flax, Rape, Barley, Wheat, Oats, Rye, Field Corn, and other cereals, which are sold, offered or exposed for sale within the State for seeding purposes within the State.

LABEL REQUIREMENTS OF AGRICULTURAL SEED.

Section 2. Every lot of Agricultural Seed as defined in Section 1 of this Act, except as herein otherwise provided, when

in bulk packages or other containers of ten pounds or more, shall have affixed thereto, in a conspicuous place, on the exterior of the container of such agricultural seeds, a plainly written or printed tag or label in the English language stating:

(a) Commonly accepted name and variety of such Agricultural seeds.

(b) The approximate total percentage, by weight, of purity, meaning the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance.

(c) The total percentage, by weight, of weed seeds; the term "weed seeds" as herein used being defined as the noxious weed seeds listed in Section two, sub-section (d) and all seeds not listed in Section one as agricultural seeds.

(d) The name of each kind of the seed or bulblets of the following named noxious weeds which are present, singly or collectively, as follows: (1) in excess of one seed or bulblet in each five (5) grams of Timothy, Red Top, Tall Meadow Oats Grass, Orchard Grass, Canada Blue Grass, Kentucky Blue Grass, Fescues, Brome Grass, Rye Grass, Clover, Sweet Clover, Sour Clover, Chilean Alfalfa, Peruvian Alfalfa, and all other Clovers and grasses not otherwise classified; (two) one in twenty-five (25) grams of Millet, Rape, Flax, Sweet Sorghums, and other seeds not specified in clauses numbered (1) and (3) of this subsection; (three) one in one hundred (100) grams of Wheat, Oats, Rye, Barley, Buckwheat, Vetches, Kafir, Milo, Hegari, Feterita, and other seeds as large or larger than Wheat; for the purpose of this act the following being defined as noxious weeds: Dodders, Russian Thistle, Johnson Grass, Bermuda Grass, Florida Nut Grass, Wild Mustard, Careless Weed, Wild Oats, Lambs Quarter, Wild Barley, Rag Weed, and any of the species of weeds commonly called Burr Grasses.

(e) The approximate percentage of germination of such agricultural seeds together with the month and year seeds were tested, provided that the Arizona Agricultural Experiment Station shall test and may publish the results of such tests as herein provided together with the month and year such tests were made, including the date of test as shown on the label.

(f) The full name and address of the vendor of such agricultural seeds.

(g) Name of the State where such seeds were grown, and if in Arizona, the locality, and if this is unknown, a statement to that effect.

LABEL REQUIREMENTS OF SEED MIXTURES.

Section 3. Mixtures of Clover, Timothy and Clover, or other grasses or any other agricultural seeds or varieties of agricultural seed when sold, offered or exposed for sale as mixtures in lots of two (2) pounds or more shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture of seeds, a plainly written or printed tag or label, in the English language, stating:

(a) That such seed is a mixture.

(b) The name and approximate percentage, by weight, of each kind or variety of agricultural seed present in such mixture in excess of five (5) per cent, by weight, of the total mixture.

(c) Approximate percentage, by weight, of weed seeds as determined in Section Two (2) of this act.

(d) The name of each kind of seed or bulblet of the noxious weeds listed in Section Two (2), subdivision (d) of this Act, which are present singly or collectively in excess of one seed or bulblet in each fifteen grams.

(e) The approximate percentage of germination of such seed mixtures together with the month and year said seeds were tested, provided that the said Arizona Agricultural Experiment Station shall test and may publish the results of such tests as herein provided together with the month and year such tests were made including the date of test shown on the label.

(f) Full name and address of the vendor of such mixture.

EXEMPTIONS.

Section 4. Agricultural Seeds or mixtures of same shall be exempt from the provisions of this Act:

(a) When possessed, exposed for sale, or sold, for food purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for purposes of recleaning.

(d) Agricultural Seeds grown and sold by the grower thereof on his own premises; provided, however, that said grower shall be responsible under this Act for any representations he shall make in the sale of such agricultural seeds; and further provided that if such agricultural seeds shall be advertised for sale or shall be delivered through a common carrier, then the grower, as a seller, shall be deemed to be a vendor, and said seed and seller

shall be subject to all the requirements of this Act. Provided that nothing in this sub-division (d) shall be interpreted as exempting any such grower from full liability in case of the sale of agricultural seeds containing any noxious weeds forbidden by law to be sold in Arizona.

DUTIES AND AUTHORITY OF ENFORCING AGENCY.

Section 5. The duty of enforcing this Act and carrying out its provisions and requirements shall be vested in the Arizona Commission of Agriculture and Horticulture. The said Commission, upon notice to the seed trade of this state, through the agricultural bulletins of the Commission and otherwise, shall be empowered to adopt such reasonable rules and regulations as may be necessary to secure the efficient enforcement of this Act; Provided, further, that the said Commission is authorized to assign any of its members or employees without additional salary to aid in the administration of this Act, and is further empowered to secure the services of a seed commissioner and other necessary employees and to designate reasonable remuneration therefor for the proper enforcement and carrying out of the provisions of this Act. It shall be the duty of the said Commission, within its discretion and appropriations, to publish or cause to be published the results of the examination, analysis, and test of any sample or samples of agricultural seeds or mixture of such seed together with any other information said Commission may find advisable.

The Arizona Agricultural Experiment Station is hereby empowered to equip and maintain a seed testing laboratory with necessary equipment for identifying and testing seed. It shall be the duty of the Experiment Station to test any and all samples submitted to it by the said Commission of Agriculture and Horticulture when such tests shall be necessary for the proper enforcement of the provisions of this Act.

INSPECTION, SAMPLING AND TESTING.

Section 6. It shall be the duty of said Commission by its authorized agents to inspect, and examine, and when necessary to cause to be made by the Arizona Agricultural Experiment Station an analysis or test of any agricultural seeds sold, exposed, or offered for sale within this state for seeding purposes within this state, at such time and place and to such an extent as said Commission shall determine. The Commission or its agents shall have free access at all reasonable hours to all premises or structures; to make examinations of any such agricultural seeds, whether such seeds are upon the premises of the owner or con-

signee or such seeds, on the premises or in the possession of any warehouse, elevator, railway, steamship company, electric line, automobile, truck or other means of transportation or storage, and said Commission is hereby given authority in person or by its agents, upon notice to the dealer, his agent, or the representative of any warehouse, elevator, railway, or steamship Company, electric line, automobile, truck, or other means of transportation or storage, if present, to take for analysis a composite sample of such agricultural seed. Said samples shall be thoroughly mixed, and two official samples taken therefrom. Each official sample shall be securely sealed. One of the official samples be furnished to the vendor of the party in interest in person, if present, and if not present shall be promptly forwarded to the shipper or owner and the other retained by the said Commission or its agents for analysis. In case a sample drawn as provided herein upon test or analysis is found to fall below the statement on the tag or label attached to the lot from which said sample was secured, or to violate any of the provisions of this Act, the vendor or consignee of such lot of seed shall be notified and a copy of said notice mailed to the person, firm, or corporation whose tag or label was found affixed thereto.

VIOLATIONS DEFINED.

Section 7. It shall be unlawful for any firm, person or corporation to sell, offer or expose for sale within this State any agricultural seeds or mixtures of agricultural seeds, as defined in this Act, for seeding purposes within this State without complying with the requirements of this Act; or to falsely mark or label any agricultural seeds; or to interfere in any way with the said Commission or its agents in the discharge of the duties herein named.

VIOLATIONS AND PROSECUTIONS.

Section 8. Every person violating any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the County Jail for not less than ten days nor more than two years or fined not less than twenty-five dollars, nor more than three hundred dollars for each offense, and if the said Commission shall find, upon examination, analysis, or test, that any person, firm, or corporation, has violated any of the provisions of this Act the Commission may institute proceedings in a court of competent jurisdiction to have such person, firm or corporation convicted therefor, or the said Commission in its discretion may report the results of such examination to the Attorney General, together with the sworn statement of the

analyst, duly acknowledged, and such other evidence of said violation as said Commission or its agents shall deem necessary. Provided, However, that no prosecution under the Act shall be instituted except in the manner following: when the said Commission or its agents find that the Act has been violated they shall give notice to the person, firm, or corporation in whose possession the seed was found, designating a time and place for a hearing before an agent, officer, or member of said Commission. This hearing shall be private and the person, firm or corporation involved shall have the right to introduce evidence, either in person, by agent or by attorney. If after said hearing, or without said hearing in case said person, firm, or corporation fails or refuses to appear in person or by agent or by attorney, the said Commission decides the evidence warrants prosecution, the Commission shall proceed as herein provided. Any evidence or facts incident to the alleged violation shall be submitted by the said Commission to the Attorney General of Arizona. It shall be the duty of the Attorney General (or in his discretion he may act through the prosecuting attorney of any county or the city attorney of any city in which formal complaint arises) to file proceedings at once against the person, or persons, firm or corporation charged with such violation. Provided, further, that it shall be the duty of the prosecuting attorney of any county or the city attorney of any city in which formal complaint arises to file proceedings under this act. In any prosecutions arising from this act the analysis or test by the Arizona Agricultural Experiment Station shall be final evidence of the true nature of such seeds.

PROVISIONS FOR FREE TESTS.

Section 9. Any citizen of this state shall have the privilege of submitting to the Arizona Agricultural Experiment Station samples of agricultural seeds for tests and analysis, subject to such rules and regulations as may be adopted by said Experiment Station. Provided, that said Experiment Station may by such regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any one period of time, and fix charges for tests of samples in excess of those tested free of charge. Any such fees collected for testing seeds shall be deposited in the State Treasury according to law as an emergency seed testing fund, available as appropriated only when the regular seed law appropriations shall have been exhausted.

Section 10. Be it further enacted that this act shall be known as the "Uniform Seed Law" and shall take effect from and after July 1, 1921.

Section 11. There is hereby appropriated from the state treasury, out of any moneys not otherwise appropriated, One Thousand ($1,000.00) Dollars, for the equipment of a seed testing laboratory by the Arizona Agricultural Experiment Station and for defraying expenses incident to seed testing authorized by this Act, and the State Auditor is hereby authorized to draw warrants on the fund hereby appropriated on the order of the director of the Arizona Agricultural Experiment Station.

Section 12. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 19, 1921.

CHAPTER 137.

(House Bill No. 75.)

AN ACT

To Amend Subdivision 2, Paragraph 2733, Chapter IX, Title XI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Education;" and Further Providing for the Segregation of Pupils of the African Race from Pupils of the Caucasian Race in All High Schools of the State of Arizona Electing So to Do; and Providing for an Election Therefor; and Providing for Equal Accommodations and Facilities for Pupils of the African Race as May be Provided for Pupils of the Caucasian Race in Any and All High Schools Adopting Segregation.

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

Section 1. That subdivision 2 of paragraph 2733, Chapter IX, Title XI, Revised Statutes of Arizona, 1913, Civil Code, entitled "Education" and prescribing the powers and duties of the Board of Trustees; is hereby amended to read as follows:

(2) To prescribe and enforce rules 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 Caucasian race in all schools other than High Schools, and to that end are empowered to provide all accommodations made necessary by such segregation.

Section 2. Whenever there shall be registered in any High School, Union High School or County High School in the state

of Arizona twenty-five or more pupils of the African race, the Board of Trustees of any such High School shall, 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 to determine whether or not such pupils of the African race shall be segregated from the pupils of the Caucasian race. The question to be submitted, including the insertion therein of the estimated cost to the district of such segregation, shall be substantially in the following form: "Are you in favor of segregating the pupils of the African race from the pupils of the Caucasian race on condition that the Board of Trustees shall provide equal accommodations and facilities for pupils of the African race as are now and may be hereafter provided for pupils of the Caucasian race; it being understood that the estimated cost of segregation at the present time will be $..... over and above the cost of maintaining the school without such segregation."

In other respects 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 that the notices shall state specifically the information necessary for voting intelligently on the question.

If a majority of the electors voting at such election vote in favor of such segregation, then the school trustees of any such High School are hereby authorized and directed to segregate the pupils of the African race from the pupils of the Caucasian race, and shall provide equal accommodations and facilities for such pupils of the African race as are now and may be hereafter provided for the pupils of the Caucasian race in any such High School.

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

Approved March 19, 1921.

CHAPTER 138.

(House Bill No. 112.)

AN ACT

To Amend Paragraphs 5428, 5429, 5430 and 5484 of Chapter 5, Title 55 of the Revised Statutes of Arizona for 1913, Civil Code, Relating to the Organization of Drainage Districts, and to Establish the Validity of the Bonds of Such Districts, So as to Make Better Provision for Notice of the Hearing on the Petition for Organization of Such Drainage Districts, So as to Make the Boundaries of Such Districts as Established by the Board of Supervisors Conclusive Unless Appealed from, So as to Allow More Time for Appeal from the Order of the Board of Supervisors, and So as to Shorten the Time of Notice Required of the Hearing in the Superior Court to Establish the Validity of Bonds Issued by Said Directors, and Repealing All Acts and Parts of Acts in Conflict With the Provisions of this Act.

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

Section 1. That paragraph 5428 of Chapter 5, Title 55 of the Revised Statutes of Arizona 1913, Civil Code, be amended and the same hereby is amended to read as follows:

5428. In order to propose the organization 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 to the lands within such proposed district, which petition shall set forth and particularly described the proposed boundaries of such district and shall pray that the same be organized as a drainage district under the provisions of this chapter. 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 obligors will pay all such costs in case such organization shall not be effected. The petition shall be presented at a regular or special meeting of such board of supervisors, and if in the opinion of said board of supervisors the organization of such drainage district is probably necessary and feasible, said board of supervisors shall enter an order fixing a time and place for the hearing of said petition, and directing said petition, together with a notice of said hearing to be published not less than six (6) weeks in a newspaper published in said county, or if any portion of the

proposed district lies within another county or counties, then said order shall require said petition and notice to be likewise published in a newspaper published in each of such counties if any are published therein. Whenever more than one newspaper is published in any such county, said order shall require said publication to be made in the newspaper which in the judgment of said board of supervisors will reach the greater number of persons residing within the boundaries of the proposed district.

Section 2. That paragraph 5429 of Chapter 5, Title 55, of the Revised Statutes of Arizona for 1913, Civil Code, be amended and the same hereby is amended to read as follows:

5429. At the time and place fixed for said hearing, or such time and place to which said board of supervisors may adjourn the same from time to time, not exceeding four (4) 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 benefited generally or specially 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 91 (par. 5427) and 92 (par. 5428) of this chapter; and for that purpose must hear all competent and relevant evidence and testimony offered in support or in opposition thereto. All decisions and determinations made at said hearing shall be entered upon the minutes of said board of supervisors. Such minutes shall set forth and particularly describe the boundaries of such district as determined by said board of supervisors and such boundaries so determined and set forth in said minutes shall not be brought into question or set aside by any court except by appeal in the manner provided in the next section of this act.

Section 3. That paragraph 5430 of Chapter 5, Title 55 of the Revised Statutes of Arizona for 1913, Civil Code, be amended and the same hereby is amended to read as follows:

5430. 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 thirty (30) 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 justice's 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 (10) 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 (30) days from the date of the filing of the notice of appeal.

Section 4. That paragraph 5484 of Chapter 5, Title 55 of the Revised Statutes of Arizona for 1913, Civil Code, be amended and the same hereby is amended to read as follows:

5484. The board of directors shall, within thirty (30) days after the entry of the order directing 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 three 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 (30) days after the first publication of such summons in the manner herein provided. Any one interested may, at any time before the expiration of said thirty (30) days, appear and by proper proceedings, 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 (30) days after the entry of such judgment, which appeal must be heard and determined within three (3) months from the time of taking such appeal.

Section 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1921.

CHAPTER 139.

(House Bill No. 118.)

AN ACT

Empowering the Counties of the State to Engage in Certain Industrial Pursuits; Providing for the Issuance and Sale of Bonds for the Construction and Maintenance of Industrial Plants; for the Sale and Disposal of the Products of Such Plants; for the Purchase of Such Products by the County Highway Commission and Other Boards and Officers of the County in the Construction of Public Improvements; for the Regulation by the Board of Supervisors of the Management of Such Industrial Plants, and Repealing All Acts in Conflict Herewith.

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

Section 1. Whenever the bonds of any county in the state of Arizona shall be issued and sold, pursuant to the provisions of this Act, then said county shall have power to own and operate the plant or plants for which said bonds were authorized at the election hereinafter provided for.

Section 2. Whenever it is proposed that any county shall engage in the manufacture or preparation of any materials or commodities of the sort appropriate for use in the construction of public highways, or other public works, of the county, the Board of Supervisors of said county may, of its own volition, and upon petition of fifteen per centum of the property tax payers of the county, who are in all other respects qualified electors of said county, shall call an election of the property tax payers of the county who are in all other respects qualified electors thereof, to determine whether the bonds of said county shall be issued and sold for the purpose of constructing, installing and operating the industrial plant or plants appropriate for the manufacture or preparation of such materials or commodities.

Section 3. Except as otherwise provided in this act, said election shall be called and conducted and the results thereof returned and canvassed in the same manner as in the case of other county bond elections; provided, however, that only real property tax payers shall vote at such County Board Election.

Section 4. All bonds issued under the provisions of this act shall be sold by the Board of Supervisors of the county, in the same manner as other county bonds. The proceeds of such bonds shall be placed in a special fund in the County Treasury, to be denominated the "County Industrial Pursuits Fund" and shall

be used only for the purposes for which said bonds were authorized and such other purposes as are authorized by this act.

Section 5. The purchase, construction, installation and operation of the plant or plants authorized by any such bond election shall be under the supervision and direction of the Board of Supervisors. As soon as the funds arising from the sale of said bonds are in the Treasury, the Board of Supervisors shall prepare or cause to be prepared plans and specifications for the plant or plants and equipment for which the bonds were authorized, and thereupon shall advertise for bids for the construction and installation of said plant or plants and equipment, or any part thereof, in accordance with said plans and specifications by publishing a notice calling for bids thereon, for ten (10) days in a daily or two weeks in a weekly newspaper. Every contract for the construction and installation of said plant or plants and equiment, or any part thereof, shall be let after advertisement, as above provided, to the lowest responsible bidder who will give security for the faithful performance of said contract, with sureties to be approved by the Board of Supervisors, in such amount as said board shall determine; provided, however, that said board may make contracts for any part of said work the cost of which does not exceed One Thousand Dollars ($1,000.00), without calling for bids as above provided; and provided further that said board may reject any and all bids received and may thereupon re-advertise for bids for doing any part or the whole of said work.

Section 6. The Board of Supervisors may employ necessary engineers and other employees to assist said board in determining the best and most suitable plant or plants and equipment for the purposes authorized and to draft the plans and specifications for the same. The Board of Supervisors shall employ a manager to have charge of the operation and maintenance of said plant or plants, who shall be a person skilled in the line of his duties and shall be required by the board to give bond for the faithful performance of his duties, in such amount as the board may require. Such manager and all engineers and other employees necessary for the establishment, operation and maintenance of such plant or plants shall be paid such salaries as may be fixed by the Board of Supervisors.

Section 7. The products of any plant operated pursuant to the provisions of this act shall be furnished to the highway commission or any other board or officer of the county having jurisdiction of the construction of any public improvement for the county, at a price which, as near as may be estimated, would

if the entire output of the plant were sold at that price, pay the cost of manufacture including the amount of the taxes levied upon the bonded indebtedness incurred for the plant; and any such highway commission, board or officer is hereby authorized to purchase such of the products of any county industrial plant of its or of his county as may be required for the county work under its or his jurisdiction, without advertisement for bids and to cause the same to be paid for out of the funds available for such county work. The products of any such county industrial plant also may be sold, or exchanged for other materials required for public improvements for the county, to other counties, to cities and towns, to school districts and to private persons and corporations; provided, that the prices of said products when sold for private purposes shall at any given time be the same to all persons and corporations for any given quantity and shall not be less than the price then charged the highway commission, board or officers of the county owing the plant.

Section 8. The board of supervisors shall have power to adopt such ordinances, rules and regulations, not in conflict with the provisions of this act, as they may deem proper to provide for the management of any industrial plant or plants operated under the provisions of this act, for the employment of persons to operate the same and for the disposition of the products thereof and the moneys arising out of the sale of such products.

Section 9. For the purpose of engaging in any industrial pursuit authorized by an election held pursuant to the provisions of this act, any county of the state of Arizona shall have power to purchase, lease, own and hold such plants, plant sites, quarries and other real property, situated in any county in the state of Arizona, as may be required for the purposes authorized by such election.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1921.

CHAPTER 140.

(House Bill No. 132.)

AN ACT

In Relation to Education in the Public Schools; Providing for Immigrant and Adult Elementary Education and the Teaching of English to Foreigners, and Prescribing Certain Courses of Study in the Public Schools.

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

Section 1. The State Board of Education shall adopt rules and regulations for the establishment and conduct of classes for immigrant and adult elementary education and the teaching of English to foreigners in the public schools, and shall adopt a course of study in the common schools, high schools, normal schools and the University, which will include in each of the schools so designated not less than two years training in civics, economics, American political history and government.

Section 2. The Superintendent of Public Instruction shall devise plans for the establishment and maintenance of classes for immigrant and adult elementary education and the teaching of English to foreigners; and to stimulate and correlate the Americanization work of various agencies, including governmental, throughout the State, and perform such other duties as may be prescribed by the State Board of Education.

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

Approved March 19, 1921.

CHAPTER 141.

(House Bill No. 142.)

AN ACT

To Amend Paragraph 4680, Chapter 1, Title 46, Revised Statutes of Arizona, 1913, Civil Code, Relating to Real Property.

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

Section 1. That Paragraph 4680, Chapter 1, Title 46, Revised Statutes of Arizona, 1913, Civil Code, be and the same is amended so as to read as follows:

4680. The absolute power of alienation shall not be sus

pended by any limitation or condition whatever for a longer period than during the continuance of two lives in being at the creation of the estate and twenty-one (21) years thereafter, except in the single case mentioned in the next section, and except when real estate is given, granted or devised to a charitable use or to literary or charitable corporations which shall have been organized under the laws of this state, for their sole use and benefit, or to any cemetery corporation, society or association.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19, 1921.

CHAPTER 142.

(House Bill No. 143.)

AN ACT

Providing for the Participation of Arizona in Commemorating the Heroic Deeds and Patriotic Achievements of the "Mormon Battalion": Assisting in the Erection of a Monument in Honor of the Said "Mormon Battalion" at Salt Lake City, Utah, and Making an Appropriation Therefor.

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

Section 1. There is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated the sum of Twenty-five Hundred ($2,500.00) Dollars to be expended as Arizona's contribution to a monument to be erected in Salt Lake City, Utah, to the memory of the "Mormon Battalion."

Section 2. The State Auditor is hereby authorized and empowered to draw his warrant in favor of "The Mormon Battalion Monument Fund" of the State of Utah, in the sum of Twenty-five Hundred ($2,500.00) Dollars, as provided in Section 1 hereof, and the State Treasurer is hereby authorized and empowered to pay same.

Section 3. The Secretary of State is hereby instructed, upon this Act becoming a law, to forward the Warrant in the sum of Twenty-five Hundred ($2,500.00) Dollars, as provided for herein, together with a suitably engrossed copy of this Act, properly certified to the Governor of the State of Utah.

Section 4. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 19, 1921.

CHAPTER 143.

(House Bill No. 154.)

AN ACT

To Amend Paragraphs 2802, 2803 and 2804, Chapter XIV, Title XI, Revised Statutes of Arizona, 1913, Civil Code, Relating to Compulsory Education.

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

Section 1. That Paragraph 2802, Chapter XIV, Title XI, Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended so as to read as follows:

2802. (a) Every parent, guardian or other person in the State of Arizona having control of any child between the age of eight and sixteen years, is hereby required to send such child to a public school for the full time that such school is in session within the district where such child resides, provided that such parent, guardian or other person having the control of such child shall be excused from such duty by the Board of Trustees of the district, whenever it shall be shown to the satisfaction of such board and of the county school superintendent that one or more 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 for the full time that the public schools of the district are in session.

3. That such child is in such physical or mental condition 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.

5. That such child has presented any reasons for such non-attendance which may be satisfactory to a board, consisting of the president of the local board of trustees, teacher of the child and probation officer appointed by the judge of the superior court of the county.

6. That such child is over sixteen years of age, and, with the consent of its parents or guardian is employed at some lawful wage-earning occupation.

(b) No child under the age of sixteen years shall be employed by any person, firm or corporation, during the hours that the

public schools of the district where such child resides are in session unless such child shall present a written permit from the Board of Trustees of the district, stating that he has been excused from attendance at school, for one of the reasons set forth in this paragraph, which permit may be revoked at any time. Such permit shall be filed by the employer of such child with the county school superintendent, immediately upon the employment of the child, together with a statement of the nature of such employment, and, upon the termination of such employment, written notice of such fact shall be given by the employer to the county school superintendent.

(c) The county school superintendent in each county shall, at the beginning of each calendar year, divide such county (exclusive of all school districts therein having a population of more than two thousand (2,000) children of legal school age as shown by the last school census) into such number of truant districts as he shall deem proper, and shall appoint an attendance officer for each of said districts. The Board of Trustees of each school district having a population of more than two thousand (2,000) children of legal school age, as above, shall in like manner appoint an attendance officer for such district, such attendance officers shall hold office during the pleasure of the appointing power and shall be paid such salaries as may from time to time be fixed by the county school superintendent and by and with the approval of the board of supervisors, for the first named class of districts, and by the local board of trustees for the second class of districts. The salaries of attendance officers in the first class of districts shall be paid from the general fund of the county, and for such officers in the second class of districts, from the funds of the school district they are appointed for.

(d) Whenever it shall appear to any attendance officer that any child within the requirements of this act is unable to attend school because it has not proper clothing, or because it is required to work at home or elsewhere in order to properly support itself, or those legally entitled to its services, he shall report such fact to the juvenile court of such county, or the judge thereof, and if it shall appear to the judge of such court, after investigation, that relief should be granted such child, in order that it may attend school, said judge may make such orders as may be necessary for that purpose, and the expenses thereof shall be paid from the general funds of the county in like manner as other expenses for the maintenance of dependent children under the juvenile court act.

Section 2. That Paragraph 2803, Chapter XIV, Title XI,

Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended so as to read as follows:

2803. Any parent, guardian or other person in the State of Arizona, having control of any child between the ages of eight and sixteen years, who shall violate the provisions of subdivision (a) of paragraph 2802, shall be punished by a fine of not less than five ($5.00) dollars nor more than fifty ($50.00) dollars, or by imprisonment in the county jail for not less than one nor more than twenty-five days, or by both such fine and imprisonment. And any person, firm or corporation which shall violate the provisions of subdivision (b) of said Paragraph 2802, shall be punished by a fine of not less than ten nor more than three hundred ($300.00) dollars, or by imprisonment in the county jail for not less than one nor more than ninety days, or by both such fine and imprisonment.

Section 3. That Paragraph 2804, Chapter XIV, Title XI, Revised Statutes of Arizona, 1913, Civil Code, be and is hereby amended so as to read as follows:

2804. (a) It shall be the duty of each attendance officer in his district, to see that the provisions of the law regarding the employment of children between the ages of eight and sixteen years during school hours, and their attendance at school, are complied with. Such officers shall have the powers of deputy sheriffs for the purpose of making arrests for the violation of such laws, and may, without a warrant, bring children who are absent from school without proper legal excuse, before the authorities competent to hear and dispose of such cases, and may enter work shops, factories, stores, and all other places where children may be employed, in the way of investigation, or otherwise, to enforce the law.

(b) It shall be the duty of the county attorney, in person or by deputy, to prosecute all complaints for violation of the laws regarding compulsory attendance at school of children between the ages of eight and sixteen years and regulating the employment of such children.

Section 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19th, 1921.

CHAPTER 144.

(House Bill No. 167.)

AN ACT

Relating to the National Guard of Arizona, Accepting for the State of Arizona the Benefits of Sections 109 and 110 of National Defense Act of the United States, and Empowering the Governor, as Commander-in-Chief of the Military Forces of Arizona, to Make Appointments, Adopt and Approve Rules, Regulations and Orders Necessary to Make the National Guard as Organized in Arizona Conform to All Requirements of the Laws of the United States; Amending Certain Paragraphs of the Military Code of Arizona, Repealing Paragraph 3948, Revised Statutes of Arizona, 1913, Civil Code, and All Acts and Parts of Acts Inconsistent With Provisions of this Act, and Inconsistent With National Guard Acts of United States.

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

Section 1. That paragraph 3895, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3895. The articles of war, rules and regulations of the army of the United States, so far as same may be applicable, including those provisions of the National Defense Act approved June 3, 1916, as amended by act approved June 4, 1920, so far as the requirements of any provisions thereof apply to National Guards of states, shall apply to the organized National Guard of Arizona, its organization, and the terms of enlistment, the qualifications and examination of officers and enlisted men, the discipline, the training, and the officering of the Arizona National Guard, and all provisions as to courts martial and efficiency boards, in all respects as fully as if re-incorporated in the military code of Arizona. That all provisions of the military code of Arizona in conflict with the requirements of the laws, rules and regulations as above adopted, are each and all hereby repealed. The Governor, as Commander-in-Chief of the military forces of Arizona, shall have power to provide, adopt, issue and enforce such orders, rules and regulations connected with the National Guard of Arizona, as may be necessary to enforce and apply the laws of the United States pertaining to National Guards in states, the orders and regulations of the war department, each and every and all thereof as laws, rules and regulations governing and controlling the National Guard organization in this state. And all such orders, rules and regulations of the Commander-in-Chief shall be and have the same force and effect

as if specially enacted in provisions of this law, or elsewhere in the military code of this state.

Section 2. That paragraph 3898 of Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3898. The Governor is Commander-in-Chief of the military forces of the state. All officers of the military forces and all officers connected with the military organization of the state, including the general staff officers and the general staff, shall be subject to the control of, and under the supervision of the Governor as to all matters of acts and powers of each such officer.

Section 3. That the military code of Arizona be and the same is hereby amended to include a new section to be known as 3895A as follows:

3895A. The state of Arizona hereby accepts the benefits of sections 109 and 110 of the National Defense Act approved June 3, 1916, as amended June 4, 1920, and does hereby provide that such staff officers as may be required to comply with the requirements of sections 109 and 110 and therein designated as staff officers, including officers of the Pay, Inspection, Subsistence and Medical departments, hereafter appointed, shall be so appointed and be persons who have had previous military experience and when so appointed, shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a courts martial legally convened for that purpose; and that vacancies among said officers shall be filled by appointments made by the state Commander-in-Chief, from the officers of the militia of Arizona; provided, that this provision shall not apply to the officers of the general staff of the Commander-in-Chief, whose appointments are provided for in other provisions of this code.

Section 4. That paragraph 3899 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3899. The Governor of the state shall appoint an Adjutant-General who shall hold office during the will and pleasure of the Governor. No person shall be qualified for appointment to the office of Adjutant-General unless such person shall have had at least three years' experience and active service as an officer, not below the rank of captain, in the National Guard of Arizona, and shall not have been on the retired list more than two years

prior to August 5, 1917; or, shall be a person who had actual overseas experience and service in the fighting forces of the United States in the late war, and was, when retired or honorably discharged from that service, of the rank of captain; or shall be a person who has had at least three years active service in the regular army of the United States, with the rank of captain, during said three-year period and who was not retired or discharged for any reasons of disability or unfitness for service, and who shall not have been retired or discharged from that service for more than two years previously to proposed appointment as Adjutant-General. All persons to be qualified for an appointment as Adjutant-General shall be within the age limits of service as colonel in the regular army, and shall be physically, mentally and morally fit to perform the duties of the office.

Section 5. That paragraph 3945 of Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3945. While under orders on duty, each member of the National Guard of Arizona shall receive the following compensation in addition to such allowances as may be made by the United States Army. Commissioned officers shall receive the same pay and allowances as prescribed for their respective grades in the United States Army.

Following are the rates of pay per diem for enlisted men:

Master Sergeant	$3.50
Technical Sergeants, 1st Sergeants, Specialists 3rd and 4th Class	3.25
Staff Sergeants	3.00
Sergeants, Specialists 5th Class	2.75
Corporals, Specialists 6th Class	2.50
Privates, 1st Class	2.25
Privates	2.00

Provided, that after thirty days' continuous service the rates of pay shall be the same as for like grades in the regular army.

Section 6. That paragraph 3946 of Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3946. Each company organized under this title, that complies with the regulations prescribed for drills, target practice and general efficiency, shall receive a sum of sixty ($60.00) Dollars per month, and in addition thereto each mounted organization shall receive one dollar per man per month for each man who attends two mounted drills during the month.

Monthly warrants shall be drawn to the commanding officer of each company the amounts authorized above for use for purposes of each such company.

Section 7. Paragraph 3948, Revised Statutes of Arizona, 1913, Civil Code, and all acts or parts of acts in conflict with provisions of this act are hereby repealed.

Approved March 19, 1921.

CHAPTER 145.

(House Bill No. 174.)

AN ACT

To Amend Paragraph 2799, Chapter 14, Title 11, Revised Statutes of Arizona, 1913, Civil Code, Pertaining to "Pupils" and "Education," and Repealing All Acts and Parts of Acts Inconsistent With the Provisions Hereof.

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

Section 1. That Paragraph 2799, Chapter 14, Title 11, of the Revised Statutes of Arizona, 1913, Civil Code, be, and the same hereby is, amended to read as follows:

"2799. Cadets shall wear such uniform as now, or may hereafter be, prescribed by law. Female students shall wear such uniform, or garb, as may be prescribed by the Board of Trustees. All pupils must comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school, and the Board of Trustees."

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19th, 1921.

CHAPTER 146.

(House Bill No. 183.)

AN ACT

To Provide for the Relief of Dunbar's Weekly on Account of Publishing the Annual Report of the State Treasurer for the Years 1919-1920, as Provided by Law and Making an Appropriation Therefore.

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

Section 1. That there is hereby appropriated from any funds in the State Treasury, not otherwise appropriated, the sum of Five Hundred and seventy-six and no-100 ($576.00) Dollars, and the State Auditor is directed to draw his warrant for this amount in favor of Dunbar's Weekly, for the publishing of the annual report of the State Treasurer for the years 1919-1920, and the State Treasurer is hereby authorized and directed to pay the said warrant.

Approved March 19, 1921.

CHAPTER 147.

(Senate Bill No. 52.)

AN ACT

To Amend Paragraph 1831 of Chapter II, Title 7, Revised Statutes of Arizona, 1913, Civil Code, Entitled "General Powers of Councilmen."

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

Section 1. That Sub-paragraph eighteen of Paragraph 1831 of the Revised Statutes of Arizona, 1913, Civil Code, be amended to read as follows:

18. To license tax and regulate the operation of billiard tables, pool tables, billiard halls, pool halls, ball and bowling alleys, shooting galleries and other places of amusement and entertainment; to license tax and regulate the operation of hotels, lodging houses and apartment houses, and to prohibit and suppress prostitution and acts of unlawful sexual intercourse therein; to suppress and prohibit prostitution and unlawful sexual intercourse and to punish persons guilty thereof, whether committed in a hotel, lodging house, apartment house or other

place; to suppress and prohibit the operation of houses of prostitution, bawdy-houses, and other disorderly houses and to punish the owners, managers, lessees, agents, keepers and inmates thereof; to suppress and prohibit gaming, gambling and the operation of gambling houses and to punish the owners, managers, dealers and employees therein and thereof and players at such games.

Section 2. That paragraph 1831 of the Revised Statutes of Arizona, 1913, Civil Code, be amended by adding thereto Subparagraph Thirty-three, which shall read as follows, to-wit:

33. At any regular or adjourned meeting, to ordain, pass and adopt ordinances, acts, laws and regulations for the government of the corporation, its officers and all people within its corporate limits not inconsistent or in conflict with the Constitution and Laws of the State, as shall be needful for the good government and order of the municipalities and to provide the manner of prosecution and define the punishment for the violation of any such ordinance, act, law or regulation.

Approved March 19th, 1921.

CHAPTER 148.

(Senate Bill No. 69.)

AN ACT

To Amend Section 1 of Chapter 152 of the Session Laws of the Regular Session of the Fourth Legislature of the State of Arizona, 1919, and to Provide for the Disposition of State Funds, Declaring an Emergency, and Repealing Acts in Conflict Therewith.

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

Section 1. That section 1, Chapter 152 of the session laws of the regular session of the fourth legislature of the state of Arizona, 1919, be amended to read as follows, to-wit:

Section 1. At the beginning of each fiscal year there shall remain to the credit of each fund, and available for expenditure for the ensuing fiscal year, all of the unexpended balance remaining in said fund, except in such cases where the purpose for which the fund was created has been accomplished.

There shall be distributed among the various specific funds the total amount specifically appropriated for each fund for the

fiscal year, a special fund being created for each particular object, purpose or use for which funds are appropriated. The amount so appropriated shall be credited to the specific fund and shall thereupon become available for expenditure.

Revenues and sources of income which are not specific in amount but which are designated as to be applied to or for specific uses, funds or purposes, shall not be deemed available for expenditure nor become the basis for contract or liability except to the amount thereof actually paid into the State treasury, and after the receipt thereof. Such revenue and income shall then be available for expenditures in addition to balances left over and specific statutory appropriations, unless otherwise declared in the act creating an appropriation.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. WHEREAS, the immediate operation of this act is necessary to preserve the public peace, health and safety and to provide appropriations for the support and maintenance of the Departments of State and of state institutions and for the proper segregation, accounting and expenditure of the state funds by and through the state auditor and the state treasurer, 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 exempt from the operation of the referendum provisions of the State Constitution.

Approved March 19, 1921.

CHAPTER 149.

(Senate Bill No. 115.)

AN ACT

To Provide for the Organization of Irrigation Districts; Defining Their Powers; Providing for the Levy and Collection of Taxes for District Purposes; and Creating a Lien Upon the Real Property Thereof for Taxes Assessed and Providing for the Enforcement and Collection of Such Taxes by the Sale of Property Assessed; to Render Liable to Assessment for Irrigation District Purposes Entered and Unentered Public Lands of the United States Within Irrigation District Boundaries to the Extent Authorized by an Act of Congress Entitled: "An Act to Promote Reclamation of Arid

Lands," Approved August 11, 1916, and to Define the Rights of Entrymen Within Irrigation District Boundaries; and to Authorize the Organization of Irrigation Districts Under the Laws of the State for the Purpose of Co-operation With the United States Under Federal Reclamation Laws; to Create a State Certification Board for the Purposes of Certifying as to the Legality of Irrigation District Bonds as Investments for Funds of Savings Banks and Providing the Method Whereby Such Bonds May be Deposited to Secure Public Moneys; and to Repeal All of Chapter IV, Title 55, Revised Statutes of Arizona, Relating to Irrigation Districts; and to Repeal Chapter 8 of the Session Laws of the State of Arizona, Second Legislature, Second Special Session, Relating to Organization of Irrigation Districts; Chapter 29 of the Session Laws of the State of Arizona, Third Legislature, Providing for Contracts Between Irrigation Districts and the United States; Chapter 157, Session Laws of the State of Arizona, Fourth Legislature, Relating to Irrigation Districts; and All Acts and Parts of Acts Inconsistent With the Provisions of this Act; and Declaring an Emergency to Exist.

PREAMBLE

WHEREAS, the Statute Laws of the State of Arizona relating to the formation of Irrigation Districts and for the issuance and disposal of Bonds therefor, owing to numerous and faulty amendments, are in an ambiguous, uncertain and doubtful state, whereby the salability of said Irrigation District Bonds is greatly impaired if not made impossible;

AND WHEREAS, immediate action in the successful creation of Irrigation Districts and the sale and disposal of Bonds therefor is required for the relief of many persons and localities in this State;

NOW, THEREFORE, in consideration of the premises,

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

Section 1. Whenever a majority of the holders of title or evidence of title, including receipts or other evidence of the rights of entrymen on lands under any law of the United States or of this state to lands in any district, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this chapter; 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, in-

cluded within the proposed irrigation district shall have constructed ditches, canals, reservoirs, pumping plants and underground water 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 twenty-five 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 water 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 district 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 chapter. 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 twenty-five per cent of each tract sought to be so exempted.

Section 2. (a) For the purpose of the establishment of irrigation districts as provided by this act, a petition shall be filed with the board of supervisors of the county wherein the largest acreage of the proposed district is situated; which petition shall state that it is the purpose of the petitioners to organize an irrigation district under the provisions of this act, and shall also contain a general description of the boundaries and an estimate of total acreage to be benefited by such proposed district, and the means proposed to supply water for the irrigation of lands embraced therein, praying that the said board define and establish the boundaries of said proposed district and submit the question of the final organization of the proposed district to the vote of the electors qualified as prescribed by this act, and therein also designate a committee of three of said petitioners to file said petition with the board of supervisors as provided by law.

(b) Said petition shall be signed by a majority of the resident owners of real property to which they hold title or evidence of title in said proposed district; each signer shall describe the lands to which he holds title or evidence of title in such proposed district.

(c) At the time of filing such petition a good and sufficient bond in double the amount of the probable cost of organizing such district, conditioned for the payment to the county of all expense incurred by said board in any proceedings in case said organization of said district shall not be effected, shall be filed

with and approved by the board of supervisors. In case the organization of such district is effected, then all expenses incurred by the board of county supervisors in such proceedings shall become county expenses and shall be paid to the said county by said district from the moneys received from the first collection of taxes by said district.

(d) When such a petition has been filed with the county board of supervisors and the bond approved, said board of supervisors shall fix a time for the hearing of such petition before the board, which time shall be not less than three weeks, nor more than seven weeks subsequent to the date of the filing of such petition. The board of supervisors shall cause such petition together with a notice signed by the clerk of the board of supervisors, giving the time and place of the hearing of the same, to be published at least two weeks in some newspaper published in said county if there shall be one, and if there shall be no newspaper published in said county, then in some newspaper published in an adjoining county and by posting copies of said petition and notice in three or more conspicuous places in said proposed district at least two weeks before the date set for said hearing.

(e) Proof that said petition was signed by the persons whose names appear thereon and proof that notice of hearing was given by publication and posting may be made by the affidavit or affidavits, of persons having knowledge of the facts, and filed with the board, and when so made and filed, shall be prima facie evidence that the petitioners are entitled to the hearing prayed for in said petition and of the truth of all matters set forth in said petition.

(f) If at the time and place of such hearing it shall appear that the petition conforms to the requirements of this act and that the notice of the hearing of said petition has been given as required by this act, the supervisors shall then proceed to hear the matters relating to the organization of said proposed district and shall then proceed to define the boundaries and determine the lands to be included in said proposed district and act upon such written applications as may be filed for the exclusion of lands therefrom, or the inclusion of additional lands therein, as may be made in accordance with the intent of this act; such hearing may be adjourned, from time to time, not to exceed three weeks in all. After such hearing the said board may by final order duly entered refuse the prayer of said petitioners or by such final order duly entered, may grant the prayer of said petitioners, and shall therein define and establish the boundaries

of such proposed district and designate the lands to be included therein for district purposes and designate the name of said district; provided, the said board shall not modify such proposed boundaries, described in the petition, so as to change the object 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 waterworks proposed as applicable to other lands in such proposed district; nor shall any land which will not in the judgment of the board be benefited by, nor be susceptible of irrigation benefits from such proposed system, be included in such district, if the owner thereof shall make written application at such hearing to exclude the same; provided further, in the hearing of any such petition the board of supervisors shall disregard any informality therein. In case the board denies the petition or any application so made for any reason, it shall in writing state in detail its reasons therefor, which reasons shall be entered upon the records of the board.

(g) A writ of mandamus shall be the proper remedy for any person deeming himself aggrieved by any action of the board of supervisors in the matters of such hearing and such a writ shall, upon proper application therefor, issue out of the superior court of said county. Said writ shall be heard within twenty days from the date of its issuance, which said twenty days shall be excluded from any time otherwise limited within which the supervisors are required to act relative to proceedings pursuant to such petition.

(h) If upon such hearing the prayer of the petitioners is granted the said board of supervisors shall by further order, duly entered upon its record, call an election of the qualified electors of said proposed district, to be held for the purpose of determining whether said proposed district shall be organized under the provisions of this act; and for the purpose of said election, shall in said order divide said proposed district into three divisions as nearly equal in size as practicable and to be known as "First Division," "Second Division," and "Third Division," and for purposes of said election designate at least one polling place in each division, and shall name one or more persons qualified as electors of each of the three divisions of said proposed district, to be voted for as directors therein, and shall name three judges of the election to be so held for each of the divisions, one of whom shall act as clerk of said election.

(i) When the estimated acreage to be benefitted by any such district shall be ten thousand acres or less, the said board of supervisors shall not divide said proposed district into three

divisions as in this section provided unless the petitioners in their petitions for the organization of said district shall have requested it to be so divided. And in case any such district shall not be so divided said board of supervisors shall proceed with the election and the submission of the question of the organization of the district as in this section provided, and the three directors of the proposed district shall be elected at large from the qualified electors of said proposed district, but in all other respects the election shall be held and conducted in substantial conformity with the provisions of this act.

(j) The board of supervisors, shall thereupon cause a notice embodying said order in substance, signed by the chairman and clerk of said board, to be issued, given and published, giving public notice therein of the said election and the time and the polling places thereof, and specifying the matters to be submitted to the vote of the electors of said proposed district; said notice and order shall be published once a week, for at least three weeks prior to such election, in a newspaper in general circulation in said county, if any, and if any portion of such proposed district lies within any other county or counties, then such order and notice shall be published in a newspaper if any, of general circulation published in each of such counties and a copy of said notice shall be posted in at least one conspicuous place in each of the divisions of said proposed district for at least two weeks prior to the date of said election.

(k) The ballots to be used and cast at such election for the formation of such district, shall be supplied by the board of supervisors and shall be substantially as follows: "Irrigation District—Yes," or "Irrigation District—No," and shall also contain the names of the general electors to be voted for as members of the board of directors from each division of the said proposed district, with one blank space where the elector may write the name of any other general elector of said division for whom he may desire to cast a vote as a member of the board of directors of said district. One director shall be elected from each division of said proposed district. The elector shall vote for one person only, as director, and shall indicate his choice by placing a cross opposite the name, thing, or question for which or against which he may wish to vote.

(l) In said elections the polls shall be open on the day of election from 8 o'clock A. M. and remain open until 6 o'clock P. M. After the closing of the polls, the judges of the election shall ascertain the result of the vote and certify the same in writing to the board of supervisors of the county ordering the

election within two days after the day of such election, and shall accompany such certificate with all the ballots used in said election, and all records made thereof. If at such election, any judge appointed therefor for any reason shall fail to act, the qualified electors present at the opening of the polls shall choose a judge of the election, who shall in all respects be qualified after such selection to perform the duties in this act prescribed. All judges of such election shall have the power to administer oaths for any purpose of said election and power to decide upon the qualifications of electors and shall make certificates respecting any matter concerning said election.

(m) If two or more persons of any such election shall receive the same number of votes for director from any division of said district, the choice of director for such division shall be decided by lot between them, under the supervision of the chairman of the board of supervisors; and of the directors so elected at such an election, the one receiving the highest number of votes shall hold office three years, the director receiving the next highest number of votes shall hold office for two years, and the other director shall hold office for one year, from the first day of January following; and no annual election of directors shall be held in November of the calendar year in which the organization of said district is effected; and each director so elected shall hold office until his successor is elected and qualifies, as hereinafter provided.

(n) 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 proposed district, have voted "Irrigation District—Yes," the said board shall, by an order entered on their minutes, declare such district organized under the name and style previously designated, and shall declare the persons receiving the highest number of votes in each division of said district to be duly elected a director of said district from said division, and declare the terms of such directors according to the vote received by each and in said order shall describe the boundaries of the whole district and particularly describe the lands by the board finally included therein for district purposes. Said board shall cause a copy of such order, including a map of said district showing the boundaries of said district and lands ordered to be included therein duly certified by the clerk of the board of supervisors, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands are situated, and the board of supervisors of any county

wherein any portion of said district is located shall not after that date permit the organization of another district including any portion of such lands without the consent of the board of directors of the district first including said lands. Upon such filing, the organization of such district shall be complete, and the directors shall within fifteen days after the record of said order, qualify in the same manner as in this act required of directors elected at any subsequent elections, and thereafter immediately enter upon the duties of their respective offices, and shall hold such offices, respectively, until their successors are elected and qualified.

Section 3. Whenever the words "General Electors" and "qualified electors for bond issues and special assessments," are used in this act, said words shall mean and designate persons who possess the property qualifications provided in Section 1 of this act, and who have possessed such qualifications for ninety days immediately preceding the date of the election at which they seek to vote, and who have resided continuously for six months immediately preceding such election in any county in which said district or a part thereof may lie; and each such elector shall be entitled to one vote on each question submitted and one vote for each office to be filled at all elections; provided, however, that where the holder of such record title is a married person, only the spouse in whose name such title stands shall be entitled to vote at such election.

Section 4. The officers of such irrigation district shall consist of an elected board of three directors and a secretary appointed by the board. The treasurer of the county in which the office of said district is located shall be ex-officio treasurer of said district. All such officers shall hold office until their successors are elected or appointed and qualified. The business office of the district and of the board of directors shall be the same and shall be located in the county where the organization is perfected.

Section 5. (a) The directors upon duly qualifying shall organize as a board, elect a president from their number, and appoint 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, deeds and conveyances, employ such agents, attorneys and employees as may be required, and prescribe their duties and compensation, establish rules and regulations for their government and for the distribution and use of water upon lands included in said district and generally to perform all such acts

as shall be necessary to fully carry out the purposes of this act. To accomplish the purpose of the district as proposed by the petition submitted for the formation thereof, the board shall have power to purchase or acquire, water rights, acquire or lease real estate and personal property, when necessary for its purposes, to acquire and hold stock in irrigation ditch and reservoir companies and to lease, sell and otherwise dispose of real estate and personal property, to construct, acquire, purchase, any and all canals, ditches, reservoirs, reservoir sites, water, water rights, rights of way, or other property by it deemed necessary for the use of the district, and power to acquire the right to enlarge any ditch, canal or reservoir, already constructed or partially constructed; also power to provide for the construction, operation, leasing and control of plants for the generation, distribution, sale and lease of electrical energy, including sale to municipalities, corporations, public utility districts, or individuals, of electrical energy so generated; also to make appropriations under the laws of the State of Arizona of water for irrigation and power purposes. In case the board of directors propose the purchase of a system of irrigation already constructed, or partially constructed and to enlarge and complete the same so as to be adequate to the needs of the district, the board may in such cases embody in one contract the matter of the purchase, the enlargement and the completion of such irrigation system without advertising for separate bids for such construction and completion, provided that any such contract which shall include such construction and completion shall be approved by the State Certification Board.

(b) The directors, officers, agents and employees of the district shall have the right to enter upon any land, in the district, for any district purpose, to make surveys and to locate sites for construction of a reservoir, canal or canals, and the necessary laterals or to create, extend or maintain the irrigation system of the district thereon.

(c) The board of directors shall cause all rules and regulations adopted by them to be printed in convenient form and in sufficient numbers for distribution to the electors of the district, but such rules and regulations shall become effective from the time of public notice being given of their adoption.

Section 6. Subject to the law of priorities all water of the district available for distribution shall be apportioned to the lands thereof pro rata, provided, however, that water shall not be supplied or delivered for use upon any land included in the district upon which the district taxes and assessments for the

previous year have not been paid unless title thereto is in the said district.

Section 7. The board of directors shall require all owners of lands within said district for which title shall be incomplete at the time of issuing 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 meantime, 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; and, provided, further, that as soon as such land owner shall have received full title to said land, the same shall, ipse facto, become liable for all existing obligations and indebtedness of said irrigation district, as fully, to every intent and purpose, as if full title had been held by said land owner at the time of the organization of said irrigation district.

Section 8. The board of directors shall hold a regular monthly meeting in the district office on the first Tuesday in each month 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 two directors. All meetings of the board shall be public, and two 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 two members of said board. All records of the board shall be open to the inspection of any elector during business hours.

Section 9. The title to all property acquired under the provisions of this act shall by operation of law immediately vest in such district, in its corporate name, and shall be held by such district for, and is hereby dedicated and set apart for the uses and purposes set forth in this act. Said district is hereby authorized and empowered to hold, use or acquire, manage, occupy and possess property as herein provided. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, pumping plants, power plants, and other property of like character, belonging to any irrigation district shall not be taxed for state and county or municipal purposes.

Section 10. The said board shall have power in the name of the district to institute, maintain, prosecute and defend any and all proceedings, and any and all actions at law or in equity, civil or criminal, necessary or proper to fully carry out the provisions of this act or to enforce, maintain, protect, or preserve

any right, privileges or immunity of the district created by this act or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said district may sue, appear and defend by agents or attorneys. Judicial notice shall be taken in all actions, suits and proceedings, in any court of this state, of the organization and existence of any irrigation district of this state, now or hereafter organized from the time of filing for record in the office of the county recorder of the certified copy of the order of the board of county supervisors declaring the election and organization thereof; a copy of said order certified by the county recorder shall be conclusive 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, except in a proceeding in quo warranto instituted within one year from the date of such filing, and unless such a proceeding be instituted within that year, the legality or regularity of the formation or organization of such district shall not be questioned in any action, suit or proceeding whatsoever.

Within one year from the date of filing of the order of the board of supervisors, declaring said district organized any person affected thereby may institute quo warranto proceedings to test the validity of the organization of the district, but no such proceedings or other action whatsoever shall be commenced after the expiration of said year.

Section 11. (a) For the purpose of procuring necessary irrigation works, water and water rights, developing electrical energy, and acquiring the necessary property in connection therewith and otherwise carrying out the provisions of this act, the board of directors of any such district shall as soon as practicable after the organization of any such district, by a resolution entered on its records adopt a general plan of its proposed works, which resolution shall state in a general way what works or property it is proposed to lease, purchase, or acquire, and what works it is proposed to construct and the estimated cost for carrying out said plan, and how it is proposed to raise the necessary fund therefor. For the purpose of ascertaining the estimated cost or value of any proposed work or water rights, said board shall cause such surveys, examinations and plans to be made and shall demonstrate the practicability of such plan, and furnish the proper basis for an estimate of the cost of carrying out the same. The board of directors shall employ a competent engineer, under whose direction shall be made and certified to the board, such examinations, surveys, maps, plans and specifications with estimates of cost as are deemed necessary for the purpose of contracting respecting the proposed plans of work

and construction. Upon receiving the said certified report from the Engineer, the Board of Directors shall proceed to make a written estimate determining the amount of money necessary to be raised, and the character and extent of the obligations to be undertaken to give effect to such adopted plans and purposes, including payment of interest for the first two years on the first series of bonds after their issuance, and immediately thereafter shall submit a copy of the said estimate and the said engineer's report to the State Certification Board. Said Certification Board shall forthwith examine said report and shall make such additional examinations at the expense of the District as it may deem proper, and as soon as practicable thereafter shall make a report to the board of directors of the district, in which report it shall state generally its conclusions regarding the supply of water available for the project, the nature of the soil proposed to be irrigated, and its susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage, the probable cost of works, water rights and other property necessary for the project, the proper dates of maturity for the bonds proposed to be issued for the project and whether in its opinion it is advisable to proceed with the proposed bond issue. If said Certification Board shall determine that the plans as adopted by the directors of the district be modified, or that the amount of bonds proposed to be issued be changed, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its said report to the board of directors. Such report of the Certification Board shall be made to the board of directors as soon as is practicable, and in any event within a period of ninety days from its receipt of said estimate of the board of directors. Upon receipt of the report of said Certification Board said board of directors may determine and declare by resolution that its original plan of works or some modified plan recommended by said Certification Board shall be adopted and that the amount of bonds as stated in its original estimate, or a different amount suggested by said Certification Board, should be issued in order to raise the money necessary therefor; provided that no bonds in an amount or issued for the carrying out of a plan disapproved by said Certification Board shall ever be certified for any purpose by said Certification Board; and provided further that if any district shall issue bonds in an amount approved by said Certification Board to carry out any plans approved by said Certification Board, it shall be unlawful for said district to make any material change in said plans thereafter without the written consent of said Certification Board. Immediately after the adoption of its said resolution so determining the amount of

bonds, the board of directors shall call a special election at which shall be submitted to the Electors of said district the question whether or not the bonds of said district in said amount shall be authorized.

(b) Notice of elections must be given by posting notices in three public places in said district for at least twenty days prior to the date of the election and also by publication of such notice in some newspaper, if any, published in the county where the office of the board of directors of such district is kept, once a week for at least three successive weeks prior to such election. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said 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 informalities in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballot shall contain the words: "Bonds—Yes," and "Bonds—No," or other words equivalent thereto. If the majority of the votes cast are "Bonds—Yes," the board of directors shall cause a series of bonds to the amount authorized to be prepared; if the majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record and whenever thereafter said board deems it for the best interest of the district that bonds be issued for district purposes and that the question of the issuance thereof shall be submitted to said electors, the board shall adopt resolutions and record the same in its minutes and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. The bonds authorized by any election shall be designated as series, and the series shall be numbered consecutively as authorized. All bonds of each series when issued shall be negotiable and of like force and effect. Such bonds shall be payable at a specified time in lawful money of the United States, and shall bear interest at a rate not to exceed seven per cent (7%) per annum, payable semi-annually on the first day of July and January of each year, provided that the first and last coupons or either thereof may provide for other than a semi-annual payment if the date of issue is neither January nor July first. Both principal and interest of said bonds shall be paid at the office of the Treasurer of the district or at such other place in the United States as may be determined by the board of directors, and the said bonds shall mature in such manner that a certain percentage thereof, which shall not be less than five per cent

(5%) shall be payable at the expiration of each of the eleventh to the thirtieth years after the date of issue, both inclusive, until all thereof shall have been paid, provided however, that no percentage of said bonds in excess of ten per cent (10%) shall be paid at the expiration of any one of said years, and that none thereof shall be payable prior to the expiration of eleven years from the date of issue thereof; and provided further that such percentages may be changed sufficiently so that every bond shall be in the amount of One Hundred Dollars ($100.00) or a multiple thereof, and that the above provisions shall not require any single bond to fall due in partial payments. Said bonds shall be each of the denomination of One Hundred Dollars ($100.00) or multiple thereof, and shall be executed in the name of the district and signed by the president and secretary, and the seal of the district shall be affixed thereto. Coupons for the interest bearing the facsimile signature of the secretary shall be attached to each bond. 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 thereof.

Whenever the money realized from any series of bonds has become exhausted for district purposes, and it becomes necessary to raise additional money for such purposes, additional series of bonds may be authorized by submitting the question thereof at a special election to the qualified electors of said district, and otherwise complying with the provisions of this act in respect to the issue of bonds. No series of bonds issued hereunder shall have any priority of lien or other priority over any other series of bonds, and no bond of any series shall have any priority of lien or other priority over any other bond of said series. No bond shall ever be issued by any district which will cause the total aggregate outstanding bonded indebtedness of the district and the other district obligations for the payment of money to exceed in amount sixty per cent of the aggregate market value of the lands within said district and of the irrigation works owned or to be acquired by the district with the proceeds of such bonds.

(c) After a bond indebtedness shall have been authorized by the qualified electors, the board of directors, instead of issuing bonds in the manner provided in this act, may enter into an obligation or contract with the United States of America for the construction or purchase of the necessary works under the provisions of an act of Congress entitled "An act appropriating the receipts from the sale and disposal of public lands in certain states and territories for the construction of irrigation works

for the reclamation of arid lands," approved June 17th, 1902, and all amendments thereto, and the rules and regulations thereunder, or the board of directors may issue bonds for a portion of the amount of the indebtedness authorized by such bond election, and may enter into an obligation or contract with the United States of America to the extent of the remainder of such amount, and may obligate and bind the district for the payments to be made thereunder in the manner and at the time and places provided by said act of Congress and by the rules and regulations thereunder.

Section 12. 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 purposes for which they were voted. Before making any sale, the board shall by resolution entered in the records of the board, declare its intention to sell the whole or such portion of said bonds as shall seem to them advisable and fix the day and hour and place of such sale and shall cause notice of the sale to be given by publication thereof at least three weeks in a newspaper, if any, published in the county in which the office of said district is located and in such other newspaper or 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 and that the right to accept or reject any or all bids is reserved. At the time appointed, the board shall open the proposals and may award the purchase of the bonds to the highest responsible bidder or it may reject any or all bids, provided that no proposal shall be accepted which is not accompanied by a certified check for at least five per cent of the amount of bid, to apply on the purchase price of the bonds, the amount of which check shall be forfeited if after the acceptance of the proposal the bidder shall refuse to accept said bonds and complete his purchase thereof on the conditions stated in his proposal. Said board in no event shall sell any of said bonds for less than eighty-five per cent of the face value thereof. In case no award is made, the board thereafter may either readvertise said bonds or any part thereof for sale, or sell the same or any part thereof at private sale for not less than eighty-five per cent of the face value thereof. The board may use any bonds of the district which have been offered for sale at public sale and unsold in payment for construction of works of the district, without the necessity of calling for bids for such construction, and may enter into contracts providing for the payment of such construction in bonds, which said contracts may provide for the payment of a fixed contract price,

or the cost of such construction plus a fixed percentage thereof, or the cost of such construction plus a fixed sum, in the discretion of the board; provided, however, that eighty-five per cent of their par value is the minimum price at which said bonds may be used in payment for such construction, and provided further that such use of bonds and any such contract must be approved by the State Certification Board.

Section 13. Said bonds and the interest thereon, shall be paid by revenue derived from an annual assessment and levy of taxes upon the real property of the district, and the real property of the district shall be and remain liable to taxation for such payments. Any tract or tracts of land in any district, upon payment made at any time before the maturity of said bonds, of that proportion of the bonded indebtedness of said district which the acreage of said tract or tracts of land bears to the total bonded acreage of said district, together with interest on said amount up to the next following interest paying day, shall be released and discharged from further tax levy for the payment of the principal and interest of the bonded indebtedness of the district then existing, except as in this act otherwise provided for tax levy, in event of default at maturity of bonds.

Section 14. Irrigation districts organized under this act shall have the right to construct, maintain, and keep in repair levees for the protection of the lands embraced therein from overflow, and all the provisions of this act relating to the construction, maintenance and repair of irrigation works, the issuance of bonds and the levying of assessments therefor shall be applicable to the construction, maintenance and repair of such levees.

Section 15. (a) It shall be the duty of the board of directors on or before June 1st, of each year, to make estimates of the amount of money required to meet the obligations of the district for the next fiscal year including maturing bonds and interest, maintenance, operating and current expenses together with such additional amount, as may be necessary to meet any deficiency in the payment of said items incurred during any previous year, and to provide funds for tax sale purchases of delinquent district lands, such estimates shall be fully itemized so as to show amounts required for each of the specified funds into which the money of the district is divided by the treasurer, and the total amount of such itemized estimates, entering such estimates in full upon the records of the district and transmit a certified copy thereof to the boards of supervisors of each county in which any lands of such district are located, together with a certified copy showing the total number of acres of taxable lands of such

district and description of such portions thereof as are situated in each of the counties respectively, and shall include therein all lands within the boundaries of such district, except such as have been excluded by orders made in pursuance of this act.

(b) All money raised by taxation on the estimated assessment and levy for purposes under this act, shall be applied to the objects for which it is levied and can be used for no other purposes, except that if there shall be a surplus in any fund, at any time there no longer be a demand for money in said fund, the board of directors of said district may by order duly entered, cause the treasurer of the district to transfer said surplus to any other fund against which there are outstanding obligations.

(c) In each county in which any portion of the lands included within any irrigation district are located appropriate columns shall be provided in the regular state and county tax roll for the entry of assessment and levies of the special taxes levied and assessed on account of such district. And it shall be the duty of the county assessor of each of said counties to enter upon said rolls opposite the name of each person, firm or corporation to whom may be assessed for county and state purposes any of the real property of said district (or if unknown, among the lands so classed) a description of the lands of such person, firm or corporation, subject to assessment for the purposes of said district and showing the number of acres thereof in each assessment.

(d) All district taxes upon each acre of land in any district subject to taxation for district purposes shall be assessed and such taxes shall be levied thereon at a uniform amount per acre, which amount shall be that proportion of the whole amount of the taxes to be raised for district purposes that one acre bears to the total number of taxable acres of said district.

(e) The board of supervisors of each county in which any taxable lands of an irrigation district are situated shall add to the amount by the board of directors of that district certified as being the total amount necessary to be raised by taxation for any fiscal year, an additional amount equal to fifteen per centum of the gross amount so certified, and based upon the total so made, shall fix and determine the rate amount per acre at which each acre of taxable lands of such district shall be taxed for the district purposes in such county. At the acreage amount of taxes so fixed the total of each assessment shall be computed and extended upon the rolls by the same officers who are by law authorized to compute and extend state and county taxes thereon; assessing said amount to the same person, firms, cor-

porations or unknown owners to whom the state and county taxes are assessed upon the same real estate on the said rolls, and the board shall levy the taxes so assessed in the same manner and at the same time as the levy of state and county taxes. When so levied such district taxes shall become and be a lien to the amount thereof upon the real estate assessed therewith, which lien shall continue until such taxes and all penalties and interest therein are paid.

(f) Should the board of directors neglect, fail or refuse to provide the estimates and certificates as the basis for levy and collection of taxes, at any time, the board of supervisors shall make such levy in such amount as they may deem sufficient for the purpose of the district for any fiscal year. Such board of supervisors, upon the request of any person holding any fully matured unpaid and undisputed evidence of district indebtedness, shall make such levy of taxes upon the taxable property of the district as will provide for the payment of such indebtedness of the district held by such person and such other indebtedness as shown by such person to exist, and levies so made shall be collected and enforced in the same manner as regular assessments and tax levies for district purposes.

(g) Should the directors of the district, any board of supervisors, or officer of any board, or any county assessor or tax officer of any county neglect or refuse to perform such official acts as may be necessary to give effect and create lien of taxes, and collection of taxes, under the provisions of this act required to be assessed, levied and collected, any person holding evidence of any matured, unpaid and undisputed indebtedness of the district, may compel the doing of any such official act and acts by writ of mandamus, in application for which may be joined as defendants all directors, board and officers whose neglect, failure or refusal may be the cause of complaint, and the court in any such writ may make such order as will give the party complaining full relief.

Section 16. (a) 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 criminal prosecution for malfeasance, misfeasance or failure to perform any duty herein imposed or prescribed upon such officer either as treasurer, county treasurer or district treasurer to the full extent as provided by law in other cases relating to the duties of a county treasurer. The county treasurer of each county in which any irrigation district is located in whole,

or in part, is hereby authorized and it shall be his duty to receive, collect and receipt for all district moneys and for taxes levied under the provisions of this act, and when for tax moneys, in the same manner and at the same time, and on the same receipt given upon the receipt and collection of taxes upon real estate for county purposes.

(b) Payment of taxes levied for district purposes may be made with matured interest coupons or warrants of a district at their par value, when the aggregate amount of such warrants and matured interest coupons does not exceed the total amount of taxes due and to which aggregate amount a money payment sufficient to fully pay the balance of the said taxes is made.

(c) Payment of the amount necessary to be made for the purpose of releasing any tract or tracts of land from the outstanding bonded indebtedness of the district may be made with district bonds, matured interest coupons or warrants, at their par value or with an aggregate amount of warrants, interest coupons or bonds, which singly, or in the aggregate do not exceed the total amount necessary for such release, and to which aggregate amount a money payment sufficient to fully pay for release is added.

(d) The treasurer of the district shall accept payments so made and upon the receipt of any bonds, warrants or coupons, shall immediately cancel the same and they shall not thereafter be reissued, negotiated or circulated for any purposes whatsoever.

(e) Upon the full payment of indebtedness upon any tract or tracts of land as in this act provided, the county treasurer shall issue a certificate reciting the fact of such payment and deliver the certificate to the person making payment; such certificate may be recorded in the office of the county recorder of the county in which said tract or tracts of land are situated and from delivery thereof shall operate as a release and discharge of the lands described therein from any further taxation to meet payments of principal or interest upon the district bonds then outstanding, except in the event of a default of a district in payment of such bonds at maturity, taxes may then be levied on such tract or tracts of land to meet such deficiency, provided however should property so released be taxed to pay such deficiency it shall be entitled to all benefits accruing from the purchase of lands sold at tax sales.

(f) The County Treasurer of each county containing a portion of any irrigation district, except the county treasurer of the county in which the office of said district is located, on the first Monday of each month shall remit to the district treasurer, as

aforesaid, all moneys, warrants, coupons or bonds theretofore collected or received by him on account of said district. Every district treasurer by computations based upon certified estimates as returned to the board of supervisors, shall divide the money received from taxation on the lands of the district or from other sources, into district funds corresponding with the purposes therein specified or for which they were paid. Moneys received on account of interest on the bonded indebtedness of a district shall be kept in an interest fund or account; moneys received on account of principal, on account of bonded indebtedness of district shall be kept in a bond account or fund; moneys received on account of release and discharge of lands in the district from the lien of the bonded indebtedness of the district shall be kept in a call or prepayment fund or account; moneys received on account of maintenance, operation and current expenses for the district shall be kept in a maintenance, operation and a current expense account or fund; moneys received on account of the levy for outstanding or deficiency warrants shall be kept in a deficiency fund or account; and of any 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 or money received from any other source or for any other purpose, said money shall be kept in a separate fund or the account so designated as to identify the purpose for which said money was levied or received. The district treasurer shall pay out of said bond fund the principal of bonds of said district at the time and place specified in said bonds, and shall pay out of said interest account or fund the interest on the bonds of said district at the time and place specified therein and shall pay out all of said other funds, except the fund for call and prepayment upon warrants of the district, signed by the president and countersigned by the secretary of said district. Whenever the call and redemption fund contains One Thousand ($1,000.00) Dollars or more, the district treasurer shall call in the highest numbered of outstanding bonds to the amount on hand and shall thereupon give notice of the call of such bond or bonds, designating the number or numbers thereof, by notice published in one of the newspapers, if any, published in the county in which the office of said district is located, for a period of two (2) weeks, or in a newspaper published in any other place where said bonds may be payable for a period of ten (10) days. After the completion of such notice, the money to pay said bonds shall be held in such fund until the same are presented for payment, and the interest on bonds so called shall cease sixty (60) days after the date of the first publication of such call.

(g) On the 15th day of each month the district treasurer shall report to the secretary of the district the amounts of funds in his hands to the credit of the respective funds as above provided with the amount of warrants paid during the previous month, and the amount of registered unpaid warrants, if any.

(h) The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some newspaper, published in the county where the office of the board of directors of such district is situated.

Section 17. (a) All taxes levied and assessed under the provisions of this act, shall become due and delinquent and shall attach and become a lien on the real property assessed at the same time as state and county taxes and all provisions of the general revenue laws of this state for the assessment, levying and collection of taxes on real estate for state and county purposes, shall be applicable to the matters for the assessment, levy and collection of taxes, for the purposes of this act, modified to meet any special requirements thereof, including all provisions of said general revenue laws as to proceedings to aid in the collecting and enforcement as to returns when delinquent, as to sales of property when delinquent, and all similar provisions in the tax and revenue laws of this state applying to state and county taxes shall equally apply to the taxes herein provided to be levied and collected unto the person to whom so assessed and to other persons and with like force and effect.

(b) At any sale of the taxable property in the district for delinquent taxes assessed thereon, such irrigation district may become the purchaser thereof and hold title thereto with the same rights and power as individuals; and the board of directors of the district shall have full power to provide district funds for such purchases and to lease, sell and assign or otherwise dispose of said property so acquired for value not less than an amount equal to the amount paid for the same together with interest at the rate of six per centum per annum thereon from the date of purchase and an amount equal to the pro rata of current taxes for district purposes during period of such ownership, provided however if property so acquired at tax sale has not been so disposed of, then on petition of five qualified electors of said district the question of selling lands so held and unsold on other

and different terms and conditions shall be submitted to the qualified electors of the district at the next regular election of the district and the board of directors may then sell said lands upon such terms and conditions adopted at such election.

Section 18. (a) An annual election shall be held in that division of the district in which the term of office of director next expires. Such election shall be held on the second Tuesday after the first Monday of November. Not less than ten days before the election, any ten or more electors in the district may file with the board of directors a petition, requesting that the name of the person specified in such petition be placed on the ballot as candidate for the office of director. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be a blank space left in which electors may write other names if they so desire. The one director to be elected from such division shall be elected by the general electors of that division of the district in which the election is held. The person receiving the highest number of votes shall be elected. In case of a tie vote between two or more persons so that neither receive the highest number, the result of the election shall be decided by lot between them, under the direction of the chairman of the board of supervisors of the county where the district is organized. The director so elected or chosen upon qualifying as in this act provided shall hold office for three years beginning on the first day of January following. Directors shall be general electors of the division of the district for which they are elected. In case a vacancy occurs in the board of directors, by death, removal from district, resignation or inability, from any cause, to properly discharge the duties as such director, the vacancy shall be filled by appointment made by the remaining members of the board of directors and upon their failure or inability to appoint, within thirty days after such vacancy occurs, then upon petition of five electors of said district the board of county supervisors of the county where the office of said district is situated shall by appointment fill such vacancy or vacancies. Any director appointed as above provided, shall hold office for the remainder of the unexpired term and until his successor is elected at a regular election and qualified.

(b) If the said district shall have been divided into divisions by the board of supervisors said board of directors by an order duly entered in their proceedings not less than thirty days prior to the first district election, shall establish, define and divide the whole district into three divisions as nearly equal in the amount of acreage included therein as practicable, to be known

and designated as Division No. One, Division No. Two and Division No. Three. Each of said divisions shall be represented by one director on the board and unless the acreage of said division is substantially changed by the inclusion or exclusion of district lands, the divisions shall remain as so established. In event of such substantial change the directors shall redivide the district and define new divisions thereof, maintaining in such redivision as nearly as practicable the boundaries of the said division as formerly established and notice of such redivision shall be included in the notice of the next general election.

(c) If said district has not been divided into divisions by the Board of Supervisors as in this act provided, the Board of Directors of said district shall not divide it into divisions and if the same shall not be divided into divisions the directors of the district shall be elected at large from the general electors of the district and in that event all elections shall be held and conducted and all questions to be voted upon shall be submitted as nearly in conformity with the provisions of this act as practicable.

(d) Fifteen days before any district election, the district secretary shall cause notice or notices to be posted in each division giving the time and place of holding the election and specifying the polling places of each division, and shall also post a general notice thereof in the office of said district. Prior to the time for posting the notices, the board of directors shall appoint, from the general electors of each division, three judges, who shall constitute a board of election for such divisions, one of whom shall be selected by said judges to act as clerk of election. If the board of directors fail to appoint any such election board or should the persons appointed fail to attend the opening of the polls on the morning of the election, the general electors of the division present at the opening hour may appoint a board or supply the place of any absent member thereof. At all such elections the board of directors of said district shall furnish and provide the judges with all necessary election supplies, including forms for ballot. In all elections, each member of the election board, before the opening of the polls shall take and subscribe an oath to faithfully perform the duties as such member imposed by law. Any general elector of the division may administer and certify such oath.

(e) The polls must be open at eight o'clock A. M. and remain open until six o'clock P. M. of the same day. The members of the election board, of any division, shall choose one of their number to be chairman of the board. The chairman of the board may appoint judges and clerks to fill any vacancies occur-

ring during the progress of the election. Any member of the election board or any clerk thereof may administer or certify any oath required to be administered during the progress of the election, and the board shall have power to decide upon the qualifications of electors and shall make certificates respecting any matter concerning the election.

(f) After the closing of the polls, the judges of the election shall ascertain the result of the vote and within two days thereafter certify the same in writing to the board of directors of the district and deliver to it all ballots used in said election and all records made thereof.

(g) The directors shall meet at the office of the district on the first Monday after the election to canvass the returns. If at the time of the meeting, the returns from each division in which the polls were open have been received, the board of directors shall then and there proceed to canvass the returns, and if all the returns have not been received then the meeting shall be postponed from day to day until the returns are received or until six postponements have been made. The canvass shall be made in public by checking the returns made by the election boards and by counting the votes of a district for each person or question voted for. After such canvass the board shall declare elected the persons receiving the highest number of votes, and shall also declare the result of the vote on any question submitted. If after six adjournments all the returns have not been made, the board of directors shall declare the result to be no election and shall proceed to call a new election for the same purpose and in the same manner and to be conducted in the same manner as provided for such elections.

(h) No ballot, list, tally or certificate of any election shall be rejected for any irregularity or default whatsoever, if the intent thereof is apparent and it can be understood, nor shall any election be declared null and void if conducted substantially in conformity with the provisions of this act.

(i) The district secretary, as soon as the board of directors have declared the result of any election shall enter in the proceedings of such board a statement of such declared result; which statement must show:

(1) A copy of the notice of said election;

(2) The names of the acting judges of said election;

(3) The whole number of votes cast in the district and in each division 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 division for each of such persons, and the number voted for and against each question submitted;

(7) The number of votes given in the district for each of such persons;

(8) The name of persons declared elected;

(9) The result declared on any question submitted. All to be done in accordance with the result declared by the board of directors after canvass is made as aforesaid.

(j) A certified copy of said order as entered on the proceedings of the board of directors shall be made by the secretary and by him filed in the offices of the board of supervisors of each county in which a part of said district is situated. The secretary of the district shall immediately give the persons elected directors a written notice of the fact of such election and such person within twenty days after receiving such notice shall take and subscribe an official oath to perform the duties of the office to which he was elected and file the same with the clerk of the board of supervisors of the county wherein the organization of the district was effected, and shall at the same time execute an official bond in the sum of Three Thousand ($3,000.00) Dollars with sufficient surety or sureties to be approved by the judge of the superior court of the same county by endorsing his approval thereon, which bond shall then be recorded in the office of the recorder of such county and when recorded shall be by the recorder delivered to the board of supervisors and there filed.

(k) All official oaths and official bonds required by this act shall be in the form prescribed by law for official oaths and bonds of county officials, except that the obligee named in said bonds shall be the district.

(l) Any director elected or appointed under the provisions of this chapter shall be subject to be recalled by the vote of a majority of the general electors of the divisions 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 of the legislature, which may be passed for the purpose of carrying out the provisions of the constitution.

Section 19. (a) When the plans and specifications for any work of construction, repair, alteration, extension or improvement or other district purpose, have been adopted by the board of directors, the directors shall give notice of such proposed

work by publishing at least two weeks in a weekly or daily newspaper, if any, published in each county in which portions of the district are located, and in such additional newspapers as the directors may deem advisable a notice calling for bids therefor. In such notice a general description of the proposed work to be contracted for shall be stated, and said notice shall set forth that the plans and specifications therefor may be seen at the office of the district, the date and hour up to which the board will receive sealed proposals therefor, that the contract may be let to the lowest responsible bidder, that the right will be reserved to reject any and all bids; the time and place for opening the said bids; that each bid must be accompanied by a deposit or certified check equal to ten per cent of the total thereof, that the bids will be opened in public, that as soon as convenient thereafter the board may let said work either in portion or as a whole to the lowest responsible bidder for the whole, or portions of such work according to such bids.

(b) At the time and place specified in the notice the board shall meet and consider such bids and shall within a reasonable time thereafter accept or reject all or any portion of any bid or may reject all bids, and shall return deposits of unsuccessful bidders. The board may thereafter proceed to readvertise for such portions of the proposed object as to which no bid was accepted, or the board may proceed to accomplish the work so advertised under its own direction and supervision. The board shall enter into contracts according to the accepted bids, and shall require each person with whom such a contract is made to enter into a bond with a good and sufficient surety or sureties in an amount not less than twenty-five per cent of the amount of the contract to be approved by the board, and which bond shall run to the district for its use, and be conditioned for the faithful performance of said contract. Upon such bond being given and approved, prior deposits of the principal therein shall be returned. The work under any contract let pursuant to the terms of this section shall be done under the direction and to the satisfaction of the district engineer, and by the terms of such contract shall be paid for in cash. Nothing herein contained shall be construed to prohibit the district from letting any work required by it without first advertising for bids, where the estimated cost of such work does not exceed Three Thousand ($3,000.00) Dollars, or where an emergency exists as determined jointly by the board of directors of the district and the State Certification Board.

(c) The board of directors of irrigation districts may acquire, by purchase or condemnation, the irrigation system,

canals and works through which lands in such districts have been or may be supplied with water for irrigation, and may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof, upon such terms and conditions as the said board of directors may deem best; provided, however, that such exchange must be first approved by the State Certification Board.

Section 20. No claim shall be paid by the district treasurer until the same shall have been allowed by the board, and then only upon warrants signed by the president and countersigned by the secretary, which warrants shall state the date when the claim was allowed by the board and from what funds payable; and if the district treasurer has not sufficient money on hand in such fund to pay such warrant when it is presented for payment, he shall endorse thereon the date when presented and the words "not paid for want of funds--this warrant draws interest from this date at six per cent per annum," and sign the endorsement, and from the date of such endorsement such warrant shall draw interest at the rate of six per cent per annum until paid; provided that when first presented any amount in the fund upon which said warrant is drawn shall be applied and endorsed thereon and the warrant registered for the unpaid balance only. All claims against the district shall be verified in the same manner as is required for claims against counties in this state, and upon filing shall be numbered consecutively by the secretary and kept in the office of the district. 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 may do. The district treasurer shall keep a separate district register in which he shall enter each warrant presented 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 amounts 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 order, the same as county warrants.

Section 21. The board of directors shall have the power to construct the district works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, flume, or private property, which the route of said canal or canals may intersect or cross. If the board of directors and the persons owning or controlling any such property, thing or franchise so to be used or crossed, cannot agree on the amount to be paid for

such taking, use or privilege, such amount shall be ascertained and determined in the manner by law provided for the taking of land for public uses in any case. The district shall have the right and power 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, under the direction and supervision of the State land department.

Section 22. (a) Each member of the board of directors shall receive three dollars per day and mileage at the rate of ten cents per mile and actual and necessary expenses of attending board meetings, and a similar per diem and actual and necessary expenses paid while engaged in official business under order of the board. The board shall fix the amount of compensation to be paid the secretary. The board of directors upon the petition of fifteen per centum of the electors of such district shall submit at any general election any proposed schedule of salaries and fees to be paid. Such petition must be presented to the board twenty days prior to the time of noticing any general election, and the result upon such question shall be determined and declared as in elections upon other questions submitted under this act.

(b) Directors or officers shall not be interested in any manner directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; nor receive any bonds, gratuity or bribe whatsoever.

(c) For any willful violation or neglect of duty any officer of the district shall be deemed guilty of a misdemeanor, and conviction thereof shall work a forfeiture of his office, and he shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding six months for each offense.

Section 23. The board of directors, or other officers of the district shall not have 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 24. In case the water available in any district shall be insufficient at any time to supply all lands of the district susceptible of irrigation therefrom and otherwise entitled to water, it shall then be the duty of the board of directors to provide for the distribution of all available water upon certain or alternate days to different localities as the board in its judgment may deem to be for the best interests of all parties concerned, and so that such available water shall be distributed in

as nearly equal proportions as possible to all such lands of the district subject to the laws of priorities.

Section 25. This act shall not be construed as authority to any district or district officer to divert the water of any river, creek, stream, canal, or reservoir to the injury or damage of any person or persons having a prior right to such water, prior to such time as the amount of any such injury or damage has been ascertained and paid to the party who may be injured thereby, in proceedings under the laws of this state relative to the taking of private property for public use.

Section 26. (a) For the purpose of determining the permanent inclusion of any additional lands within the district, and for the purpose of determining as to the question of excluding from the district any lands which may not be susceptible of irrigation from the works thereof or for excluding lands which may be non-irrigable in character, petitions for such purposes may be made by the owners and filed with the board of directors, which petitions shall give the description of the lands to be affected, and stating the action desired and the reasons for such requested action. Such petitions shall be sworn to by the petitioner. At the time of filing such petition there shall be paid to the secretary an amount sufficient to cover the estimated expenses of publication of notice and hearing thereof.

(b) Upon the filing of such petition and the payment of estimated expenses, the secretary shall cause notice to be given and published once each week, for three successive weeks in a newspaper, if any, published in the county where the office of said district is situated; giving the fact of the filing of such petition, the names of the petitioners, a description of the lands and the prayer of said petitioner, and the time and place of hearing on said petition and requiring any person having any cause for objection to the allowance of such petition to file the same in writing in the district office on or before the time fixed for the hearing in the notice and appear at such time in support of any such objections. At the time and place mentioned in said notice, or at such time or times to which the hearing of such petition may be adjourned, the board of directors shall proceed to hear the petition and all objections filed thereto in writing by any interested person. The failure of any person to file objections in writing as aforesaid, shall be deemed and taken as an assent on his part to the granting of said petition.

(c) Where petitions are presented respecting the inclusion of lands, the board of directors 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 taxes for the payment of its pro rata share of gross amount of all taxes thereon, which may have been previously levied for district purposes, except for the maintenance and upkeep.

(d) Upon such hearings, should the board of directors deem it for the best interests of the district to grant the prayer of such petition, they may do so, or may deny it, and in either event shall enter an order upon the records of the district recording the action taken, if an order is made either for inclusion of lands or for the exclusion of lands, a certified copy of such order shall be recorded in the office of the county recorder and filed with the board of supervisors of each of the counties wherein portions of the district are located, which filing shall give full legal force and effect to the order, and proof of the facts stated in such order shall be made in the same manner and with like effect as proof is made of the original order establishing such district.

(e) A guardian, executor or administrator of an estate who has qualified under the laws of this state and as such is entitled to the possession of the lands belonging to the estate which he represents, may on behalf thereof act respecting the petition in this act mentioned.

(f) The exclusion or inclusion of any lands shall not impair the organization of any district organized under the provisions of this act, nor in any manner impair, destroy, or change its rights as such district, nor affect, impair nor discharge any contract, obligation, lien or charge thereon; nor shall the particular lands of the district affected by any order of exclusion or inclusion be relieved from any district contract, obligation, lien or charge, for or upon which it was, or might become liable or chargeable had the order of exclusion or inclusion not been made; provided, however, lands excluded by any order shall not be liable for district contracts, debts, or obligations thereafter created.

Section 27. Whenever a majority of the bona fide owners of land in any irrigation district organized under this act, shall petition the board of supervisors, to call a special election for the purpose of submitting to the general electors of said irrigation district a proposition to vote on the dissolution of said irrigation district, setting forth in said petition that all indebtedness of every nature whatsoever has been fully satisfied and paid, it shall be the duty of said board of supervisors, if they shall be

satisfied that all indebtedness has been fully satisfied, to call an election to decide the question of such proposed dissolution, which election shall be called, held, conducted and the results determined in the same manner as the election was held for the organization of said district, and should the result of such election be in favor of such dissolution, the said board of supervisors shall make orders upon its records, certify and record the same in the same places and manner and with like effect as orders made, entered, certified and recorded effecting the organization of said district. In the event of the dissolution of an irrigation district as in this section provided, the board of directors of the district in office at the time of such dissolution shall assume the control and charge of all the assets of the district including all of its water, water rights and irrigation system and hold control and manage the same to, and until such time as the general electors of the district shall organize and take over the control and management of the same.

Section 28. The board of directors of an irrigation district organized under the provisions of this act, or any person interested therein as an elector, taxpayer, property owner or otherwise, in the matter of any bond issue affecting such district may by petition filed in the superior court of the county in which the office of such district is located, institute a proceeding for the purpose of having a judicial examination and judgment of the court as to the regularity and legality of the proceedings of the said board and for and in behalf of said district, which may provide for and authorize the issue and sale of any series of bonds of such district, and may do so whether any of said bonds have been sold or not. The title of such proceedings shall be "In the matter of the application of —— district (name of district) for a determination as to the validity of (series number) —— of bonds of said district;" such petition shall state the facts showing the acts and proceedings had, relative to the issue and sale of bonds described therein; and if filed by petitioners other than the board of directors of the district, the petitioners shall recite the interest which they have in the matter. Upon the filing of such petition the clerk shall issue a summons in said matter as in ordinary cases, except that it shall be directed to all persons who may have or claim to have any interest in the matter of the issue of (district, name it) of bonds known as (series number) ——, (stating series and number of series) without specifically naming any other defendant or defendants. Such summons so issued shall in all cases be published in the same manner as summons are published against non-resident defendants in other actions in the superior court

of this state, and if the board of directors of the district are not the petitioners in the action, such summons shall be personally served upon at least one member of said board of directors in the same manner as provided for service of summons, in other actions in the superior court. Upon proof of such publication being made and filed, and upon proof of service where personal service is required, the superior court shall have jurisdiction to proceed in the matter of such petition as in other actions commenced therein. Any persons interested may jointly and severally unite in a pleading to such petition, which pleading shall be in the nature of a general demurrer thereto as upon the grounds that the matters of said petition do not state a cause of action entitling the petitioners to the relief prayed for and upon the filing of any such pleading, the court shall proceed to hear and determine the matters thereof at one hearing upon the law and facts, and after such hearing shall enter such order, judgment, or decree, as it shall determine upon such issues, which order, judgment or decree shall be in writing signed by the judge and have all the effect of any judgment of said court, except that the costs of such proceeding shall not be taxed as against any party thereto. Such judgment may determine the legality and validity of, and approve and confirm, each and all of the proceedings, of the organization of said district under the provisions of said act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds. 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. A final decree as to such proceedings shall be received as res adjudicata in all Courts of the State of Arizona in all cases whatsoever involving the validity of such bonds and the organization of the district. Any pleading and answer to such petition shall be filed within thirty days after the date of the last publication of the summons and not afterwards without special order of the court, except that any person or persons interested may without pleading intervene in said cause and appear and be heard upon the trial issues as above provided to be tried.

Section 29. The name of any district hereafter organized hereunder shall contain either the words "irrigation district" or "water conservation district." Any district heretofore or hereafter organized and existing, the name of which shall include the words "irrigation district," may change its said name by substituting for the word "irrigation," the words "water conserva-

tion," or such other change in name as in the opinion of the board of directors may be deemed advisable, other than specifically provided herein, by filing with the board of supervisors with which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name.

Section 30. Public lands of the United States, both entered and unentered, within the boundaries of any irrigation district organized in this state shall be assessed for district purposes in the manner provided by law to the extent authorized by an act of Congress entitled, "An Act to Promote Reclamation of Arid Lands," approved August 11, 1916, or any other law enacted by Congress in the same relation; resident entrymen of public lands shall be lawful petitioners for the organization of an irrigation district, and entrymen residing on lands included within any district, the plans and maps of which have been approved by the Secretary of the Interior, if otherwise qualified, shall be lawful electors for bond issues and special assessments whether or not they may be real property taxpayers for the purpose of general taxation. Such entrymen shall be deemed to be holders of land within any irrigation district to the end that they may be qualified general electors for irrigation district purposes in general. They shall share all privileges and obligations of private land owners within the district including the right to hold office, subject always to the terms of the aforesaid acts of Congress. The board of directors is authorized to make such investigations; and, based thereon, such representations and assurances to the Secretary of the Interior as may be requisite under such acts.

Section 31. In addition to the purposes otherwise authorized by law, irrigation districts may be organized for the following purposes, and irrigation districts heretofore or hereafter organized under the law of the state, in addition to the authority otherwise conferred upon them, shall have the following powers: To cooperate and contract with the United States under the Federal Reclamation laws heretofore or hereafter enacted for the purpose of the construction of works, whether irrigation or drainage works, or levees for the protection of lands in the district, or for the acquisition, purchase, extension, operation or maintenance of

constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands.

Section 32. The board of directors shall generally perform all such acts as shall be deemed necessary to carry out the enlarged powers in this act enumerated. Said board may enter into any obligation or contract with the United States for the aforesaid purposes and may provide therein for the delivery, distribution and apportionment of the water for the lands of such district in accordance with the acts of Congress applicable thereto, and the rules and regulations of the Secretary of the Interior thereunder, and provision may be made in the contract for the refusal of water service to any or all lands which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and the United States. The contract may provide for the conveyance of water rights or other property of the district to the United States as partial consideration for the privileges obtained by the district under said contract, and in case contract has been or may hereafter be made with the United States, as herein provided, bonds of the district may be transferred to or deposited with the United States, if so provided by said contract and authorized as herein set forth, at not less than 85% of their par value to the amount to be paid by the district to the United States, or any part thereof; the interest or principal or both, on said bonds to be raised by assessment and levy as hereinafter prescribed, and to be regularly paid to the United States and applied as provided in said contract. Bonds deposited with or transferred to the United States may call for the payment of such interest not exceeding 7% per annum, may be of such denominations and call for the re-payment of the principal at such times as may be agreed upon between the board and the Secretary of the Interior. The contract with the United States may likewise call for the payment of the amount or amounts to be paid by the district to the United States, or any part thereof at such times and in such installments and with such interest charges not exceeding the aforesaid rate, as may be agreed upon, and for assessment and levy therefor as hereinafter provided, moreover, the board on behalf of the district may accept appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collection of moneys for or on behalf of the United States in connection with any federal reclamation project, whereupon, the district shall be authorized so to act and to assume the duties and liabilities incident to such action,

and said board shall have full power to do any and all things required by the rules and regulations now, or that may hereafter be established by any department of the federal government in regard thereto. Districts co-operating with the United States may rent or lease water to private lands, entrymen, or municipalities in the neighborhood of the district in pursuance of contract with the United States.

Section 33. Any proposal to enter into a contract with the United States for the re-payment of construction moneys, the cost of a water supply or the acquisition of property, and to issue bonds, if any be proposed, shall be voted upon at an election wherein proceedings shall be had insofar as applicable in the manner provided in the case of the ordinary issuance of district bonds. Notice of such election shall contain, in addition to the information required in the case of ordinary bond elections, a statement of the maximum amount of money to become payable to the United States for construction purposes, cost of water supply and acquisition of property, exclusive of penalties and interest, together with a general statement of the property, if any, to be conveyed by the district as hereinabove provided. The ballots at such election shall contain a brief statement of the general purpose of said contract and the amount of the obligation to be assumed as aforesaid, with the words "Contract--Yes," and "Contract--No," or "Contract and Bonds--Yes," and "Contract and Bonds--No," as the case may be. The board of directors may, by petition, filed in the superior court of the county in which the office of such district is located, institute a proceeding for the purpose of having a judicial examination and judgment of the court as to the validity of such contract, and the regularity and legality of the proceedings of the said board for the authorization of the board to enter into such contract and the authority for and the validity of the issuance and deposit or transfer of said bonds, if any, and the validity of the organization of the district; whereupon, the same proceedings shall be had as in the ordinary case of a judicial examination and judgment as to the validity of bonds and with like effect. Such a proceeding may moreover be instituted by any person interested as an elector, taxpayer or property owner.

Section 34. Any rights of way or other property owned or acquired by the district may be conveyed by the board to the United States insofar as the same may be needed for the construction, operation or maintenance of works by the United State for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

Section 35. All payments due or to become due to the United

States under any contract between the district and the United States, including such payments of interest and principal on bonds as may be required in connection with the deposit or transfer thereof to the United States, shall be paid, unless otherwise provided by contract, by revenue derived from annual assessments, apportioned as hereinafter prescribed, and levies therefor, upon such real property within the district as may be assessable for district purposes under the laws of the State, and such real property shall be and remain liable to be assessed and levied upon for such payments as herein provided. It shall be the duty of the board of directors to include in their annual estimates all sums which may be necessary to meet all payments to the United States when due as provided in said contract. Assessments for such purposes, however, shall not necessarily be uniform in amount per acre over the irrigable lands of the district, but shall rather accord in amount with the provisions of the contract between the United States and the district, the Federal laws applicable thereto, and the notices and regulations issued in pursuance of said laws, and in case such contract is for the assumption by the district as principal or guarantor of indebtedness to the United States theretofore existing on account of district lands, there shall be further taken into account the provisions of existing contracts carrying such indebtedness and the amounts of such liens as may be released in pursuance of contract between the United States and the district. The amount of assessment for each tract of land shall be set forth in a certificate, a copy whereof shall be transmitted to the boards of supervisors of each county in which any lands of such district are located, together with other matters required by the irrigation district laws of the state so to be certified, and the laws of the State as to the making and levy of assessments for irrigation district purposes shall be complied with insofar as practicable in the making and levy of assessments for payments due the United States under any such contract. Nothing herein contained shall be construed to relieve the district from obligation to pay as a district in case of the default of any land unless so provided by contract. All moneys collected by assessment and levies to carry out any contract with the United States shall be kept in a fund to be known as a "United States Contract Fund," to be used for payments due to the United States under any such contract.

Section 36. In case of contract between the United States and any irrigation district in pursuance of this act the engineering investigations, letting of contracts by the district and related undertakings looking to the construction of works, purchase

thereof or of a water supply, or acquisition of property in lieu of compliance with the provisions of the general irrigation district laws of the state in that regard, may be done and performed by the United States or the district, or insofar as may be required by, or as the same may be covered into or substituted for by, the contract between the United States and district. The officers, agents and employes of the United States as well as those of the district, shall have the right to enter upon any land in the district to make surveys or locate sites for construction of works in furtherance of such engineering investigations.

Section 37. Where contract shall have been entered into between the United States and any irrigation district, the district shall not be dissolved, nor shall the boundaries be changed, nor shall any specific tract or tracts of land be released or discharged for the outstanding bonded indebtedness of the district, in pursuance of bonds deposited with or transferred to the United States, by payment of a proportion of said indebtedness as provided in this act, except upon the written consent of the Secretary of the Interior filed with the official records of the district. If such consent be given and lands be excluded such lands shall be free from all liens and charges for payments to become due to the United States.

Section 38. There is hereby created the State Certification Board of the State of Arizona, the members of said Certification Board to be the Attorney General, the State Engineer and the Superintendent of Banks; said Certification Board shall elect one of its members chairman, and one or more of such members of said certification board shall from time to time as may be required, designate from his or their regularly employed clerks and assistants such clerks and assistants as may be necessary, who shall perform without extra compensation, the duties herein imposed.

Section 39. Whenever the Board of Directors of any irrigation district or water conservation district organized and existing under and pursuant to the laws of the State of Arizona shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in Section 44 of this Act, the said board of directors shall thereupon file a certified copy of such resolution with the said Certification Board.

Section 40. Such Certification Board upon the receipt of a certified copy of such resolution shall without delay make or

cause to be made an investigation of the affairs of said district, and make written findings of the result of such investigation.

The bonds of such district referred to in such resolution of the board of directors of the district shall be certified by the State Auditor in the manner hereinafter provided, if such written findings of said Certification Board shall have found that the irrigation system of the district and the specific project for which the said bonds under consideration are desired to be used or have been used, whether such project be constructed, projected or partially completed, are feasible, and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per cent of the aggregate market value of the lands embraced within said district, and of the water, water rights, canals, reservoirs, reservoir sites, irrigation works, and other works, owned or to be acquired or constructed with the proceeds of any of said bonds by said district. Such findings shall also include, but not as a prerequisite to such certification, by the State Auditor, a finding as to the ratio which the aggregate market value of the lands within the district and the irrigation system owned or to be acquired by said district in whole or in part with the proceeds of said bonds, bears to the entire indebtedness of the district, including the bonds under consideration, and a finding as to the total annual taxes for all purposes for the current year against the lands embraced within the district.

It is hereby made the duty of the state auditor to provide for filing and preserving findings mentioned in this section, and also to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of Section 42 of this Act, including the date of certification, the number of each bond, its par value, the date of its issuance and that of its maturity.

Section 41. Whenever the bonds of any such district have been certified as provided in this Act, no expenditure of any kind shall be made from the proceeds thereof without the consent of the Certification Board provided for in this Act, and no obligation shall be incurred, payable out of such proceeds without the previous authorization of said Certification Board,

Section 42. Whenever any bond of any such district, including any bond authorized but not sold, which shall be eligible to certification by the State Auditor as herein provided, shall be presented to the state auditor, he shall cause to be attached thereto a certificate in substantially the following form:—

Phoenix, Arizona.

.....
(Insert Date)

I, ... State Auditor of the State of Arizona, do hereby certify that the within bond, number ....., of series number ..... of the ..... District, issued ..... (insert date), is, in accordance with an act of the Legislature of the State of Arizona, approved ..... (insert date), a legal investment for the funds of savings banks in the State of Arizona, and may be deposited to secure public moneys, it being entitled to such privilege by virtue of an examination by the State Engineer, the Attorney General and the Superintendent of Banks of the State of Arizona in pursuance of said Act.

.....
State Auditor of the
State of Arizona.

A facsimile of the State Auditor's signature impressed upon said certificate shall be a sufficient signing thereof, provided that the imprint of the state auditor's seal shall appear upon both the certificate and the bond over the facsimile signature.

Section 43. All necessary expenses incurred in making the investigations and findings in this act provided for shall be paid as the Certification Board may require by the district whose bonds and property have been investigated by the certification board, provided that the district whose property and bonds have been investigated shall have the benefit of any data that may have been obtained by said certification board.

Section 44. All bonds certified in accordance with the terms of this Act shall be legal investments for funds of savings banks within the State of Arizona, and may be deposited to secure public moneys in the State of Arizona; and hereafter no savings bank in the State of Arizona shall invest any of its funds in bonds of any such district not so certified, nor shall any such bonds not so certified be available to secure public moneys.

Section 45. The provisions of this Act shall apply with full force and effect to irrigation districts heretofore organized under the laws of the State of Arizona.

Section 46. That all of Chapter IV, Title 55, Revised Statutes of Arizona, Civil Code; Chapter 8, of the Session Laws of the State of Arizona, Second Legislature, Second Special Session; Chapter 29 of the Session Laws of the State of Arizona, Third Legislature; Chapter 157, Session Laws of the State of Arizona, Fourth Legislature; and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

Section 47. 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 therefore be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

Approved March 19th, 1921.

CHAPTER 150.

(Senate Bill No. 118.)

AN ACT

Relating to Imprest Funds for Expenditures for State Purposes Which Require Cash Outlay by Public Officers and Employees of the State, Authorizing the State Auditor and the State Treasurer to Act in Matters of Creating and Continuing Such Funds, and Repealing Acts Inconsistent With Provisions of This Act.

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

Section 1. That the head of any State office, board, commission, or department, the activities of which require immediate cash outlays connected with postage, railroad, and other modes of travel, hotel and other necessary traveling expenses, or other immediate emergencies, which are proper as ultimate claims for payment from State funds, may apply to the State Auditor and have provided for such purposes an imprest fund for such purposes connected with such office, board, commission, or department so applying. Such application shall state the purposes for which an imprest fund is required; shall state the amount of such a fund as deemed necessary, but in no case to exceed the amount of One Thousand ($1,000.00) Dollars, and shall state the particular officer or person who shall have custody of and be charged with the duty of handling and accounting for the desired imprest fund. The State Auditor shall allow such application and shall draw a warrant to the order of the applicant officer, and charge the amount thereof against the appropriation made to that office for the class of expenses covered by the application. The State Treasurer shall pay such warrant out of any funds in the treasury which may be available for State expenses or general State purposes.

Section 2. There may be advanced from the proceeds of such

warrant to any officer, employee, or person such amount as the heads of offices, boards, commissions, or departments may deem necessary to meet the requirements of expenditure for each occasion, trip, or other cash necessity of the officer, employee, or person distinct from any other such necessity. Each amount so advanced shall be separately accounted for with proper receipts, vouchers, and evidences of expenditures, in properly itemized and verified statements, showing the specific use made of every portion thereof by person receiving such advances. Except that expenditures for meals, other incidentals not exceeding items of over One ($1.00) Dollar each, may be specified without vouchers therefor where vouchers are not readily obtainable. Unexpended balances from any such advances shall be returned by person receiving advances to officer in charge of each imprest fund at same time of rendering account for amounts expended from such advances.

Section 3. After an imprest fund has been created under foregoing provisions of this act, the verified accounts of expenditures, when audited and allowed in same manner as other claims are so credited and allowed, shall be paid by warrants drawn to the order of the officer, board, commission, or department in custody of the imprest fund from which the original advance was made as in this act specified. Such warrants shall be marked "Imprest Fund Repletion," or similar words indicating that the amount thereof, when drawn from the treasury, shall become and be a part of the Imprest Fund from which an advance for original purpose of such warrant is first made. All such warrants and proceeds thereof shall be used to keep imprest fund to original amount as near as may be, and shall not be used for any other purpose or purposes.

Section 4. Every advance from any imprest fund shall be evidenced by proper receipt therefor given by person receiving each advance to the officer making such advance. Such receipts shall show amounts, accurate dates, and as specifically as may be practicable the purpose for which advance is required. The auditor shall prepare forms of receipts for advances made from each imprest fund, which receipts shall be bound in book form with receipts therein numbered serially and consecutively, and which receipts shall be used by and kept in such receipt books without mutilation, removal, or defacement by each officer having charge of each imprest fund. All kept and preserved in same manner as other books are kept as records of that office and officer and subject to the same rights of public inspection as are other public records.

Section 5. No warrant shall be drawn upon the State Treasury for any purchase of railroad tickets, script, or mileage books, or for supplies which require cash payments at time of receiving same, nor for other purposes as to which an imprest fund is available or can be made available by compliance with the provisions of this act.

Section 6. The official bonds of every public officer and public employee shall cover and include protection to the State for acts of each such officer and employee, connected with each imprest fund, advances therefrom and accounting therefor against any default, embezzlement, or other misappropriation thereof by any such officer or employee.

Section 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 19th, 1921.

CHAPTER 151.

(Senate Bill No. 144.)

AN ACT

Providing for the Organization of Flood Control Districts and Conferring Upon Such Flood Control Districts the Powers Conferred by the Laws of this State Now or Hereafter in Force Upon Drainage Districts.

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

Section 1. Whenever five or more holders of title or evidence of title to improved lands which are subject to overflow or washing, or menaced or threatened by the normal flow or flood or overflow waters of any natural water course, stream, canyon or wash, whether perennial, intermittent or flood, and capable of being protected or relieved from such overflow or menace by the same general system of works, desire to provide for the protection of such lands from such overflow, washing or menace, they may propose the organization of a flood control district in the same manner as is provided by Chapter 5, Title 55 of the Revised Statutes of Arizona for 1913, Civil Code, and any amendments heretofore or hereafter made thereto, for the organization of drainage districts. Such petition shall be filed with the Board of Supervisors and the same proceedings shall be had thereon by said board of supervisors as is provided by

said Chapter 5, Title 55, of the Revised Statutes of 1913, Civil Code, or amendments heretofore or hereafter made thereto. The lands that shall be included by said Board of Supervisors within the boundaries of such district shall be all lands subject to overflow or washing, or menaced or threatened by the normal flow, flood or overflow waters of the natural water course, stream, canyon, or wash proposed to be controlled or protected against, and the manner of organization of and power possessed by said districts after the organization thereof shall be the same as the manner of organization of and powers possessed by drainage districts organized under said Chapter 5, Title 55 of said Revised Statutes of Arizona, 1913, Civil Code, and amendments heretofore or hereafter made thereto, except that the works constructed shall not be drainage works, but shall be such works as are suitable, proper and convenient for the protection of the lands of said district from the overflow, washing or menace to which said district is subject.

Section 2. Any flood control district organized under the provisions of this act shall have power to co-operate with and receive donations from the State of Arizona or any county, city, town, or other municipality thereof, as well as responsible private corporations, associations or individuals desiring to assist in such flood control.

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

Approved March 19th, 1921.

CHAPTER 152.

(Senate Bill No. 161.)

AN ACT

To Provide for the Relief of the Arizona Eastern Railroad Company, and Making Appropriation Therefor.

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

Section 1. That there is hereby appropriated the sum of One Thousand Seven Hundred Seventy-four and $^{61}/_{100}$ Dollars ($1,774.61) for the purpose of paying the claim of the Arizona Eastern Railroad Company against the Tempe Normal School and the State Highway Department; Six Hundred Forty eight and $^{25}/_{100}$ Dollars ($648.25) of which shall be paid out of Tempe

Normal School fund, and One Thousand One Hundred Twenty-six and $^{36}/_{100}$ Dollars ($1,126.36) shall be paid out of the State Highway Department funds, and the State Auditor is hereby authorized and instructed to draw warrants in said sums to the Arizona Eastern Railroad Company and the State Treasurer is hereby authorized and directed to pay said warrants.

Approved March 19th, 1921.

CHAPTER 153.

(Senate Bill No. 166.)

AN ACT

To Amend Paragraph 2810 of Chapter XVI of Title XI, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Retirement of Teachers."

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

Section 1. That Paragraph 2810 of Chapter XVI of Title XI, Revised Statutes of Arizona, 1913, Civil Code, entitled "Retirement of Teachers" be and the same is hereby amended to read as follows:

2810. When any person shall be sixty years of age, and shall have served for thirty years or more in the aggregate as a teacher in the public schools, fifteen years of which shall be in the public schools of Arizona, or who shall have served as teacher in the public schools of Arizona for twenty years in the aggregate and who shall have become incapacitated through physical, or mental disability to perform the duties as a teacher which facts shall be established through the testimony of three competent registered physicians, 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 making said order the services of such person as teacher in said public schools, shall cease and such person shall retire, and thereafter during his or her lifetime shall be paid from the school funds of the state, an annual pension of six hundred dollars to be paid in monthly installments.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 19th, 1921.

CHAPTER 154.

(Senate Bill No. 170.)

AN ACT

Authorizing Foreign Corporations to Loan Money Within the State of Arizona.

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

Section 1. Any foreign corporation, including any bank or trust company, may, in its corporate name, and without being licensed to do business in this state, advance and loan money therein, and take, acquire, hold and enforce notes, bonds, mortgages or trust deeds given to represent or secure money so loaned or advanced or for other lawful consideration, and all such notes, bonds, mortgages or trust deeds which heretofore have been or shall hereafter be taken, acquired or held by any such foreign corporation shall be as valid and enforceable as though it were an individual, and such right of enforcement shall include the right to acquire the mortgaged property upon foreclosure, or in virtue of the provisions of the mortgage or trust deed, and to dispose of the same; provided, however, that any corporation which shall heretofore or hereafter transact in this state the business above provided for shall file a statement in writing, by its president, secretary, treasurer or general manager, that it constitutes and appoints each member of the Arizona Corporation Commission its agents, upon whom all notices and processes, including service of summons, may be served, and when so served may be taken, deemed and held to be lawful personal service on such corporation. Such appointment of such agents shall be filed in the office of the Arizona Corporation Commission; and provided, further, that except as regards the advancing and loaning of money, and the taking, acquiring, holding and enforcing of securities as above provided, nothing herein contained shall be construed as authorizing any foreign corporation to transact in this state the business of a bank or trust company.

Sec. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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 operation of the referendum provisions of the State Constitution.

Approved March 19th, 1921.

CHAPTER 155.

(Senate Bill No. 81.)

AN ACT

Authorizing the Establishment of One or More County High Schools in Counties of the Fourth Class; Creating a County High School Board; Providing for the Support and Maintenance of County High Schools; Repealing All Acts or Parts of Acts in Conflict With this Act, and Declaring an Emergency.

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

Section 1. That counties of the Fourth Class may, by majority vote of the qualified school electors thereof voting at such election, establish and maintain one or more County High Schools in such counties.

Section 2. The Board of Supervisors of any such county, when in their judgment it appears necessary may, or upon petition signed by fifteen per cent of the qualified electors of such county shall, call an election for such county to determine if one or more county high schools, by public school district number or numbers, shall be established for such county and to determine the location or locations of such school or schools. Said election shall be conducted as nearly as practicable in the manner prescribed by law for the election of county officers.

Section 3. The petition referred to in Section two hereof, shall be addressed to the Board of Supervisors of the County and shall set forth the proposed location or locations, by public school district number or numbers, of such proposed high school or schools and shall state an estimate of the number of pupils of high school age residing in any proposed location and the territory contiguous thereto.

Section 4. The ballots in such election shall contain the words, "For County High School to be located at ——," giving the name of the proposed location, and the voters shall write after said words, the word "yes" or "no." In case it is proposed to establish more than one county high school, the words, "For County High School to be located at ——," giving the name of the proposed location, shall be repeated on said ballot for as many additional county high schools as are proposed to be established, and the voters shall write after said words the word, "yes" or "no." It shall be the duty of the Board of Supervisors at their next regular meeting to canvass the returns of such election, and if a majority of the qualified electors residing

in such county shall have voted in favor of establishing one or more such high schools, it shall be the duty of the County School Superintendent to call an election of the qualified school electors of said county for the purpose of electing a county high school board, of the number and for the terms specified in Section 5 hereof, and shall call an election of such electors for the last Saturday of March, annually thereafter for the election of one member of said Board. Said election to be held in connection with the annual election of School District Trustees.

Section 5. The County High Schools shall be in charge of a county high school board consisting of five qualified school electors of said county, not more than one of whom shall be residents of any one public school district. They shall hold office for the term of five years or until their successors are elected and qualified;

Provided, that at the first election called under this act one member of said Board shall be elected for the term expiring March 31st next following such election, one for the term expiring one year after said date, and one for the term expiring two year after said date, and one for the term expiring three years after said date, and one for the term expiring four years after said date. Vacancies on said Board shall be filled by appointment by the County Superintendent of Schools, and the person so appointed shall hold office for the unexpired term of his predecessor, and shall come from the same district.

The County Superintendent of Schools shall give to the persons elected to said County High School Board a Certificate of Election.

Section 6. The County Treasurer of such county shall be ex-officio the treasurer of said county high school board.

Section 7. The County High School Board shall meet at least once in each calendar month that high school is in session, and shall by resolution fix the date of its monthly meeting and it shall keep a complete record of all of its transactions and may employ a secretary for said board. If more than one county high school shall be established in any county under the provisions of this act, the monthly meetings of said board shall be held alternately at the respective high schools so established. The Board shall by resolution fix the place where the secretary of said Board shall maintain his office.

Section 8. The Board of Supervisors of the county must, whenever requested so to do by resolution of the County High School Board duly certified to it by its secretary, or chairman,

or by petition signed by fifteen per cent. of the qualified school electors of the county, call an election for the purpose of deciding whether county high school bonds shall be issued and sold for the purpose of raising money for purchasing, leasing, erecting or otherwise acquiring school sites, school houses, and supplying the same with furniture, apparatus and equipment. The question shall be submitted to the real property taxpayers of the county and only such persons shall vote at such elections as have paid in their own name a county or state tax upon property situated in such county, other than road, poll 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. Except as herein otherwise provided, said election shall be called and conducted in all respects as required by law for elections authorizing the issuance of county bonds for general purposes.

Section 9. Within two weeks after said election the Board of Supervisors must meet and canvass said returns. If it appears that the 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 county high school board the result of said election, and thereupon said board of supervisors shall be, and they are hereby authorized and directed to issue such county high school bonds to an amount provided in such proceedings, payable out of the high school building fund of such county, and money shall be raised by taxation upon the taxable property in said county for the redemption of said bonds and the payment of the interest thereon; provided that no county shall issue bonds for the purposes herein specified to an amount in the aggregate exceeding two per cent. of the value of the taxable property in such county, to be ascertained by the last assessment of state and county taxes previous to the issuing of such bonds.

Section 10. 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.

Section 11. Said bonds must not bear a greater rate of interest than six per cent. per annum, said interest to be payable semi-annually and said bonds may be made payable at such place within the United States as the Board of Supervisors may direct, and must be sold in the manner prescribed by the Board

of Supervisors for not less than par and the accrued interest, and all the proceeds of the sale thereof must be, without any deduction for any purpose whatever, deposited in the county treasury to the credit of the high school building fund of said county, and be drawn out for the purposes aforesaid, upon warrants signed by the chairman and secretary of the county high school board.

Section 12. 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 county 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 monies so levied, when collected, shall be paid into the county treasury to the credit of the county high school building fund of such county, and must be used for the payment of principal and interest on said bonds and for no other purposes. 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.

Section 13. On or before the first day of July of each year the county high school board shall file with the county school superintendent an itemized statement of the amount of money needed for defraying the expenses of the county high schools within such county for the ensuing year. This estimate shall be transmitted to the board of supervisors by the county school superintendent at the time he files his estimate of the amount needed for the common schools of the county.

Section 14. The County School Superintendent in such county shall, on or before the first day of August of each year, furnish the Board of Supervisors an estimate in writing of the amount of county high school funds needed for the ensuing year. In making up his estimate, the County School Superintendent shall take into consideration all money asked for by the county high school board in accordance with the preceding section, and shall be governed by the provisions of Section 2818,

Chapter 18, Title XI, Revised Statutes of Arizona, 1913, Civil Code; and provided further, that if more than one county high school shall be established in any county of the fourth class, the county school superintendent in making such estimate of the high school funds needed for said high schools for the ensuing year shall base such estimate for each of said high schools upon the average daily attendance of pupils attending such high schools during the preceding school year, and such funds when collected by taxation and placed in the county high school funds shall be disbursed for the use of such high schools respectively in the proportion of such estimated amount needed for each of said county high schools.

Section 15. It shall be the duty of the treasurer of such county: (1) To receive and to hold as a special fund all county high school moneys from whatsoever source received, and to keep a separate account thereof; (2) To pay over on the warrant of the county high school board, duly endorsed by the person entitled to receive the same, any or all moneys.

Section 16. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 17. If a high school or union high school shall have been established at a place thereafter designated as a location for a county high school said high school shall automatically become a county union high school and thenceforth shall be conducted, managed and maintained as other county union high schools. In case a proposition to establish a county union high school at a place where a high school or a union high school already exists, shall be voted on, and such proposition shall fail, the high school in existence shall not be affected by the result of said election, but shall continue in all respects as though said election had not been held.

Section 18. WHEREAS, the immediate operation of the provisions of this act is necessary, 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 it is hereby declared exempt from the referendum provision of the State Constitution.

Approved March 21st, 1921.

CHAPTER 156.

(House Bill No. 164.)

AN ACT

Authorizing the Creation of Cooperative Marketing Associations or Corporations, With or Without Capital Stock, Providing Regulations, Governing Method of Operation, Government-Election of Officers, Regulating Sales and Methods of Disbursement of Proceeds, Providing Special Remedies for Breach of Growers' Contracts and Penalties for False Statements Regarding Such Associations.

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

COOPERATIVE MARKETING ACT.

DECLARATION OF POLICY.

Section 1. In order to promote, foster and encourage the intelligent and orderly marketing of agricultural products through cooperation and to eliminate speculation and waste; and to make the distribution of agricultural products as direct as can be efficiently done between producer and consumer; and to stabilize the marketing problems of agricultural products, this Act is passed.

DEFINITIONS.

As used in this Act.

(a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm products.

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) The term "association" means any corporation organized under this Act; and

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers.

This Act shall be referred to as the "Cooperative Marketing Act."

WHO MAY ORGANIZE:

Section 2. Five (5) or more persons engaged in the production of agricultural products may form a non-profit, cooperative association, with or without capital stock, under the provisions of this Act.

PURPOSES:

Section 3. An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

POWERS.

Section 4. Each association incorporated under this Act shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or providing labor; or in connection with the purchase, hiring, or use by its members of labor, supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section.

(b) To borrow money and to make advances to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling, marketing or financing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the By-Laws.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or con-

venient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this Act; and to do any such thing anywhere.

MEMBERS.

Section 5. (a) Under the terms and conditions prescribed in its By-Laws, an association may admit as members, or issue common stock, only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer, or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations, organized hereunder.

ARTICLES OF INCORPORATION.

Section 6. Each association formed under this Act must prepare and file Articles of Incorporation, setting forth:

(a) The name of the association.

(b) The purposes for which it is formed.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding twenty-five (25) years.

(e) The number of directors thereof, which must not be less than five (5) and may be any number in excess thereof, and the term of office of such directors.

(f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the Articles of Incorporation shall not be altered, amended, or repealed except by the written consent or the vote of three-fourths of the members.

(g) If organized with capital stock, the amount of such stock and the number of shares into which it is divided and the par value thereof. The capital stock may be divided into preferred and common stock. If so divided, the Articles of Incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the nature and extent of the preference and privileges granted to each.

The articles must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the law of this State to take and certify acknowledgments of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this State; and when so filed the said Articles of Incorporation, or certified copies thereof, shall be received in all the Courts of this State, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association.

AMENDMENTS TO ARTICLES OF INCORPORATION.

Section 7. The Articles of Incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose, by the affirmative vote representing a majority of all the members of the association and upon at least thirty (30) days notice in writing of such proposed alteration or amendment to the Articles of Incorporation. Amendments to the Articles of Incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this State.

BY-LAWS.

Section 8. Each association incorporated under this Act must, within thirty (30) days after its incorporation, adopt for its government and management, a code of By-Laws, not

inconsistent with the powers granted by this Act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such By-Laws. Each association under its By-Laws may also provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or by both, and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

(f) Penalties for violation of the By-Laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which, and time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the Association, and mode, manner and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, by conclusive appraisal by the board of directors.

In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

GENERAL AND SPECIAL MEETINGS—HOW CALLED.

Section 9. In its by-laws each association shall provide for one or more regular meetings annually. The Board of Directors shall have the right to call a special meeting at any time, and ten per cent. of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the Directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the by-laws may require instead that such notice may be given publication in a newspaper of general circulation, published at the principal place of business of the Association.

DIRECTORS—ELECTION.

Section 10. The affairs of the Association shall be managed by a Board of not less than five directors, elected by the members or stockholders from their own number. The By-Laws may provide that the territory in which the Association has members shall be divided into districts and that the Directors shall be elected according to such districts. In such a case the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the Association. The by-laws may provide that primary elections should be held in each district to elect the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the Association.

The by-laws may further provide that additional directors may be elected at large and the manner of such election shall be set forth in the by-laws.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the Association, or to any other kind of contract differing from terms generally current in that district.

When a vacancy on the Board of Directors occurs, other than by expiration of term, the remaining members of the Board, by a majority vote, shall fill the vacancy.

ELECTION OF OFFICERS.

Section 11. The directors shall elect from their number a President and one or more vice-presidents. They shall also elect a Secretary and Treasurer, who need not be directors or members, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The Treasurer may be a bank or any depository, and as such shall not be considered as an officer but as a function of the Board of Directors. In such case the Secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the Board of Directors.

STOCK-MEMBERSHIP CERTIFICATES—WHEN ISSUED VOTING—LIABILITY—LIMITATIONS ON TRANSFER AND OWNERSHIP.

Section 12. When a member of an association established without capital stock, has paid his membership fee in full, he shall receive a certificate of membership.

No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note, but such retention as security shall not affect the members' right to vote.

Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof.

No stockholder of a cooperative association shall own more than $^1/_{20}$ of the common stock of the association; and an association, in its by-laws, may limit the amount of common stock which one member may own to any amount less than one-twentieth of the common stock.

No member or stockholder shall be entitled to more than one vote.

Any association organized with stock under this act may issue preferred stock, with or without the right to vote. Such

stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the Articles of Incorporation and printed on the face of the Certificate.

The By-Laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto.

The association may at any time, except when the debts of the association exceed fifty per cent. (50%) of the assets thereof, buy in or purchase its common stock at book value thereof as conclusively determined by the board of directors and pay for it in cash within one (1) year thereafter.

REMOVAL OF OFFICER OR DIRECTOR.

Section 13. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per cent. of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The Board of Directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of that district, the director in question shall be removed from office.

REFERENDUM.

Section 14. Upon demand of one-third of the entire board of directors, any matter that has been approved or passed by the Board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; provided, however, that a special meeting may be called for the purpose.

MARKETING CONTRACT.

Section 15. The Association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members, with or without taking title thereto; and pay over to its members the average re-sale price based on grade and quantity, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding 8 per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum upon common stock.

The by-laws and the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforcible in the courts of this State.

In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

PURCHASING BUSINESS OF OTHER ASSOCIATIONS, PERSONS, FIRMS OR CORPORATIONS—PAYMENT—STOCK ISSUED.

Section 16. Whenever an association organized hereunder with preferred capital stock or having subsidiaries with preferred stock shall purchase the stock or any property or any interest in any property of any person, firm, or corporation or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred capital stock to an amount which at par value would

equal a fair market value of the stock or interest so purchased, as determined by the Board of Directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

ANNUAL REPORTS.

Section 17. Each association formed under this act shall prepare and make out an annual report on forms furnished by the corporation commission, containing the name of the association, its principal place of business and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operations; the amount of its indebtedness, or liability, and its balance sheets.

CONFLICTING LAWS NOT TO APPLY.

Section 18. Any provisions of laws of Arizona which are in conflict with this act shall not be construed as applying to the associations herein provided for.

INTEREST IN OTHER CORPORATIONS OR ASSOCIATIONS.

Section 19. An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, financing or selling of the agricultural products handled by the association, or the by-products thereof. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this State or the United States, its warehouse receipt shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

CONTRACTS AND AGREEMENTS WITH OTHER ASSOCIATIONS.

Section 20. Any association may, upon resolution adopted

by its board of directors, enter into all necessary and proper contracts, and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative corporation, association or associations, formed in this or in any other State, for the cooperative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means and agencies for carrying on and conducting their respective businesses.

ASSOCIATION HERETOFORE ORGANIZED MAY ADOPT THE PROVISIONS OF THIS ACT.

Section 21. Any corporation or association organized under previously existing statutes, may by a majority vote of its stockholders or members be brought under the provisions of this act by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors, upon forms supplied by the corporation commission, to the effect that the corporation or association has by a majority vote of its stockholders or members decided to accept the benefits and be bound by the provisions of this Act. Articles of Incorporation shall be filed as required in Section 6, except that they shall be signed by the members of the board of directors. The filing fee shall be the same as for filing an amendment to Articles of Incorporation.

MISDEMEANOR — BREACH OF MARKETING CONTRACT OF COOPERATIVE ASSOCIATION; SPREADING FALSE REPORTS ABOUT THE FINANCES OR MANAGEMENT THEREOF.

Section 22. Any person or persons or any corporation whose officers or employees knowingly induces or attempts to induce any member or stockholder of an association organized hereunder to breach his marketing contract with the association, or who maliciously and knowingly spreads false reports about the finances or management thereof shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100\^{00}$), and not more than One Thousand Dollars ($1,000.00), for such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of Five Hundred Dollars ($500.00) for each such offense.

ASSOCIATIONS NOT IN RESTRAINT OF TRADE.

Section 23. No association organized hereunder shall be deemed to be a combination in restraint of trade or an illegal monopoly; or an attempt to lessen competition or fix prices arbitrarily; nor shall the marketing contracts or agreements between the association and its members or any agreements authorized in this Act be considered illegal or in restraint of trade.

CONSTITUTIONALITY.

Section 24. If any section of this act shall be declared unconstitutional for any reason, the remainder of the act shall not be affected thereby.

APPLICATION OF GENERAL CORPORATION LAWS.

Section 25. The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

ANNUAL LICENSE FEES.

Section 26. Each association organized hereunder shall pay an annual license fee of Ten Dollars ($10.00), but shall be exempt from all franchise or license taxes.

FILING FEES.

Section 27. For filing Articles of Incorporation, an association organized hereunder shall pay Ten Dollars ($10.00); and for filing an amendment to the Articles, Two and $^{50}/_{100}$ Dollars ($2.50).

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 exempted from the operation of the referendum provisions of the State Constitution.

Approved March 22nd, 1921.

EXECUTIVE OFFICE
State House
PHOENIX, ARIZONA
March 22, 1921

My dear Mr. Hall:

I am herewith transmitting with my approval, except as to certain paragraphs thereof which meet with my disapproval, Senate Bill No. 51, "An Act to Provide Additional Funds for the Construction of State Highways under Cooperative Agreements with the Federal Bureau of Public Roads, Under the Provisions of an Act of Congress Entitled "An Act to Provide that the United States Shall Aid the States in the Construction of Rural Post Roads and for Other Purposes," and Other Acts amendatory thereto, and to create an emergency fund for the use of the State Highway Department, and to amend Paragraph 5123 of Chapter 7, Title 50, Revised Statutes of Arizona, of 1913, Civil Code, relating to the State Road Tax Fund, and Chapter 69, (House Bill No. 90) of the Session Laws of the Third Legislature of the State of Arizona amendatory thereto, and all other acts amendatory thereto and relating to the State Road Tax Fund: and declaring an emergency to exist."

The paragraphs mentioned above as disapproved, viewed by me as separate and distinct items of appropriation, as is each appropriation item contained in this measure, are as follows:

"Twenty-five thousand dollars ($25,000.00) for the construction of the necessary road and bridges between St. Johns, Apache County, and the New Mexico State line, near Zuni Village, Arizona;"

"Seventy-five thousand dollars ($75,000.00) for the construction of the necessary road and bridges between Clifton, Arizona, and the New Mexico state line on the most feasible route between Clifton, Greenlee County, Arizona, and Silver City, New Mexico;"

"One Hundred Thousand dollars ($100,000.00) for the necessary road and bridges in Mohave County on the route known as the Arrowhead Trail;"

"Fifty thousand dollars ($50,000.00) for the construction of a paving beginning at the city limits of Nogales, Santa Cruz County, and running northward on the Nogales-Tucson highway;"

"Twenty thousand dollars ($20,000.00) for the construction of the necessary roads and bridges between Bowie, Cochise

County, Arizona, and Graham County line, on the Safford road running parallel with the Arizona Eastern Railroad;"

"Twenty-five thousand dollars ($25,000.00) for necessary roads and bridges between Holbrook and Apache County line on Old Trails Highway along Santa Fe Railway;"

"Twenty-five thousand dollars ($25,000.00) for construction of necessary roads and bridges between west line of Apache County and New Mexico State line near Lupton, Arizona, on Old Trails Highway along Santa Fe Railway."

It has been the policy of the State Highway Department, since the time of its creation in Territorial days, to lay out and construct a state highway system to connect the various county seats and at the same time afford road facilities to as great a number of citizens as possible upon whom fall the cost of constructing and maintaining the same, always keeping in mind their interstate character. This plan has been consistently followed, legislative interference, dictated by local self-interest, interfering to some extent with the carrying out of the well-planned and logical program. After the lapse of a number of years, and the expenditure of considerable sums of money, roads have been constructed or surveys made, embracing in the system, some 1,600 miles of highway. This system consists of an east and west highway across the most highly developed portions of the northern four counties of the State via Springerville, St. Johns, Holbrook, Winslow, Flagstaff, Williams, Ash Fork, Kingman, Gold Roads, Oatman and Topock to a connection with California at Needles; an all-year route from the Atlantic to the Pacific, serving the people of the central and southern counties of the State and joining the transcontinental system eastward at Rodeo, New Mexico, and westward at Yuma. This highway in Arizona, serves the populous sections of Douglas, Bisbee, Tombstone, Benson, Tucson, Mesa, Tempe and Phoenix; a central route connecting the important mining centers of Greenlee and Gila with the agricultural sections of Graham and Maricopa; and a north and south highway from Nogales on the Mexican border, passing through Tucson and Phoenix and thence northward via Prescott to the Grand Canyon.

The actuating principle of my administration relative to road matters is to first serve the citizens and taxpayers of Arizona, holding as secondary in importance, interstate or tourist traffic. Arizona is a land of scenic wonders and in time will be one of the greatest playgrounds of the world. We have much to offer, our inducements for tourist travel are too many to enumerate, and in time we will be prepared to cater to this

trade. At the present time, the economic necessities of our own people must be given primary consideration. After we have solved our own road problems we can then make preparations for the guests who desire to visit us. I am not unmindful of the future value of some of the road construction, as contemplated by several of the subsections of Senate Bill No. 51, eliminated herewith, but I cannot ignore the tax burdens that the construction of these roads would create at a time when the major industries of the State are so close to the point of paralyzation, resultant from general business depression. It is therefore best, in my judgment, to temporarily eliminate from Arizona's road program, the projects which cannot properly be classified or regarded as links of the highway system.

Observation and experience have demonstrated that the present plan of building state highways is open to severe stricture. It is to be regretted that the legislature found itself unable or unwilling to agree on a different, more efficient and more economical method than the one it adopted. Local self-interest, and not the benefit of the State as a whole, seemed to be the dominating idea in framing Senate Bill No. 51. This selfish and narrow spirit was in the ascendancy at all times and is found deeply imbedded in the measure. Log-rolling and pork barrel tactics, which are always concomitants of poor legislation, were markedly in evidence. The outstanding desire, casting aside other considerations which should have had weight in the framing of this bill, seemed to be to get a slice of pork for some particular locality.

If it were not for the fact that our laws are patently inadequate to admit the construction of a system of State highways, due to the selfish limitation that 75% of all monies raised, except for special appropriations and relatively nominal sums from sources other than by tax levy, must be expended in the counties of their origin, leaving counties poor in taxable wealth but large in area to shift for themselves, I would veto this measure in its entirety. It is necessary, however, to work with the tools provided by legislative will, as expressed in Senate Bill No. 51, and endeavor to save such portions of it as will assist in the construction of highways where most needed, particularly those on which large sums of money have been spent, are yet incomplete and therefore cannot be utilized by the public.

Fear has been expressed as to the ability of the State, under the terms of this bill, to secure Federal aid funds to match those herein appropriated. No apprehension need be felt on this score as there is no question as to Federal funds being available for all these projects.

If this act be constitutional, and doubts have been expressed as to that feature of it, the amount of money appropriated by its terms, eliminating the items which do not meet with my approval, will practically be the same if no highway legislation had been enacted by the Fifth Arizona Legislature. If the act does become effective immediately, as I hope it will, it will be made operative at once, thus retaining the services of an organization which has been two years in the building and give employment to a large number of citizens, who face the urgent necessity of being gainfully occupied at this time.

Sincerely yours,
(Signed) THOMAS E. CAMPBELL,
Governor.

Hon. Ernest R. Hall,
Secretary of State,
Phoenix, Arizona.

CHAPTER 157.

(Senate Bill No. 51.)

AN ACT

To Provide Additional Funds for the Construction of State Highways Under Cooperative Agreements With the Federal Bureau of Public Roads, Under the Provision of an Act of Congress Entitled "An Act to Provide that the United States Shall Aid the States in the Construction of Rural Post Roads and for Other Purposes" and Other Acts Amendatory Thereto, and to Create an Emergency Fund for the Use of the State Highway Department, and to Amend Paragraph 5123 of Chapter 7, Title 50, Revised Statutes of Arizona of 1913, Civil Code, Relating to the State Road Tax Fund, and Chapter 69, (House Bill No. 90) of the Session Laws of the Third Legislature of the State of Arizona Amendatory Thereto, and All Other Acts Amendatory Thereto and Relating to the State Road Tax Fund: and Declaring an Emergency to Exist.

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

Section 1. There is hereby appropriated, out of the general fund the sum of One Million One Hundred Twenty-five Thousand Dollars ($1,125,000.00), Five Hundred Thousand Dollars ($500,000.00) of which shall be available immediately upon the passage and approval of this Act, and Six Hundred Twenty-five

Thousand Dollars ($625,000.00) for the fiscal year 1921-1922; to be expended in the same manner and under the same provisions as the State Road Tax Fund, Twenty-five per cent Portion, for the construction of roads and bridges on the through highway system of the State of Arizona, under co-operative agreement with the Federal Bureau of Public Roads, according to the terms of the Act of Congress entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes" and other acts amendatory thereto, provided that the expenditure of this sum shall be made approximately as follows:

Twenty-five Thousand Dollars ($25,000.00) for the construction of the necessary road and bridges between Winslow, Navajo County, and Holbrook, thence south along highway to Indian Reservation line, Navajo County, Arizona;

Twenty-five Thousand Dollars ($25,000.00) for the construction of the necessary road and bridges between St. Johns, Apache County, and the New Mexico state line, near Zuni Village, Arizona:

Seventy-five Thousand Dollars ($75,000.00) is hereby appropriated as a portion of a fund of Three Hundred Twenty-five Thousand Dollars ($325,000.00) to be expended on the repair and construction of the necessary road and bridges on that portion of the Apache Trail lying west of the Roosevelt Dam; said Seventy-five Thousand Dollars ($75,000.00) to be available when the remaining Two Hundred Fifty Thousand Dollars ($250,000.00) is available from other sources than state taxation; and all of the said Three Hundred Twenty-five Thousand Dollars ($325,000.00) to be expended under the direction and supervision of the State Highway Department;

Twenty-five Thousand Dollars ($25,000.00) for the construction of the necessary road and bridges between Williams, Coconino County, Arizona, and Ashfork, Yavapai County, Arizona;

Two Hundred Thousand Dollars ($200,000.00) for the construction of the necessary road and bridges between Miami, Gila County, and Superior, Pinal County, Arizona;

Fifty Thousand Dollars ($50,000.00) for the construction of the necessary road and bridges between Geronimo and Solomonville, Graham County, Arizona;

Seventy-five Thousand Dollars ($75,000.00) for the construction of the necessary road and bridges between Clifton, Arizona, and the New Mexico State Line on the most feasible route

between Clifton, Greenlee County, Arizona and Silver City, New Mexico;

One Hundred Thousand Dollars ($100,000.00) for the construction of the necessary road and bridges between Phoenix, Maricopa County, and the Yuma County Line, provided that this One Hundred Thousand Dollars ($100,000.00) may be temporarily used in conjunction with Federal aid in paving the road between Phoenix and Glendale in Maricopa County if arrangements can be made with the Highway Commission of Maricopa County to return on or before October 1, 1921, this One Hundred Thousand Dollars ($100,000.00), either out of the first money secured from the sale of the Four Million Five Hundred Thousand Dollar ($4,500,000.00) bond issue recently authorized by the people of Maricopa County, which provides the funds for this construction, or the first money received by said Highway Commission from Federal aid on account of the construction of any other roads within the county project other than the said road from Phoenix to Glendale;

One Hundred Thousand Dollars ($100,000.00) for the necessary road and bridges in Mohave County on the route known as the Arrowhead Trail;

Seventy-five Thousand Dollars ($75,000.00) for the construction of the necessary concrete bridges and approaches thereto on the Tucson-Nogales Highway;

Fifty Thousand Dollars ($50,000.00) for the construction of a paving beginning at the city limits of Nogales, Santa Cruz County, and running northward on the Nogales-Tucson Highway;

Fifty Thousand Dollars ($50,000.00) for the construction of the necessary road and bridges between Ashfork, Yavapai County, Arizona, and the Mohave County Line, approximately parallel with the Atchison, Topeka and Santa Fe Railroad, and Twenty-five Thousand Dollars ($25,000.00) for the completion of the construction of the Prescott-Jerome Highway;

One Hundred Thousand Dollars ($100,000.00) for the construction of the necessary road and bridges between Yuma, Arizona, and the Maricopa County Line, provided, however, of this One Hundred Thousand Dollars ($100,000.00), approximately Thirty Thousand Dollars ($30,000.00) shall be used for the construction of a wooden pile bridge extension of the present Antelope Hill Bridge and the approaches thereto;

Forty Thousand Dollars ($40,000.00) for the construction of the necessary roads and bridges, between Douglas, Arizona, and the New Mexico State Line near Rodeo, New Mexico;

Forty Thousand Dollars ($40,000.00) for the construction of the necessary roads and bridges between Fairbanks, Cochise County, Arizona, and the Santa Cruz County Line;

Twenty Thousand Dollars ($20,000.00) for the construction of the necessary roads and bridges between Bowie, Cochise County, Arizona, and Graham County Line, on the Safford Road running parallel with the Arizona Eastern Railroad;

It is provided further that where appropriations are used for the construction of roads in cooperation with the Federal Government, that any portion of this One Million One Hundred Twenty-five Thousand Dollars ($1,125,000.00) may be used to temporarily provide funds for the construction of any Federal Aid project until the receipt of Federal funds can reimburse the same.

Provided, that no warrant shall be drawn or honored against the appropriation or appropriations herein made for any debts, charges or expenses contracted or incurred prior to March 10, 1921; provided, further, however, that in the event the Federal government has not fully satisfied all claims of this State for charges upon construction of roads in cooperation with the Federal government, whether such charges are incurred prior to or after said date of March 10, 1921, the State Engineer shall be authorized to apply temporarily to such charges a sum or sums not exceeding Two Hundred Thousand Dollars ($200,000.00) of the Five Hundred Thousand Dollars ($500,000.00) made immediately available hereunder, said sum of Two Hundred Thousand Dollars ($200,000.00) to be immediately replaced upon receipt of said funds from the Federal Government.

Twenty-five Thousand Dollars ($25,000.00) for necessary roads and bridges between Holbrook and Apache County line on Old Trails Highway along Santa Fe Railway.

Twenty-five Thousand Dollars ($25,000.00) for construction of necessary roads and bridges between west line of Apache County and New Mexico State line near Lupton, Arizona, on old Trails Highway along Santa Fe Railway.

Section 2. There is hereby appropriated annually that sum of money equivalent to five cents on each One Hundred Dollars ($100.00) of the assessed valuation of taxable property within the State, for the purpose of raising a fund to be known as "The State Road Tax Fund," for the construction, repairing, improving and maintaining State Highways 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 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 construction, reconstruction, 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, and the unexpended balance from the previous fiscal year.

To provide the appropriation hereby made, there shall be annually levied and collected in the manner in which other State taxes are levied and collected, by the levy of the officials provided by law, Five Cents (5c) on each One Hundred Dollars ($100.00) of the assessed valuation of taxable property within the State.

Section 3. Paragraph 5123, Chapter 7, Title 50, Revised Statutes of the State of Arizona, 1913, Civil Code, and Chapter 69, of the Session Laws of the Third Legislature of the State of Arizona, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 4. The State Auditor is hereby authorized and directed to draw his warrants upon the State Treasurer to the order of the State Engineer for all payments and expenditures authorized by this Act upon claims approved as provided by law, and the State Treasurer is hereby authorized and directed to pay said warrants out of the general fund.

Section 5. Whereas this act must have an early operation in order to secure the cooperation of the Federal Government on the construction of these roads and bridges, and whereas without the passage of this act, the State of Arizona will be greatly handicapped in securing its apportionment of Federal Aid, and whereas the failure to secure additional funds at this time will cause the stoppage of the construction of the through highway systems of this State which are in competition with

other national highways; and whereas the continuation of the construction of highways in Arizona not only is of present and future economic value but in addition will provide work for the unemployed and show confidence in the future of our commonwealth to the encouragement of its citizens, all of which is to the preservation of the public peace, health and safety of the State, an emergency is 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 operations of the Referendum Provisions of the State Constitution.

Approved this 22nd of March, 1921, with the exceptions noted in letter of transmittal to the Secretary of State, herewith.

(Signed) THOMAS E. CAMPBELL,
Governor of Arizona.

CHAPTER 158.

(Senate Bill No. 83.)

AN ACT

To Amend Paragraphs 2815, 2816, 2817, 2818, 2819, 2821, 2822, 2823 and 2824, of Chapter 18, Title 11, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Education," and All Acts Amendatory Thereof.

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

Section 1. That Paragraphs 2815, 2816, 2817, 2818, 2819, 2821, 2822, 2823 and 2824 of Chapter 18, Title 11, Revised Statutes of Arizona, 1913, Civil Code, entitled "Education" and all acts amendatory thereof, be and the same are hereby amended to read as follows:

2815. STATE LEVY FOR COMMON AND HIGH SCHOOL EDUCATION. There shall be levied and collected annually, in the manner in which other state taxes are levied and collected, by a levy made by the officials provided by law a sufficient tax to raise a sum which shall not be less than Twenty-five ($25.00) Dollars per capita on all children in average daily attendance in the common and high schools of the state, as shown by the records of the State Superintendent of Public Instruction for the preceding year, such levy to be made on the taxable property within the state, and paid into the State Treasury as a special fund for school purposes, as hereinafter provided.

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 on the State Auditor in accordance with the law. All moneys so raised shall be placed to the credit of the STATE SCHOOL FUND.

2816. After making the necessary allowance for the payment of all amounts now made payable from the State School Fund by the laws of the State, the State Board of Education shall apportion the remainder to the several counties of the state pro rating the same on the average daily attendance in the common and high schools in each county as shown by the records of the State Superintendent of Public Instruction for the preceding year, the same to be paid to the County Treasurer on a warrant of the State Auditor drawn in conformity with the apportionment of the State Board of Education, which amount shall be credited to the County School Fund on the books of the County Treasurer.

2817. COUNTY LEVY FOR COMMON AND HIGH SCHOOL EDUCATION. (a) On or before the first day of July of each year the Trustees of common school districts and the boards of education of high schools 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 by the county school superintendent at the time he files his estimate of the amount needed for the schools of the county.

(b) 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 amount of school funds needed for the ensuing year. In making up his estimate the county school superintendent shall take into consideration all moneys asked for by the boards of trustees of common schools and the boards of education of high schools in accordance with the preceding section.

(c) The county superintendent shall multiply the sum representing the average daily attendance of the common and high schools of the county, other than one-room and two-room rural schools for the previous year, by such sum as will produce the amount of funds estimated by him to be needed for the ensuing year, less the amount to be received from the State School Fund, the Forest Reserve and other sources; provided that in no event shall such sum be less than Forty-five ($45.00)

Dollars nor more than Eighty ($80.00) Dollars. In figuring the average daily attendance as herein provided only the six (6) months of school showing the highest average daily attendance shall be considered.

He shall add to this amount a sufficient amount to enable him to apportion to every rural school district maintaining a one-room rural school for a minimum term of eight (8) months, not less than One Thousand Five Hundred ($1,500.00) Dollars, and to every rural school district maintaining a two-room rural school for a minimum term of eight (8) months not less than Three Thousand ($3,000.00) Dollars, provided that these amounts for rural schools shall not be construed as fixing a maximum on the amount to be so apportioned.

He shall add to the amount so obtained ten per centum of his estimate for the maintenance of the common and high schools of the county, which ten per centum shall constitute a special fund to be deposited in the County Treasury as a County School Reserve Fund to be used as hereinafter provided.

The amount received by any county from the apportionment of the State School Fund, together with the amounts raised by the county as herein provided, shall constitute the aggregate sum of money to be raised by state and county tax for the support of the common and high schools for that year. This aggregate sum, except the County School Reserve Fund, shall constitute the COUNTY SCHOOL FUND.

2818. SCHOOL DISTRICT LEVY FOR COMMON AND HIGH SCHOOL EDUCATION. The County School Superintendent in making his estimate shall estimate whether or not his estimate will produce the amount of money asked for by any board of trustees of the common schools or boards of education of the high schools, 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 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; said tax shall be added to the county tax and collected in the same manner. That portion levied for county school purposes shall be paid into the county treasury to the credit of the County School Fund for the support of the common schools and high schools. Such additional portion as has been levied for school purposes in a

particular common school or high school district shall be paid into the school fund of such district.

2819. It shall be the duty of the Treasurer of each county:

1. To receive 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. To notify the County School Superintendent on the first or each calendar month of the amount of the County School Fund and special district funds on hand in the treasury to the credit of such funds.

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 moneys.

4. On or before the first day of August of each year to make a report to the State Superintendent of Public Instruction showing:

1. The amount of money received from State School Fund.
2. The amount received from county and school tax.
3. The amount received from other sources.
4. Total expenditures for school purposes.
5. Balance on hand at close of school year.

2821. APPORTIONMENT OF SCHOOL FUNDS. The county school superintendent of each county must apportion all moneys accumulating to the credit of the County School Fund, whether from appropriation received from State Treasurer, county tax levy, or other sources, as follows:

(a) He shall apportion to every rural school district maintaining a one-room or two-room school, a sufficient amount to maintain such schools in a creditable manner for a minimum term of eight months; provided, that the apportionment to any one-room rural school shall not be less than one thousand five hundred ($1,500.00) dollars, and that the apportionment to any two-room rural school shall not be less than three thousand ($3,000.00) dollars.

(b) After deducting the amounts required in (a) from the total amount of the County School Fund, the remainder shall be pro-rated among the several common school and high school districts in his county (not provided for in (a)) on the basis of

the average daily attendance in each common school and high school district as shown by the records of the County Superintendent of Schools for the preceding school year.

He shall apportion the money in the reserve fund as follows:

Whenever a school has been maintained in any common school district or high school district for a period of five (5) months and it shall appear that the average daily attendance is greater than it was during the preceding year, the county school superintendent shall apportion to said district our of the reserve fund, so much of said fund as said district is entitled to under the provisions of this chapter; provided, that if the amount of money in the reserve 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 a 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 County School Fund and apportion the same in the usual manner of apportioning the County School Fund.

Teachers employed in the common and high schools of the state shall not be paid from the state or county school funds unless they are holders of legal certificates in full force and effect during the whole period of employment. And on and after July 1, 1921, no common school district or high school district, except one newly formed, which has not maintained a public school for at least eight months during the next preceding school year, shall be entitled to receive any apportionment of state or county school moneys. A district which is prevented by fire, flood, or prevailing epidemic from maintaining school for the length of time herein designated is nevertheless entitled to its apportionment of state and county school moneys.

All school moneys remaining on hand at the end of the school year, to the credit of any common school district or high school district after making the apportionment as heretofore required, shall remain to the credit of any such district for the ensuing year.

2822. If any new common school district or high school district shall be duly organized and shall cause to be filed with the county school 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.

2823. If in any common school district there has been an average daily attendance of less than eight (8) pupils between the ages of six (6) and twenty-one (21) 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 may declare the district lapsed, and may 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 may sell or otherwise dispose of the property thereto belonging, and shall place the proceeds of such sale to the credit of the lapsed district. Thereupon the county school 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.

2824. Whenever the school house or school houses in any common school district or high school district shall be destroyed or rendered useless by fire, flood, or other unforeseen or unavoidable calamity, it shall be lawful upon the resumption of school in any such district, for the county school superintendent to make the first apportionment of funds following such calamity upon the basis of the attendance at said school for that portion of the school term prior to the time the school house in such district was destroyed or rendered useless.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 22nd, 1921.

CHAPTER 159.

(Senate Bill No. 104.)

AN ACT

To Provide for County Educational Organization, County Board of Education, and County School Officers.

ARTICLE I.

Educational Organization.

Section 1. The county shall be the basis for educational organization in the State of Arizona and each county board of education, as provided for in this act, subject always to the powers granted to city school districts and to sub-districts in this code, shall have supervisory oversight and control of all public schools and school libraries established within the county.

Section 2. Classification of districts. All school districts in this state now existing or hereafter organized shall, on the taking effect of this statute, be reclassified as county school districts or as city school districts.

Section 3. County school districts. Each county, excepting only territory comprised in city school districts, shall constitute one county school district, and shall be under the control and management of a county board of education. For convenience in the establishment of schools, the regulation of attendance, and the supervision of buildings, county boards of education may subdivide those portions of the county under their control into attendance sub-districts.

All school districts in the state now existing or hereafter organized which employ and continue to employ a superintendent or supervising principal who devotes one-half or more of his time supervising, may make application to the state board of education to become a city school district.

If the State Board of Education, after examining the evidence presented finds that the district applying has made the proper provisions therefor, it may authorize said district to organize as a city school district under the management and control of city board of education.

Joint school districts. Joint school attendance sub-districts may be established by the joint action of two or more county boards of education. All such districts shall be under the educational, statistical and financial control of the board of

education and the supervisory control of the county school superintendent of the county in which the school house is located.

Attendance sub-districts may be changed by county boards of education or they may be altered or abolished, as the needs of the schools may seem to require.

Section 4. City School Districts. All school districts in this state now existing or hereafter organized which employ a supervising principal, or superintendent of instruction, and are or may become properly organized, as provided in this act, shall be known as city school districts, and shall be under the control and management of city boards of education.

Section 5. Existing districts. All school districts existing in this state at the time this act takes effect shall be classified by the different county boards of education as provided for in this article. All county school districts and sub-districts shall pass under the control and management of the county boards of education; and all districts which comply with the provisions of this article relating to city districts, and become properly organized, shall pass to the control and management of city boards of education, subject to the powers reserved to the county and state educational authorities. By the mutual consent and agreement of the county board of education and the city board of education for the city concerned, sub-districts or parts of sub-districts may be transferred from the county school district to a city school district, or vice versa, as the educational needs of the children therein may seem to require. The initiative for such transfers and changes may come from either board, or by a petition to both boards signed by the parents of twenty children of school age, residing in the area proposed to be transferred; but the final decision as to the desirability of the change shall rest with the county board of education.

Section 6. For the control of such matters as are entrusted to them by law and to act as representatives of the county board of education in the attendance sub-districts there shall be in each sub-district one school director, to be appointed by the county board of education, and whose term of office shall expire with the fiscal year, though the county board of education may change, consolidate, or abolish the sub-district, as they may see fit. They may also, at any time, remove a director from office for gross incompetency, dishonesty, or willful neglect of duty, and fill his place by appointment for the unexpired term.

Such school director may, whenever he deems it necessary, and must, upon the request of three of the qualified school electors of the sub-district, call a meeting of the qualified electors for the

consideration of matters affecting the district. The director shall transmit a copy of the minures of such meeting to the County Boards of Education, and shall call a meeting of the electors and submit the action of the County Board of Education to such meeting.

ARTICLE II.

County Board of Education.

Section 7. County boards of education. For the management of the educational affairs of each county a county board of education shall be elected by the qualified electors of each county, at the same time members of city boards of education are elected, which election shall be held the last Saturday in October in the odd numbered year.

The first election under this act shall be held on the last Saturday in October, 1921. Each county board of education shall consist of six citizens, to be elected from the county at large (not more than one shall be elected from any city or sub-district) and for terms of six years each; except that at the first election under this act, to secure a proper classification of terms, the members to be elected shall be classified on the ballots so as to secure a proper expiration of terms.

Section 8. Vacancies. Any vacancy which may occur in the membership of any county board of education, for any cause, shall be filled by appointment by the board itself, the person so appointed to hold office for the unexpired term.

Section 9. Meetings of the County Boards. The regular annual meeting of the county board of education shall be held on the first Monday in January. At this meeting new members elected shall take office; a president shall be elected for the ensuing year by the board from among its membership; and the executive officers of the board shall make their annual reports. Other regular meetings shall be held on the first Monday of each month and special meetings may be called by the President, or any three other members of the board. Each member of a county board of education shall be paid his necessary traveling expenses, and an honorarium of one hundred dollars per year. Failure to attend three regular meetings in succession, unless excused on account of sickness, shall work a forfeiture of the office.

Section 10. Powers and duties. Each county board of education, subject always to the limitations of this act relative to the powers of city school districts and county sub-districts,

and acting either as a board or through its executive officers, shall have the following powers and duties:

(1) To adopt rules and regulations not inconsistent with law or the rules and regulations of the state board of education, for the regulation and government of the schools of the county.

(2) To adopt a seal for its official use.

(3) To appoint its executive officers.

(4) To see that the laws relating to education, and the rules and regulations of the state board of education, are enforced within its jurisdiction.

(5) In the name of the county board of education of (Name and County) to possess corporate powers; to sue and be sued; to acquire, hold, lease real estate and personal property; to receive bequests and donations; and to perform other corporate acts for educational purposes.

(6) To locate and maintain schools as needed within the county, to close schools and arrange for the transportation of pupils to other schools, whenever in their judgment, such transportation of pupils is advisable.

(7) To cause to be kept an accurate account of all their official acts, proceedings and decisions; and of all statistical and financial matters relating to the schools of the county; and have transmitted to the state department of education such information relating to the finances, condition and progress of the schools of the county as may be requested.

(8) To assume and hold title to all school property in the county not under control of city school districts; and to pass title to the same to city school districts, when such have been properly organized.

(8a) To call meetings of the qualified school electors of any sub-district whenever in the opinion of the majority of the Board such meetings may be deemed necessary or advisable, and the actions of all meetings shal be reported to the Board by the director of the district.

The County Board of Education shall consider and act upon any and all matters submitted to such Board by the director of any sub-district, and shall transmit the actions of the Board to such director.

The County Board of Education shall cause plans to be prepared for any buildings, additions to, or improvements on any existing buildings whenever a petition, in writing, so to do

shall be presented to said Board, signed by not less than twenty-five per cent of the qualified electors of any sub-district. The board shall call such a meeting of the electors of any sub-district for the purpose of submitting to such meeting any and all plans for new school buildings or teacherages, additions or improvements, the erection of which is proposed to be made within such sub-district, whether such plans have been prepared upon petition of the electors of such sub-district, or by the Board upon its own initiative. Written notice of any and all meetings shall be posted by the director in three public places in the district not less than ten days prior to such meeting. When a majority of the qualified electors of any sub-district at any meeting shall finally approve the plans submitted, the director shall transmit a copy of the minutes of the meeting to the Board of Education, which shall thereupon call a bond election, as provided by law.

(9) To insure, purchase, lease, rent, or sell school sites and school buildings within its jurisdiction; to build, repair, and improve the same, or approve contracts for so doing, when the plans have been approved as provided for in the law; and to condemn, under the laws provising for the condemnation of property for state purpose, any property needed for educational purposes.

(10) To act as a board of control for any county high schools, county vocational schools, county truant schools, county agricultural schools, county training schools, county libraries, or county museums, which may be established.

(11) To appoint, on the nomination of the county superintendent of education, all principals and teachers for all schools in the sub-district within the county, and to fix and pay them their salaries, to contract for all supplies, books and apparatus needed by the schools under its jurisdiction; to establish separate sub-districts for the colored race, as may be needed; and to maintain all schools of the same classification in the county, under their jurisdiction, for an equal length of time, and with as nearly equal school facilities as is possible.

(12) To appoint school directors for attendance sub-districts.

(13) To provide for health supervision and instruction, as required by this act.

(14) In conjunction with county boards of education in an adjoining county or counties, to assist in the maintenance of such joint attendance sub-districts as may be needed.

(15) To determine the annual budget for schools, library

work and other educational undertakings within the county and under their control, as provided in this act; to certify the county school tax, and all special school taxes for all districts and subdistricts, to the county board of supervisors for levy; and to determine the appropriations for different educational purposes and schools under their control.

(16) To cause to be prepared and printed, in sufficient quantities to meet the reasonable demand for such, an annual report, covering the condition, progress and needs of the schools;

(17) To perform such other duties as may be directed elsewhere in this act, or by subsequent acts of the legislature; and to perform all acts reasonable and necessary for the advancement of the educational interests of the county, the general diffusion of knowledge among the people, and the promotion of the welfare of the child, and to exercise, subject to the provisions of this act, in the districts under its control, all powers granted to city boards of education.

ARTICLE III.

County School Officers.

Section 11. County Superintendent of education. There shall be a county superintendent of education in each county in this state, who shall act as the chief executive officer of the county board of education. All county superintendents of schools holding office at the time of the passage of this act shall become the new county superintendents of education, and shall continue to serve for the remainder of the term for which they were elected, and thereafter each county board of education shall appoint the successors in office of their respective county superintendents. All appointments to fill vacancies, whether caused by the expiration of terms or otherwise, shall be four year terms. In making all appointments to the office of county superintendents of education, each county board of education shall be free from all restrictions as to residence, qualifications and compensation of the appointee; except that the compensation of any superintendent shall not be diminished during his term of office, and that, after January 1, 1923, all appointees must hold some grade of supervisory certificate, or have credentials entitling them to such as provided for in this act. Any county board of education may dismiss the county superintendent of education at any time, by a three-fourths vote, for incompetency, immorality, or insubordination.

Section 12. Assistant Superintendents and other appointees. Each county board of education may appoint, on the recom-

mendation of the county superintendent of education, such assistant, supervisors of special subjects of instruction, and other officials, clerks, stenographers, and assistants, and fix their term and compensation as the educational and business needs of the school department of the county may seem to require; provided, however, that in all counties having over thirty teachers working in schools where there is not a supervising principal, with at least three hours each day free from instruction for the purposes of supervision, city school districts excepted, an assistant superintendent of education must be appointed for each additional thirty such teachers, or fraction thereof of fifteen or more. The county superintendent of education, with the approval of the county board of education, shall assign all such assistant superintendents to districts, or to special forms of supervision.

Section 13. Superintendent's powers and duties. Each county superintendent of education shall be charged with the following powers and duties:

(1) To act as the executive officer of the county board of education and to execute, under direction of the board, and in person or through subordinates, all educational policies determined upon by it.

(2) To act as the chief educational officer of the county, and as the representative of the state superintendent of public instruction within the county, and to have supervisory control of all schools under the county board.

(3) To see that the laws relating to schools and child welfare are obeyed and that the rules and regulations of the state board of education, the state superintendent of education, and the county board of education, made in conformity with law, are carried into effect.

(4) To select and nominate, for appointment by the county board of education such assistant superintendents, special supervisors, and other officers and assistants as may have been authorized by such board or by general law, selecting for such positions persons whose qualifications conform to law and whose training, experience and character specially commend them as persons well fitted for such positions.

(5) To have general supervisory control of all officers under the county board of education, and of the work of all assistants and subordinates; to outline, direct and co-ordinate their work; and, for cause, to recommend their dismissal.

(6) To nominate, for election by the county board of education, all teachers and principals for all schools in the

attendance sub-districts, and in all county schools; to assign them to their positions, when elected; transfer them as the needs of the schools seem to require; to suspend them for cause; and to recommend them for promotion, or for dismissal.

(7) To visit the schools of the county, observe the instruction and management, and give helpful suggestions for improving the same; to advise and assist teachers, and to counsel with school directors; to co-operate with other educational forces, public and private, and to labor in every practicable way, to elevate the standards of management and instruction, to awaken interest in educational efforts, and to improve the educational conditions within his county.

(8) To decide, upon appeal to him, all disputes and controverted points arising within the county, and relating to the interpretation or the meaning of this act, the power of school officers, or methods of procedure under it. His decision shall be final, except as appeal may be taken to the state board of education.

(9) To recommend for condemnation school buildings which are unsanitary and unfit for use; to recommend repairs, or the erection of new buildings; such as teacherages, and to approve all plans for alterations in old buildings.

(10) To recommend any changes in sub-districts or district boundary lines which may seem necessary, and to approve all proposed changes in such, from whatever source, before action is taken on the same by the county board of education.

(11) To approve all contracts for transportation of children to and from school, or for the purchase of wagons, automobiles, or other means of transportation, except in city school districts.

(12) To approve the apportionment sheets for all school funds, and to approve the monthly pay roll for all teachers and other employees of the county board of education.

(13) To act as the county representative of the examining, certificating, and pensioning divisions of the state department of education.

(14) To direct and approve of the classification or reclassification of the schools of the county, outside of cities; and to direct and approve of tests to determine their educational efficiency.

(15) To perform such other duties and to have such other powers as may be assigned to him from time to time by the legislature, or by direction of the state or county board of education.

Section 14. Powers and duties of other county educational officers. The powers and duties of the county librarian, the county attendance officer, the county school health officer, and such other county educational officers as may be appointed, shall be as specified in this act, or as may be outlined by the proper educational authorities.

Section 15. The provisions of this act shall not be effective in any county in this state, until said county shall have elected by a majority vote of the qualified school electors of said county at an election called for that purpose, which election shall be called by the County School Superintendent upon petition signed by at least twenty per centum (20%) of the qualified school electors of twenty per centum (20%) of the school districts of the county, and notice of such election shall be posted as provided in this act for the election of a county school board, except as to the time of said election; provided that the Board of Supervisors of any county electing to come under the provisions of this act shall appoint the members of the county school board to serve until the next regular election as provided in this act.

Section 16. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 22nd, 1921.

CHAPTER 160.

(Senate Bill No. 27.)

AN ACT

To Define Real Estate Broker and Real Fstate Salesmen, to Provide for the Regulation, Supervision and Licensing Thereof, to Create a State Real Estate Department and the Office of Real Estate Commissioner, to Provide for the Enforcement of Said Act, and Penalties for the Violation Thereof, and Making an Appropriation Therefor.

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

Section 1. No person, firm copartnership or corporation may engage in the business, or act in the capacity of a real estate broker, or a real estate salesman within the State of Arizona, without first having obtained a license therefor.

Section 2. A real estate broker, within the meaning of this act, is a person, firm, copartnership or corporation, who, for

compensation, sells, or offers for sale, buys, or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases or offers to lease, rents, or leases for rent, or collects rent from real estate, or improvements thereon, for others, as a whole or partial vocation. A real estate salesman, within the meaning of this act, is one who, for compensation, is employed by a licensed broker to sell, or offer for sale, or buy, or offer to buy, or to negotiate the purchase, sale, exchange or handle in any manner, real estate, or to negotiate a loan on real estate, or to lease, or offer to lease, rent, or place for rent, any real estate or improvements thereon, as a whole or partial vocation. Provided, however, that this act shall not apply to any person, copartnership or corporation who shall perform any of the acts aforesaid with reference to property owned by such person, copartnership or corporation; provided further that this act shall not apply to persons holding a duly executed power of attorney from the owner of property, nor in any way to include or apply to the services rendered by an attorney at law in performing his duties as such attorney at law; provided further that this act shall not apply to any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for compensation, of buying or selling real estate of and for another, or offering for another to buy or sell or exchange or in anywise handle real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person, copartnership or corporation making such offer or sale or purchase or exchange or lease or negotiating said loan or so renting or placing for rent or collecting said rent or in anywise handling, a real estate broker within the meaning of this act.

Section 3. There is hereby created a state real estate department. The Chief Officer of such department shall be the real estate commissioner. The State Land Commissioner shall be Ex-officio Real Estate Commissioner, and shall receive no additional compensation for his services other than his salary as State Land Commissioner. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall employ such clerical assistants as he may need to discharge in proper manner the duties imposed upon him by law.

Section 4. No clerk or assistant, in the Real Estate Department, shall be interested in any real estate company or real estate broker as director, stockholder, officer, member, agent, employee or otherwise.

Section 5. The clerks and assistants to the real estate commissioner shall perform such duties as the real estate commissioner shall assign to them, and the salaries of such clerks and assistants shall be fixed by the said real estate commissioner which shall be paid them semi-monthly on the claim of the real estate commissioner and on the warrant of the auditor of this state, payable out of the state treasury.

Section 6. The real estate commissioner shall have his principal office at the state capitol building in the city of Phoenix and shall from time to time obtain the necessary furniture, stationery and other proper conveniences for the transaction of the business of his office, the expenses of which shall be paid out of the state treasury on the claim of the real estate commissioner and the warrant of the state auditor.

Section 7. All fees charged and collected under this act shall be paid by the real estate commissioner at least once a week, accompanied by a detailed statement thereof, into the treasury of the State of Arizona to the credit of a fund to be known as the REAL ESTATE COMMISSIONER'S FUND, which fund is hereby created. All moneys which shall be paid into the state treasury and credited to the real estate commissioner's fund are hereby appropriated to be used by the commissioner in carrying out the provisions of this act, including the payment of the salaries of his clerks and assistants; the auditor shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under said commissioner's direction, and the treasurer shall pay the same. It shall be the duty of the real estate commissioner, semi-annually, to certify under oath to the state treasurer and secretary of state, the total amount of receipts and expenditures of the real estate commissioner's department for the six months preceding. All moneys remaining in the state treasury to the credit of the real estate commissioner's fund at noon on the 31st day of December of each year shall on or before the 15th day of the succeeding January be transferred from the real estate commissioner's fund to the general fund of the state.

Section 8. The real estate commissioner shall adopt a seal with the words "REAL ESTATE COMMISSIONER STATE OF ARIZONA" by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of

the real estate commissioner's department certified under the hand and seal of the commissioner shall be received in evidence in all cases equally and with like effect as the originals.

Section 9. The attorney general shall render to the real estate commissioner opinions upon all questions of law relating to the construction or interpretation of this act or arising in the administration thereof that may be submitted to him by the commissioner, and shall act as the attorney for the commissioner in all actions and proceedings brought by or against him under or pursuant to any of the provisions of this act.

Section 10. No real estate license shall give authority to do any act mentioned in section two of this act to any person, copartnership or corporation other than those to whom said license is issued; provided, however, that when a license is issued to a corporation the officers thereof, other than the president, shall be required to obtain a license if engaged in the real estate business as a whole or partial vocation; and provided, further, that when a license is granted to a copartnership the members of said copartnership shall each be required to obtain a separate license, except as provided in section thirteen hereof.

Section 11. Application for license as real estate broker shall be made in writing to the real estate commissioner, which application shall be accompanied by the recommendation of two reputable citizens of the county in which such applicant resides or has his place of business, certifying that the applicant is reliable, truthful and of good reputation, and recommending that a license be granted the applicant. Where the applicant for a real estate broker's license maintains more than one place of business within the state he shall be required to apply for and procure a duplicate license for each branch office so maintained by him. Such duplicate license shall be issued without additional charge. Every such application shall state the name of the person, copartnership or corporation, and the location of the place or places of business for which such license is desired.

Application for license as real estate salesman shall be made in writing to the real estate commissioner, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of his last employer and the name and place of business of the person, copartnership or corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by the recommendation of his employer, if employed, certifying that the applicant is reliable, truthful and of good reputation, and recommending that the license be granted to the applicant.

The real estate commissioner may require such other proof as he may deem advisable of the reliability, truthfulness and good reputation of any applicant for a license, or of the officers of any corporation, or of the members of any copartnership making such application before authorizing the issuance of a license.

Every real estate broker and real estate salesman, upon receiving notice that a license is about to be issued to him, shall within two days thereafter, deposit with said real estate commissioner a bond, payable to the State of Arizona in the sum of Twenty-five Hundred Dollars ($2,500.00), conditioned that he or it will practice the business of real estate brokerage in a truthful and reliable manner and to pay such damages as may be caused by his negligence or misrepresentations.

Section 12. The fees for licenses shall be as follows:

(1) For a broker's license the annual fee shall be Twenty-five Dollars. If the licensee be a corporation, the license issued to it shall entitle the president thereof to engage in the business of real estate broker within the meaning of this act. For officers other than the president of a licensed corporation, who shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be Ten Dollars. If the licensee be a copartnership, the license issued to it shall entitle one member of said copartnership to engage in the business of real estate broker within the meaning of this act. For each other member of such copartnership who engages in the business of real estate broker within the meaning of this act, the annual fee shall be Ten Dollars.

(2) For a salesman's license the annual fee shall be Ten Dollars.

(3) If application for a license is made during the period beginning on the first day of April and ending on the thirtieth day of June, in any year, three-fourths of the annual fee shall be paid; if application is made during the period beginning on the first day of July and ending on the thirtieth day of September, one-half of such annual fee; if application is made during the period beginning on the first day of October and ending on the thirty-first day of December, one-fourth of such annual fee.

(4) All applications for license shall be accompanied by the license fee as herein provided, and all licenses shall expire on December thirty-first of each year.

Section 13. The licenses of both broker and salesman shall be prominently displayed in the office of the real estate broker, and no license issued hereunder shall authorize the licensee to

do business except from the location stipulated in the license. Notice in writing shall be given the commissioner of change of business location or change of employer, whereupon the commissioner shall issue a new license for the unexpired period without charge. The change of business location without notification to the commissioner and the issuance by him of a new license shall automatically cancel the license heretofore issued and the license theretofore issued shall be returned to the office of the real estate commissioner.

Each person, firm or corporation licensed as a broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of Arizona which shall serve as his office for the transaction of business.

Section 14. The real estate commissioner may upon his own motion, and must, upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this state, and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act, at any time where the holder thereof in performing, or attempting to perform, any of the acts mentioned in section two hereof is guilty of

(1) Making any substantial misrepresentation, or

(2) Making any false promises of a character likely to influence, persuade or induce, or

(3) A continued and flagrant course of misrepresentation or making false promises through agents or salesmen, or

(4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or

(5) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes dishonest dealing.

Before suspending or revoking any license the said commissioner shall notify, in writing, the holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. Any party aggrieved by such decision of the commissioner may within ten days from the date of said decision appeal therefrom to the Superior Court of the State of Arizona, in and for the county in which the person, affected by such decision, resides or has his place of business, under the terms of this act, by serving upon

the commissioner, a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within five days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such decision.

The decision of the commissioner shall not take effect until ten days after its date, and if notice of appeal and demand for transcript are served upon the commissioner in accordance with the provisions of this section and a bond filed, payable to the State of Arizona, in the sum of Five Hundred Dollars, then such stay shall remain in full force and effect until decision upon appeal by said Superior Court. But if said aggrieved party shall fail to perfect his appeal as herein provided, said stay shall automatically terminate.

Section 15. The real estate commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoena for the attendance of witnesses and the production of books and papers. In any hearing in any part of the state the process issued by the 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 designated for that purpose by the commissioner. The person serving any such process shall receive such compensation as may be allowed by the commissioner, not to exceed the fees prescribed by law for similar service, and such fees shall be paid in the same manner as provided herein for the payment of the fees of witnesses. Each witness who shall appear by order of the commissioner shall receive for his attendance the same fees and mileage 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 commissioner his fees and mileage shall be paid from the funds appropriated

for the use of the said real estate department in the same manner as other expenses of said department are paid.

The Superior Court in and for the county in which any hearing may be held by the commissioner shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the commissioner. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena the commissioner may report to the Superior Court in and for the county in which the hearing 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 subpoena before the commissioner in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, and ask an order of said court compelling the witness to attend and testify or produce said papers before the commissioner. The court upon petition of the 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 or testified or produced said papers before the commissioner. 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 commissioner, the court shall thereupon enter an order that said witness appear before the 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 commissioner may in any hearing before him cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions 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 and papers.

Any party to any hearing before the commissioner shall have the right to the attendance of witnesses in his behalf at such hearing or upon deposition as set forth in this section upon making request therefor to the commissioner and designating the person or persons sought to be subpoenaed.

Section 16. When any salesman shall be discharged by his

employer for a violation of any of the provisions of section fourteen hereof, a written statement of the facts in reference thereto shall be filed forthwith with the real estate commissioner by the employer; said real estate commissioner must immediately cause an investigation thereof and if the facts and circumstances disclosed warrant, the license of said salesman shall be immediately revoked.

Section 17. No violation of any of the provisions of this act on the part of any salesman or employee of any licensed broker in this state shall cause the revocation or suspension of the license of the employer of said salesman or employee unless it shall appear upon a hearing to be had by the commissioner in accordance with section fourteen hereof that said employer had guilty knowledge of such violation.

Section 18. The real estate commissioner may prefer a complaint for violation of section one of this act before the Superior Court of the several counties of this state, and said commissioner and his counsel, or assistants may assist in presenting the law or facts at the trial. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the aforesaid provision of this act in their respective counties in which such violations occur.

Section 19. Any person or corporation acting as real estate broker or real estate salesman within the meaning of this act without a license as herein provided shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished in like manner as is provided by law for punishment of misdemeanors.

Section 20. It shall be unlawful for any licensed broker to pay a commission for performing any of the acts herein specified to any person who is not a licensed broker, or a licensed salesman.

Section 21. For a violation of any of the provisions of sections sixteen and twenty of this act the real estate commissioner may temporarily suspend or permanently revoke the license of such holder in accordance with the proceedings set forth in section fourteen of this act.

Section 22. No person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker or a real estate salesman within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in section two hereof without alleging and proving that such person, copartnership or corporation was a duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

Section 23. 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.

"This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921."

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 161.

(Senate Bill No. 31.)

AN ACT

To Amend Section 3 of Chapter 144 of the Acts Adopted at the Regular Session of the Fourth Legislature of the State of Arizona Known as the Bond Act of 1919 So as to Extend the Maximum Term of Bonds Issued Under Said Act to Ten Years and Three Months, So as to Change the Time for the Payment of the First Installment of Interest on Said Bonds and to Fix the Maximum Rate of Interest on Said Bonds at Eight Per Cent Per Annum.

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

That Section 3 of Chapter 144 of the Acts adopted at the regular session of the 4th Legislature of the State of Arizona known as the Bond Act of 1919 be amended and the same is hereby amended to read as follows:

Section 3. After the full expiration of thirty days from the date of the warrant or if any appeal is taken to the Legislative Body as provided in Section 13 of said Improvement Act of 1912, 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 Clerk, a complete list of all assessments unpaid, which amount to $25.00 or over, upon any assessment. The City Clerk shall present said list to the Legislative Body at its next meeting, and the Legislative Body shall thereupon, by resolution, direct improvement bonds to be issued to the contractor or his assigns, for the amount of the assessments remaining unpaid. Said resolution shall prescribe the number and denominations of

said bonds, and the times at which they shall be payable, which shall be so fixed that an approximately equal amount of the total sum shall be paid each year until the whole amount is paid, which shall be not to exceed ten years and three months from the date of the bonds. So far as practicable, the denominations of said bonds shall be fixed at $100.00 or some multiple thereof, not exceeding $500.00. Said resolution shall also fix the place or places other than the office of the City Treasurer, if any, at which said bonds and the interest thereon shall be payable. The bonds shall be issued as of the date of the warrant, and shall bear interest from said date at the rate specified in the resolution of intention, which shall not exceed eight per cent per annum. They shall have semi-annual interest coupons thereto attached, the first of which shall be payable on the first day of January or July, as the case may be, occurring ninety days after the date of this bond, and shall be for the interest accrued at that time. The due date of all of said bonds shall be the first day of January, in the years in which they respectively become due.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 162.

(Senate Bill No. 32.)

AN ACT

To Amend Section 18 of Chapter 55 of the Acts Adopted at the Regular Session of the First Legislature of the State of Arizona Being Section 1970 of the Revised Statutes of Arizona for 1913, Civil Code, So as to Fix the Maximum Rate of Interest on Serial Bonds Issued Under Said Act at Eight Per Cent Per Annum.

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

That Section 18 of Chapter 55 of the Acts adopted at the Regular Session of the First Legislature of the State of Arizona, being Section 1970 of the Revised Statutes of Arizona for 1913, Civil Code, be and the same hereby is amended to read as follows:

1970. 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 as of the date of the warrant 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 eight 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 endorsee 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.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 163.

(Senate Bill No. 43.)

AN ACT

To Amend Paragraphs 4717 and 4718, Chapter IV, Title XLVI, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled, "Possessory Rights."

Section 1. That Paragraph 4717, Chapter IV, Title XLVI, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Possessory Rights," be and the same is hereby amended to read as follows

"4717. All persons qualified to make entry under the Public Land Laws of the United States, who have heretofore or may hereafter settle upon, cultivate or improve a tract of land in this state, with a view of acquiring title thereto, by what is known as Homestead or Desert Land Entry, or both, under existing laws of the United States, and who shall be in the performance of all acts of residence, improvement or cultivation of such tract of land, as required by said Public Land Laws of the United States, to the same extent as necessary to and required in the perfecting of title to such tract, as if entered by such claimant under and pursuant to said Public Land Laws of the United States, shall be protected in the peaceable possession and quiet enjoyment of such tract of land, with all the improvements thereon, and all the wood, timber, soil and materials growing and being thereon, to the extent of the maximum number of acres allowed by said Public Land Laws of the United States in compact form, if unsurveyed, according to the cardinal points, and, if surveyed, by the United States, then according to the lines of said survey, so as to include such improvements.

Section 2. That paragraph 4718, Chapter IV, Title XLVI, of the Revised Statutes of Arizona, 1913, Civil Code, entitled "Possessory Rights," be, and the same is hereby amended to read as follows:

"4718. Every such claimant must so distinctly mark the boundaries of his claim that it can be easily traced and shall accurately describe the same in a written notice under oath, making reference to the Statute or Statutes of the United States, under and pursuant to which such claimant intends to acquire title to such claim, and showing the time when the location was made, with the description and that it does not contain more than the maximum number of acres allowed by the Public Land Laws of the United States. Such notice must be recorded in the office of the county recorder of the county wherein the claim is situated, in a book to be kept for that purpose.

Section 3. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 164.

(Senate Bill No. 79.)

AN ACT

To Provide for the Relief of Peder H. Benson, and Making Appropriation Therefor.

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

Section 1. That, whereas Peder H. Benson was the duly appointed, qualified and acting state inspector of apiaries from December 28th, 1917, to June 20th, 1919, and received no salary as such inspector except the sum of $403.65, which was paid to him on October 28th, 1919, leaving still due and unpaid the sum of $1,075.80, for which sum a judgment was duly rendered against the State of Arizona, there is hereby appropriated the sum of One Thousand Seventy-five and $^{80}/_{100}$ Dollars ($1,075.80), for the purpose of paying in full the claim of the said Peder H. Benson against the State of Arizona for services rendered as said state inspector of apiaries, and the State Auditor is hereby authorized to draw his warrant upon the State Treasurer for the sum of money herein specified, and the State Treasurer is hereby empowered to pay the sum out of any money not otherwise appropriated.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 165.

(Senate Bill No. 105.)

AN ACT

Providing for the Care and Removal of the Bodies of Deceased Persons From Any Hospital, Sanitarium or Sanitorium Within the State of Arizona, and Providing a Penalty for Any Violation of this Act.

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

Section 1. Whenever any patient, boarder or lodger in any hospital, sanitarium or sanitorium within this State shall have

died, the superintendent or person being in charge of said hospital, sanitarium or sanitorium shall immediately notify the family, relative or friend of said deceased, or some person known to said management to be interested in said deceased, of said death, and shall not remove the body, or cause or allow the removal of said body until the said family, relative, friend or person shall stipulate and name the undertaker to whom said remains are to be delivered.

Section 2. The provisions of Section 1 hereof shall not apply to the decease of persons the family, relatives and friends of whom shall be unknown to the superintendent, or person having charge of any such hospital, sanitarium or sanitorium, or where the said deceased has no such relative, family or friends within the county wherein is situate the said hospital, sanitarium or sanitorium.

Section 3. Any hospital, sanitarium or sanitorium within this state, or the manager thereof, who shall remove, or cause or allow to be removed, or delivers the body of any deceased person to any undertaker other than the one chosen by the family, relative, friend, or person interested in the deceased, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars.

Section 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 166.

(Senate Bill No. 117.)

AN ACT

To Provide for the Relief of Public School Teachers Teaching Without Regular Certificates During the School Year Ending June 30th, 1921.

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

Section 1. That any person who was employed by any school Board of Trustees, prior to January 1, 1921, to teach

in any public school of the State of Arizona, for any period of time during the school year beginning July 1st, 1920, and ending June 30th, 1921, shall be paid for the time actually taught by such person the salary agreed upon between such person and the Board of School Trustees, even though such person did not possess an Arizona Teacher's Certificate, covering such period of time; provided that all claims for services by any such teacher shall be approved by the County School Superintendent of the County in which such services were rendered, and provided further that no claims shall be paid unless the same are presented and approved prior to July 1st, 1921.

Section 2. The county school superintendents of the several counties of the State of Arizona are hereby authorized and directed to draw warrants to teachers entitled to compensation by virtue of this act. Such warrants shall be drawn on school funds to the credit of school districts which employed such emergency teachers.

Section 3. WHEREAS, the provisions of this act are necessary to the public peace and safety and for the proper maintenance of the departments of state, and the functioning of the public school system, 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 declared to be exempt from the referendum provisions of the State Constitution.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 167.

(Senate Bill No. 129.)

AN ACT

Prohibiting the Conduct of Any Shoot or Shooting Event With Fire Arms Wherein Any Live Turkey or Other Live Bird or Live Animal is Used as a Target.

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

Section 1. It shall be unlawful for any person or persons to conduct any shoot or shooting event whereat any person uses a rifle, gun, revolver, pistol, or other fire arm, to shoot, kill or wound any live turkey or other live bird or live animal that is tied, staked out, caged, held or restrained in any manner and used as a target to be fired at in any such event.

Section 2. Nothing in this act shall be construed as prohibiting any person or persons from conducting a shoot or shooting event where fire arms are used wherein any inanimate object is used for a target.

Section 3. Any person found guilty of the violation of this act shall be punished by a fine of not less than Fifty ($50.00) Dollars, nor more than One Hundred ($100.00) Dollars, or by imprisonment for not less than fifteen days, nor more than sixty days, or by both such fine and imprisonment.

Section 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 168.

(Senate Bill No. 151.)

AN ACT

For the Relief of Henry C. Roseberry, Injured by an Explosion While in the Service of the State of Arizona, and Making an Appropriation Therefor.

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

Section 1. That, Whereas, Henry C. Roseberry, while in

the employ of the State Engineer of Arizona, sustained personal injuries arising out of and in the course of such employment, resulting in the loss of his right eye, resulting in what is hereby declared to be a permanent partial disability, a sum of money is hereby appropriated from the General Fund, from any moneys not otherwise appropriated, to pay to said Henry C. Roseberry the sum of fifty-five per cent (55%) of his average monthly wage at the time of his injury, for a period of thirty months, such payment to be made in equal monthly installments, and in addition thereto, from the date this Act becomes effective, to pay to said Henry C. Roseberry a sum equal to fifty-five per cent (55%) of the difference between his average monthly wage before the accident and the monthly wage he is able to earn thereafter, such payment not to continue after the disability ends. For the purpose of this section, any excess of wages over One Hundred and Thirty Dollars ($130.00) per month shall not be taken into account in computing compensation.

Section 2. The Industrial Commission of Arizona is hereby authorized to make proper claims upon the State Auditor for the amount herein specified, and the State Auditor shall draw his warrant for such amount, and the State Treasurer is authorized and empowered to pay the same: Provided, however, that should there be no Industrial Commission, the Superintendent of Public Health is directed, empowered and authorized to carry out all of the conditions and provisions of this Act.

Section 3. The purposes and intent of this Act shall be to give compensation to an employee of the State, injured by an accident arising out of and in the course of his employment and to the extent herein specified, but not for any other purpose to admit the liability of the State for the injury named in the foregoing sections. Provided, however, that the acceptance of any amount or amounts named in this act shall be a full and complete release of any claim or claims which the aforesaid Henry C. Roseberry may now have or might have against the State of Arizona resulting from the injury described in Section 1 of this Act.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 169.

(Senate Bill No. 152.)

AN ACT

For the Relief of Gordon G. Huntington, Injured by an Explosion While in the Service of the State of Arizona, and Making an Appropriation Therefor.

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

Section 1. That Whereas, Gordon G. Huntington, while in the employ of the State Engineer of Arizona, sustained personal injuries arising out of, and in the course of, such employment, resulting in the loss of his right eye and the permanent impairment of the sight of his left eye, causing him to be incapacitated to an extent which is hereby declared to be a permanent total disability, there is hereby appropriated from the General Fund of the State of Arizona, from any moneys not otherwise appropriated, a sufficient amount to pay to the said Gordon G. Huntington the sum of Eighty-four Dollars and Fifty Cents ($84.50) per month during the rest of his natural life, which is sixty-five per cent (65%) of his average monthly wage, computed on the basis of not to exceed One Hundred and Thirty Dollars ($130.00) per month: Provided, that should medical, surgical and hospital or other treatment, including nursing, medicines, medical and surgical supplies, become necessary because of said injury, a sufficient further amount to cover same is hereby appropriated.

Section 2. The Industrial Commission of Arizona is hereby authorized to make proper claims upon the State Auditor for the amount herein specified, and the State Auditor shall draw his warrant for such amount, and the State Treasurer is authorized and empowered to pay the same: Provided, however, that should there be no Industrial Commission, the Superintendent of Public Health is directed, empowered and authorized to carry out all of the conditions and provisions of this act.

Section 3. The purposes and intent of this act shall be to give compensation to an employe of the State, injured by an accident arising out of and in the course of his employment and to the extent herein specified, and not for any other purpose to admit the liability of the State for the injury named in the foregoing sections. Provided, however, that the acceptance of any amount or amounts named in this act shall be a full and complete release of any claim or claims which the aforesaid Gordon G. Huntington may now have or might have against

the State of Arizona resulting from the injury described in Section 1 of this act.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 170.

(Senate Bill No. 155.)

AN ACT

For the Relief of Ray Langdell, a State Employee Injured in the Course of His Employment Under the State Engineer, and Making an Appropriation Therefor.

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

Section 1. That, Whereas, Ray Langdell, an employee of the State Engineer, was injured on October 29th, 1920, while engaged as a truck driver in the construction of the Prescott-Jerome Highway, receiving a compound fracture of the right leg, which is in such condition as necessitates it being rebroken and reset, in order to prevent him being crippled for life, there is hereby appropriated from the General Fund, out of any moneys not otherwise appropriated, a sufficient amount to pay for all necessary medical, surgical and hospital or other treatment, nursing, medicines, medical and surgical supplies, crutches and apparatus, including an artificial member, if necessary, together with an amount sufficient to pay sixty-five per cent (65%) of his average monthly wage at the time of injury, to be computed on the basis, and not in excess of One Hundred and Thirty ($130.00) Dollars per month, and to be paid monthly during the period of his disability.

Section 2. The Industrial Commission of Arizona is made the trustee of this fund, and upon presentation of its claim the Auditor shall issue his warrant for the amount of said claims and the State Treasurer is authorized and empowered to pay the same; Provided, however, that should there be no Industrial Commission, the Superintendent of Public Health is directed, empowered and authorized to carry out all of the conditions and provisions of this act.

Section 3. The purposes and intent of this act shall be to give compensation to an employee of the State, injured by an accident arising out of, and in the course of his employment, and to the extent herein specified, but not for any other purpose to admit the liability of the State for the injury named in the foregoing sections. Provided, however, that the acceptance of any amount or amounts named in this act shall be a full and complete release of any claim or claims which the aforesaid Ray Langdell may now have or might have against the State of Arizona resulting from the injury described in Section 1 of this act.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 171.

(House Bill No. 21.)

AN ACT

Making an Appropriation for the Relief of Claude Sharp on Account of Injuries Received by Him While in the Employ of the State of Arizona as a Laborer in Constructing the West Wing of the Capitol Building.

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

Section 1. For compensation on account of injuries received by Claude Sharp while an employee of the state as a laborer in the construction of the west wing of the Capitol Building on March 10th, 1919, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of Five Thousand ($5,000.00) Dollars, and upon the execution of a proper release to the state by said Claude Sharp, to be approved by the Board of Directors of State Institutions, the State Auditor is hereby authorized and directed to draw warrant on the general fund in favor of the superior judge for Maricopa County having jurisdiction in Probate matters, for the benefit of the said Claude Sharp for said sum, and the State Treasurer is hereby authorized and directed to pay said warrant out of said general fund.

Section 2. The Judge of the Superior Court of the County of Maricopa having jurisdiction in probate matters, is hereby authorized and empowered to pay from the amount hereby awarded to the attorney or attorneys employed by and who represented the said Claud Sharp on the litigation in the Superior and Supreme Courts of the State, the sum of Five Hundred ($500.00) Dollars in full payment for all of said services rendered and expense incurred, irrespective of any contract or agreement which may exist, or which may have been entered into by and between the said Claude Sharp and the said attorney or attorneys for the payment of a greater sum. The remainder of the sum hereby awarded, i. e., Four Thousand Five Hundred ($4,500.00) Dollars shall be by the said judge of the Superior Court of the County of Maricopa having jurisdiction in probate matters, invested for the benefit and best interests of the said Claude Sharp, the income therefrom to be paid, as it may accrue, to the said Claude Sharp during his lifetime, and upon his death the principal thereof or the securities representing the principal shall be turned over to the State Treasurer and placed to the credit of the general fund of the state.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 172.

(House Bill No. 24.)

AN ACT

Amending Paragraph 3036, of Chapter 12, Title 12, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Primary Elections," and Pertaining to Expenditures of Candidates Before Primary Elections.

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

Section 1. That Paragraph 3036, of Chapter 12, Title 12, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3036. Candidates before a primary election held under the provisions of this chapter shall be limited in amount of expendi-

tures for said primary election to the following respective amounts, exclusive of any sums of money expended for stationery, postage, printing or advertisements in newspapers and picture shows, namely:

Candidate for United States Senator, amount not exceeding Fifteen Hundred ($1,500.00) Dollars.

Candidates for nomination for any office in which electors of the entire state shall vote, an amount not exceeding One Thousand ($1,000.00) Dollars.

Candidates for nomination of Supreme Judge, an amount not exceeding Seven Hundred Fifty ($750.00) Dollars.

Candidates for nomination for congress, an amount not exceeding One Thousand ($1,000.00) Dollars.

Candidate for nomination for Superior Judge, an amount not exceeding Two Hundred ($200.00) Dollars.

Candidates for nomination for State Senator, an amount not exceeding Two Hundred ($200.00) Dollars.

Candidates for nomination for representative to the legislature, an amount not exceeding Two Hundred ($200.00) Dollars.

Candidates for nomination for any office in which the electors of a single county vote, an amount not exceeding Two Hundred ($200.00) Dollars.

Candidates for nomination for any office in which electors of a single district, or a sub-division of the county vote, except representatives to the legislature, an amount not exceeding Fifty ($50.00) Dollars.

Candidates for nomination for mayor in cities of five thousand or more population, an amount not exceeding Two Hundred ($200.00) Dollars.

Candidates for nomination for other officers of cities of like population, an amount not exceeding One Hundred Fifty ($150.00) Dollars.

Candidates for nomination for mayor in cities or towns of less than five thousand population, an amount not exceeding One Hundred ($100.00) Dollars.

Candidates for nomination for other offices in such cities or towns, an amount not exceeding Fifty ($50.00) Dollars.

Section 2. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 173.

(House Bill No. 47.)

AN ACT

Relating to the Regulation of Traveling Merchants, Hawkers, Peddlers and Itinerant Vendors and Providing for License Taxes for the Carrying on of Such Business: Repealing Paragraphs 3586 and 3587, Revised Statutes of Arizona, 1913, Civil Code, and Other Acts in Conflict Herewith, and Providing Penalties for the Violation Thereof.

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

Section 1. That every traveling merchant, hawker, peddler and itinerant vendor vending or selling goods, wares or merchandise shall pay a license tax in advance to the sheriff in every county in which said traveling merchant, hawker, peddler or itinerant vendor carries on business, as follows:

For every traveling merchant, hawker, peddler or itinerant vendor selling from trays or from a pack carried on his back or from any contrivance carried on his person, Fifty Dollars ($50.00) per annum.

For every traveling merchant, hawker, peddler or itinerant vendor, traveling by carriage or other vehicle drawn by one horse or other animal, One Hundred ($100.00) per annum.

For every traveling merchant, hawker, peddler or itinerant vendor traveling by carriage or other vehicle drawn by two horses or other animals, One Hundred Fifty Dollars ($150.00) per annum.

For every traveling merchant, hawker, peddler or itinerant vendor, traveling by automobile or other mechanically propelled vehicle or carriage, Two Hundred ($200.00) per annum.

Section 2. Application for such license must be made to the sheriff of the county in which such business is proposed to be transacted and must be in writing and under oath and such application shall show the following:

(a) Name of the person desiring such license.

(b) Nationality.

(c) Last business occupation.

(d) Last place of residence.

After application made, as above provided, the sheriff shall issue a temporary permit good for Thirty (30) days, during which time the information furnished by the applicant, as above provided, must be investigated. If after each such investigation it appears that the applicant is a fit person, such license, as provided in Section 1 hereof shall be granted for the term of one year from the date of application.

Section 3. All license taxes collected by the sheriff under the provisions of this Act shall be paid by him into the State Road Tax Fund, twenty-five per cent portion, and shall be expended under the direction of the State Engineer.

For every traveling merchant, hawker, peddler or itinerant vendor doing business in any building, structure, tent, car, boat, stationary vehicle, storeroom of any kind for the exhibition or sale of any manufactured goods, wares or merchandise, for each such building, structure, tent, car, boat, stationary vehicle, storeroom or other place Two Hundred Dollars ($200.00) per annum, and for each assistant of any traveling merchant, hawker, peddler or itinerant vendor, there shall be paid Twenty-five Dollars ($25.00) per annum.

Provided, however, that the provisions of this Act shall not apply to, or include any regularly established merchant who owns a store and is engaged in the business of selling groceries, dry goods, hardware or general merchandise nor to any person selling agricultural, farm or nrusery products, and provided further, that the provisions of this Act shall not apply to any incorporated city or town, which, by its charter or ordinance is vested with power or authority to license traveling merchants, hawkers, peddlers or itinerant vendors, and, provided further, that nothing contained herein shall be construed to prevent any person or persons from bringing goods, wares or merchandise in interstate commerce, nor shall this Act apply to traveling salesmen.

Section 4. Any person 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 in any sum not less than Ten Dollars ($10.00) nor more than Three Hundred Dollars ($300.00), or shall be punished by imprisonment in the county

jail for a period not exceeding three months or by both fine and imprisonment.

Section 5. Paragraphs 3586 and 3587, Revised Statutes of Arizona, 1913, Civil Code, are hereby repealed and 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 174.

(House Bill No. 99.)

AN ACT

For the Relief of L. Earl Matteson, State Inspector of Apiaries, and Appropriating the Sum of Two Hundred and Eighty-four Dollars and Twenty Cents ($284.20) as Full Compensation for Salary and Expenses Due to Him for the Years 1919 and 1920.

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

Section 1. There is hereby appropriated out of the General Fund the sum of Two Hundred and Eighty-four Dollars and Twenty Cents ($284.20) for the relief of said L. Earl Matteson, State Inspector of Apiaries, for and on account of expenses and salaries due to said State Inspector of Apiaries for the years 1919 and 1920, and the State Auditor is hereby authorized and directed to draw his warrant on the General Fund in favor of said L. Earl Matteson, for the sum of Two Hundred and Eighty-four Dollars and Twenty Cents ($284.20), and the State Treasurer is hereby authorized and directed to pay said warrant.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 175.

(House Bill No. 105.)

AN ACT

To Amend Paragraph 623, Chapter XXII of Title VI, Revised Statutes of Arizona, 1913, Civil Code, Entitled 'Court Reporters' and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Section 1. That Paragraph 623, Chapter XXII, Part II of Title VI, Revised Statutes of Arizona, 1913, Civil Code, entitled 'Court Reporters' be, and the same is hereby amended to read as follows:

"623. The salary of the court reporter of the superior court, and each division thereof, in each county in the state shall be fixed by the judge of said court, which salary shall be effective when approved by the board of county supervisors of said county. The salaries of court reporters shall be paid semi-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 transcript is made on an appeal taken in a criminal case, and to the attorney general when the state is a party.

Section 2. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 176.

(House Bill No. 111.)

AN ACT

Entitled an Act, to Amend an Act, to Amend an Act "Entitled an Act to Incorporate the City of Prescott, Define Its Limits and Rights, to Specify Its Privileges and Powers and Provide for An Efficient Government for the Same." Being Chapter No. 40, Session Laws 1885.

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

Section 1. Section 2, Article 10, of said Act is hereby amended so as to read as follows:

"The indebtedness of said city must not exceed in the aggregate the sum of Thirty Thousand ($30,000.00) Dollars, and any debt or liability incurred in violation of this Section, except as hereinafter mentioned, whether by borrowing money, loaning the credit of the city or otherwise, is null and void and of no effect."

Section 2. Section 2 of Article 11, of said Act is hereby amended so as to read as follows:

"The said corporation shall have the further power and is hereby further authorized, through its officers or agents, as hereinafter provided, or as may hereinafter be prescribed by the ordinances, by-laws, resolutions, rules and regulations of said city, passed and adopted in pursuance hereof, to assess, levy and collect each year upon all property, both real and personal in said city and taxable under the laws of this State, taxes for general municipal purposes which shall not exceed for any year the sum of one hundred and fifty cents on each one hundred dollars worth of property, both real and personal, according to the assessed value thereof within said city; and said corporation, is also hereby authorized and directed to assess, levy, and collect each year, at the same time, such other taxes as may be required to be imposed, levied and collected by special Act of the Legislature, for the payment of interest and principal of any of the funded indebtedness of said city if there be any."

Section 3. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 177.

(House Bill No. 130.)

AN ACT

To Amend Paragraph 873 of Chapter 6 of Part 3 of Title 6 of the Revised Statutes of Arizona, 1913, Civil Code, Relating to Homesteads.

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

Section 1. That Paragraph 873 of Chapter 6 of Part 3 of Title 6 of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

873. If the homestead selected and recorded prior to the death of the decedent be returned in the inventory appraised at not exceeding Four Thousand ($4,000.00) Dollars in value, or was previously appraised as provided by law, and such appraised value did not exceed that sum, the superior court must, by order, set it off to the persons in whom title is vested by the preceding section. If there be subsisting liens or incumbrances on the homestead, the claims secured thereby must be presented and allowed as other claims against the estate. If the funds of the estate be adequate to pay all claims allowed against the estate, the claim so secured must be paid out of such funds. If the funds of the estate be not sufficient for that purpose, the claims so secured shall be paid proportionately with other claims allowed, and the liens or incumbrances on the homestead shall only be enforced against the homestead for any deficiency remaining after such payment; Provided, that it shall be the duty of any executor or administrator, within sixty (60) days after the first publication of notice to creditors, to notify in writing the record holder of any such lien or incumbrance upon real property subject to a declaration of homestead of the death of the testator or intestate, and unless so notified, the rights of the holder of such lien or incumbrance shall not be affected by his failure to present such claim as hereinabove required.

Section 2. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 178.

(House Bill No. 138.)

AN ACT

Requiring the Closing of Gates and Bars Erected Across Trails, Roads and Highways Passing Over the Enclosed Fields or Pastures of Others, and Providing Penalties for a Violation of the Terms Thereof.

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

Section 1. Any person or persons traveling on a road or highway open for use and used by the public, when such trail, road or highway passes into and over any part of an enclosed field or pasture of another person, firm or corporation, when such trail, road or highway at the point of entrance to or exit from such enclosed field or pasture has a gate, gates or bars across same, shall, in the event such traveler opens such gate, gates or bars, after passing into or passing out of such field or pasture, securely close such gate, gates or bars so that stock will not stray from such field or pasture through such unclosed gate, gates or bars.

Section 2. Any person violating 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 five ($5.00) dollars nor more than fifty ($50.00) dollars.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 179.

(House Bill No. 145.)

AN ACT

For the Protection of Stock Raisers; Providing for the Killing of Dogs Under Certain Circumstances, and Prescribing the Liabilities of the Owner of Such Dog or Dogs.

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

Section 1. If any person shall discover any dog in the act

of killing, wounding or chasing sheep or calves in this State, or shall discover any dog under such circumstances as show conclusively that it has been recently engaged in killing sheep or calves, such person is authorized immediately to pursue and kill such dog.

Section 2. The owner of any dog shall be liable in a civil action for all damages that may accrue to any person by reason of such dog's killing, wounding or chasing any sheep or calves belonging to such person.

Section 3. 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, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

CHAPTER 180.

(House Bill No. 176.)

AN ACT

To Promote the Agricultural Interests of Arizona, by the Collection, Through the County Tax Assessors or Their Deputies, of Data Relating to the Acreages of Farm Crops, and Prescribing Duties for Assessors in Relation Thereto, and to Secure a More Perfect Listing of Agricultural Land and Products, as May be Required by the United States Department of Agriculture, on All Farms and Properties Within the State and to Provide Payment for Same, and Declaring an Emergency.

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

Section 1. That it shall be the duty of the Tax Commission of the state of Arizona to require the tax assessor of each county, or his deputy, at the time of taking the annual assessment of property to ascertain for each farm or property in his county or assessment district, the acreage of each farm crop as then growing or grown the previous year, the numbers of each class of live stock and such other data relating to the agricultural resources of the state as may be required by the United States Department of Agriculture, as specified in blanks and instructions furnished

by the latter; such statistics to be forwarded to the United States Department of Agriculture on completion of assessment, and not later than thirty (30) days thereafter.

Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Section 3. 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 therefore be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempted from the operation of the Referendum Provisions of the state constitution.

This Bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 23d day of March, 1921.

(Signed) ERNEST R. HALL,
Secretary of State.

EXECUTIVE OFFICE
State House
PHOENIX, ARIZONA

March 22nd, 1921.

My dear Mr. Hall:

I am herewith transmitting, with my signature and approval, with the exceptions of Subdivisions 1, 3, 4, 18½, 29, 30, 38-a, 40-a, 42, 46, 49 and 56-c, of Section 1, which I disapprove for reasons hereinafter stated, House Bill No. 179, "An Act Making Appropriation for the Different Departments of State, for State Institutions and Departments and Activities and Purposes Appurtenant Thereto: Providing for the Construction and Maintenance of Buildings for the University of Arizona, for the Northern Arizona Normal School, for the Tempe Normal School, for the Pioneers' Home, for the Salary of the Chauffeur and other Expenses of the Governor's Automobile: Providing for the Manner in Which, and Conditions Under Which, the Appropriations Herein Shall be Paid When Expended for Labor, All for the Fiscal Years Beginning July 1st, 1921, and Ending June 30th, 1923, With the Repealing Clause and Declaring an Emergency With the Emergency Clause of the Constitution, and All of Which Constitute a General Appropriation Bill."

In my opinion, there are sufficient funds appropriated in Sub-

division 2 ($120,000.00 for the biennial period), which make ample provision for the administration of the office of the Arizona Corporation Commission, including necessary office equipment and fixtures.

The same objection as above noted applies to Subdivisions 3 and 4, for the purchase of necessary new equipment and for repairs, replacements and renewal of equipment for the Commission of Agriculture and Horticulture, Subdivision 5 providing $100,000.00 for the operating expense of this Commission, being ample in amount to cover any such charges.

The traveling expense of the State Librarian, as provided for in Subdivision 18½, has always been a charge against the Supreme Court Fees Fund, in which there now remains a very healthy balance. I therefore do not see the necessity of this appropriation in the sum of $1,000.00, and disapprove the same.

I have eliminated Subdivisions 29 and 30, providing for the purchase and upkeep of automobiles for the State Land Department for the reason that the appropriation for the operation of that Department, as contained in Subdivision 31, is sufficient to cover any such expenses.

The item of expense for the repair and upkeep of automobiles used by the Board of Directors of State Institutions, for which provision is made in Subdivision 38-a, in the sum of $2,000.00, can be paid out of the money provided for the Board of Directors of State Institutions under Subdivision 38.

The item of $800.00 as the State's proportion of the fund of $2,400.00 needed for the preservation of the Tumacacori Mission, included in Subdivision 40-a, has no place in the General Appropriation Bill and is in direct violation of Section 20, Article 4 of the Constitution of the State of Arizona, which provides that "The General Appropriation Bill shall embrace nothing but appropriations for the different departments of the State, for State Institutions, for public schools and for interest on the public debt. All other appropriations shall be made by separate bills, each embracing but one subject."

My objection to Subdivision 42 is similar to the ones above urged, namely, that sufficient financial provision has been made in Subdivision 43 to take care of any new equipment needed in the office of the State Dairy Commissioner.

Subdivisions 45 and 47, making appropriations for the operating expense of the State Board of Health and its Departments of Tuberculosis, Child Welfare Work, Public Health Nurses, etc., are generous enough in the amount of money appropriated to

take care of the activities of the Department of Rural Sanitation and Public Health Lectures and educational work, for which Subdivision 46 and 49 make financial provision. I therefore disapprove the last named two Subdivisions.

The sum of $5,000.00, appropriated under Subdivision 56-c, would not be available until the year 1922 and the present necessity exists for the erection of stables and corrals in connection with the State Armory at Flagstaff. A part of the amount needed for this purpose is now available from other funds and as they can be used at an earlier date than is contemplated by this Subdivision, I am disapproving the same.

Sincerely yours,

(Signed) THOMAS E. CAMPBELL,
Governor.

Hon. Ernest R. Hall,
Secretary of State,
Phoenix, Arizona.

CHAPTER 181.

(House Bill No. 179.)

AN ACT

Making Appropriation for the Different Departments of State for State Institutions and Departments and Activities and Purposes Appurtenant Thereto; Providing for the Construction and Maintenance of Buildings for the University of Arizona, for the Northern Arizona Normal School, for the Tempe Normal School, for the Pioneers' Home, for the Salary of the Chauffeur, and Other Expenses of the Governor's Automobile; Providing for the Manner in Which, and Conditions Under Which, the Appropriations Herein Shall be Paid When Expended for Labor, All for the Fiscal Years Beginning July 1st, 1921, and Ending June 30th, 1923, With the Repealing Clause, and Declaring an Emergency With the Emergency Clause of the Constitution, and All of Which Constitute a General Appropriation Bill.

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

Section 1. The following sums herein set forth are hereby appropriated for the several purposes and objects as hereinafter specified; and the State Auditor is hereby authorized and directed to draw warrants on the general fund to the amounts herein set forth and for the purposes herein specified; and the State Treasurer is hereby authorized and directed to pay said warrants out of the general fund of the State.

Subdivision 1. For the purpose of filing equipment and office fixtures for the Arizona Corporation Commission, there is hereby appropriated the sum of $2,500.00; $1,250.00 or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 2. To pay the salaries of the three members of the Corporation Commission, of the Secretary, rate and traffic expert, the rate clerk, official reporter, chief clerk of the incorporating department, four assistants of the incorporating department and the contingent and other necessary expenses of the Corporation Commission there is hereby appropriated the sum of $120,000.00; $60,000.00 to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 3. For the purchase of necessary new equipment for the Commission of Agriculture and Horticulture, there is hereby appropriated the sum of $3,500.00; $1,750.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 4. For repairs, replacement and renewal of equipment for the Commission of Agriculture and Horticulture, there is hereby appropriated the sum of $2,500.00; $1,250.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 5. For the operating expenses of the Commission of Agriculture and Horticulture, there is hereby appropriated the sum of $100,000.00; $50,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923, same $50,000.00 to be subdivided as follows:—

Salaries	$15,000.00
Wages of necessary Inspectors	12,820.00
Traveling expenses, office expenses, publications, auto supplies and upkeep, Field Scouts and all other necessary expenses	22,180.00

Twenty-five Hundred ($2,500.00) Dollars of the amount hereby appropriated and authorized to be used during the year ending June 30, 1922, shall be paid to the Arizona Cotton Growers' Association to reimburse that Association for the amount it advanced (to-wit the sum of $2,500.00) to the Commission of Agriculture and Horticulture during the year 1920.

Subdivision 6. For the operating expenses of the Arizona Pioneers' Historical Society, there is hereby appropriated the sum of $2,880.00; $1,440.00 or so much thereof as may be neces-

sary to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Secretary, $600.00; Janitor, $120.00

Subdivision 7. For the operating expenses of the office of the Attorney General, there is hereby appropriated the sum of $54,000.00; $27,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923. Attorney General, $4,000.00; Assistant Attorney General, $3,000.00; one Special Assistant, $2,500.00, to act as Legal Advisor to the Corporation Commission, as provided by Paragraph 109 and Paragraph 2280, Revised Statutes, 1913; Tax Commission as provided by Paragraph 4829, Revised Statutes, 1913, and Chapter 128, S. L. 1919; Water Commissioner, as provided by Chapter 164, Page 298, S. L. 1919; Live Stock Sanitary Board and Sheep Sanitary Board, as provided by Paragraph 3777 and Paragraph 3806, Revised Statutes, 1913; Additional Counsel, $2,500.00 as provided by Paragraph 109, Revised Statutes 1913; Law Clerk, $1,800.00 as provided by Paragraph 110, Revised Statutes 1913; two Stenographers, $3,000.00

Subdivision 7A. For the payment of Federal Court cocts of the State of Arizona, and the departments thereof, witness fees, per diem fees, mileage and contingent expenses of the office of the Attorney General of Arizona, incident to Federal cases, there is hereby appropriated the sum of $5,000.00; $2,500.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 8. For the operating expense of the State Auditor there is hereby appropriated the sum of $34,350.00; $17,175.00 or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: State Auditor, $3,000.00; Deputy State Auditor, $2,700.00; Bookkeeper, $2,400.00; Chief Warrant Registrar, $1,800.00; necessary Warrant Registrars, $4,500.00; Stenographer, $1,800.00

Subdivision 8A. For the purpose of classifying and appraising all State property and for making an inventory of all such State property, showing where situated and for what purpose used, and to provide for a strict accounting of such property and the safeguarding of the property interest of the State, both real and movable: and for the purpose of making a classification of salaries of all State employees; and for preparing or having

prepared and inaugurated a uniform system of accounting in all offices, departments, commissions and institutions of the State; and for preparing a report covering the several classifications, appraisals and other activities above mentioned for submission to the next regular Legislature in 1923; there is hereby appropriated the sum of $25,000.00, or so much thereof as may be necessary, to be expended under the direction of the State Auditor during the period beginning July 1st, 1921, and ending December 31st, 1922.

Subdivision 9. To pay the operating expenses of the State Superintendent of Banks, there is hereby appropriated the sum of $48550.00; $24275.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following and no other, wages and salaries; the State Bank Examiner $3,000.00; Assistant State Bank Examiner $2700.00; two Field Assistants $2400.00 each, other necessary clerical assistance $2100.00.

Subdivision 10. For the operating expense of the State Board of Dental Examiners, there is hereby appropriated the sum of $3000.00 $1,500.00 or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Examiners $1,350.00; Janitor, $60.00.

Subdivision 11. For the operating expense of the State Board of Bar Examiners, there is hereby appropriated the sum of $1,200.00; $600.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid annually the following, and no other wages and salaries: Examiners, $300.00; necessary clerical assistance, $60.00.

Subdivision 12. For the operating expense of the office of the Governor, there is hereby appropriated the sum of $38,-400.00; $19,200.00 or so much thereof as may be necessary, to be paid during the year ending June 30, 1922 and $19,200.00 or so much thereof as may be necessary, to be paid during the year ending June 30, 1923, from which shall be paid the following, and no other, wages and salaries; Governor $6,500.00; Secretary to the Governor, $3,000.00; necessary clerical and other help, $5,000.00

Subdivision 13. For the salary of the Chauffeur and other expense of the Governor's automobile, there is hereby appropriated the sum of $7200.00; $3600.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 14. For the expense of the Governor when attending the Annual Conference of Governors, there is hereby appropriated the sum of $1,000.00; $500.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 15. For the publication of the Proclamations issued by the Governor, there is hereby appropriated the sum of $2,000.00; $1,000.00 or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 16. For the preparation and publication of the Budget there is hereby appropriated the sum of $8,000.00, or so much thereof as may be necessary, to be paid during the biennial period beginning July 1, 1921 and ending June 30, 1923, as provided for by Chapter 61, Fourth Session Laws, 1919.

Subdivision 17. For the operating expense of the office of Inspector of Weights and Measures, there is hereby appropriated the sum of $7,200.00; $3,600.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Inspector, $2,400.00.

Subdivision 18. For the operating expense of the office of the Law and Legislative Reference Library, there is hereby appropriated the sum of $12,000.00; $6,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other wages and salaries: State Librarian, $2,700.00; Assistant Librarian, $1,800.00; Stenographer, $1,-500.00

Subdivision 18½. For the traveling expense of the State Librarian, attending annual conference of Librarians, the National Conference of Commissioners on Uniform State Laws—One Thousand Dollars; Five Hundred Dollars, or so much as may be necessary, to be paid during each of the fiscal years ending June 30, 1922 and June 30, 1923.

Subdivision 19. For the State's proportion of the expenses of the National Commission on Uniform State Laws, there is hereby appropriated the sum of $300.00; $150.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 20. For the operating expense of the Live Stock Sanitary Board, there is hereby appropriated the sum of $23,-600.00; $11,800.00 or so much thereof as may be necessary, to

be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Per diem and expenses of Board Members, $1,000.00; Secretary, $2,400.00; Office Help, $5,400.00.

Subdivision 21. For the printing and publication of Brand Books, there is hereby appropriated the sum of $1,500.00; or so much thereof as may be necessary, to be paid during the fiscal year ending June 30, 1922; said Brand Books to be sold under the direction of the Live Stock Sanitary Board and the proceeds of such sales to be placed in the fund known as Brand Book fund, and to be devoted to the continuation of publishing and distribution of said Brand Books.

Subdivision 22. For the operating expenses of the office of the Secretary of State, there is hereby appropriated the sum of $32,800.00; $16,400.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries; Secretary of State $3,500.00; Assistant Secretary of State, $3,000.00; Cashier Motor Vehicle Department, $2,000.00; Rate Clerk, $1,800.00; necessary Stenographers, $3,600.00.

Subdivision 23. To provide the Secretary of State with funds to defray the expenses incurred in connection with the initiative and referendum measures, there is hereby appropriated the sum of $10,000.00 to be paid during the year ending June 30, 1923.

Subdivision 24. For the expense of publishing the Session Laws of 1921, there is hereby appropriated the sum of $4,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1922.

Subdivision 25. For the expense of publishing Arizona reports, there is hereby appropriated the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 26. For the purchase of tags, number plates and for other expense incurred by the Secretary of State in connection with the issuing of automobile license, there is hereby appropriated the sum of $30,000.00, to be paid during the biennial period beginning July 1, 1921 and ending June 30, 1923, providing however that the sum of $2,500.00 annually, as provided for in Paragraph 5139 of the Revised Statutes of 1913, for the purpose of carrying out Chapter 8 of said Revised Statutes of 1913, shall be considered to be covered by and a part of the said appropriation of $30,000.00 above provided for.

Subdivision 27. For the operating expenses of the sheep Sanitary Commission there is hereby appropriated the sum of $15,000.00; $7,500.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923. This appropriation as provided in Senate Bill 49, Fifth Session Arizona Legislature.

Subdivision 28. For the operating expense of the office of the State Examiner, there is hereby appropriated the sum of $18,000.00; $9,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid annually the following, and no other, wages and salaries: State Examiner, $2,500.00; Deputy State Examiner, $2,100.00; necessary Assistants and Clerical Help, $1,200.00.

Subdivision 29. For the purchase of automobile or other new and permanent equipment for the State Land Department, there is hereby appropriated the sum of $2,500.00; $1,250.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 30. For the upkeep of automobiles for the State Land Department, there is hereby appropriated the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 31. For the operating expense of the State Land Department, there is hereby appropriated the sum of $95,100.00; $47,550.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid annually the following, and no other, wages and salaries: Salaries of Commissioner, $3,600.00; Deputy, $3,000.00; necessary clerical and other assistance, $25,000.00.

The sums hereby appropriated are to be in lieu of and not in addition to any statutory appropriations for such purposes. All sums remaining in the state land administration fund as of June 30, 1921, and all receipts thereafter from fees other than classification and appraisement fees, shall be paid to the State Treasurer for the credit of the general fund.

Subdivision 32. For the purchase of an automobile for the use of the State Mine Inspector and his deputies when engaged in official capacity, there is hereby appropriated the sum of $1,500.00 or so much thereof as may be necessary, to be paid during the year ending June 30, 1922.

Subdivision 33. For the operating expense of the office of State Mine Inspector, there is hereby appropriated the sum of $34,700.00; $17,350.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: State Mine Inspector, $3,000.00; Necessary Deputy Inspectors, $7,200.00; Office Clerk, $1,800.00.

Subdivision 34. For the operating expense of the State Treasurer there is hereby appropriated the sum of $21,900.00; $10,950.00 or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other wages and salaries; State Treasurer, $3,000.00; Deputy State Treasurer, $2,700.00; Necessary stenographers and clerical Assistance, $4,000.00.

Subdivision 35. For the operating expense of the office of the State Veterinarian, there is hereby appropriated the sum of $10,600.00; $5,300.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: State Veterinarian, $1,800.00; Traveling Expense, $2,000.00; Necessary Clerical and Contingent Expense, $1,500.00.

Subdivision 37. For the operating expenses of the State Supreme Court, there is hereby appropriated the sum of $52,-400.00; $26,200.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following, and no other wages, salaries and expenses: Salary of Judges, three at $5,000.00, each per year, $15,000.00; Clerk $2,700.00; necessary stenographers, $6,300.00; Reporter of Decisions, $1,200.00; Contingent expenses, $1,000.00.

Subdivision 37-A. For new equipment in the office of the Clerk of the Supreme Court, $1,500.00, to be expended during the fiscal year ending June 30, 1922.

Subdivision 38. For the operating expense of the Board of Directors of State Institutions, there is hereby appropriated the sum of $50,000.00; $25,000.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Secretary Board of Directors, $4,800.00; Purchasing Agent, $4,800.00; necessary Clerical and other help, $11,700.00 as per Chapter 64, Session Laws, 1919.

Subdivision 38-A. For the repairs, upkeep and running expenses of automobiles used by the Board of Directors of State Institutions, there is hereby appropriated the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 39. For the necessary new equipment for the Capitol Building and Grounds, there is hereby appropriated, to be spent under the direction of the Board of Directors of State Institutions, the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 40. For repairs, replacement and renewal of buildings and equipment of the Capitol Building and Grounds, there is hereby appropriated, to be spent under the direction of the Board of Directors of State Institutions, the sum of $7,-200.00; $3,600.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 40-A. For the State's proportion to the fund of $2,400.00 needed for the preservation of the Tumacacori Mission, by the construction of a sheet-iron roof therefor, $800.00, to be expended through the Board of Directors of State Institutions.

Subdivision 41. For the operating expense of the Capitol Building and Grounds there is hereby appropriated, to be spent under the direction of the Board of Directors of State Institutions, the sum of $70,000.00; $35,000.00 or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following, and no other wages and salaries; necessary superintendents, watchmen, janitors and other assistants and laborers $23 400.00.

Subdivision 42. For new equipment in the office of the State Dairy Commissioners, there is hereby appropriated the sum of $300.00; $150.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 43. For the operating expense of the office of the State Dairy Commissioner, there is hereby appropriated the sum of $19,740.00; $9,870.00, or so much thereof as may be necessary, to be paid during each of, the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Dairy Commissioner,

$3,000.00; Deputy Dairy Commissioner, $1,000.00; Clerical Assistance, $1,500.00.

Subdivision 44. For the operating expense of the office of the State Game Warden, there is hereby appropriated the sum of $10,400.00; $5,200.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following, and no other, wages and salaries Game Warden $2,400.00; Office Deputy $1,800.00

Subdivision 45. For the operating expense of the State Board of Health, there is hereby appropriated the sum of $20,-500.00; $10,250.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Superintendent of Public Health, $1,000.00; Registrar of Vital Statistics, $1,000.00; necessary Clerical assistance, $4,000.00.

Subdivision 46. For the actual and necessary expense of the Department of Rural Sanitation, there is hereby appropriated, to be spent under the direction of the State Board of Health, the sum of $4,500.00; $2,500.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 47. For the actual and necessary expense of the Department of Tuberculosis, Child Welfare Work, Public Health Nurses and Registration of Nurses, Venereal Disease Control (including salary of Director), there is hereby appropriated, to be spent under the direction of the State Board of Health, the sum of $20,000.00; $10,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 48. For the actual and necessary expenses of the Bulletin and Publication of the State Board of Health, there is hereby appropriated, to be spent under the direction of the State Board of Health, the sum of $4,000.00; $2,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 49. For the actual and necessary expenses of Public Health Lectures and Educational Work of the State Board of Health, there is hereby appropriated, to be spent under the direction of the State Board of Health, the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Subdivision 50. For the operating expense of the office of the Director of Vocational Education, there is hereby appropriated the sum of $15,000.00; $7,500.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries; Director of Vocational Education, $3,600.00; Necessary Clerical and other assistance, $3,000.00.

Subdivision 51. For the salary and traveling expense of the State Engineer, there is hereby appropriated the sum of $17,000.00; $8,500.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923, from which shall be paid the following wages and salaries: State Engineer, $6,000.00.

Subdivision 52. For the purchase of scientific books and magazines and new equipment for the State Laboratory, there is here appropriated the sum of $700.00; $350.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 53. For the operating expense of the State Laboratory, there is hereby appropriated the sum of $9,000.00; $4,500.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Director and Bacteriologist, $3,000.00; other necessary office help, $1,500.00; provided that the Director and Bacteriologist shall devote his time to the discharge of the duties of this office, and shall not engage, directly or indirectly, in other lines of work outside.

Subdivision 54. For the maintenance and improvement of the Arizona State Fair, there is hereby appropriated the sum of $75,000.00; $37,500.00, or so much thereof as may be necessary, to be expended during the year ending June 30, 1922, and $37,500.00, or so much thereof as may be necessary, to be expended during the year ending June 30, 1923; said sum to be placed by the State Treasurer to the credit of the State Fair Maintenance Fund out of taxes collected for the years 1921 and 1922.

(a) For the credit of the State Fair Maintenance Fund, there is hereby appropriated for the years ending June 30, 1922 and 1923, a sum equal to the receipts turned into the State Treasurer by the Arizona State Fair Commission for the years ending June 30, 1921, and 1922, to be expended during the years ending June 30, 1922 and 1923; said sums to be placed by the

State Treasurer to the credit of the State Fair Maintenance Fund out of taxes to be collected for the years 1921 and 1922. The receipts of the State Fair are to be turned in to the State Treasurer for the credit of the General Fund. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all expenditures approved and allowed by the State Fair Commission under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants.

(b) For the credit of the State Fair Repairs and Improvement Fund, there is hereby appropriated $20,000.00, or so much thereof as may be necessary to be expended during the year ending June 30, 1922; said sum to be placed by the State Treasurer to the credit of the State Fair Repair and Improvement Fund out of the taxes to be collected for the year 1921. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all expenditures approved and allowed by the State Fair Commission under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants.

Subdivision 55. For the operating expense of the office of the State Water Commissioner, there is hereby appropriated the sum of $47,200.00; $23,600.00, to be paid during each of the years ending June 30, 1922, and June 30, 1923, or so much thereof as may be necessary for the payment of salaries and wages and expenses incurred under the provisions of the State Water Code. This money shall be paid into the State Water Fund.

Subdivision 55A. For gauging the various streams in the State of Arizona and otherwise investigating and determining the surface water supply of the State, there is hereby appropriated the sum of $6,000.00; $3,000.00, or so much thereof as may be necessary, to be expended during each of the years ending June 30, 1922 and June 30, 1923, to be expended under the supervision and by the direction of the State Water Commissioner; said sum to be placed by the State Treasurer in the Surface Water Investigation Fund out of taxes collected for the years 1921 and 1922. The State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all expenditures approved and allowed by said State Water Commissioner under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of such fund; provided, that the appropriation herein made is contingent upon the setting aside by the United States Government of a sum equal to that herein appropriated for the purposes

of investigating said surface water supply in this State, and the sum herein appropriated shall not become available for the use herein specified until the State auditor is notified that such equal sum has been set aside by the United States Government for the purpose specified in this section; the State Water Commissioner is hereby authorized and directed to enter into an agreement with the Director of the United States Geological Survey for the purpose of carrying out the provisions of this section.

Subdivision 56. (a) For the operating expense of the Military Department of the National Guard there is hereby appropriated the sum of $64,630.00, or so much thereof as may be necessary to be paid during the year ending June 30, 1922, and from which shall be paid the following: Salary of Adjutant General as set forth in Paragraph 3944, Page 1333 of the Revised Statutes of 1913, Civil Code; Necessary clerical help, $4,000.00; Pay of Armorers, $2,400.00; Armory Drill pay of enlisted men $7,600.00; State allowance for National Guard Units, $6,480.00; State Rifle Matches $1,875.00; Installing rifle ranges $3,750.00; Rifle competition $3,000.00; Team national match $3,000.00; Transportation, etc., of new organization $1,000.00; Armory rent $1,800.00; Armory maintenance and insurance $2,000.00; Traveling expenses $1,500.00; Camps of instruction $17,625.00; Officers' uniform allowance, $1600.00.

(b) For the operating expense of the Military Department of the National Guard, there is hereby appropriated the sum of $76,655.00, or much thereof as may be necessary, to be paid during the year ending June 30, 1923, and from which shall be paid the following: Salary of Adjutant General as set forth in Paragraph 3944, Page 1333 of the Revised Statutes of 1913, Civil Code; Necessary clerical help $4,000.00; Pay of Armorers $3,600.00; Armory drill pay of enlisted men $10,800.00; State allowance for National Guard Units $8,505.00; State Rifle Matches $2,625.00; Installing rifle ranges, $1,875.00; Rifle competition, $4,500.00; Team National Match $3,000.00; Transportation, etc. of new organization $1,000.00; Armory rent $1,800.00; Armory maintenance and insurance $2,000.00; Traveling expenses $2,000.00; Camps of Instruction $21,000.00; Officers' Uniform allowance $2,400.00.

(c) There is also hereby appropriated, in addition to said amounts, the sum of $5,000.00, or so much thereof as may be necessary, for the construction of stables and corrals to be used in connection with the State Armory located at Flagstaff, Arizona, said amount to be used during the year 1922.

Subdivision 57. For the operating expenses of the Board of

Pardons and Paroles, there is hereby appropriated the sum of $2,000.00; $1,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923. This appropriation to cover and be considered in lieu of any other appropriation made or provided for defraying the expenses of said Board.

Subdivision 58. For the operating expense of the State Tax Commission, there is hereby appropriated the sum of $57,400.00; $28,700.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923, from which shall be paid the following, and no other, wages and salaries: Salary of three Commissioners at $3,000.00 each; Secretary $2,700.00; Necessary office help, $7,000.00.

Subdivision 59. For the operating expense of the State Board of Equalization, there is hereby appropriated the sum of $2,400.00; $1,200.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 60. To pay the salary of the State Historian, there is hereby appropriated the sum of $4,800.00; $2,400.00 to be paid during each of the years ending June 30, 1922 and June 30, 1923.

Subdivision 61. To pay the salaries of clerks and for office and travel expenses of the State Historian, and for the expense of publication of books or pamphlets covering the history of Arizona, there is hereby appropriated the sum of $7,000.00; $3,500.00 to be paid during each of the years ending June 30, 1922, and June 30, 1923.

Section 2. The following sums herein set forth are hereby appropriated for the several purposes and objects hereinafter specified, and the State Auditor is hereby authorized and directed to draw warrants as directed in each section to be paid out of the fund designated in each said section, in the sum and for the purposes therein set forth and specified, and the State Treasurer is hereby authorized and directed to pay said warrants, but in case of a deficit in any said fund, caused by delinquent taxes, to pay such warrant out of the General Fund, and upon payment of said delinquent taxes, the amount shall be reimbursed to the General Fund.

Section 3. For the improvement, repair and replacement of buildings and equipment at the Arizona State Hospital for the Insane, there is hereby appropriated the sum of $30,000.00; $15,000.00, or so much thereof as may be necessary, to be paid

during each of the years ending June 30, 1922 and June 30, 1923; the said sums to be placed by the State Treasurer in the Maintenance Fund of the Arizona State Hospital for the Insane, out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions, under the provisions of this section and the State Treasurer is hereby authorized and directed to pay such warrants out of the Maintenance Fund of the Arizona State Hospital for the Insane.

Section 4. For the expense of operation of the Arizona State Hospital for the Insane, there is hereby appropriated the sum of $250,000.00; $125,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923; the said sums to be placed by the State Treasurer in the Operation Fund of the Arizona State Hospital for the Insane, out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions, under the provisions of this section and the State Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the Arizona State Hospital for the Insane.

Section 5. For capitol investment at the Northern Arizona Normal School, there is hereby appropriated the sum of $50,-660.00; $37,010.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1922, from which shall be paid the following as specified in the Budget: Sundry Equipment $23,010.00; Erection and Equipment of a Library Building $6,000.00; Erection and Equipment of a Practice Cottage $1,500.00; Campus Improvement $5,000.00; New Books for Library $1,500.00; and $13,650.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1923, from which shall be paid the following, as specified in the Budget; Sundry Equipment $2,650.00; Campus Improvement $10,000.00; New Books for the Library $1,000.00; said sums to be placed by the State Treasurer in the Capital Investment Fund of the Northern Arizona Normal School out of taxes collected for the years 1921 and 1922. 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 Northern Arizona Normal School under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Capital Investment Fund of the Northern Arizona Normal School.

Section 6. For the maintenance and repair of buildings of the Northern Arizona Normal School, there is hereby appropriated the sum of $12,100.00; $6,100.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1922, and $6,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1923; the said sum to be placed by the State Treasurer in the Maintenance Fund of the Northern Arizona Normal School out of the taxes collected for the years 1921 and 1922. 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 Northern Arizona Normal School under the provisions of this Section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Maintenance Fund of the Northern Arizona Normal School.

Section 7. For the operating expense of the Northern Arizona Normal School, there is hereby appropriated the sum of $285,000.00; $138,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1922, and $147,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1923; the said sums to be placed by the State Treasurer in the Operation Fund of the Northern Arizona Normal School out of taxes collected for the years 1921 and 1922. 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 Northern Arizona Normal School under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the Northern Arizona Normal School.

Section 8. For the capital fund of the Tempe Normal School, there is hereby appropriated the sum of $50,000.00; $35,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1922; and $15,000.00, or so much thereof as may be necessary, to be paid during the year ending June 30, 1923; the said sums to be placed by the State Treasurer in the capital fund of the Tempe Normal School out of taxes collected for the years 1921 and 1922. 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 section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Capital Fund of the Tempe Normal School.

Section 8. (a) To provide or assist in providing the Tempe Normal School of Arizona with an adequate supply of gas for its various departments, there is hereby appropriated, the sum of Eight Thousand ($8,000.00) Dollars to be expended by the Board of Education of the Tempe Normal School of Arizona during the year ending June 30, 1922, out of the taxes collected for the year 1921. Said amount may be expended by said Board of Education either in the purchase and installation of suitable gas equipment for the manufacture of gas, or in lieu thereof, at the option of said Board of Education, the said sum, or such part thereof as said Board may find necessary, may be paid over to the town of Tempe whenever said town shall be equipped for furnishing and shall contract to furnish said school with an adequate supply of gas.

The State Auditor is hereby authorized, empowered and directed to draw his warrants upon the State Treasurer, against said "Tempe Normal School Gas Fund" said warrants not to exceed in their aggregate the sum of Eight Thousand ($8,000.00) Dollars, upon claims duly approved by the Board of Education of the Tempe Normal School of Arizona, and the State Treasurer is hereby authorized, directed and empowered to pay the same.

Section 9. For the Operating Expense of the Tempe Normal School there is hereby appropriated the sum of $270,000.00; $135,000.00 or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923; the said sum to be placed by the State Treasurer in the Operation Fund of the Tempe Normal School out of taxes collected for the years 1921 and 1922. 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 section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the Tempe Normal School.

Section 10. For the operating expense of the Pioneers' Home, there is hereby appropriated the sum of $80,000.00; $40,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922, and June 30, 1923; the said sums to be placed by the State Treasurer in the Operation Fund of the Pioneers' Home out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State

Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the Pioneers' Home.

Section 10a. For the improvement and repair of buildings and equipment at the Pioneers' Home, there is hereby appropriated the sum of $8,000.00; $4,000.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922 and June 30, 1923; the said sum to be placed by the State Treasurer in the Maintenance Fund of the Pioneers' Home out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Maintenance Fund of the Pioneers' Home.

Section 11. For the capital investment of the Arizona State Prison there is hereby appropriated the sum of $20,000.00; $10,000.00, or so much thereof as may be necessary to be paid during each of the years ending June 30, 1922, and June 30, 1923; the said sums to be placed by the State Treasurer in the Capital Fund of the Arizona State Prison out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Capital Fund of the Arizona State Prison.

Section 11a. For the improvement and repair of buildings and equipment of the Arizona State Prison, there is hereby appropriated the sum of $10,000.00; $5,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1921, and June 30, 1922, the said sums to be placed by the State Treasurer in the Maintenance Fund of the Arizona State Prison out of taxes collected during the years 1922 and 1923. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Maintenance Fund of the Arizona State Prison.

Section 12. For the operating expense of the Arizona State Prison, there is hereby appropriated the sum of $281,000.00; $140,500.00 or so much thereof as may be necessary, to be paid

during each of the years ending June 30, 1922 and June 30, 1923; the said sums to be placed by the State Treasurer in the Operation Fund of the Arizona State Prison out of taxes collected for the years 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the Arizona State Prison.

Section 13. For the maintenance, repair and replacement of buildings and equipment at the State Industrial School, there is hereby appropriated the sum of $10,000.00; $5,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923; the said sums to be placed by the State Treasurer in the Maintenance Fund of the State Industrial School out of taxes collected during the years of 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Maintenance Fund of the State Industrial School.

Section 14. For the operating expense of the State Industrial School, there is hereby appropriated the sum of $100,000.00; $50,000.00, or so much thereof as may be necessary, to be paid during each of the years ending June 30, 1922 and June 30, 1923; the said sums to be placed by the State Treasurer in the Operation Fund of the State Industrial School out of taxes to be collected during the years 1921 and 1922. 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 Directors of State Institutions under the provisions of this section, and the State Treasurer is hereby authorized and directed to pay such warrants out of the Operation Fund of the State Industrial School.

Section 21. In all cases where money appropriated under the provisions of this act, is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of this State, shall be given the preference whenever such labor as may be required can be found within this State, and before any labor can be sought outside of this State, either directly or indirectly, the person, contractor, firm, or corporation, shall file with the

State Auditor a verified written statement setting out in detail the effort put forth, showing his, their or its inability to secure labor as is required within this State, and if the Auditor is satisfied of such inability, then the Auditor may execute a release permitting the bringing into this State, such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction, a verified statement shall be filed with the Auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the moneys herein appropriated; and any contract entered into wherein the provisions of this section have not been complied with, shall be void; provided, that nothing herein shall be construed to prevent the working of prisoners by the State.

Section 22. 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, the money for which has not been previously appropriated by law. All said claims shall be verified and the form of said claim and the verification thereof, shall be prescribed by the State Auditor. The State Auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amount audited by him and the State Treasurer is hereby authorized and directed to pay said warrant out of the funds upon which it is drawn, provided, that all claims for moneys appropriated by this act, shall be fully itemized and that no items shall be grouped under the words "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general term the State Auditor is hereby authorized and directed to reject such claims until it is properly itemized.

Section 23. Whereas, this act, being the general appropriation act, is immediately necessary for the support of the different departments of State, for state institutions, for public schools, and for interest on the public debt, and therefore requires early operation to preserve the public peace, health and safety, an emergency is hereby declared to exist as contemplated in the State Constitution and this act shall become immediately operative from and after its approval by the Governor and is hereby declared to be exempt from the operation of the referendum provisions of the State Constitution.

Approved March 22nd, 1921, **with exceptions noted in letter of transmission.**

JOINT RESOLUTIONS

SENATE JOINT RESOLUTION NO. 1.

WHEREAS, It appears to this Legislature that a continuation of conditions at the State Industrial School which result from and are due to an unavoidable commingling of inmates of the different sexes among the inmates therein; all to the detrimental impairment of intended results desired through the activities of that institution; and being a condition which cannot be fully remedied except through an entire separation and segregation of inmates according to sex. Therefore,

BE IT RESOLVED, That a commission of three persons (not members of the Legislature) be forthwith appointed, whose duty it shall be to investigate as to a possible site or sites which may be desirable and available as a location site for buildings and grounds of a separate institution wherein to care for girls who are now, and who may hereafter be committed under Industrial School laws. To investigate as to the probable cost of each site referred to in the report. To report as to probable requirements in accommodations as to buildings which may be required for above purpose, and as to probable cost thereof. That such Commission report upon above matters to the present Legislature on or before March 10th, 1921. Therefore,

BE IT FURTHER RESOLVED, That the President of the Senate appoint one member of above Commission, that the Speaker of the House appoint a second member, and the Governor appoint the third member. That necessary traveling and other expenses of members of the Commission to an amount not to exceed the sum of Five Hundred ($500.00) Dollars for total expenses of the entire Commission, be allowed and paid from the same fund and in the same manner as other expenses of this Legislature are paid.

Passed the Senate February 25th, 1921.

Passed the House February 26th, 1921.

Approved February 28th, 1921.

SENATE JOINT RESOLUTION NO. 2.

Be It Resolved by the Senate of the State of Arizona, the House of Representatives Concurring:

That it is hereby proposed that there shall be submitted to the vote of the people of the State of Arizona at the next general election the following amendment to Article XI of the State Constitution, entitled "Education":

AN ACT

To Amend Article XI of the State Constitution, Entitled "Education."

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

Section 1. That Article XI of the Constitution of the State of Arizona be and it is hereby amended to read as follows:

Section 1. The Legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools, and a university (which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate state institutions of such character). The Legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.

Section 2. The general supervision, government and control of the public school system shall be within the powers of the State Board of Education. Departments of penal and reformatory institutions devoted to the education and mental development of inmates shall be under said board, with like powers to be exercised to an extent consistent with the general supervision, government and control of such institutions under powers invested in other boards for the control of said institutions.

Section 3. The State Board of Education shall consist of seven members who shall be appointed by the Governor, each of whom shall hold office for seven years beginning on the first day of January, except that the terms of office of those first appointed after this provision becomes effective shall be stated definitely in the commission issued as extending for terms of one, two, three, four, five, six and seven years respectively. Not more than two members of said board shall be appointed from any one county. It shall be the duty of the Governor to appoint new members to fill vacancies for unexpired terms of

office of members of the board, within thirty days after such vacancies occur. The members of the State Board of Education shall receive no salary, but the Legislature, by specific appropriation, shall provide for the payment of such expenses of the members, and the board as such, as it may deem necessary. On and after the first Monday in January, 1925, the State Board of Education shall appoint the Superintendent of Public Instruction, who shall be an officer of the executive department of the state government, and shall prescribe his qualifications, duties and term of office. The Superintendent of Public Instruction shall receive such annual salary as may be determined by the State Board of Education. The legislature may prescribe other particular duties of the board, and the manner in which its powers shall be exercised; and until so prescribed the board may establish its own mode of procedure and action.

A member of the board shall be qualified upon taking an oath of office and accepting his commission.

Section 4. The university and all other State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.

The legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district, for at least six months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

Section 5. No sectarian instruction shall be imparted in any school or state educational institution which may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state, as teacher, student, or pupil; but the liberty of conscience hereby accrued shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

Section 6. A permanent state school fund for the use of the common schools shall be derived from the sale of public school lands, or other public lands specified in the Enabling Act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State, from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devices, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent

state school fund, and from the rental derived from school lands, with such other funds as may be provided by law, shall be apportioned annually to the various counties of the State in proportion to the average daily attendance in the common and high schools of the pupils of school age residing therein.

Section 7. The amount of this apportionment shall become a part of the county school fund, and the legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the state shall enable cities and towns to maintain free high schools, industrial school, and commercial schools.

Section 8. The revenue for the maintenance of the respective educational institutions shall be derived from the income from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act, approved June 20, 1910, or other legislative enactment of the United States, for the use and benefit of the respective state educational institutions. In addition to such income the legislature shall make appropriations, to be met by taxation, as shall insure the proper maintenance of all state educational institutions, and shall make such special appropriations as shall provide for their development and improvement.

Section 9. All provisions or articles or parts thereof in conflict herewith, are hereby repealed.

AND BE IT FURTHER RESOLVED that when this proposal shall receive the approval of a majority of the members elected to each of the two houses of the legislature, and shall be entered on the journal of each house, together with ayes and nays thereon, it shall be filed with the Secretary of State who shall submit such proposed amendment to the vote of the people at the next general election.

Passed the Senate March 1st, 1921.

Passed the House March 5th, 1921.

Approved March 8th, 1921.

Filed in the office of the Secretary of State March 8th, 1921.

SENATE JOINT RESOLUTION NO. 4.

Recommending the Enactment by the United States Senate of the Sell's Bill Granting Federal Aid in Construction of Highways, and Expressing Appreciation to the Honorable Carl Hayden for Aiding in Passing Said Measure Through Congress.

BE IT RESOLVED, by the Senate and the House of Representatives of the Fifth Legislature of the State of Arizona, that we recommend the passage by Congress of the Sells Bill providing for the continuation of Federal Aid in the construction of highways; and

BE IT FURTHER RESOLVED, that the Arizona Legislature extends its appreciation to the Honorable Carl Hayden, Member of Congress, for his assistance in securing the passage of this bill through the House of Representatives and petitions the Honorable Marcus A. Smith and the Honorable Henry F. Ashurst to use their best efforts to secure the passage of this bill at the present session of Congress; and

BE IT FURTHER RESOLVED, that a copy of this RESOLUTION be wired to the Honorable Carl Hayden, Marcus A. Smith and Henry F. Ashurst.

Passed the Senate February 25th, 1921.

Passed the House March 2nd, 1921.

Approved March 3d, 1921.

SENATE JOINT RESOLUTION NO. 5.

WHEREAS, there has been publicly announced the selection of Honorable A. B. Fall, United States Senator from the State of New Mexico, for the portfolio of Secretary of the Interior within the cabinet to be formed by the Honorable Warren G. Harding, the President of the United States of America, and

WHEREAS, the Honorable A. B. Fall is long recognized as a servant of the nation, pre-eminent in ability, experience and leadership, and endowed with a searching and far-reaching knowledge and sympathy in all affairs of concern to the nation, and with particular qualifications for the honorable and competent discharge of the duties of the high office for which selected.

NOW, THEREFORE, BE IT, AND IT IS HEREBY RESOLVED by the Senate of the Fifth Legislature of the State

of Arizona, the House of Representatives concurring herein, that the appreciations of said respective legislative bodies of the State of Arizona, of the selection of the Honorable A. B. Fall to fill the portfolio of Secretary of the Interior as aforesaid, be cordially and sincerely extended to the Honorable Warren G. Harding, President of the United States of America.

FURTHER RESOLVED, that the Secretary of State is hereby instructed to forward a certified copy of this resolution to the Honorable Warren G. Harding, President of the United States of America.

Passed the House March 8th, 1921.

Passed the Senate March 9th, 1921.

Approved March 14th, 1921.

HOUSE JOINT RESOLUTION NO. 1.

WHEREAS, the Law School Department of the State University at Tucson, is a growing institution and a credit to the State; and

WHEREAS, there exists at the present time no method whereby the said Law School may be supplied with needed and essential legal publications of the State, it is therefore hereby

RESOLVED, by the Fifth State Legislature of the State of Arizona, that the Secretary of State be authorized and instructed to immediately furnish to the said Law School Department of the University of Arizona, one (1) full and complete set of the Arizona Supreme Court Reports, twenty (20) volumes in all, numbered consecutively from number one (1) to number twenty (20), and that future volumes of said reports be forwarded by the Secretary of State as published, all free of cost to the Law School Department of the University of Arizona.

Passed the House February 17th, 1921.

Passed the Senate February 28th, 1921.

Approved March 3d, 1921.

HOUSE JOINT RESOLUTION NO. 2.

WHEREAS, the City of Portland in the State of Oregon has arranged for a World's Exposition to be held in the year 1925 as a memorial to mark the return of peace after the turmoil of the World War, and to recognize the completion of the Atlantic-Pacific Transcontinental Highway, which will be a great and lasting monument to the progress of civilization, and

WHEREAS, the City of Portland, born under the westward marching star of Empire, nestling at the foot of the lofty snow clad peak of Hood, is the City of Roses, justly famous for its gorgeous beauty and the open-handed, open-hearted hospitality of its citizens.

THEREFORE, BE IT RESOLVED, by the House of Representatives of the Fifth Legislature, the Senate concurring, that the State of Arizona extends its greeting to the City of Portland and the State of Oregon, and commends said city and state for their action in setting the stage for an exposition which will commemorate the return of peace, and display the wonderful transformation which has taken place in the social and industrial life, marking the triumph of peace, prosperity and progress throughout the world.

BE IT FURTHER RESOLVED, that a copy of this Resolution, properly engrossed, be sent to the Honorable Ben W. Olcott, Governor of Oregon, and Julius L. Meier, Chairman Atlantic-Pacific Highways and Electrical Exposition.

Passed the House March 4, 1921.

Passed the Senate March 5, 1921.

Approved March 8, 1921.

CONCURRENT RESOLUTIONS

SUBSTITUTE

SENATE CONCURRENT RESOLUTION NO. 2.

Concurrent Resolution Making an Appropriation from the Legislative Contingent Fund of the Fifth State Legislature, for Compiling, Proof Reading, Etc., of the Journals of Both Houses, and for the General Work of Cleaning Up After the Adjournment of the Legislature.

Be it Resolved by the Senate of the Fifth State Legislature of the State of Arizona, the House Concurring:

Section 1. That for the purpose of revising the Journals of the Fifth State Legislature, preparing an index thereto, preparing the same for the printer, proofreading, etc., and general cleaning up after the adjournment of the legislature, the sum of Three Thousand Dollars ($3,000.00) is hereby appropriated from the Contingent Fund of the Fifth State Legislature.

Section 2. The sum of Fifteen Hundred Dollars ($1,500.00), or so much thereof as may be necessary, to be paid out as other sums are paid out of the funds appropriated for the contingent expenses of the Fifth Legislature of the State of Arizona upon claims for the same signed by Roy H. Davidson, Secretary of the Senate, and approved by the Governor. Of the foregoing sum Three Hundred Dollars ($300.00) shall be paid to Roy N. Davidson, Secretary of the Senate, and One Hundred Seventy-five Dollars ($175.00) to John B. Ryan, Minute Clerk.

Section 3. The sum of Fifteen Hundred Dollars ($1,500.00), or so much thereof as may be necessary, to be paid out as other sums are paid out of the fund appropriated for the contingent expenses of the Fifth Legislature of the State of Arizona upon claims for same signed by Oscar Zapf, Chief Clerk of the House. Of the foregoing sum Three Hundred Fifty Dollars ($350.00) shall be paid to Oscar Zapf, Chief Clerk of the House, and One Hundred Dollars ($100.00) to Nell C. Short. Said specific sums to be paid upon the completion of this work and the delivery of a true and correct transcript of said Journals to the Secretary of State, the said Secretary of State shall certify the same to the Governor, and the State Auditor is hereby authorized and directed to draw his warrants on the contingent expense fund of the Fifth State Legislature for the sums 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 same.

Adopted by the Senate March 10, 1921.

Adopted by the House March 10, 1921.

Approved March 17, 1921.

SENATE CONCURRENT RESOLUTION NO. 3.

RESOLVED by the Senate of the Fifth Legislature of the State of Arizona, in regular session assembled, the House of Representatives concurring therein, that for the purpose of ascertaining the facts, to the end that the legislature of the Sixth Regular Session may realize the importance of legislation, the National Committee on Mental Hygiene be requested to conduct a mental deficiency survey of all state, county and city institutions, as well as a similar mental deficiency survey of the public schools of the state. It being understood and expressly stipulated that the said survey be conducted at no cost to the state. It is further

RESOLVED, that by reason of the early adjournment of the Fifth State Legislature, the request referred to in the preceding paragraph be made by the Legislative Reference Librarian, and such data and information as is gathered on the subject be by him compiled and prepared for presentation to the next session of the Arizona State Legislature.

Adopted by the Senate March 10th, 1921.

Adopted by the House March 10th, 1921.

Approved March 17th, 1921.

HOUSE CONCURRENT RESOLUTION NO. 3.

WHEREAS, the service rendered the United States by the American mother is a supreme source of the country's strength and inspiration; and

WHEREAS, we honor ourselves and the mothers of our homes and America when we do anything to give emphasis to the home as the fountain head of the state; and

WHEREAS, the American mother has done, and is doing, so much for the home, the moral uplift and religion, hence so much for good government, patriotism and humanity; therefore

Be it Resolved by the House of Representatives, the Senate Concurring:

That the Governor of this State is hereby authorized and requested to issue annually a proclamation calling upon the state officials to display the United States flag on all state and school buildings, and the people of the state to display the flag at their homes, lodges, churches and places of business, and other suitable place, on the second Sunday in May, known as "Mother's Day," founded by Anna Jarvis, of Philadelphia, as a public expression of love and reverence for the mothers of our state and other women serving it, and as an inspiration for better homes and closer ties between the home and the Commonwealth.

Adopted by the House February 24, 1921.

Adopted by the Senate February 25, 1921.

Approved February 26, 1921.

HOUSE CONCURRENT RESOLUTION NO. 4.

Great in public life,—in all that makes for greatness;—a staunch and loyal member of his party, but blended with that honorable and upright character which allowed for no political enemies; keenly alert at all times to the welfare of mankind, with an abiding faith in the future unlimited greatness of the country he loved and served; a husband and father of almost biblical domesticity,—was Champ Clark, who has answered the Final Roll Call.

Sincerely mourning the great loss our country has suffered in his passing, it is hereby

RESOLVED, by the House of Representatives of the Fifth Legislature of the State of Arizona, in regular session assembled, the Senate Concurring, that as a fitting tribute to a great American, the legislature adjourn this day one hour before the regular time. Be it further

RESOLVED, that these Resolutions, expressing our sorrow at the passing of the Honorable Champ Clark, be incorporated in the Journals of the day, thus inscribing for all time the action of the Fifth Legislature of the State of Arizona. Be it also further

RESOLVED, that suitably engrossed copies of these Resolu-

tions transmitted to the Speaker of the National House of Representatives at Washington, and to the widow of the departed statesman, the Honorable Champ Clark.

Adopted by the House March 3, 1921.

Adopted by the Senate March 4th, 1921.

Approved March 8th, 1921.

HOUSE CONCURRENT RESOLUTION NO. 5.

WHEREAS, the recent decision of the Interstate Commerce Commission in the Illinois rate case interprets the Esch-Cummins Act as giving them complete authority over the railways, the entire field of transportation, the traffic itself and all the instrumentalities and means of carrying it on; and whereas, it means that the law of the states are ignored and that the Interstate Commerce Commission has assumed exclusive authority over the railways; and

WHEREAS, the mining and agricultural industries of Arizona will be seriously handicapped, if not entirely destroyed by any further increase in existing rates; and

WHEREAS, the freight and passenger rates are already burdensome to the producers and consumers, and the railroads have asked for further increase in rates, with no consideration apparently having been given in the recent raise in rates as to the high cost of production and operation in Arizona, with no completed valuation of the railways or as to the fact that the railways in this state have not millions invested in depots and terminals, we consider it unwise to confer upon the Interstate Commerce Commission the greatest power ever given to a body of men in peace times; therefore,

Be it Resolved by the House of Representatives, the Senate Concurring:

That we call upon Congress to so amend the transportation act and in such plain language that the authority of the states over intra-state traffic in their respective territories will be maintained without an opportunity for misinterpretation; and be it further

RESOLVED, that a copy of this resolution be sent to each United States Senator and Congressman from Arizona.

Adopted by the House March 3rd, 1921.

Adopted by the Senate March 5th, 1921.

Approved March 8th, 1921.

JOINT MEMORIALS

SENATE JOINT MEMORIAL NO. 1.

To the Senate and House of Representatives of the United States of America, in Congress Assembled:

YOUR MEMORIALISTS, the Fifth Legislature of the State of Arizona, respectfully represent:

WHEREAS, there has existed for a period of years in the Republic of Mexico, a condition of civil strife causing untold misery, destruction of life and property, and an almost complete cessation of civil government, and

WHEREAS, there has arisen in the Republic of Mexico a Man, intensely loyal to his country, sympathetic, broad-minded and humane, a student of conditions in his country and throughout the world, and with a mission to retrieve the lost powers and fortune of his country--the Honorable Alvaro Obregon; and

WHEREAS, the electorate of the said Republic of Mexico has, by an almost unanimous vote, selected the said Alvaro Obregon to be its President; and

WHEREAS, the people of the State of Arizona recognize the unquestioned ability, honor and integrity of the newly elected president of Mexico, Alvaro Obregon, and believe that through him and his able administration of the duties of his office as president of the Republic of Mexico, a new era, one of happiness, prosperity and freedom, is dawning for our sister republic. Now, therefore, be it

RESOLVED, by the Senate and the House of Representatives of the State of Arizona, that the United States of America be Memorialized to, through Congressional Act and by its authorized officials, extend to the Republic of Mexico and to its duly elected president, Alvaro Obregon, full recognition. Be it further

RESOLVED, that a copy of this Memorial and these Resolutions be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of State, and to each of our representatives in Congress, and that each of the said representatives in Congress be requested and urged to do all in their power toward the securing of such recognition.

Adopted by the Senate January 14th, 1921.

Adopted by the House January 18th, 1921.

Approved January 21st, 1921.

SENATE JOINT MEMORIAL NO. 2.

To the Senate and House of Representatives of the United States of America, in Congress Assembled:

Your Memorialists, the Fifth Legislature of the State of Arizona, respectfully represent:

WHEREAS, there is now pending before the Congress of the United States of America, certain proposed emergency legislation for the relief of those engaged in the farming industry in the United States; and

WHEREAS, the enacting into law of this proposed legislation will greatly facilitate industry, and assist to insure the success and prosperity of our people; and

WHEREAS, unless such legislation as proposed is enacted the farming and allied industries will suffer material loss by reason of unsettled conditions, and will be forced to compete with the cost of production in foreign countries; and

WHEREAS, the farming industry, particularly the production of cotton, wool, beef, and lamb, will be among the greatest sufferers unless the proposed legislation is enacted; and

WHEREAS, the State of Arizona depends largely for its general success and prosperity upon the development and continuance of the production of cotton, wool, beef, and lamb in this State; and

WHEREAS, eighty (80%) per cent of the total area of the State of Arizona is now devoted to the live stock industry, and a major portion of the arable lands is devoted to the growing of cotton; therefore, be it

RESOLVED By the Senate of the Fifth Legislature of the State of Arizona. the House of Representatives concurring therein, that the Congress of the United States of America be and is hereby memorialized to enact such pending emergency legislation for the relief of the farming industry. be it further

RESOLVED, That the Senators and Representatives from the Congress of the United States of America are hereby requested to use their best efforts toward the enactment of the necessary emergency legislation for the relief of the farming industry.

RESOLVED FURTHER, That the Secretary of State is hereby instructed to forward certified copies of this Memorial to each of the Arizona delegation in Congress.

Adopted by the Senate February 2nd, 1921.

Adopted by the House February 7th, 1921.

Approved February 8th, 1921.

SENATE JOINT MEMORIAL NO. 3.

To the Senate and House of Representatives of the United States of America, in Congress Assembled:

Your Memorialists, the Fifth Legislature of the State of Arizona, respectfully represent:

WHEREAS, from the most remore period our country has been famed in every land and on the seven seas, as the Home of the Free and the haven of the politically persecuted of the world; and

WHEREAS, from Russia, Austria and Japan; from the Occident and the Orient—Christian, Jew and Pagan has sought asylum from oppression and reached a harbor of safety when once under our Flag; and

WHEREAS, aside from the merits or demerits of the greater question involved, the Honorable Donal O'Callaghan, Lord Mayor of Cork, Ireland, is now within the confines of the United States, having embraced the only possible opportunity offering, to appear as a witness before the Committee of One Hundred now investigating affairs in Ireland; and

WHEREAS, the Federal Government, through its accredited officials, propose to deport to Great Britain the said Donal O'Callaghan, Lord Mayor of Cork; now, therefore, be it

RESOLVED, by the Fifth Legislature of the State of Arizona, that it is its sentiment that such deportation is contrary to the traditions of our country, and said Legislature most earnestly hopes and desires that some solution may be found that will not require the said Donal O'Callaghan to leave the United States except on his own volition; that said Legislature does not wish to be understood as protesting against the enforcement of law, but feels that some solution other than deportation can be found; that, if the law technically demands deportation, Congress and the President should see that future laws do not require the deportation of such a one as the said Donal O'Callaghan.

RESOLVED, that a copy of this Memorial and these Resolutions be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, to Secretary W. B. Wilson of the Department of Labor, to Secretary Bainbridge Colby, Secretary of State of the United States, to Hon. M. A. Smith, and H. F. Ashurst,

Senators from Arizona, and to Hon Carl Hayden, Congressman from Arizona.

Adopted by the Senate February 2nd, 1921.

Adopted by the House February 3d, 1921.

Approved February 3rd, 1921.

SENATE JOINT MEMORIAL NO. 4.

To the Senate and House of Representatives of the United States of America, in Congress Assembled:

WHEREAS, there exist in many places throughout the State of Arizona, Indian Reservations, which are under the exclusive jurisdiction of the federal government; and

WHEREAS, many of said Indian Reservations are close by and contiguous to cultivated agricultural lands, and centers of many of the farming communities of the State of Arizona; and

WHEREAS, the general movement for good roads throughout the country at large, and the State of Arizona in particular, have met with serious obstacles by being compelled to cease construction upon reaching said Indian Reservations, or undertake expensive detours, with the incidental loss of time, money and material in making said necessary detours; therefore, be it

RESOLVED, by the Senate and the House of Representatives of the Fifth State Legislature of the State of Arizona, that Congress be earnestly requested to devise a method and create and finance a system of road construction through, over and across the said Indian Reservations within the State of Arizona, connecting with the public highways of the state as now existing and as may be in the future laid out and constructed. Be it further

RESOLVED, That a copy of this Memorial and these Resolutions be immediately forwarded to the President of the United States Senate, the Speaker of the National House of Representatives, to the Secretary of the Interior, to the Superintendent of the Bureau of Indian Affairs, and to each of the Representatives in Congress from Arizona.

Adopted by the Senate February 25th, 1921.

Adopted by the House February 26th, 1921.

Approved February 28th, 1921.

HOUSE JOINT MEMORIAL NO. 1.

To His Excellency, Woodrow Wilson, President of the United States of America, and to the Senate and the House of Representatives of these United States in Congress Assembled: Your Memorialist, the Fifth Legislature of the State of Arizona, Respectfully Represents; that

WHEREAS, the frightfulness of the World War, its tragedies, its untold horrors, its hardships, its sufferings and its terrible consequences are fresh in the memory of all men, and

WHEREAS, the whole world today is staggering under the burden of debt directly due to that herculean struggle, and

WHEREAS, we are convinced that only through the abandoning of warfare may peace and prosperity be restored generally throughout the earth, and

WHEREAS, this condition can be brought about only by a mutual agreement among the great powers of the world to lay aside, forever, the means and instruments of waging war, and

WHEREAS, such a step can be taken only through adoption of a general policy of disarmament, and

WHEREAS, we are informed that a request is to be made by the Congress upon the President of the United States to call the principal nations of the earth into a conference to discuss plans for an international disarmament; now, therefore, be it

RESOLVED, that the Senate and House of Representatives of the State of Arizona do most urgently represent to the Congress and the President of these United States, memorialized to, the great gravity of such proposed action as requested of the President, together with our profound conviction of the great wisdom of such action and the immeasurable good which may come of it; and be it further

RESOLVED, that copies of this memorial and of these resolutions be presented to His Excellency the President of the United States, to the speaker of the House of Representatives, to the secretary of the Senate, and to each of our representatives in Congress, with the urgent prayer that the matters referred to therein be accorded deep and favorable consideration.

Adopted by the House January 18th, 1921.

Adopted by the Senate January 26th, 1921.

Approved January 27th, 1921.

HOUSE JOINT MEMORIAL NO. 2.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialist, the Legislature of the State of Arizona, respectfully represent: that,

WHEREAS, the future growth and prosperity of Arizona and the entire West and Southwest is of vital importance in connection with the maintenance of our national institutions and of inestimable value in connection with the future defense of the Nation, and is almost wholly dependent upon the development and utilization of natural resources, particularly the reclamation by irrigation and drainage of the vast areas of now unproductive desert and swamp lands; and,

WHEREAS, the wisdom of government reclamation of arid lands by irrigation and drainage has been fully demonstrated through the accomplishments of the United States Reclamation Service created by an Act of Congress in 1902 whereby former arid and wholly unproductive lands now sustain upwards of 45,000 prosperous families and contribute annually Eighty Million ($80,000,000.00) Dollars in crop value to our national wealth; and,

WHEREAS, there is an urgent necessity for stimulating activity in that greatest of all American industries—home building—and for the lending of national support to the "back to the farm movement" in order that our discontented floating population might be permanently cemented to the soil and its loyalty as citizens guaranteed to the Nation; and,

WHEREAS, the most important of these reclamation enterprises are beyond the scope and probability of development by private or even state capital, but are essentially national problems:

NOW, THEREFORE, your memorialist, the Senate and House of Representatives of the State of Arizona hereby endorse a fixed and comprehensive national policy of reclamation of arid and swamp lands and solicit the immediate enactment of legislation designed and adapted to the needs to this great work, embodying such policies as will make available the natural resources essential to drainage and reclamation, and

That the Secretary of State of the State of Arizona is hereby

instructed to forward this memorial to the Senate and House of Representatives of the United States of America.

Adopted by the House February 23, 1921.

Adopted by the Senate March 7, 1921.

Approved March 14, 1921.

HOUSE JOINT MEMORIAL NO. 4.

To the Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialist, the Fifth Legislature of the State of Arizona, in regular session assembled, do respectfully represent: that,

In 1909 the Twenty-fourth Legislative Assembly of the (then) Territory of Arizona, did respectfully but most earnestly call to the attention of the President of the United States and the Secretary of the Interior, that the Geological Survey of the United States after due and complete investigation, including surveys, soundings for bedrock, stream measurements and all other work necessary to afford them full and complete knowledge of the feasibility and desirability of constructing a storage dam on the Gila River in the vicinity of the San Carlos Indian Agency in Arizona, did report and declare:

That it was feasible to construct a dam at said Carlos Reservoir site;

That such dam would impound 250,000 acre feet of water and reclaim 150,000 acres of land;

That the annual discharge of the Gila River at said dam site was ample to fill the reservoir in years of minimum flow;

That in the Casa Grande Valley, the first agricultural land to be reached below the San Carlos Reservoir, there are 360,000 acres of land which are irrigable, level, gently sloping, and admirably conditioned for irrigation and possessed of a soil of unsurpassed fertility and endurance, capable of producing in great abundance every variety of agricultural and horticultural crop known to the semi-tropical climates;

That the lands so reclaimed by the San Carlos Reservoir will support in ease and luxury more than forty thousand (40,000) people and make homes for eight thousand (8,000) families, averaging five persons to the family;

That the said San Carlos Reservoir would furnish 20,000 electric horse power and as said reservoir would be in the heart of one of the largest mining belts in Arizona rentals from said electricity would more than pay the cost of maintaining the reservoir;

That if the dam were made of a greater height the storage capacity would be 560,000 acre feet, and that such larger dam was feasible;

Your memorialist further represents that the report of the Geological Survey, setting forth in great detail, all of the foregoing facts, was submitted to and approved by the then Secretary of the Interior, and by him referred to Congress, with a recommendation asking an immediate appropriation for the said construction of the said San Carlos dam, and said report was also printed as paper No. 33, Geological Survey of the United States, and the original is now on file in the Department of the Interior;

That in 1918, and 1919 the Third and Fourth Legislatures of the State of Arizona, called to the attention of the Honorable, the Secretary of the Interior, the fact that the Congress of the United States in pursuance to the report of the Geological Survey and the request of the Honorable, the Secretary of the Interior, had in 1916 appropriated from the funds of the Indian Tribes the sum of $175,000.00 for the construction of a diversion dam on the Gila River, above the city of Florence, Arizona, and later had made a second appropriation of $75,000.00 additional, making a total of $250,000.00, which has at all times since been available for the purpose of erecting this unit in the recommended San Carlos Dam;

That at that time, and at all times since, surveys, maps, plans and specifications have been completed and are now on file with the engineering department of the United States;

That the National Administration at Washington, has urged upon the people of the United States, and upon Congress, the necessity of throwing open to entry for the soldiers returning from the war, the lands belonging to the United States, and to the various States of the Union;

That the National Administration at Washington has urged the necessity of the reclamation of the waste and arid lands of the Southwest, in order that lands might be assigned to these returning soldiers;

That the National Administration at Washington has urged the immediate need of employment on public works and other-

wise of the returned soldiers, that their absorption into industrial life may be accomplished without disturbance of conditions;

WHEREFORE, Your memorialist, urgently requests, that the Congress of the United States, take such action as it may seem best to see that the money already for some five years appropriated be applied to the carrying out of the project recommended and approved for over twelve years, and that Congress, if it deem such action wise, appropriate such further sums as may be necessary to carry to completion the entire project as outlined by the Geological Survey in 1909, that this vast acreage of rich and fertile land may be made available to fulfill the promise of the National Administration in giving employment to large numbers of the returned men who went forth to war, and in furnishing homes and economic independence to those who offered up their all so cheerfully for the triumph of the ideals of democracy.

It is ordered that copies of this Memorial be sent to the President of the Senate, and the Speaker of the House of Representatives of the United States, and that other copies be forwarded to our representatives in Congress, that they, as our representatives, may lend their aid in obtaining the accomplishment of this great work.

Adopted by the House March 1, 1921.

Adopted by the Senate March 9, 1921.

Approved March 14, 1921.

HOUSE CONCURRENT MEMORIAL NO. 1.

WHEREAS, The All Powerful has seen fit to preserve the ashes of

HARRY N. GARNER, of Phoenix,
ALBERT RAY, of Scottsdale,
DAVID F. CAMPBELL, of Bisbee, and
CLAY McKNIGHT, of Chloride, Arizona,

human sacrifices of the wanton God of War, to mingle with the dust of that beloved land which they had solemnly sworn to honor and forever defend against all enemies whatsoever; and

WHEREAS, Realizing that the Oath of Allegiance of our soldier dead commits their very lives to our service and protection, and that these men whom we have gathered here today

to honor have each made the supreme sacrifice that we should live to enjoy the blessings of Peace; Now, therefore, be it

RESOLVED, by the Fifth Legislature of the State of Arizona, in Joint Session assembled, that the names of each of our departed heroes be called by the Chaplin of the State Senate, and that the Joint Session remain with bowed heads for the period of one minute, thus paying humble tribute to the departed. Be it further

RESOLVED, that engrossed copies of this Memorial and these Resolutions be forwarded by the Secretary of State to the nearest relative of each of the departed Heroes.

Adopted by the House and Senate in Joint Session assembled, January 21, 1921.

Approved January 24th, 1921

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ACTS AND RESOLUTIONS

OF THE

Special Session

OF THE

Fourth Legislature

OF THE

STATE OF ARIZONA

Session Began February 12, 1920

Session Adjourned February 12, 1920

CERTIFICATE

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

I, ERNEST R. HALL, Secretary of State of Arizona, do hereby certify that the Acts and Resolutions herein contained are printed as passed by the Special Session of the Fourth 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 ninth day of June, A. D., 1921.

(Signed)

Ernest R. Hall

Secretary of State.

"EXECUTIVE DEPARTMENT
State of Arizona

PROCLAMATION

Calling the Legislature of the State of Arizona in Special Session

February 12, 1920

"WHEREAS, The Congress has submitted to the States by Constitutional Amendment the proposition of extending to women the right to vote equally with men; and,

"WHEREAS, This question must be settled by the legislature of the States in the immediate future if the franchise right is to be exercised in several States where participation in the affairs of government through the ballot box has not heretofore been accorded women; and,

"WHEREAS, Believing that the privilege of expressing a choice as to the persons who shall govern us in National and State affairs is one of the highest given us by organized society, and,

"WHEREAS, The legislature will not meet in regular session until after the next national election and believing that the rights of the women of the whole country and the fruits of their long and just struggle for the ballot should not be withheld but determined before such election, I, therefore, declare that an emergency exists for convening the legislature in special session as provided by the Constitution of the State of Arizona;

"NOW, THEREFORE, I, Thomas E. Campbell, Governor of the State of Arizona, by virtue of the authority vested in me, do hereby convene the Legislature of the State of Arizona, to meet at the Capitol of the State, at the hour of noon, on Thursday, the 12th day of February, 1920, to consider and ratify what

is generally known as the suffrage Amendment to the Constitution of the United States.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of Arizona to be affixed.

(SEAL)

Done at Phoenix, the Capitol, this the 2nd day of February, in the year of our Lord, 1920.

THOMAS E. CAMPBELL,
Governor.

Attest:
MIT SIMMS,
By R. E. McGILLEN,
Assistant Secretary of State."

CHAPTER 1.

(House Bill No. 1.)

AN ACT

Making an Appropriation for the Current and Contingent Expenses of Carrying on and Conducting and Defraying the Expenses of the State Legislature of the State of Arizona for the Special Session Called for February 12, 1920.

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

Section 1. That the sum of four thousand one hundred dollars ($4,100.00) is hereby appropriated out of the general fund now in the hands of the State Treasurer of the State of Arizona, or so much thereof as may be necessary for the several objects and purposes hereafter named.

(1) That the sum of eight hundred and ninety-six dollars ($896.00) is hereby appropriated for the payment of the salaries of the members of the First Special Session of the Fourth Legislature of the State of Arizona for the year 1920.

(2) That the sum of one hundred dollars ($100.00) is hereby appropriated for the payment of the employees of the First Special Session of the Fourth State Legislature of Arizona for the year 1920, 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, or so much thereof as may be needed.

(4) That the sum of five hundred and four dollars ($504.00) is hereby appropriated for the payment of contingent expenses of said Legislature for the year 1920, or so much thereof as may be needed.

(5) The sum of three hundred dollars ($300.00) or so much as may be necessary, is hereby appropriated for paying the necessary expenses for completing the records of the Legislature, indexing the journals of both houses and for paying all things necessary and proper to complete the official records of both houses of the First Special Session of the Fourth Legislature of t he State of Arizona for the year 1920.

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 State 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 for clerks and employees of the respective houses of the Legislature shall be paid in like manner as provided for in Section Two of this Act.

Section 4. It is provided that said salaries of the said members of the Legislature and the salaries of said employees and 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 salaries and mileage of the members of the Legislature, and provide funds for the contingent expenses of the Legislature, and the provisions of this Act are necessary for the expenses and maintenance of the Legislature, to keep it intact and preserve the public peace and health, 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, and is hereby exempt from the provision of referendum provided for in the State Constitution.

Approved February 12th, 1920.

HOUSE JOINT RESOLUTION NO. 1.

Ratifying the proposed amendment to the constitution of the United States, relating to the extension of the right of suffrage to women.

WHEREAS, At the first session of the sixty-sixth congress it was 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 be 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 intents and purposes as part of such constitution, viz.:

ARTICLE.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have the power to enforce this article by appropriate legislation.

THEREFORE BE IT RESOLVED, By the house of representatives of the fourth legislature of the State of Arizona in special session assembled (the senate concurring), that the legislature of the State of Arizona does hereby ratify the above recited proposed amendment to the constitution of the United States; and

BE IT FURTHER RESOLVED (the senate concurring), That the Governor be requested to transmit a copy of these resolutions and preamble to the secretary of state of the United States of America at Washington, to the presiding officer of the United States senate and to the speaker of the house of representatives of the United States.

Passed the House February 12th, 1920.

Passed the Senate February 12th, 1920.

INDEX SPECIAL SESSION

OF THE

FOURTH LEGISLATURE

OF THE

STATE OF ARIZONA

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SPECIAL SESSION OF THE FOURTH LEGISLATURE OF THE STATE OF ARIZONA

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REFERENDUM

REFERENDUM

PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE
(On Official Ballot Nos. 100 and 101)

CHAPTER 76

(Sub-Senate Bill No. 128)

To amend Section V, Subdivision II of Article IV of the Constitution of the State of Arizona, entitled "The Legislature" and to provide for the submission of the said proposed amendment to the vote of the people of the State of Arizona; and to provide for the submission of such proposed act to the people of the State of Arizona.

100 Yes—8945
101 No—26520

PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE
(On Official Ballot Nos. 102 and 103)

CHAPTER 77

(Senate Bill No. 193)

AN ACT

In relation to the election of members of the State Tax Commission and to provide for the submission of such proposed act to the people of the State of Arizona at the next regular or general election.

102 Yes—9592
103 No—25234

PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY INITIATIVE PETITION
(On Official Ballot Nos. 104 and 105)

To amend the Constitution of the State of Arizona by adding thereto an article providing for increasing the salaries of teachers and public officers to meet the increased cost of living.

104 Yes—13701
105 No—28053

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE
(On Official Ballots Nos. 308 and 309)

AN ACT

Providing for the creation and organization of counties of the state; for elections in connection therewith and of officers therefor; for the performance of certain official duties in aid thereof; and certain acts and things for the accomplishment thereof; for the punishment of violations of this act; and for the repeal of all acts and parts of acts in conflict herewith.

308 Yes—5312
309 No—38198

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE
(On Official Ballot Nos. 310 and 311)

AN ACT

To create a State Highway Department consisting of a State Highway Commission, a State Highway Engineer and such assistants and employees as are necessary to carry out the provisions of this act; to provide for the appointment of members of the State Highway Commission and to define and prescribe its duties and powers; to provide for the appointment of the State Highway Engineer and to define and prescribe his powers and duties; to provide for classification of highways and to establish a system of proposed state highways to be known as state routes and to provide for the establishment, construction, maintenance, alteration or abandonment thereof; to provide for condemnation of lands when necessary to carry out the provisions of this act; to create a state highway fund, to prescribe its source of income and to regulate its expenditures; repealing Chapter 7, Title 50, Revised Statutes of Arizona, 1913, Civil Code, and acts amendatory thereof, to repeal all acts and parts of acts in conflict with the provisions of this act.

310 Yes—16961
311 No—25721

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE
(On Official Ballot Nos. 312 and 313)

AN ACT

To promote the reclamation and irrigation of arable and irrigable lands lying within the boundaries of irrigation districts regularly organized and existing under the laws of the State of Arizona and providing for the issuance of bonds of the State of Arizona bearing interest at the rate of not to exceed five per cent per annum payable semi-annually, in exchange for irrigation district bonds bearing interest at the rate of six per cent per annum, payable

semi-annually when adequate provision is made for the payment by such irrigation district or districts into the treasury of the State of Arizona of sufficient moneys from time to time to take up and pay off such state bonds, principal and interest, as and when the installments of interest and principal thereon are or shall become due and payable.

312 Yes—18203
313 No—22432

REFERENDUM ORDERED BY THE LEGISLATURE

(On Official Ballot Nos. 300 and 301)

CHAPTER 78

(Senate Bill No. 77)

AN ACT

To regulate the making of applications, for and granting of commutations pardons and paroles, after conviction, for all offenses; to create a Board of Pardons and Paroles and define the duties thereof, to repeal Title XXI, Pardons and Reprieves, Part Two, Penal Code, Revised Statutes of Arizona, 1913, and all acts and parts of acts in conflict herewith; and to provide for the submission of such proposed act to the people of the State of Arizona.

300 Yes—11571
301 No—25794

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

(On Official Ballot Nos. 302 and 303)

CHAPTER 14

(House Bill No. 26)

AN ACT

Providing for a preliminary examination in Courts of Record where prosecution is by information.

302 Yes—12268
303 No—23622

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

(On Official Ballot Nos. 304 and 305)

AN ACT

Relating to the protection, propagatory and conservation of game and fish in the State of Arizona, creating a commission to be known as the Arizona Conservation Commission, providing for a State Game Warden, assistants, and deputies; defining the powers and duties of the commission and officers so provided for, fixing their salaries and expenses, repealing Title XVIII of Penal Code of Arizona and amendments thereto, except as in and by this act amended and revised.

304 Yes—13096
305 No—26617

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

(On Official Ballot Nos. 306 and 307)

AN ACT

Creating a State Civil Service Commission; defining its powers and duties; providing for the classification of all offices and places of employment in the service of the state, with certain enumerated exceptions; defining, establishing and regulating the classified Civil Service of the State; providing for the examination, appointment and employment of applicants for offices or places of employment in the classified civil service; giving preference to former soldiers and sailors in certain cases; providing for the suspension or removal, for cause, or incumbents of such offices and places of employment; protecting such incumbents from unlawful suspension or removal; prescribing penalties for the violation of this act; and repealing all laws in conflict herewith.

306 Yes—11850
307 No—26299