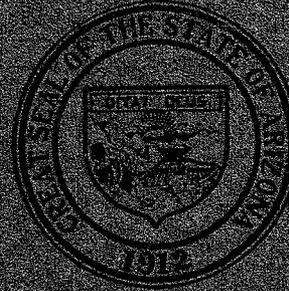


REPORT  
OF THE  
ARIZONA  
COMMISSIONERS FOR THE  
PROMOTION OF UNIFORMITY OF  
LEGISLATION IN THE  
UNITED STATES

*(National Conference of Commissioners  
on Uniform State Laws)*



As Provided for and Required by Chapter XIV,  
Title 1, Revised Statutes of Arizona,  
1913 Civil Code

W. F. FROST, Commissioner  
D. B. WELLS, Commissioner  
W. J. CAMPBELL, Commissioner

PHOENIX, ARIZONA, JANUARY 16, 1921

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CON P. CRONIN, Commissioner  
H. B. WILKINSON, Commissioner  
W. J. GALBRAITH, Commissioner

PHOENIX, ARIZONA, JANUARY 1st, 1921

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MESA, ARIZONA

REPORT OF THE  
COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF  
LEGISLATION IN THE UNITED STATES

As Provided for and Required by Chapter XIV, Title 1, Revised Statutes  
of Arizona, 1913, Civil Code

As provided by Chap. XIV, Title 1, R. S. of Arizona, 1913, Civil Code, the undersigned members of the commissioners for the promotion of uniformity of legislation in the United States, present their report. ..

The personnel of the commission has undergone many changes during the period of its existence, but one member, Mr. Cronin, the state law and legislative reference librarian, being retained on the commission, and as such commissioner he has attended the annual conferences during the years 1917, 1918, 1919 and 1920.

A brief reference will be made to the progress of uniformity in legislation during the past three years, namely 1918, 1919 and 1920.

The national conference of commissioners on uniform state laws met at Cleveland, Ohio, in August, 1918, at which were present fifty-two commissioners from thirty-one states and Porto Rico, Arizona being represented by Mr. Cronin.

The conference of 1919 was held at Boston, from August 26th to September 2nd, when were present seventy-three commissioners from thirty-four states, the District of Columbia, the Philippine Islands and Porto Rico, Arizona being represented by Mr. Cronin, no appropriation being available for the attendance of the other commissioners.

The conference of 1920 was held at St. Louis, Mo., where seventy commissioners, representing thirty-eight states, were present, Arizona again being represented solely by Mr. Cronin, no appropriation being available to defray the expenses of the other commissioners.

The conference of 1918, in addition to the consideration of the tentative drafts of various meritorious measures, completed the consideration of three acts, recommending them to the various states for adoption, viz:

The uniform fraudulent conveyance act; the uniform sales act, and the uniform compulsory work act. The last named act was required by the then war conditions, or so it was supposed, and while it did not meet with the favor of the conference as a whole, sufficient strength was mustered to pass it by a very narrow margin. The act, however, was found unworkable, primarily through changed conditions, and the executive committee of the conference at its midwinter meeting following its adoption, disapproved thereof, and the conference at its 1919 meeting at Boston withdrew its approval. No state, as far as known to your committee, has adopted this, the compulsory work act.

At the 29th annual conference held in Boston in August, 1919, no acts were completed. Consideration of, and general discussion on the subjects

of uniform laws on depositions, proof of statutes of other states, declaratory judgments, one day's rest in seven and occupational diseases, mainly occupied the attention of the conference at this session.

The 30th annual conference of the commission, held at St. Louis, Mo., from August 18 to 24, was one of the most successful in point of attendance and the volume of work accomplished, ever held. Thirty-eight states, represented by seventy commissioners were shown by the roll call.

At a former conference a draft of a uniform prohibition act was presented, but it was thought unwise to attempt to promulgate a law on the subject as a matter of state legislation, because congress had not then acted on the laws on the subject before it. It was considered best to await such time as the supreme court of the United States had passed on the questions involving prohibition. At the conference just closed (August, 1920), however, a committee on uniform prohibition enforcement was appointed, with instructions to report a draft of an act at the next conference. Mr. Cronin is a member of this committee.

Presentation and consideration of reports of committees on various subjects of uniformity of legislation were received as follows: Wills, descent and distribution; marriage and divorce; conveyances; insurance; uniformity of judicial decisions; taxation; automobile legislation; to co-operate with the American Institute of Criminal Law and Criminology; to co-operate with the American Judicature society; compacts and agreements between states; securing compulsory attendance of non-resident witnesses in civil and criminal cases; one day's rest in seven; marketing and labeling laws; anti-loan shark laws; gasoline and kerosene laws; uniform drug laws; purity of articles of commerce.

Consideration of final drafts of the following acts: Uniform act concerning depositions; act concerning proof of statutes of other states; legislative drafting; uniform incorporation laws; uniform mortgage laws; amendment to conditional sales act; uniform land registration act; uniform declaratory judgments act; uniform law on vital and penal statistics; uniform occupational diseases act and uniform prohibition act. There was also considered a proposition for a uniform law to regulate the personal use of fiduciary checks, in support of which was submitted a brief of the American Bankers' association.

No act is finally accepted and approved by the commission until it has received the most careful consideration, extending over a period of years, and until after every possible contingency has been considered and weighed. Thus, in considering the proposed amendment to the uniform conditional sales act, grave doubts were entertained and voiced as to the advisability of amending an act that had received the long and careful consideration bestowed thereon. Representatives of the farm implements manufacturers and industry totaling annual sales of close to one half of one billion dol-

lars, appeared before the commission presenting facts, which if presented to the commission at any time prior to the final acceptance of the act and its recommendation to the several states for adoption, would have been accepted and incorporated therein. The amendment referred to provides for the protection of the manufacturer in the case of an insolvent debtor, whereby the merchant will have repaid to him the full purchase price; he is protected, the manufacturer is protected; no one is injured, and the commission therefore recommends the amendment for adoption to those states which have already adopted the uniform conditional sales act. To the states which have not yet adopted it, a clean bill is recommended for their adoption.

Those acts receiving the stamp of final approval by the commission at the 1920 conference and recommended to the states for adoption are as follows:

**UNIFORM VITAL STATISTICS ACT.** Four tentative drafts of this act were submitted prior to its final adoption in the present form. It exemplifies the most careful work of the conference, and is supported by the children's bureau, U. S. department of labor, the American Medical association, the American Public Health association, and other associations having primarily in view the safeguarding of the rights of the youth of the land. If we may presume to quote briefly from Monograph No. 1 of the U. S. department of labor, children's bureau, J. C. Lathrop, chief—"On Birth Registration—An Aid in Protecting the Rights and Lives of Children:"

"Birth registration means the record in public archives of the births of children. In the civilized countries of Europe it has long been complete. It is, of course, the first item of vital statistics. In the United States birth registration has made progress less rapidly than the other items of a complete system of vital statistics, notably death registration and the registration of marriages. While the importance of such statistics has been recognized in certain parts of America from Colonial days, the country as a whole is still devoid of uniform and complete records of the births of its citizens. This neglect is undoubtedly to be ascribed to the lack of a proper conviction that such records are dignified and valuable. Everybody agrees that it is dignified and valuable to make public record of marriages and deaths. Only a moment's thought is necessary to show that the public record of births is of kindred importance, and for the same reason to protect individual and property rights . . . . Adequate vital statistics are essential in order to properly safeguard the rights of the youth of the land under child labor and workmen's compensation statistics, occupational disease acts, or other legislation having to do with the health of the community. They are essential also to the fair and

orderly enforcement of selective draft laws or other general or universal military service laws. Ours is the only country where the government has to take a man's word as to whether he is within the age limits of the draft. This is unfair to everyone concerned—the government, the man himself, and others subject to call, and should be remedied immediately."

In a very large number of the states—fifteen have been cited, Arizona being one—it is considered of the greatest importance that radical departures must be had from the present statutes in force, if GOOD birth registration laws be made available and meet the census requirements. This act protects and safeguards the rights of children born out of wedlock in a manner most acceptable to the census bureau and the various associations interested in the general welfare of children.

**UNIFORM PROOF OF STATUTES ACT.** This act is what its title indicates. At the present time in some of the states certified copies of laws or court decisions from the secretary of state, or other competent officers are necessary to establish the proof of statutes or laws. Under the provisions of this act printed books or statutes or session laws or other laws of any of the United States or the territories thereof, or of any foreign country, and to have been printed and published by the authority of such state or territory, or foreign country, or proved to be commonly recognized in their courts, and bearing on the title page thereof a printed statement that it is so printed and published shall be received in the courts as prima facie evidence of such law.

**UNIFORM OCCUPATIONAL DISEASE ACT.** Five tentative drafts were presented to the commission before adoption in its present form. It is intended as supplemental to the uniform workmen's compensation act, and is prepared in such shape that it may readily be adopted in the different states as an addition to existing statutes relating to workmen's compensation. In Arizona, however, your commissioners recommend that it be considered as a separate act. The act provides compensation to employes whose disability or death arises out of the character of his employment. In previous drafts of the act a schedule of the various occupational diseases compensable was set forth more or less fully. Under the act as passed and recommended for adoption it is left to each state to incorporate such occupational diseases as it may deem proper.

**UNIFORM DECLARATORY JUDGMENTS ACT.** The committee appointed by the conference to draft this act reports that it considers it one of the most important presented to the conference within recent years, and one among the most desirable of suggested reforms in the jurisdiction and procedure of the courts. Its scope is set forth as follows:

The courts of this state having jurisdiction in equity, shall have power in any suit in equity or in any independent or interlocutory

proceeding, to declare rights and other legal relations on written request for the declaration, whether or not further relief is or could be claimed; and such declaration shall have the force of a final judgment or decree.

A brief by Prof. Edwin M. Borchard, professor of law of Yale University, submitted to the committee on the judiciary of the United States senate, relating to Bill (S. 5304) to authorize the federal courts of the United States to render declaratory judgments, was considered in connection with the act, Professor Borchard appearing in person during the entire period of consideration, explaining in detail the satisfactory operation of the law in England and its possessions, and in Germany. The law of declaratory judgments has been in force and satisfactory operation in England for fifty years, and in Germany for more than one hundred. After consideration the act was again referred to the committee having it in charge with instructions to submit new draft at next conference.

There are now on the statute books of Arizona five of the uniform laws, i.e., uniform sales act, uniform negotiable instruments act, and the uniform conditional sales act, uniform fraudulent conveyance act, and the uniform flag act—the last three having been passed by the Fourth State Legislature, having been prepared by Mr. Cronin.

#### Recommendations

The commissioners recommend and will present to the coming legislature for adoption, the following uniform acts:

Uniform warehouse receipts act. (Now adopted and in force in forty-three states).

Uniform bills of lading act. (Now adopted and in force in twenty-three states, and will be presented for adoption in a large majority of the states holding legislative sessions during 1921).

Uniform proof of statutes act, (Passed by the conference at the 1920 session, and recommended to the several states for adoption; will probably be presented to all states holding legislative sessions during the coming year.)

Uniform foreign depositions act. (Passed by the conference at the 1920 session, and recommended to the several states for adoption; will probably be presented to all states holding legislative sessions during the coming year.)

Uniform Vital Statistics Act. (Passed by the conference at the 1920 session, and recommended to the several states for adoption; will be presented to all states holding legislative sessions during the coming year. This is one measure the uniformity of which in the various states is greatly needed, and which has received the consideration for many years of the several political and civic bodies as set forth in the body of this report.)

## COMMISSIONERS' REPORT

Inasmuch as the work accomplished by the National Conference of Commissioners on Uniform State Laws is of such great importance to the people, the courts and the law-making bodies of the several states, it is deemed proper to refer at this time to the outstanding fact, so far as is known, Arizona is the only state represented making no provisions for the expenses of the commissioners attending the annual conferences. The recognized benefits to the several states are admittedly very great and ample provisions should be made by appropriation for the annual attendance. We therefore recommend that an annual appropriation of twelve hundred dollars be made for the attendance of the commissioners from Arizona to the yearly conference of the commissioners.

It is also recommended that each branch of the legislature create a new standing committee to be known and designated as "The Committee on Uniform State Laws." The reason for this is manifest—uniform laws intended for presentation to the legislature can be immediately referred to the chairman of this committee, and by him introduced, to be later referred to that committee for consideration.

In considering the acts presented either in committee or in open session of the legislature, one of the commissioners will be in attendance, if requested, to explain any subject, or to give information as may be desired.

Respectfully,

(Signed)

CON P. CRONIN,

Commissioner.

(Signed)

W. J. GALBRAITH,

Commissioner.

(Signed)

H. B. WILKINSON,

Commissioner.

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