Acts, Resolutions and Memorials

OF THE

REGULAR SESSION

OF THE

SECOND LEGISLATURE

OF THE

State of Arizona

Session Began January Eleventh, 1915
Session Adjourned March Eleventh, 1915
PHOENIX, ARIZONA.

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CERTIFICATE

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

I, SIDNEY P. OSBORN, 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 Second 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 the 17th day of June, A. D. 1915.

Sidney P. Osborn

Secretary of State.

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ORDER OF ACTS

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CHAPTER I.

(House Bill 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 1915.

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

Section 1. That the sum of Fifty Thousand ($50,000) 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-two Thousand Six Hundred and Eighty ($22,680) 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 1915.

(2) That the sum of Thirteen Thousand Three Hundred and Twenty ($13,320) Dollars is hereby appropriated for the payment of the employees of the first session of the State Legislature of Arizona for the year 1915, or as much thereof as may be needed.

(3) That the sum of Two Thousand Three Hundred ($2,300) Dollars 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 Eleven Thousand Seven Hundred ($11,700) Dollars is hereby appropriated for the payment of contingent expenses of said Legislature for the year 1915, or so much thereof as may be needed.

Section 2. All claims for salaries and mileage for the members of the respective houses of the Legislature shall be honored by the State Auditor upon the presentation of a certificate signed by the presiding officers of the 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 Legislature, and provide funds for the contingent expenses of the Legislature, and the provisions of this Act and necessary for the expenses and maintainance 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 January 14, 1915.

CHAPTER 2.

(Senate Bill 1.)

AN ACT

Extending the Time for The Payment of the State, County and School Taxes Assessed for the Year 1914, And Remitting Penalties and Fines for Non-Payment of the same.

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

Section 1. The time for the payment of the state and county taxes assessed for the year nineteen hundred and

fourteen, and all taxes collectible for school purposes in the various school districts in the State of Arizona, assessed for the year nineteen hundred and fourteen, be and the same is hereby extended up and until the fifteenth day of April, nineteen hundred and fifteen.

Section 2. All penalties and costs, except interest incurred and accruing on all the aforesaid taxes by reason of the non-payment thereof on or prior to the second Monday in December, nineteen hundred and fourteen, be and the same are hereby remitted.

Section 3. The state, county and school taxes aforesaid, assessed for the year nineteen hundred and fourteen, shall become payable and delinquent on the fifteenth day of April, nineteen hundred and fifteen, and all taxes and assessments, assessed for the year nineteen hundred and fourteen, become delinquent as aforesaid, shall be subject to the penalties, fines and costs which would have accrued on the second Monday in December, nineteen hundred and fourteen, but for the extension of time granted hereby.

Section 4. All acts and parts of acts inconsistent with 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 January 29, 1915.

CHAPTER 3.

(Senate Bill 17.)

AN ACT

Providing For An Appropriation to Pay the Deficit of the Arizona State Fair for the Fiscal Year 1914 and 1915.

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, for the relief of the Arizona State

Fair, the sum of twenty-one thousand dollars ($21,000), to be expended by the Arizona State Fair Commission as follows:

The sum of nineteen thousand three hundred seven and 87-100 dollars ($19,307.87), to be expended in payment of the deficit of the Arizona State Fair for the first half of the fiscal year ending June 30th, 1915;

The sum of sixteen hundred ninety-two and 13-100 dollars ($1692.13), to be expended on account of the estimated expenses up to and including July 1st, 1915.

Section 2. The State Auditor is hereby directed to draw his warrant or warrants upon the General Fund in favor of "The Arizona State Fair Commission" for the purpose herein provided, at such time or times, and in such sums or sums as may be required by the provisions of this act; and the State Treasurer is hereby directed to pay said warrant or warrants; provided, that the total amount of said warrants shall not exceed the sum of twenty-one thousand dollars ($21,000).

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

Section 4. Whereas, this act must have an early operation to provide for the payment of a deficit in the Arizona State Fair Fund and for the support and maintenance of a department of state and a state institution, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provisions of the State Constitution.

Approved February 3, 1915.

CHAPTER 4.

(Senate Bill 5)

AN ACT

To Amend Paragraph 237, of Chapter XXVII, Title 1, of the Revised Statutes of Arizona, 1913, Civil Code, Pertaining to Provisions Common to all Officers.

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

Section 1. That Paragraph 237 of Chapter XXVII,

Title 1, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

237. Public records and other matters in the office of any officer are at all times during office hours open to the inspection of any persons desiring to see the same. But in cases of attachments and garnishments, the clerk of a court shall not make public the fact of filing the complaint or issuance of any writ of attachment or garnishment until after the filing of the return of service of such writ, nor shall any sheriff or deputy disclose the fact of such writ of attachment or garnishment being in his hands until after or upon the service thereof.

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

Approved February 12, 1915.

CHAPTER 5.

(House Bill 4.)

AN ACT

To Provide For the Changing of County Seats and the Proceedings Thereof, and for Elections to Determine Such Changes.

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

Section 1. Whenever the inhabitants of any county in the state desire to move the county seat from the place where it is fixed by law or otherwise, they may present a petition to the board of supervisors of that county praying such removal, and that an election may be held to determine to what place such removal may be made.

Sec. 2. If the petition is signed by qualified electors in the county equal in number to at least thirty-three and one-third per cent of all the votes cast within the county for Governor in the last preceding general election at which a Governor was elected, the board of supervisors shall submit the question of removal to the qualified electors of the county at a special election to be held for that purpose, or at the next general election of county officers.

The petition for such removal shall be substantially in the following form:

To the Board of Supervisors of ..... County, State of Arizona:

The undersigned, the qualified electors of said county, pray that the county seat thereof be removed from the place where it is now fixed, and that an election be held for the purpose of determining such removal (or that the question of removal be submitted to the voters of said county at the next general election of county officers.)

Sec. 3. Such petition shall be accompanied by affidavits of at least two of the signers thereof stating that to the knowledge of the affiants that the signatures to such peition are genuine, were subscribed thereto within sixty days preceding the date of such affidavit, and that affiants are informed and believe that at the time of signing such petition that the petitioners were qualified electors of the county.

Sec. 4. Any number of petitions for such removal may be so signed, and when filed in the office of the board of supervisors shall be attached together and deemed to be one petition.

Sec. 5. When a petition or petitions purporting to be signed by qualified electors of the county, equal in number to at leat thirty-three and one third per cent of all votes cast within the county for Governor at the last preceding election at which a Governor was elected, praying for such removal shall be filed with the board of supervisors, the clerk of said board of supervisors shall issue a notice thereof substantially in the following form:

To the qualified electors of ..... County, State of Arizona:

Notice is hereby given that a petition is on file in my office purporting to be signed by the qualified electors of said caounty to the number of ..... (here state the number as shown by the petition or petitions), being not less than thirty-three and one-third per cent of the qualified electors of the county computed according to law, praying that the county seat of said county be removed from the place where it is now fixed, and that an election be held

to determine the question of such removal, and to what place the same shall be removed (or that the question of such removal and the place to which the same shall be removed be submitted to the qualified electors of said county at the next general election of the county officers) and that said petition will be considered by the board of supervisors of said county at the meeting to be held at ....., in said county, on the ..... day of ..... 191....., at ..... o'clock A. M. at which time and place any qualified elector of said county may appear in person or by counsel and be heard.

Dated ....., 191.....

.....
Clerk of the Board of Supervisors.
..... County, Arizona.

Sec. 6. The clerk of said board shall cause said notice to be published for at least two weeks before the date fixed for the meeting of the board of supervisors in such newspapers published in said county as may be designated by the board of supervisors, not exceeding three, and a copy thereof to be posted in the postoffice in each organized city or town in the county, and at some public place in each election precinct of the county.

Sec. 7. At the time and place specified in the notice, proof of its service having been filed, the board of supervisors shall meet to act on said petition, and shall inquire and determine which, if any, of the signers thereof were not at the time of signing the same qualified electors of said county, and which, if any, of the signatures thereto were not attached within sixty days previous to the filing thereof, and, if more than one petition be filed, whether the names of any signers are duplicated thereon. All such signatures shall be stricken from the petition and deducted from the count, and a list thereof shall be made and filed by the clerk of the board. Any competent evidence offered, bearing upon the matters submitted to the determination of the board shall be received, and to that end any qualified elector of said county may appear in person, or by counsel, and be heard in respect to said matters under such reasonable rules and regulations as the board may prescribe.

Sec. 8. If the names of the qualified electors of said county remaining affixed to the petition shall equal or exceed thirty-three and one-third per cent of the votes cast within the county for Governor at the last preceding general election at which a Governor was elected, the board shall make an order directing that a special election be held to determine the question whether the county seat shall be removed, and, if so, to what place it shall be removed, and shall fix the time of holding such election, which election shall be held not less than thirty nor more than ninety days after the making of such order; provided, that if a general election of county officers is to be held in such county within six months after the making of such order, the board shall order that the question whether the county seat shall be removed, and if removed, to what place, shall be submitted to the qualified electors of such county at the next general election of county officers.

Sec. 9. The form of ballot to be used at such special election shall be in substantially the following form:

FORM

Shall the county seat be removed from .....?

Yes No

If the county seat be removed, to what place .....?

For the county seat ..... ☐

For the county seat ..... ☐

And so on with as many places as may be entitled to be printed on the ballot.

Sec. 10. Each elector shall indicate by a cross in the proper square whether he votes for or against the removal of the county seat, and shall also indicate his choice of the location for such county seat in the proper square opposite the name of the place.

Sec. 11. The name of any city or town in such county shall be printed upon such ballot with a square opposite the name of such city or town whereby the voter may indicate his choice of such city or town as the county seat; provided, there shall have been filed at least twenty days before the election at which the question is to be sub-

mitted, a petition signed by qualified electors of the county equal in number to at least five per cent of the total number of votes cast within the county for Governor at the last preceding general election at which a Governor was elected, praying that the name of such city or town be placed on the ballot; provided, further, that before the name of any city or town can be printed on the ballot, the mayor and common council or other governing body of such city or town shall file with the board of supervisors a statement in writing signed by the mayor or other chief officer designating one or more sites for the proposed courthouse, which site or sites shall be in or conveniently near such city or town, and such statement shall fully set forth the description and area of each of such sites and the price at which each of such sites can be obtained. If any such city or town shall be subsequently chosen as the county seat, the board of supervisors shall purchase the site, or one of the sites so designated, if suitable for the construction, at a price not exceeding the sum mentioned in such statement.

Sec. 12. If the question is to be submitted at the general election the matters provided in the preceding section shall be placed at the foot of the ballot at such election.

Sec. 13. The board of supervisors shall meet on the second Monday after any such special election, or at the time fixed by law after any general election at which the question of removal of the county seat shall have been submitted, and canvass the votes at such election upon the question of the removal and location of the county seat; and if forty per cent of the votes cast upon the question of whether the seat shall be removed are in the negative, the board shall enter an order declaring that the county seat shall not be removed; if more than sixty per cent of the votes cast upon the question of such removal shall be in favor of such removal, and if any city or town shall have received a majority of the votes cast at such election, the board shall thereupon issue its order declaring the county seat to be removed, and that the city or town so receiving the majority of the votes cast shall thereafter be the county seat of such county, and the board of supervisors shall order and direct, as soon as practicable, that all public records shall be removed thereto and all public offices re-

quired to be kept at the county seat shall thereafter there be maintained.

Sec. 14. If it shall appear that more than sixty per cent of the votes cast upon the question whether the county seat shall be removed are in favor of such removal, but that no city or town has received a majority of the votes cast upon the question of where the county seat shall be located, the board of supervisors shall thereupon enter an order directing a special election to be held for the purpose of determining the location of the county seat, which election shall be held not less than thirty nor more than sixty days from the date of such order. Such election shall be for the purpose of determining which of the two places receiving the highest number of votes at the preceding election shall be the county seat; the names of such two places only shall be placed upon the ballot, and such ballot shall be in substantially the following form:

For the county seat ..... ☐

For the county seat ..... ☐

Sec. 15. On the second Monday after the holding of the special election provided in the preceding section, the board of supervisors shall meet and canvass the votes cast at such special election, and shall thereupon enter an order directing that the county seat be removed to the city or town receiving the highest number of votes at such special election.

Sec. 16. Every special election shall be conducted in the same manner as general elections, and all laws of a general nature governing elections of county officers shall govern such elections as far as applicable.

Sec. 17. When the county seat of any county shall have been removed, as hereinbefore provided, no election shall be held for the removal thereof within twelve years after such removal. Whenever at any such election the county seat shall not be removed no subsequent election for the removal of such county seat may be held within a period of six years thereafter.

Sec. 18. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 19. Whereas, the courthouses and public buildings in some of the counties of this state are now in unsafe and unsanitary condition necessitating the immediate construction of new buildings; and

Whereas, conditions exist rendering it expedient to construct such buildings in the communities where same are now located; and

Whereas, the courthouses and public buildings of some counties of the state are now located in places inaccessible and inconvenient to a large majority of the citizens of such counties, rendering it expedient and necessary that the county seats of said counties be removed to places more central and accessible; and

Whereas, for reasons above set forth, this act requires early operation in order to preserve the public peace, health and safety; therefore, 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.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this twenty-third day of February, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 6.

(House Bill 23.)

AN ACT

To Amend Paragraph 3234, Chapter II, Title XV, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Fees and Salaries of County and Other Officers."

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

Section 1. That Paragraph 3234, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3234. In counties of the seventh class, the county officers shall receive, respectively, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The clerk of the superior court, fifteen hundred dollars per annum.

The sheriff, two thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the sheriff, one chief deputy, at a salary of one hundred dollars per month, and by and with the consent of the board of supervisors, such other deputies and jail guards as may be necessary to properly perform the business of his office, at salaries not exceeding seventy-five dollars each per month.

The recorder, fifteen hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the recorder one deputy, who shall be appointed by the recorder of said county, by and with the consent of the board of supervisors, and who shall be paid a salary of six hundred dollars per annum.

The treasurer and ex-officio tax collector, fifteen hundred dollars per annum.

The county attorney, fifteen hundred dollars per annum, and necessary traveling expenses.

The assessor, twelve hundred dollars per annum, and necessary traveling expenses; provided, that whenever the board of supervisors may deem it necessary they may appoint not to exceed two deputy assessors at a salary of seventy-five dollars each per month, for a period not to exceed four months in any one year, and provided further, that said deputy assessors shall be allowed their necessary traveling expenses, not to exceed one hundred and twenty-five dollars each in any one year.

The superintendent of schools, twelve hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; also actual and necessary traveling expenses, not to exceed one hundred and fifty dollars per annum.

The chairman of the board of supervisors, seven hundred and fifty dollars per annum; the other members of the

board of supervisors shall receive a salary of six hundred dollars each per annum. There shall be appointed by the board of supervisors in counties of this class a clerk of the board of supervisors, who shall be removable at the pleasure of such board, and shall receive a salary not to exceed twelve hundred dollars per annum, to be fixed by the board.

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

Sec. 3. Whereas, to enable the county officers to perform the duties required of them by law this act is necessary and requires early and immediate operation to provide for the assessment of property as required by law for the maintenance of a department of State, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this twenty-third day of February, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 7.

(House Bill 18.)

AN ACT

Providing for the Appointment of Assistant Clerks of the Boards of Supervisors in Counties of the Fourth Class.

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

Section 1. That in all counties of the fourth class, as classified in Title XV of the Civil Code, Revised Statutes of Arizona, 1913, the boards of supervisors may, in addition to the clerk now provided for, appoint one assistant clerk to the board of supervisors, who shall receive a salary not exceeding one hundred dollars per month.

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

Sec. 3. Whereas, in counties of the fourth class the business of the boards of supervisors has and is accumulating to such an extent as to seriously injure and impede its governmental machinery that the provisions of this act are necessary for the public peace, health and safety, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this twenty-third day of February, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 8.

(House Bill 87.)

AN ACT

To Establish Fish-Hatching and Fish-Cultural Stations in Arizona.

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

Section 1. The United States Commissioner of Fisheries and his duly authorized agents are hereby empowered to establish, maintain and conduct fish-hatching and fish-culture stations in or on any or all of the streams and rivers in the State of Arizona.

Sec. 2. The United States Commissioner of Fisheries and his duly authorized agents may conduct such fish-hatching and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State of Arizona to the contrary notwithstanding.

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

Approved February 24, 1915.

CHAPTER 9.

(Senate Bill 46.)

AN ACT

To Amend Paragraph 4408 of the Revised Statutes of Arizona, 1913, Civil Code, Relating to Registration of all Births and Deaths in the State of Arizona.

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

Section 1. That Paragraph 4408 of Title 41, Chapter 14, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

Sec. 2. The Secretary of each county board of health in the State shall be county registrar of vital statistics for that county and within thirty days after the taking effect of this chapter, or as soon thereafter as possible, each county board of health shall appoint a local registrar of vital statistics who shall be a Notary Public, or Justice of the Peace, for each registration district in that county, and the county registrar shall immediately report the names and addresses of such local registrars to the State registrar of vital statistics The term of office of local registrars, appointed by said boards shall be for two years, beginning with the first day of January of the year in which this chapter shall take effect, and their successors shall be appointed at least ten days before the expiration of their terms of office.

Any local registrar, appointed by said county board, who fails or neglects to discharge efficiently the duties of his office as laid down in this chapter, or who fails to make prompt and complete returns of births and deaths, as required thereby, shall be forthwith removed from his office by said county board of health, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this chapter, for failure or neglect to perform his duty.

Each local registrar appointed by said county board shall immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness or disability, who shall in writing accept such appointment, and who shall be subject

to all rules and regulations governing the action of local registrars. And when it may appear necessary for the convenience of the people in any rural district, the local registrar is hereby authorized, with the approval of the county registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each sub-registrar shall note, over his signature, the date on which each certificate was filed, and shall forward all certificates to the local registrar of the district within five days, and in all cases before the third day of the following month; provided, that all sub-registrars shall be subject to the supervision and control of the county registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this chapter or the rules and regulations of the state registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.

Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and promptly returned by him to the county registrar, as required by this act. And in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, promptly made in accordance with this act. All amounts payable to registrars under provisions of this section shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State registrar. And the State registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars and the amounts due each at the rates fixed herein.

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

Approved February 26, 1915.

CHAPTER 10.

(Senate Bill 36.)

AN ACT

To Amend Paragraph 3768 of Chapter 1 of Title 30 of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Live Stock."

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

Section 1. That paragraph 3768 of Chapter 1 of Title 30 of the Revised Statutes of Arizona, 1913, Civil Code, be, and the same is hereby amended to read as follows: hereafter it shall be the duty of all railroad companies in this state to require all section foremen, or persons discharging like duties, while in their employ and service as such, to keep at the section house a specific record upon forms furnished by said board, of all stock killed or crippled upon their respective sections of such railroad, giving age, color, sex, marks and brands of all such stock so killed or crippled, which record shall be open and free for inspection by the public at all reasonable times. And be it further provided that each engineer shall be required to make a report to the railroad company on arrival at terminal, of all stock killed or crippled by his train and the time and place of such accident. And be it further provided, that the report of the engineer and the record of the section foreman, or person discharging like duties, as heretofore provided, shall be posted on Monday of each week at the section house or station house nearest where the accident occurred, and such report and record shall be kept posted for a period of thirty days.

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

Approved February 26, 1915.

CHAPTER 11.

(House Bill 38.)

AN ACT

To Amend Paragraph 2729, Chapter VIII, Title II, Revised Statutes of Arizona, 1913, Civil Code, Providing for Hours of Opening and Closing the Polls at School Elections.

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

Section 1. That Paragraph 2729, Chapter VIII, Title II, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2729. At every polling place in school districts for school elections the polls shall be opened at ten o'clock in the morning on the day of election and shall remain open until the hour of six o'clock in the afternoon of said day of election, at which hour said polls shall be closed. The inspector shall cause proclamation to be made of the opening of the polls; also proclamation to be made of the closing of the polls one hour before closing, and fifteen minutes before closing; and proclamation to be made of closing at the moment of closing the polls. The inspector and two judges shall determine when the hour for opening the polls and hour for closing the polls, respectively, has arrived; provided, that any person who may be within the polling place at the moment of closing the polls be allowed ten minutes in which to fill out and deposit his ballot, as if the polls were still open.

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

Approved February 26, 1915.

CHAPTER 12.

(Senate Bill 20.)

AN ACT

To Amend Paragraph 3335, Chapter I. Title XXII, Revised Statutes of Arizona, 1913, Civil Code, Relating to Referendum Petitions Against Ordinances, Franchises or Resolutions in Cities and Towns.

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

Section 1. That Paragraph 3335, Chapter I, Title 22, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3335. Referendum petitions against any ordinance, franchise or resolution, passed by a city or town council shall be signed by not less than ten per cent of the electors of said city or town, and the whole number of votes cast at the city election at which a mayor or councilmen were chosen last preceding the filing of any referendum petition against any ordinance, franchise or resolution, shall be the basis on which the number of electors of said city or town required to file such referendum petition, shall be computed, and said signatures shall be verified in the manner herein provided for; the petition shall be filed with the city or town clerk, auditor or recorder, as the case may be, within thirty days after the passage of such ordinance, resolution or franchise. No city or town ordinance, resolution or franchise shall take effect and become operative until thirty days after its passage by the council and approval by the mayor, unless the same shall be passed over his veto, and in that case it shall not take effect and become operative until thirty days after such final passage, except measures necessary for the immediate preservation of the peace, health, or safety of the city or town; and no such emergency measures shall become immediately operative unless it shall state in a separate section the reasons why it is necessary that it should become immediately operative, and shall be approved by the affirmative vote of three-fourths of all the members elected to the city or town council, taken by ayes and noes, and also approved by the mayor.

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

Sec. 3. Whereas, to enable the electors of cities and towns affected by this act to take immediate advantage of the provisions of the Constitution relating to the reservation of the powers of the referendum to the electors of cities and towns, this act is necessary and requires early and immediate operation to preserve the public peace and safety, 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 reerendum provisions of the State Constitution.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this first day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 13.

(Senate Bill 30.)

AN ACT

To Amend Paragraph 3239, Chapter II, Title XV, Revised Statutes of Arizona, 1913, Civil Code, Relating to Salaries of County Officers in Counties of the Twelfth Class.

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

Section 1. That Paragraph 3239, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3239. In counties of the twelfth class the county officers shall receive respectively as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The clerk of the superior court, eighteen hundred dollars per annum; provided, that in counties of this class

there may be, and there is hereby allowed to the clerk of the superior court by and with the consent of the board of supervisors one deputy, who shall be appointed by said clerk, at a salary not exceeding one hundred dollars per month.

The sheriff, thirty-six hundred dollars per annum, provided, that in counties of this class there shall be, and there is hereby allowed to the sheriff one chief deputy, at a salary of one hundred and twenty-five dollars per month; and by and with the consent of the board of supervisors, such other deputies and jail guards as may be necessary to properly perform the business of his office, at salaries of not exceeding one hundred dollars each per month.

The recorder, two thousand dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed the recorder, the following deputies, who shall be appointed by the recorder of said county, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred dollars per month, and by and with the consent of the board of supervisors, such other deputies as may be necessary to properly perform the business of his office, at salaries of one hundred dollars each per month.

Provided, further, that in counties of this class having an equalized assessed valuation of property of ten million dollars or more the county recorder shall receive a salary of twenty four hundred dollars per annum.

The treasurer and ex-officio tax collector, twenty-two hundred dollars per annum; provided, that in counties of this class there may be, and there is hereby allowed to the treasurer one deputy, who may be appointed by the treasurer, by and with the consent of the board of supervisors, and who shall be paid a salary of one hundred dollars per month.

The county attorney, twenty-four hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class there is hereby allowed to the county attorney one stenographer for a term not exceeding six months in a year, who shall be appointed by the county attorney and approved by the board of supervisors at a salary not to exceed fifty dollars per month.

The Assessor, two thousand dollars per annum, and necessary traveling expenses; provided, that in counties of this class there may be, and there is hereby allowed to the assessor, by and with the advice and consent of the board of supervisors, one field deputy, who shall be employed for a period not to exceed six months in the year, at a salary of one hundred dollars per month and necessary traveling expenses.

The superintendent of schools, fifteen hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations, also actual and necessary traveling expenses.

The chairman of the board of supervisors, twelve hundred dollars per annum; the other members of the board of supervisors shall receive a salary of one thousand dollars each per annum. The board of supervisors shall appoint one clerk of the board of supervisors, who shall receive a salary not to exceed eighteen hundred dollars per annum at the discretion of the majority of the board.

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

Sec. 3. Whereas, an urgent necessity exists for a speedy remedy for the uniform adjustment of the salaries of the officers in counties of this class, and for a permanent system regulating the same, to preserve the public peace and saety, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and appproval 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 five days, Sundays excepted, and the Legislature being in session, it has become a law this first day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 14.

(Senate Bill 31.)

AN ACT

Providing for the Sinking of an Experimental Artesian Well for Water in Hualpai Valley, Mohave County, Arizona, for the Encouragement of Agriculture in the Arid Sections of the State.

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

Section 1. That the sum of eight thousand five hundred ($8,500.00) dollars is hereby appropriated from the general fund of the State to pay for the drilling of an artesian well in the Hualpai Valley, Mohave county, Arizona, at a suitable site therefore, to be selected by the board of Supervisors of said county.

Sec. 2. It shall be the duty of the Board of Supervisors of Mohave County, as soon after the passage of this act as is convenient to select a suitable site in the Hualpai Valley in said County, for the sinking or drilling of an artesian well for water. Said place or site to be on a section of unoccupied school land.

Sec. 3. It shall be the duty of the Board of Supervisors to at once commence the drilling of such artesian well, by contract or otherwise, as in its judgment may be least expensive, and continue such drilling until a flow of artesian water is encountered in such well, or until the money hereby appropriated has been exhausted.

Sec. 4. All claims for moneys hereby appropriated shall be itemized and accompanied by proper vouchers, and each claim shall be audited by the State Auditor, who shall have the right to reject any voucher or claim, or any part thereof, which, in his judgment, does not constitute a proper or legal charge against the State. All said claims shall be verified, and the form of said claims, and the verification thereof, shall be prescribed by the State Auditor.

Sec. 5. This act shall take effect and be in force and operation ninety days after the close and adjournment of this session of the Legislature.

Approved March 2, 1915.

CHAPTER 15.

(Senate Bill 41.)

AN ACT

To Amend Paragraph 1954 of the Revised Statutes of Arizona for 1913, Being Section 2 of the Improvement Act of the Legislature of Arizona for 1912, Which Section Authorizes and Empowers Legislative Bodies of Municipalities to Order Street Improvements and Other Work Incidental Thereto, Including the Construction of Storm Water Drains Over Rights of Way Obtained for Such Purpose, so as to Include, in Addition to the Improvements Authorized by Said Section, the Construction, Re-construction or Repair of Tunnels, Subways, Viaducts and Conduits on Streets or Lands of the Municipality or Rights of Way Therefor; Also Siphons, Steps, Parkings, Parkways, Pipes, Hydrants and Appliances for Fire Protection, Sewers, Ditches, Drains, Conduits, Pipe Lines and Channels for Sanitary and Drainage Purposes, With Outlets, Cess pools, Manholes, Catch Basins, Flush Tanks, Septic Tanks, Connecting Ditches, Drains, Conduits, Channels and Other Appurtenances, Also Ditches, Canals, Channels, Conduits, Pipe Lines and Siphons, Together with the Necessary or Usual Appurtenances for Carrying Storm Water or Water From Irrigation Ditches, Water Courses, Streams or Springs into, Through or out of Such Municipality; With an Emergency Clause.

Be It Enacted By the Legislature of the State of Arizona:

Section 1. That Paragraph 1954 of the Revised Statutes of Arizona for 1913, being Section 2 of the Improvement Act of the Legislature of Arizona for 1912, be amended so as to read as follows:

1954. Whenever the public interest or convenience may require the legislative body of such municipality is hereby authorized and empowered to order the whole or any portion, either in length or width, of one or more of the streets, lanes, alleys, places, courts, avenues, boulevards, highways, crossings, intersections or public ways of any such municipality graded or re-graded, planked or

re-planked, paved or re-paved, macadamized or re-acadamized, graveled or re-graveled, piled or re-piled, capped or re-capped, oiled or re-oiled, or otherwise improved or re-improved; and to order the construction, re-construction or repair of any tunnel, subway, viaduct or conduit in, on, under or over any street, lane, alley, place, court, avenue, boulevard, highway, crossing, intersection, public way, or land of the municipality or any land on, under or over which the municipality may have an easement or right of way therefor; also to order the construction or re-construction of sidewalks, crsos-walks, curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and parkways; also pipes, hydrants and appliances for fire protection; also to order sewers, ditches, drains, conduits, pipe lines and channels for sanitary and drainage purposes, or either or both thereof, with outlets, cess pools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels and other appurtenances in, under, over or through any public street, alley, or public way or any land of the municipality or any right of way granted or obtained for such purpose, either within or without the city limits; also ditches, canals, channels, conduits, pipe lines and siphons, together with the necessary or usual appurtenances for carrying storm water or water from irrigation ditches, water courses, streams or springs into, through or out of such municipality, in, under, over or through any public street, alley or public way or any land of the municipality or any right of way granted or obtained for such purpose, either within or without the city limits; also breakwater levees or walls of rock or other material to protect the streets of such municipality from injury; also the construction or re-construction of any work incidental to or connected with any such improvement, which, in the opinion of said legislative body, may be necessary to complete or to repair such improvement or any part thereof.

WHEREAS, in several municipalities of this state, conditions exist which necessitate the immediate construction of certain of the improvements herein authorized, and an early operation of this act is necessary for 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.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in Session, it has become a law this third day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 16.
(Senate Bill 21.)
AN ACT

Giving Cities and Incorporated Towns the Power to Encourage Immigration, New Industries and investment therein, and to Print and Distribute Books, Pamphlets, and Maps Advertising Their Advantages.

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

Section 1. In addition to the powers already vested in cities and incorporated towns in this state by their respective charters and the general laws of the state, common councils or commissions in cities and incorporated towns shall have the power to appropriate annually from the general fund of the city or incorporated town an amount not to exceed one twentieth of one percent of the assessed valuation of the city or incorporated town for the purpose of encouraging immigration, new industries and investment in said city or incorporated town, and to print and distribute books, pamphlets and maps advertising the advantages of said city or incorporated town, and the common council may, in its discretion, pay said sum to the chamber of commerce, board of trade, or other commercial organization of said city or incorporated town to be expended for the purposes herein enumerated under the direction of the board of directors of said commercial organization.

Sec. 2. The amount to be expended for the ensuing year shall be fixed by the common council at the time of the making up of the annual budget required by law and the same shall be included in said budget.

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

Approved March 4, 1915.

CHAPTER 17.

(House Bill 53.)

AN ACT

Establishing a Bureau of Mines of the State of Arizona; Providing for the Control and Management of Said Bureau of Mines; Providing for the Appointment of a Director of Said Bureau and Fixing His Qualifications; Providing for the Objects, Duties and Purposes of Said Bureau of Mines and Providing for an Annual Appropriation for the Support and Maintenance of Said Bureau of Mines of the State of Arizona.

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

Section 1. There is hereby established the Bureau of Mines of the State of Arizona, which shall be under the direction of the Board of Regents of the University of Arizona, who shall serve without compensation, but who shall be reimbursed for the actual expenses incurred in the performance of their official duties. The said board shall appoint as director a mining engineer to be known as the Director of the Bureau of Mines, and upon his nomination, such assistants and employees as the said board shall deem necessary. Said board may also determine the compensation of all persons employed by the Bureau of Mines, and may remove them at will.

Sec. 2. Said Bureau of Mines shall have for its object:

(1). The collection, compilation and publishing of statistics of all kinds relative to Arizona mining, such as production, values, efficiency, reports, methods, mill statistics and other things of interest and importance to every mine operator of this as well as other states.

(2). The collection of a library and bibliography of all literature pertaining to Arizona mining and geology.

(3). Experimentation, and publishing of results, of Arizona problems of wet, dry and electrostatic concentration, dry, placer, flotation methods, etc.

(4). The education of the miner and prospector through lectures and publications.

(5). The qualitative determination of rock and mineral samples.

(6). The collection of typical geological and mineralogical specimens to constitute the museum of the State Mining Bureau.

(7). To serve as a bureau of exchange and information on Arizona mining.

(8). The collection of models, drawings and descriptions of appliances used in mining and metallurgical work.

(9). The establishment and maintenance of a state mine rescue car for service and training in mine rescue work, first aid and general safety.

(10). The consideration of such other kindred scientific and economic questions as in the judgment of the board shall be deemed of value to the people of the state.

Sec. 3. The board shall cause to be prepared an annual report showing the progress and condition of the bureau, together with such other information as they may deem necessary or useful, or as the board may require.

Sec. 4. The regular and special reports of the bureau of mines shall be printed as the board may direct, and the reports may be distributed or sold by the board as the interests of the state or science may demand, and all money obtained by the sale of said reports shall be paid into the state treasury.

Sec. 5. All materials collected after having served the purpose of the bureau shall be distributed by the board to the state normal and high schools in such manner as to be of the greatest advantage to the educational institutions of the state.

Sec. 6. The sum of five thousand dollars ($5,000) annually, or as much thereof as may be necessary, is hereby appropriated out of any fund in the treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

Sec. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1915.

CHAPTER 18

(Senate Bill 122.)

AN ACT

To Transfer a Sum of Money from the General Fund to the State Road Tax Fund, Yavapai County Portion, and Providing for Repayment to the General Fund.

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

Section 1. That the sum of Seven Thousand, Five Hundred ($7,500) Dollars be and the same is hereby transferred from the General Fund of the State to the credit of the State Road Tax Fund, Yavapai County portion.

Sec. 2. The State Treasurer is hereby authorized and directed to pay into the General Fund of the State Seven Thousand, Five Hundred ($7,500) Dollars of the receipts from Yavapai County for the State Road Tax Fund for the fiscal year 1915-1916.

Sec. 3. WHEREAS, an urgent necessity exists for the completion of the Cherry Creek Road, in Yavapai County, 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 Govenror, and is hereby exempt from the operation of the referendum provision of the State Constitution.

Approved March 5, 1915.

CHAPTER 19

(Senate Bill 58.)

AN ACT

To Provide for the Purchase and Sale of Certain Serums for the Treatment of Contagious or Infectious Diseases of Live Stock and Making an Appropriation Therefor.

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

Section 1.—It shall be the duty of the state veterinarian to keep on hand at all times a supply of anti-hog

cholera serum, vaccine for black-leg and other serums for the treatment of infectious or contagious diseases of live stock, and to dispense the same at actual cost to owners of hogs and other live stock in Arizona, whenever he may deem it necessary or advisable to do so, and under such rules and regulations as he may prescribe, to stamp out or prevent outbreaks of any such infectious or contagious diseases.

Sec. 2. The state veterinarian may, in his discretion, make any board of supervisors in the state a depository for any such serum or vaccine, to be by the said board of supervisors sold or dispensed as herein provided, and under such rules as the said state veterinarian may prescribe. Whenever the state veterinarian shall so deposit any of said serum or vaccine the board of supervisors with which the same is deposited shall give the said veterinarian a receipt therefor, and shall account and be responsible to him for the same or the value thereof, and that the board of supervisors of each county report on January first and July first annually, and as often additionally as he may require, to the state veterinarian.

Sec. 3. For the purpose of carrying this act into effect there is hereby appropriated from the general fund of the state two thousand dollars, or so much thereof as may be necessary, and upon the presentation of properly prepared claims for the purchase of any such serum or vaccine, certified to and approved by the state veterinarian, the state auditor is authorized and directed to draw his warrant and the state treasurer is authorized and directed to pay the same.

Sec. 4. All moneys received by the state veterinarian from the sale of any such serum or vaccine shall be by him returned to the state treasurer, and be added to the fund available for the purpose of this act, the purpose being to make said fund perpetual.

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

Approved March 6, 1915.

CHAPTER 20

(Senate Bill 27.)

AN ACT

To Provide for the Laying Out, Opening, Extending, Widening, Straightening, or Closing up in Whole or in Part, of Public Streets, Subways, Squares, Lanes, Alleys, Courts, Places, and Rights of Way for Water Courses, Irrigation Ditches, Pipe Lines, Water Mains and Sewers for Sanitary and Drainage Purposes, Within Municipalities, for the Condemnation of Property Necessary or Convenient for Such Purposes, and for the Establishment of Assessment Districts and the Assessment of Property Therein to Pay the Expense of Such Improvement, With an Emergency Clause.

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

Section 1. Whenever the public interest or convenience may require, the city council of any municipality in this state shall have full power and authority to order the laying out, opening, extending, widening, straightening, or closing up, in whole or in part, of any public street, subway, square, lane, alley, court, place, or right of way for any water course, irrigation ditch, pipe line, water main, or sewer for sanitary or drainage purposes, within such municipality, and to acquire, by condemnation, any and all property necessary or convenient for that purpose.

Sec. 2. Before ordering any improvement to be made which is authorized by Section 1 of this Act, the city council shall pass a resolution declaring its intention to do so, describing the improvement, and the land necessary or convenient to be taken therefor, and specifying the boundaries of the district to be benefited by said improvement, and to be assessed to pay the expense thereof, and to be known as the assessment district.

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets within the assessment district described in said resolution, at not more than three hundred feet in distance apart. notices (not less than three in all) of the passage of said resolution. Said notices shall be headed, "Notices of Pub-

lic Work," in letters not less than one inch in height, shall be in legible characters, and shall state the fact and date of the passage of said resolution, and briefly describe the improvement proposed, and refer to said resolution for further particulars. He shall also cause a notice similar in substance to be published for a period of five days, in a daily newspaper published and circulated in said municipality, and designated by said city council for that purpose, or if there is no such daily newspaper, then by two successive insertions in a weekly newspaper so published, circulated and designated.

Sec. 4. Any person interested, objecting to said improvement, or to the extent of the assessment district, described in said resolution of intention, may file a written protest with the city clerk within fifteen days after the completion of the posting of the notice required by Sec. 3 of this act, or within fifteen days after the date of the last publication of said notice, if such date shall be subsequent to the completion of the posting. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to indentify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common, if any cotenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall indorse on every such protest the date of its reception by him, and, at the next meeting of the city council, after the expiration of the time for filing protest he shall present to said city council all protests so filed with him. If such protests are against said improvement, and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said resolution of in-

tention, excepting in the cases hereinafter otherwise provided, shall be barred, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the meantime petition therefor. If such protests are against the improvement, and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, or if such protests are only against the extent of said assessment district, or if the proposed improvement is for the opening or extending of a street for a distance of not more than two blocks intervening between the terminations of two different streets, or two portions of the same street, existing at the time of the passage of the resolution of intention for the proposed improvement, each of said different streets or said portions of the same street being at least five blocks in length, and the opening or extending of the streets described in the resolution of intention through such intervening block or blocks will, together with such different streets or portions of the same street so existing, make one connecting or continuous street, as nearly as may be practicable, or if the proposed improvement is for the opening or extending of a street into a different street, for a distance of not more than one block intervening between the termination of such street so proposed to be opened or extended and such different street, when the street so proposed to be opened or extended through such intervening block exists, at the time of the passage of the resolution of intention for a distance of at least five blocks, or if the proposed improvement is for the opening or extending of a public street, lane, alley, court or place through the remainder of a block when such public street, lane, alley, court of place exists, at the time of the passage of the resolution of intention for the proposed improvement, for at least one-half of the distance through such block, the city council shall thereupon fix a time for hearing said protests, not less than ten days after the meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published for at least two days in a daily newspaper published and circulated in said city, or if there be no such daily newspaper, by at least one insertion in a weekly newspaper so published and circulated, and the first pub-

lication must be not less than five days before the hearing. The city council shall hear said protest at the time appointed, or any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any such protests are sustained, no further proceedings shall be had under said resolution of intention, but a new resolution of intention for the same improvement may be passed at any time. If the protests are denied, the proceedings shall continue as if such protests had not been made. At the expiration of the time within which protests may be filed, if none are filed, or if protests are filed, and after hearing are denied, as above provided, then upon such denial, the city council shall acquire jurisdiction to order the improvement described in the resolution of intention.

Sec. 5. Having acquired jurisdiction, the city council may by resolution, order said improvement to be made and direct an action to be brought by the city attorney, in the proper superior court, in the name of the municipality, for the condemnation of the property necessary or convenient to be taken therefor. Such resolution need not describe the property to be taken, nor the assessment district, but may refer to the resolution of intention for all particulars.

Sec. 6. Said action must be brought within thirty days after the passage of the resolution ordering the improvement, but the council may, by resolution, extend the time for bringing such action for an additional period not exceeding thirty days. Said action shall in all respects be subject to and governed by such provisions of the laws of this State relating to eminent domain now existing or that may be hereafter adopted, as may be applicable thereto, except in the particulars otherwise provided for in this act.

Sec. 7. The complaint shall be set forth, or state the effect of, the resolution of intention, and the resolution ordering the improvement, but need not set up any other proceedings had before the bringing of the action. Said resolution shall be conclusive evidence, in such action, of the public necessity of the proposed improvement, and also that the same is located in the manner which will be

most compatible with the greatest public good and the least private injury.

Sec. 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing of such motion, a trial by jury or by the court without a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived by all parties not so demanding a jury or trial, including those against whom default has been entered, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving a trial by a jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of any court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

Sec. 9. The referees shall at once proceed to view the lands sought to be condemned and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by a jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within thirty days after the date of their appointment; provided, however, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, but such extension shall not exceed ninety days; and provided further that if any vacancy in the referees is created and filled as provided in Section 8 of this act, or if new referees are appointed, or if a new report from the same refereed is ordered, as provided in sec-

tion 11 of this act, the time herein specified for the filing of such report shall be deemed to be thirty days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report.

Sec. 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the order appointing referees or of the order setting the cause for trial, as the case may be, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act. No improvements placed upon the property proposed to be taken, subsequent to the date of the publishing of the notice of the passage of the resolution of intention, shall be included in the assessment of compensation or damages.

The referees, or court, or jury, as the case may be, shall find separately:

First. The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty and of each separate estate or interest therein;

Second. If any parcel or property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit, from such improvement.

Sec. 11. Upon the filling of such report the court must, upon motion of any party, appoint a day for hearing the same, not less than fifteen days thereafter. Notice of the time and place of said hearing must, at least ten days before the time so appointed, be served on all the other parties, or their attorneys of record, except defendants whose default has been entered. The plaintiff, or

any defendant who has answered, may file exceptions in writing to said report, specifying the grounds upon which such exceptions are based, at any time within not less than one day prior to the hearing; and any such party so filing exceptions to said report, may appear at the hearing of said report and contest the same. In addition to the notice hereinbefore provided, the clerk of the court must give notice of the filing of said report, and of the time and place appointed for the hearing of the same, to all persons owning or having an interest in any property included within the assessment district for said improvement described in the resolution of intention, by causing said notice last mentioned to be published for two days in a daily newspaper published and circulated in the city; and, if there be no such daily newspaper, then by at least one insertion in a weekly newspaper so published and circulated. Any publication of such notice shall commence at least five days before the time appointed for the hearing of the report. Said notice shall require all persons owning or having an interest in any property included within said assessment district for said improvement to intervene in said action, and file, in the office of the clerk of said court. Their exceptions in writing to said report ,if any they have, specifying the grounds upon which such exceptions are based. Said notice shall also contain a description of the said assessment district as set forth in the resolution of intention. At any time within not less than one day prior to the hearing, any person not a party to the action, owning or having an interest in any property included within said assessment district, may intervene in the action, and file his exceptions in writing to said report, specifying the grounds upon which such exceptions are based; and any such person so intervening may appear and contest the said report, and introduce evidence in support of such exceptions. After hearing the report, and any exceptions thereto, the court may confirm the report, or may modify it and conform it as modified, or may set it aside and order a new report from the same referees, or from new referees to be appointed. If new referees are appointed, the same proceedings shall be had as upon the first reference.

If there be a trial of the action by a jury, or by the court without a jury, the clerk of the court must give

notice of the time and place of such trial to all persons owning or having an interest in any property within said assessment district for said improvement. Said notice shall be published in the same manner and for the same time as the notice hereinbefore in the section required to be given by said clerk, and shall require all persons owning or having an interest in any property included within said assessment district for said improvement, to intervene in said action, and to appear at the trial thereof and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. At any time within not less than one day prior to the trial, any person not a party to the action, having an interest in any property included within said assessment district, may intervene in the action, and, upon the trial thereof, may appear and introduce evidence relative to the compensation and damages to be awarded to the defendants therein. The cost of the publication of the notices required by this section shall be paid by the plaintiff, and allowed as costs in the action.

When a time has been appointed for hearing the report of the referees, or for the trial of the action, and notice thereof has been given by the clerk by publication as in this section provided, if the hearing or trial be postponed or continued by the court to any subsequent date, no such notice need be given by the clerk of the hearing or trial upon any such postponement or continuance.

Sec. 12. Upon the confirmation of the report of the referees, or receipt of the verdict of the jury, or the filing of the findings of the court, the court shall make and enter an interlocutory judgment in accordance with such report, verdict or findings, adjudging that upon payment to the respective parties, or into court for their benefit, of the several amounts found due them as compensation, and of the costs allowed to them, the property involved in the action shall be condemned to the use of the plaintiff, and dedicated to the use specified in the complaint. The court shall allow to the referees, as costs to be paid by the plaintiff, a reasonable compensation for their services, the amount of which compensation shall be fixed by the court upon the hearing of the report, and their necessary expenses.

Sec. 13. An appeal may be taken from such interlocutory judgment within thirty days from the entry thereof, and from any order granting or denying a new trial within ten days after the entry thereof.

Sec. 14. The city council may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, and cause the said action to be dismissed, without prejudice; and if any of the assessments levied to pay the expense of the improvements, as hereinafter provided, shall have been actually paid in money at the time of such abandonment, the same shall be refunded to the persons by whom they were paid. If the proceedings be abandoned or the action dismissed no attorney's fees shall be awarded the defendants or either or any of them.

Sec. 15. Upon the entry of the interlocutory judgment, the city council shall order the city engineer, or if there be no city engineer, any civil engineer whom it may employ for that purpose, to make and deliver to the street superintendent, a diagram of the improvement and of the property within the assessment district described in the resolution of intention. Said diagram shall show the land to be taken for the proposed improvement, and also each separate lot, piece or parcel of land within the assessment district, and the dimensions of each such lot, piece, or parcel of land, and the relative location of the same to the proposed improvement.

Sec. 16. The city engineer shall deliver said diagram to the street superintendent, and shall indorse thereon the date of such delivery. The street superintendent upon receiving the said diagram shall proceed to assess the total expenses of the proposed improvement upon and against the lands, including the property of any railroad or street railroad, within said assessment district, except the land to be taken for such improvement, in proportion to the benefits to be derived from said improvement. The street superintendent shall complete said assessment within thirty days after the receipt by him of said diagram; provided however, that the city council may by order extend the time for completing said assessment for a period not exceeding thirty days additional. The total expense of the improvement so to be assessed shall include the amounts

awarded to the defendants by the interlocutory judgment in the action for condemnation, together with their costs, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action, the expenses of making the assessment, and all expenses necessarily incurred by said city, in connection with the proposed improvement, for the posting and publication of notices, for maps, diagrams, plans, surveys, searches and certificates of title to the property to be taken, and all other matters incident thereto.

Sec. 17. The street superintendent shall make the said assessment in writing. Such assessment shall describe each lot, piece, or parcel of land assessed for said improvement, and shall designate each such lot, piece, or parcel of land with an appropriate number. The street superintendent shall also designate each such lot, piece, or parcel of land on said diagram, with the number corresponding with the number thereof in said assessment, and said diagram shall thereupon be attached to and become and be deemed to be a part of said assessment. Such assessment shall show the total sum to be raised thereby, as hereinbefore provided, and also the items of such total sum, and opposite each lot, piece or parcel of land, assessed, the amount assessed thereon, and the name of the owner thereof, if known to the street superintendent; or if the owner's name is unknown, the word "Unknown" shall be written instead of such name. Any error or mistake in the designation of the owner of any lot, piece, or parcel of land, or in the particulars of his interest therein, shall not affect the validity of the assessment.

Sec. 18. As soon as said assessment is completed the street superintendent shall file the same, with the diagram attached thereto and made a part thereof as aforesaid, with the city clerk, who shall give notice of such filing by publication for at least five days in a daily newspaper published and circulated in the city, or if there be no such daily newspaper, by two successive insertions in a weekly newspaper so published and circulated. Said notice shall require all persons interested to file with said clerk their objections, if any they have, to the confirmation of said assessment, within fifteen days after the date of the first publication of such notice, which date shall be stated in

said notice, and shall further state that at the first meeting of the council after the expiration of the time for filing objections said council will hear all objections filed and may confirm, modify or correct said assessment and may reduce or increase the amount assessed against any lot, piece or parcel of land without further notice, and that all persons interested have a right to be present at said meeting and be heard on any such proposed increase.

Sec. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by Section 18 hereof. The clerk shall, at the next meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned, and pass upon such assessment, and may confirm, modify or correct said assessment, and may reduce or increase the amount assessed against any lot, piece or parcel of land without further notice, provided, before the increase of any assessment shall be ordered, all persons present at said meeting interested in said assessment, shall be given an opportunity to be heard thereon, or may order a new assessment, upon which like proceedings shall be had as in the case of an original assessment; or if there be no objections, the council shall, at any meeting after the expiration of the time for filing objections, confirm such assessment, and the action of the council upon such objections and assessment shall be final and conclusive in the premises.

Sec. 20. The clerk of the council shall thereupon deliver to the street superintendent the assessment as confirmed by the city council, with his certificate of such confirmation, and of the date thereof. The street superintendent shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment-roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment-roll. Immediately upon such recording, the several assessments contained in such assessment-roll shall be-

come due and payable, and each of such assessments shall be a lien upon the property against which it is made.

Sec. 21. The owner of any property assessed, who is entitled to compensation under the award made by the interlocutory judgment, may, at any time after such assessment becomes payable, and before the sale of said property for non-payment thereof, as hereinafter provided, demand of the street superintendent that such assessment, or any number of such assessments, be offset against the amount to which he is entitled under said judgment. Thereupon, if said amount is equal to or greater than such assessments, including any penalties and costs due thereon, the assessments shall be marked "Paid by offset;" and if the said amount is less than the assessments, and any penalties and costs due thereon, the person demanding such offset shall at the same time pay the difference to the street superintendent in money, and the assessments shall, on such payment, be marked paid, the entry showing what part thereof is paid by offset and what part in money. In either case, as a condition of the offset, such person must execute to the city and deliver to the street superintendent duplicate receipts for such part of the amount due him under said interlocutory judgment as is offset against such assessments, penalties, and costs. One of said duplicate receipts shall be filed by the street superintendent in his office, the other shall be filed with the clerk of the superior court, and on such filing, the city shall be entitled to a satisfaction pro tanto of said interlocutory judgment.

Sec. 22. The street superintendent shall, upon the recording of said assessment, give notice, by publication for at least two days in a daily newspaper, published and circulated in such municipality, or by at least two successive insertions in a weekly newspaper, so published and so circulated, that said assessment has been recorded in his office, and that all sums assessed therein are due and payable immediately and that the payment of the said sums is to be made to him within thirty days after the date of the first publication, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will become delinquent, and that thereupon five per

cent upon the amount of each such assessment will be added thereto. The street superintendent shall also notify the owner or owners of the several lots, pieces and parcels of land affected by said assessment, as shown by the assessment rolls of the city, by mailing a copy of such notice to the last known address of such person or persons, and the affidavit of the said street superintendent of the fact of such mailing shall be conclusive evidence thereof. When payment for any assessment is made, the street superintendent shall mark opposite such assessment, the word "Paid," the date of payment, and the name of the person by or for whom the same is paid, and shall, if so requested, give receipt therefor. On the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the street superintendent shall certify such fact at the foot of said assessment-roll, and mark each such assessment "Delinquent," and add five per cent to the amount of each assessment delinquent.

Sec. 23. The street superintendent shall, within ten days from the date of such delinquency, begin the publication of a list of the delinquent assessments, which list must contain a description of each parcel of property delinquent, and opposite or against each description, the name of the owner as stated in the assessment-roll, and the amount of the assessment, penalty, and costs due, including the cost of advertising, which last shall not exceed the sum of fifty cents for each lot, piece, or parcel of land, separately assessed. The street superintendent shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and costs thereon, is paid, the property upon which such assessment is a lien, will be sold at public auction at a time and place to be specified in the notice. The publication must be made for a period of ten days, in some daily newspaper published and circulated in the municipality, or for three weeks in a weekly newspaper so published and circulated. The time of sale must not be less than five days, nor more than ten days, after the expiration of the period of publication of said list, and the place of sale must be in, or in front of, the office of the street superintendent.

Sec. 24. At any time after such delinquency, and prior to the sale of any piece of property assessed and delin-

quent, any person may pay the assessment on such piece of property, together with the penalty, and costs then due, including the cost of advertising, if such payment is made after the first publication of the list of delinquent assessments. The street superintendent shall thereupon mark such assessment "Paid," as hereinbefore provided.

Sec. 25. On the day fixed for the sale, the street superintendent must, at the hour of 10 o'clock A. M. or at any time thereafter to which the sale may be adjourned, commence the sale of the property advertised, commencing at the head of the list, and continuing in the numerical order of lots or parcels of land until all are sold; provided, that he may postpone or continue the sale from day to day until all the property is sold. Each lot, piece or parcel of land separately assessed must be offered for sale separately, and the person who will take the least quantity of land, and then and there pay the amount of the assessment, penalty, and costs due shall become the purchaser and the street superintendent shall issue a certificate of sale. In case there is no purchaser, for any lot, piece or parcel of land so offered for sale, the same shall be struck off to the municipality, as purchaser, and the city council shall appropriate out of the general fund of the treasury, the amount required for such purchase, and shall order the city treasurer to place the same in the special fund for such improvement.

Sec. 26. After making the sale, the street superintendent must execute, in duplicate, a certificate of sale setting forth a description of the property sold, the name of the owner thereof, as given on the assessment-roll, that said property was sold for a delinquent assessment, (specifying the improvement for which the same was made), the amount for which such property was sold, the date of sale, the name of the purchaser, and the time when the purchaser will be entitled to a deed. The street superintendent must file one copy of such certificate in his office, and deliver the other to the purchaser, or if the municipality is the purchaser, to the clerk, who shall file the same in his office. On the filing of the copy of such certificate in the office of the street superintendent, the lien of the assessments shall vest in the purchaser, and is only divested by a redemption of the property, as in this act provided. The

street superintendent shall also enter on the assessment-roll, opposite the description of each piece of property offered for sale, a description of the part thereof sold, the amount for which the same was sold, the date of the sale, and the name of the purchaser.

Sec. 27. A redemption of any parcel of property sold for delinquent assessment may be made by any party in interest, at any time prior to execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto, interest thereon at the rate of ten per cent per annum from the date of sale, or fifty per cent if paid at any time after twelve months. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Sec. 28. At any time after the expiration of twelve months from the date of sale, the street superintendent must execute to the purchaser, or his assignee, on his application, if such purchaser or assignee has complied with the provisions of this section, a deed of the property sold, in which shall be recited substantially the matters contained in the certificate, also any assignment thereof and the fact that no person has redeemed the property. The purchaser or his assignee must, at least thirty days before he applies for deed, serve upon the owner of the property, and upon the occupant of such property, if the same is occupied, a written notice, setting forth a description of the property, that said property has been sold for a delinquent assessment (specifying the improvement for which the same was made), the amount for which it was sold, the amount necessary to redeem at the time of giving notice, and the time when such purchaser or assignee will apply to the street superintendent for a deed. If the said owner cannot be found, after due diligence, said notice

must be posted in a conspicuous place upon said property, at least thirty days before the time stated therein, at which the application for a deed will be made. The person applying for a deed must file with the street superintendent an affidavit or affidavits showing that notice of such application has been given, as herein required, and if the notice was not served on the owner of the property personally, that due diligence was used to find said owner; which affidavit or affidavits must be filed by the street superintendent in his office. If redemption of the property is made after such affidavits are filed, and more than eleven months from the date of sale, the person making such redemption must pay, in addition to the other amounts required, three dollars for the service of notice and the making of such affidavits, which amount shall be paid over to the purchaser or his assignee in the same manner as other sums paid for redemption. No deed for any property sold for delinquent assessment shall be made until the purchaser or his assignee has complied with all the provisions of this section, and filed the proper affidavits with the street superintendent.

Sec. 29. The deed of the street superintendent shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the execution thereof, and of title in the grantee.

Sec. 30. The street superintendent shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any assessments made under the provisions of this act. The city treasurer shall in receipt thereof, place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made.

Sec. 31. As soon as there is sufficient money in the hands of the city treasurer, in the special fund devoted to the proposed improvement, to pay the amounts awarded to the defendants by the interlocutory judgment in the action of condemnation, or such parts thereof as have not been paid by offset against assessments, as hereinbefore provided, the said amounts, shall be paid to the parties entitled thereto, or into court for their benefit. On satisfactory proof being made to the court of payment of the amounts awarded by the interlocutory judgment to

the respective parties entitled thereto, or into court for their benefit, it shall direct the interlocutory judgment to be satisfied and shall make and enter a final judgment, condemning the lands described in the complaint to the use of the plaintiff for the purposes specified in such complaint.

Sec. 32. In case of a deficiency in the fund for such improvement, the city council, in its discretion, may provide for such deficiency by an appropriation out of the general fund of the treasury, or by ordering a supplementary assessment to be made by the street superintendent upon the property in said assessment district in the same manner and form, and subject to the same procedure as the original assessment, and, in order to avoid delay, the city council may advance such deficiency out of the city treasury and reimburse the treasury from the collections under the original or a supplementary assessment.

In case of a surplus in the fund for such improvement, the city council may order such surplus refunded pro-rata to the parties who paid the assessments.

Sec. 33. The following words and phrases shall where used in this act, including this section, have the following meanings:

(1). The term "improvement" includes all of the improvements mentioned in Section 1 of this act.

(2). The terms "municipality" and "city" include all counties, incorporated cities, towns and villages, and other corporations organized for municipal purposes.

(3). The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

(4). The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

(5). The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

(6). The term "street superintendent" includes any officer or board whose duty it is by law to have the care

or charge of streets or the improvement thereof in any city. In any city where there is no street superintendent, or no such board, the city council thereof is hereby authorized to appoint a suitable person to perform the duties imposed by this act on the street superintendent, and all the provisions hereof applicable to the street superintendent shall apply to the person so appointed.

(7). The terms "owner" and "any person interested" include the person owning the fee, the person in whom, on the day any protest or petition is filed, the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, any person in possession of real property under a written contract of purchase thereof duly recorded, any person in possession of real property, as lessee thereof under a lease duly recorded, which shall require such lessee to pay or discharge all assessments for street or other public improvement that may be levied or assessed against such real property, and the holder of any mortgage or lien against such real property.

(8). The term "property of any railroad or street railroad" shall be deemed to include and shall include property owned or controlled by any person, firm or corporation, as a railroad, street railroad or interurban railroad right of way whether such right of way be owned or controlled in fee or as an easement or by virtue of a franchise or otherwise, also the roadbed, ties and rails located on such right of way; and such property shall be assessed and the assessment thereof enforced in the same manner and to the same effect as other lands and property in the assessment district.

Sec. 34. In case there is no daily or weekly newspaper published and circulated in the city, then such notices and delinquent lists as are herein required to be published in a newspaper shall be posted in three of the most public places in such city, for the length of time required herein for the publication of the same in a weekly newspaper. No publication or notice other than that provided in this

act shall be necessary to give validity to any proceedings had thereunder.

Sec. 35. Proof of publication of any notice required by this act shall be made by affidavit of the publisher or any person in the employ of the publisher, and proof of the posting of any such notice shall be made by the affidavit of the person posting the same, setting forth the facts regarding such posting. It shall be the duty of any officer who is required by this act to have any notice published or posted, to obtain and file in his office the affidavit or affidavits in proof thereof; provided that his failure so to do shall not affect the validity of any proceedings under this act. Any such affidavit so filed shall be prima facie evidence of the facts therein stated regarding such publication or posting.

Sec. 36. This act shall in no wise affect the power of any city council to do and perform any of the acts and things herein described under any other provision of law now existing or that may be adopted hereafter, or apply to proceedings had thereunder, but it is intended to and does provide an alternate system of proceedings for making the improvements provided for by this act; and it shall be within the discretion of the city council of any municipality to proceed in making such improvements, either under the provisions of this act, or under the provisions of such other laws; but when any proceedings are commenced under this act, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict with the provisions hereof shall be void and of no effect as to the proceedings commenced under the provisions of this act. The election of the city council to proceed under the provisions of this act shall be expressed in its resolution of intention to order the work done.

Sec. 37. The provisions of this act shall be liberally construed to promote the objects thereof. This act may be designated and referred to as the "Street Opening Act of 1915."

Sec. 38. Whereas an urgent necessity exists in several of the municipalities of this State for opening, straighten-

ing and widening streets and acquiring rights of way for the purposes herein provided for, and whereas the immediate opening, straightening and widening of said streets and the acquisition of said rights of way is necessary to preserve the public peace, health and safety, an emergency is hereby declared to exist and this act is hereby exempted from the referendum provisions of the state constitution and shall be in full force and effect from and after its passage and its approval by the governor.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this sixth day of March, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 21

(House Bill 32.)

AN ACT

Authorizing the Issuance of Marriage Licenses and Solemnizing of Marriage Ceremonies By Superintendents of Indian Schools or Agencies Within the State of Arizona.

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

Section 1. Every bonded superintendent or agent of an Indian school or agency within the State of Arizona shall have authority to issue marriage licenses and solemnize the rites of matrimony between all persons legally authorized to marry. The clerk of the superior court of the county in which the school or agency is located, shall upon requisition from the superintendents, issue in blank, such licenses as shall be requisitioned, and charge the same against such superintendent making requisition, and shall credit the account of the said superintendent with the amounts remitted from time to time resulting from the sale of the licenses, and shall credit in full the account of the superintendent when the total of the money remitted shall be equal to the amount charged as legal fees for the number of licenses issued. Should the superintendent not sell

the licenses, he shall receive credit for all those returned in blank, the same as if cash had been remitted therefor.

Sec. 2. Said superintendent shall report immediately to the clerk of the superior court upon the issuance of each license and remit therewith the legal fee for issuing such license. Any failure to transmit such report and fee or the use of the authority herein granted to said superintendent for his personal gain shall constitute a misdemeanor and upon conviction thereof said superintendent shall be punished by imprisonment in the county jail for not more than six (6) months or by fine of not less than fifty ($50.00) dollars nor not more than three hundred ($300.00) dollars, or by both such fine and imprisonment.

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

Approved March 6, 1915.

CHAPTER 22

(House Bill 12.)

AN ACT

Amending Paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914, and 4917, Title XLIX Revised Statutes of Arizona, 1913, Civil Code, so as to Provide for the Semi-Annual Payment of Taxes, Assessment of Taxes, Time of Entering Delinquent Taxes on "Back Tax Book," Collection of Delinquent Taxes, and Correction of "Back Tax Book."

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

Section 1. That Paragraph 4892, Title 49, Chapter V, of the Revised Statutes of Arizona, 1913, Civil Code be amended so as to read as follows:

"4892. As soon as the board of supervisors shall finally have determined the estimate provided for herein they shall proceed to assess taxes for the amount estimated upon the taxable property of the county, according and in proportion to the individual and particular valuation as specified in the assessment and tax roll for the

year; they shall compute and carry out in separate money columns the real and personal taxes and totals of taxes to each person, or name, and shall carefully foot up the several taxes therein levied, and the same shall constitute the assessment and tax roll for the year; and no informality in complying with the requirements of this act shall render any proceeding for the collection of taxes illegal. Upon completion of the assessment and tax roll, the chairman of the board of supervisors shall immediately annex thereto, under his hand, a warrant, commanding the county treasurer to collect from the several persons named in said roll, one-half of the taxes set opposite their respective names, on or before the second Monday in December then next, and the other one-half of the taxes set opposite their respective names, on or before the second Monday in June next following. The board shall immediately charge to the county treasurer, in a book kept for that purpose, the totals of all taxes levied on said roll. The said assessment and tax roll and also the cross index, provided in Section 39 (Par. 4877) hereof, shall be delivered to the county treasurer on or before the third Monday in September. Hereafter the term "roll" whenever used herein, except when otherwise specifically provided, shall mean the assessment and tax roll as constituted in this section."

Sec. 2. That Paragraph 4895, Title 49, Chapter VI of the revised statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4895. The county treasurer, who shall be ex-officio tax collector immediately upon receipt of the roll must publish an official notice, specifying; First. That the assessment and tax roll of the county for the year 19..... is now in his possession for the collection of taxes levied.

Second. That one-half of the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on the second Monday in October and will be delinquent on the second Monday in December next thereafter at 5 o'clock P. M., and unless paid prior thereto, four per cent will be added thereto as penalty, and interest from the time of the delinquency at the rate of ten per cent per annum until paid.

That the remaining one-half of the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on and after the second Monday in March next, and will be delinquent on the second Monday in June next thereafter at 5 o'clock p. m., and unless paid prior thereto, four per cent will be added thereto as penalty, and interest from the time of the delinquency at the rate of ten per cent per annum until paid.

Third. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

Fourth. The time and place at which payment of taxes may be made."

Sec. 3. That paragraph 4908, Title 49, Chapter VI of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4908. On the second Monday in December and the second Monday of June, the following year, hereafter, the county treasurer shall, at the close of his official business on those days, enter upon the roll a statement that he has made a levy upon all property therein assessed, the taxes upon which are delinquent, and shall immediately ascertain the several amounts of taxes then delinquent, carrying out the same on the roll in a separate column, add up the column, enter the total on the roll, and verify the same by the oath of himself or deputy, all of which shall be completed by the last day of December of each year for the first installment of taxes due and on the last day of June the following year hereafter for the second installment of taxes due and the same shall be known as the "Delinquent List."

Sec. 4. That Paragraph 4911, Title 49, Chap. VI, of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4911. On the first Monday in January and the first Monday in July of each year, it shall be the duty of the clerk of the board of supervisors in each county to transmit to the state treasurer and state tax commission a written statement showing the amount of the delinquent tax roll.

Sec. 5. That Paragraph 4912, Title 49, Chap. VI, of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4912. On the last day of December and the last day of June of each year, the board of supervisors shall examine and compare the delinquent list, and if any property be incorrectly described the said board shall correct such error by the best means in their power and cause the delinquent list so corrected to be certified to by the chairman of the board.

Sec. 6. That Paragraph 4913, Title 49, Chap. VII, of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4913. All real estate upon which the taxes remain unpaid, on the second Monday of December and the Second Monday in June of each year as provided in Par. 4895, shall be deemed delinquent, and the county treasurer shall proceed to enforce the lien of the state thereon, as required herein, and any failure properly to return the delinquent list, as required herein, shall in no way affect the validity of the assessment and levy of taxes, nor of the judgment and sale by which the collection of the same may be enforced, nor in any manner affect the lien of the state on such delinquent real estate for the taxes unpaid thereon.

Sec. 7. That Paragraph 4914, Title 49, Chap VII, of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4914. The county treasurer, shall within ten days after the last day of June, make a 'back tax book' from the delinquent list as contemplated by Section 79 hereof (Par. 4916) and it shall be his duty to proceed to collect the taxes set out in the same, and to that end he shall have the power, and it is hereby made his duty to proceed to collect the taxes set out in the same, and he shall also have the power, and it is hereby made his duty, to levy upon, seize and distrain personal property and sell the same for such taxes, and if it appears that any board of supervisors, or clerk of such board, has, within five years next before the taking effect of this section, failed in the

discharge of the duties prescribed by Act 92, Session Laws 1903, Territory of Arizona, or if any board of supervisors or county treasurer shall fail at any time hereafter in the discharge of the duties prescribed in Sections 79 and 75 hereof (Par. 4916 and 4912), to such an extent that the collection of said taxes cannot be enforced by law, it shall be the duty of the said board of supervisors, or their successors in office, immediately after such ommission or defect is discovered, to proceed at once to correct the same and supply the omission or defect and return such corrected 'back tax book' to the county treasurer, whose duty it shall be to collect the taxes set out in the same, as hereinbefore and hereinafter set out."

Sec. 8. That Paragraph 4917, Title 49, Chap. VII, of the Revised Statutes of Arizona, 1913, Civil Code, be amended so as to read as follows:

"4917. Not earlier than sixty days nor later than six months after the second payment of such taxes become delinquent, suit shall be filed by the county treasurer, as ex-officio tax collector, to enforce the payment of such delinquent taxes in the superior court of the county where taxes are due, which same court shall have jurisdiction, without regard to the amount sued for, to enforce the lien of the state. It shall be the duty of the county attorney, or his assistant, in each county to prepare all pleadings, papers, and notices in all suits for the collection of delinquent taxes and to prosecute the same to final determination, and he shall receive no compensation therefor other than his official salary. It shall be the duty of the county treasurer, when suit shall have been commenced against any tract of land or town lot in said 'back tax book' to note opposite said tract of land or town lot such fact, also against whom suit has been commenced."

Sec. 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1915.

CHAPTER 23

(Senate Bill 104.)

AN ACT

Relating to the Sale of Cold Storage Eggs.

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

Section 1. Every person, firm, company or corporation who sells or offers for sale any eggs that have been sold in cold storage for a longer period than three months shall before so doing, cause to be stamped, marked or branded upon all sides of each receptacle holding and containing the same in black face letters two inches in length, the period of time during which the same have been in cold storage.

Sec. 2. Every person, firm, company, or corporation selling or offering for sale any eggs that have been in cold storage for a longer period than three months shall display in a conspicuous place in his or their salesroom a sign bearing the words "Cold storage eggs sold here" in black faced letters not less than six inches in length upon a white ground.

Sec. 3. For the purposes of this act the words person, firm, company or corporation shall include wholesalers, retailers, jobbers and every place where eggs that have been in cold storage for a longer period than three months are sold or offered for sale.

Sec. 4. Every person, firm, company or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in misdemeanor cases.

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

Approved March 9, 1915.

CHAPTER 24

(House Bill 80)

AN ACT

Directing the Sale of Certain Parcels or Pieces of Land, With the Buildings Thereon, Known as the "Old Industrial School Property" Located Near the Town of Benson, in Cochise County, Arizona, and Providing for the Disposal of the Proceeds of Such Sale.

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

Section 1. Immediately after this act becomes effective, a commission composed of the governor, attorney-general and such other state officers of this state as may be by law authorized to exercise the functions of the surveyor-general, shall sell the lands and premises, with the buildings thereon, formerly used by the State Industrial School at or near the town of Benson in Cochise County, Arizona, and particularly described as follows, to-wit: Commencing at a point West thirty (30) feet from the corner of section nine (9), ten (10), fifteen (15) and sixteen (16), Township 17 South, Range 20 East, Gila and Salt River Base Meridian, and running thence South 89 degrees, 42 minutes, West 24 chains; and running thence North 19.60 chains; running thence Sonth 76 degrees, 40 minutes, East 24.70 chains; running thence South 13.70 chains to place of beginning, containing forty (40) acres, more or less, of land; also fractional block forty-two (42) of the town of Benson, together with all the buildings thereon, all improvements, water rights and appurtenances; provided, that if the legal description of said premises as herein set forth shall be inaccurate, said commission shall ascertain the proper description thereof before sale and sell same by such proper description.

Sec. 2. The commission shall sell the lands and premises above described, with the buildings thereon, in accordance with Article X of the State Constitution, and said sale shall be conducted under such rules and regulations as the commission may prescribe, not inconsistent with the Constitution and laws. The said lands, with the buildings thereon, shall be sold in one parcel if in the judgment of the commission it is for the best interests of the state.

Sec. 3. The sale directed to be made under the provisions of this act may be for cash or upon such other terms, not inconsistent with the provisions of law, as the commission may determine; provided, that the title of the State to said property shall not be divested until full payment shall have been made therefor.

Sec. 4. All moneys received from the sale of the lands and premises, with the buildings thereon, directed to be sold under the provisions of this act shall be paid to the state treasurer and shall be by said treasurer credited, one-half to the fund for the maintenance and one-half to the fund for improvements of the state industrial school, and said sums shall be at the disposal of the board of control to be used for the purposes for which said funds were established, and the state auditor is hereby authorized and directed to draw his warrant or warrants on the above named funds in a sum not to exceed the sum deposited under the provisions of this act to the credit of said funds in favor of the board of control, and the state treasurer is hereby authorized and directed to pay said warrants.

Sec. 5. The power and authority hereby granted to said commission shall be in addition and supplementary to all power and authority granted by the Constitution and laws for the sale or disposal of lands and property belonging to the State.

Sec. 6. All necessary expenses incurred by said commission in carrying out the provisions of this act shall be paid out of the general fund, and the state auditor is hereby authorized and directed to draw his warrant or warrants on the general fund for all claims for such expenses, approved by said commission and audited by the state auditor, and the state treasurer is hereby authorized and directed to pay said warrant or warrants.

Sec. 7. When the entire purchase price of said lands and premises, with the buildings thereon, shall have been fully paid, including any interest or other charges that may have accrued, such fact shall be certified by the commission to the governor; whereupon a patent signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, shall be issued to the

purchaser, without further expense to said purchaser.

Sec. 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1915.

CHAPTER 25

(Senate Bill 34.)

AN ACT

Providing for the Acceptance of an Act of Congress Approved May 8, 1914, Entitled, "An Act to Provide for Co-operative Agricultural Extension Work Between the Agricultural Colleges in the Several States Receiving the Benefits of an Act of Congress Approved July Second, Eighteen Hundred and Sixty-two, and of Acts Supplemental Thereto, and the United States Department of Agriculture," Further Known as the Smith-Lever Act; and Permitting Supplementary Appropriations By County Boards of Supervisors.

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

Section 1. The assent of the Legislature of the State of Arizona is hereby given, to the provisions and requirements of an Act of Congress approved May 8, 1914, entitled "An Act to provide for Co-operative Agricultural Extension Work between the Agricultural Colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," and that the Board of Regents of the University of Arizona be and is hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Agriculture of the University of Arizona in accordance with the terms and conditions expressed in the Act of Congress aforesaid:

Sec. 2. The Board of Regents of the University of Arizona is hereby authorized to include in the amount of expenditures to be by them made for each fiscal year and expend for the purpose such an amount as will be suffici-

ent to equal the amount of such additional appropriation as may be apportioned to the State of Arizona, under the provisions of Section 3 of the Act of Congress, approved May 8, 1914, referred to in Section 1 of this Act, which provisions are as follows: "Provided further, that no payment out of the additional appropriation herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the co-operative agricultural extension work provided for in this Act." An annual appropriation is hereby made to the University Fund as will be necessary to meet the requirements of this Section.

Sec. 3. The board of supervisors of the respective counties within this State are hereby empowered to appropriate such an amount not to exceed the sum of $1000.00 annually from the county funds, for the purpose of additional benefits to that county, and in addition to the amounts which may be appropriated thereto from the Regents of the University of Arizona out of the general fund created under the provisions of Sections 1 and 2 of this Act, for the purpose of agricultural extension work.

Approved March 9, 1915.

CHAPTER 26

(Sub. Senate Bill 2.)

AN ACT

To Amend Section 638, of Title 6, Chapter XXIII, Revised Statutes of Arizona, 1913, Civil Code, Relating to Costs.

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

Section 1. Section 638 of Title 6, Chapter XXIII, Revised Statutes of Arizona 1913, Civil Code, is hereby amended so as to read as follows:

(638). Costs in the superior court shall include the fees of officers, witnesses, cost of taking deposition, compensation of referees, cost of certified copies of papers or records and such other disbursements as may have

been made or incurred pursuant to any order of court or agreement of parties. There shall also be included in the judgment, and taxed as costs, a jury fee, which jury fee shall be fixed by the court at the time of the rendition of the judgment, and the same shall be paid to the clerk of the court and such clerk shall pay the same to the county treasurer who shall dispose of the same as other similar moneys are disposed of; provided, that the court may at any time for good cause shown, relieve any person from the payment of such jury fee when in the opinion of the court such relief may appear proper.

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

Approved March 9, 1915.

CHAPTER 27

(Senate Bill 19.)

AN ACT

To Amend Paragraph 2864 and 2865 of the Revised Statutes of 1913 Providing for the Improvement of Streets, Lanes, Alleys, Places, Courts, Avenues, Boulevards, Highways, and Public Ways Adjacent to Property Owned by School Districts and High School Districts and for Assessing the Property Situated Within Such Districts and Issuing Bonds to Pay for Said Improvements so as to Provide for the Levy and Collection of the Assessments Made and the Issuance of Bonds Heretofore or Hereafter Voted for Said Improvements as School Districts Taxes are Levied and Collected and Other Bonds of School Districts are Issued.

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

Paragraphs 2864 and 2865 of the Revised Statutes of 1913 are hereby amended so as to read as follows:

2864. Boards of trustees of school districts and high school districts in incorporated cities or towns, in addition to the powers heretofore conferred upon such boards, by law, shall have authority to enter into contracts for grading or re-grading, planking or re-planking, paving or re-

paving, capping or re-capping, oiling or re-oiling, macadamizing or re-macadamizing, graveling, or re-graveling, piling or re-piling, or otherwise improving or re-improving any street, lane, alley, place, court, avenue, boulevard, highway or public way adjacent to any lot, portion of lot, piece or parcel of land, owned by said district, or any crossing or intersection of such street, lane, alley, place, court, avenue, boulevard, highway or public way adjoining any quarter block in which any lot, portion of lot, piece or parcel of land belonging to such district is situated, and for the construction or reconstruction of sidewalks, manholes, culverts, bridges gutters, tunnels, curbs, and crosswalks, storm water ditches, and drains, conduits, or channels and breakwater levees in or along said streets and intersections; and to pay for any of the improvements herein described by the levy of a special assessment upon the taxable property in such district, or by issuing and selling the bonds of the district for the purpose of making or paying for such improvements; provided, however, that before any such board of trustees shall levy such assessment for making such improvements or issue or sell any bonds of their district for the purpose of making or paying for any such improvements, they shall call an election and submit to the property taxpayers of the district the question of whether or not such improvements shall be made, and where it is considered by the trustees advisable to issue bonds for making or paying for such improvements the question of whether or not the bonds of said district shall be issued shall likewise be submitted at such election.

2865. Such election shall be called, held and conducted in the manner now provided for elections for the issuance of bonds by school districts. Provided that in all elections hereafter called and held by school districts and high school districts for the issuance of bonds of any kind, the board of trustees of such district shall cause a copy of the posted or published notice of such election to be mailed not later than ten (10) days before the election, as far as practicable, to every property tax payer residing in the district at his usual place of address so far as is known or can reasonably be ascertained by said board of trustees. Failure to substantially comply with this provision shall be good ground for enjoining the issuance of the bonds, but shall in no wise affect the validity of said

bonds after they are issued. When it is considered advisable by the board of trustees that bonds shall be issued to pay for said improvements the ballots shall contain the words "bonds yes" and "bonds no" and when it is not considered advisable by the Board of Trustees that bonds shall be issued to pay for said improvements the ballots shall contain the words "assessment yes" and "assessment no." The result of the election shall be determined in the manner now provided for determining the result of elections for the issuance of bonds by school districts and if the result of the election is in favor of the proposed assessment or the issuance of the proposed bonds, said assessment shall be levied and collected and paid over to the school fund of the district as other taxes are levied, collected and paid over for the authorized expenditures of school districts, or said bonds shall be issued by the Board of Supervisors of the County and the proceeds of the sale thereof shall be deposited in the county treasury to be drawn out for the purpose of making said improvements in the same manner as is now provided by law in the case of other bonds issued by school districts. Any and all bonds that heretofore have been voted to be issued by any school district or high school district for any of the improvements herein described may be issued by the county board of supervisors in accordance with the terms of this Act.

All bonds issued under the provisions of this Act shall be as valid in all respects as bonds of school districts issued for any purpose heretofore authorized by law.

Approved March 9, 1915.

CHAPTER 28

(House Bill 55.)

AN ACT

For the Relief of Dr. W. G. Randell for Services as Physician at the State Prison from January 16 to April 3, 1913.

Whereas Dr. T. P. Daly, the regularly appointed and acting physician at the State Prison was unable to perform

his duties as such physician from January sixteenth to April third, nineteen hundred and thirteen, because of sickness, and

Whereas, the Board of Control regularly appointed and directed Dr. W. G. Randell to assume the duties and perform the services required of the physician at the State Prison during the incapacity of said Dr. T. P. Daly from January sixteen to April third, nineteen hundred and thirteen, and said Dr. W. G. Randell, acting under the direction of said Board of Control, performed the duties of prison physician of the State Prison during said period from January sixteenth to April third, nineteen hundred and thirteen, for which he received no compensation from the state or otherwise, and that said services are of the value of three hundred twenty-seven dollars and two cents ($327.02).

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 three hundred twenty-seven dollars and two cents ($327.02) for the relief of Dr. W. G. Randell, and the state auditor is hereby authorized and directed to draw his warrant on the general fund in favor of said Dr. W. G. Randell for said sum of three hundred twenty-seven dollars and two cents ($327.02), and the state treasurer is hereby anthorized and directed to pay said warrant.

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

Approved March 9, 1915.

CHAPTER 29

(House Bill 64.)

AN ACT

Authorizing the Transfer of a Portion of the Appropriation Provided by Chapter 59 of the Acts of the First Legislature of the State of Arizona, Second Special Session, 1913, and Transferring Two Thousand Five Hundred Dollars Heretofore Appropriated to Defray the Necessary Expenses of the Arizona State Land

Commission in Carrying into Effect the Provisions of Section Two (2), Chapter 96 of the Acts of the Regular Session of the First Legislature of the State of Arizona, 1912, for the Use in the Sinking of a Well or Wells and Equipping the Same with a Pumping Plant, in the Colorado River Indian Reservation, Yuma County, Arizona, for the Purpose of Ascertaining the Extent of the Underground Water Supply on Certain School Land Sections Contained Within Said Indian Reservation.

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

Section 1. That the sum of two thousand five hundred dollars ($2500.00), or so much thereof as shall be required, is hereby transferred from the fund appropriated by Chapter 59 of the Acts of the First Legislature of the State of Arizona, Second Special Session, 1913, (in carrying into effect the provisions of Section 2, Chapter 96 of the Acts of the Regular Session of the First Legislature of the State of Arizona), for the purposes hereinafter set forth.

Sec. 2. The appropriation herein transferred shall be expended in the sinking of a well or wells, and equipping said well or wells with necessary pumping machinery, for the purpose of developing and measuring the underground water supply upon certain school land sections located within the Colorado River Indian Reservation, Yuma County, Arizona.

Sec. 3. The said appropriation of two thousand five hundred dollars ($2,500.00), as transferred and provided herein, shall be expended under the direction and supervision of the Arizona State Land Commission, and the said commission is hereby authorized to accept donations of labor, whenever offered, in the carrying out of the purposes of this act.

Sec. 4. It shall be the duty of the said State Land Commission, as soon after the passage of this act as is convenient, to select such site or sites for the sinking of a well or wells for water; said site or sites to be located upon a section or sections of school land which the state may hereafter acquire within said Colorado River Indian Reservation. Upon the selection of such site

or sites it shall be the duty of the State Land Commission to at once commence the sinking of said well or wells, and upon their completion to measure the capacity of said well or wells in order to determine the approximate amount of water which can be pumped therefrom within a certain limit of time.

Sec. 5. Upon certification by the said State Land Commission, the State Auditor is hereby authorized and directed to draw proper warrants upon the State Treasurer covering the expenditures of the amounts herein transferred and appropriated, for the purposes hereinbefore set forth, and the State Treasurer is hereby authorized and directed to pay such warrants, not exceeding in all the sum of two thousand five hundred dollars ($2,500.00).

Sec. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1915.

CHAPTER 30

(House Bill 111.)

AN ACT

Adopting State Colors for the State of Arizona.

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

Sec. 1. The colors known and designated as blue and old gold are hereby adopted as and shall be the State colors. The blue shall be of the same shade as the blue of the flag of the United States.

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

Approved March 9, 1915.

CHAPTER 31

(House Bill 22)

AN ACT

To Repeal an Act Providing an Appropriation for the Purchase of a Work Entitled "The North American Indian" and Transferring said Appropriation to the Arizona Historian for the Support and Maintenance of His Office.

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

Section 1. That Chapter eighty-four (84) of the acts of the First Legislature, Regular Session, 1912, be and the same is hereby amended to read as follows:

The authority given under and the direction to the Arizona Historian, by said Chapter eighty-four (84), to purchase one set of "The North American Indian" is hereby revoked and the sum therein appropriated is hereby returned to the general fund of the State.

Sec. 2. Of the said sum of three thousand dollars ($3000.00) returned to the general fund of the State in Section one (1) of this act, eight hundred dollars, is hereby appropriated for the immediate use of the Arizona Historian to be used for the expenses of his office, and for traveling and other expenses actually and necessarily incurred in securing historical data, compiling, indexing, and classifying the same, and in connection with writing the history of the State of Arizona and to enable said Arizona Historian to perform the duties of his office as provided by law.

Sec. 3. The state auditor is hereby authorized and directed to draw warrants from time to time upon the general fund of the state in favor of the Arizona Historian in a sum not exceeding that appropriated by this act for the purposes herein specified and the state treasurer is hereby directed to pay said warrants.

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

Sec. 5. WHEREAS, the appropriation for the support of the office of the Arizona Historian is exhausted and said

historian is unable to perform the duties of his office as prescribed by law because of the lack of necessary funds, and this act requires early and immediate operation to provide an appropriation for the support and maintenance of a department of State, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provisions of the State Constitution.

Approved March 9, 1915.

CHAPTER 32.

(House Bill 45.)

AN ACT

To Amend Paragraph 3240, Chapter II, Title XV, of the Revised Statutes of Arizona, 1913, Civil Code, Entitled "Fees and Salaries of County and Other Officers in Counties of the Thirteenth Class.

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

Section 1. That Paragraph 3240, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

3240. In counties of the thirteenth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively, to-wit:

The clerk of the superior court, eighteen hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the clerk of the superior court, by and with the consent of the board of supervisors, one deputy, at a salary not exceeding one hundred dollars per month.

The sheriff, thirty-six hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the sheriff one chief deputy, at a salary of one hundred and twenty-five dollars per month, and by and with the consent of the board of supervisors,

such other deputies and jail guards as may be necessary to properly perform the duties of his office, at salaries of not exceeding one hundred dollars each per month.

The recorder, two thousand dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder, by and with the consent of the board of supervisors, such deputies as may be necessary to properly perform the business of his office, at salaries not exceeding one hundred dollars each per month.

The treasurer and ex-officio tax collector, eighteen hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer such assistants as, in the judgment of the board of supervisors, may be necessary for the proper dispatch of the business of the office; the cost of said extra assistants not to exceed in all the sum of twelve hundred dollars per annum.

The county attorney, eighteen hundred dollars per annum, and necessary traveling expenses.

The assessor, eighteen hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class there shall be and there is hereby allowed to the assessor one deputy, who shall be appointed by the assessor for a period not exceeding six months in the year, at a salary of one hundred and twenty-five dollars a month, and necessary traveling expenses.

The superintendent of schools, nine hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; also actual and necessary traveling expenses not to exceed two hundred and fifty dollars per annum.

The chairman of the board of supervisors, one thousand dollars per annum, the other members of the board of supervisors shall receive a salary of eight hundred dollars per annum. The board of supervisors shall appoint one clerk of the board of supervisors, who shall receive a salary of twelve hundred dollars per annum.

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

Sec. 3. Whereas, to enable the county officers to perform the duties required of them by law, this act is necessary and requires early and immediate operation for the maintenance of a department of State, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this tenth day of March, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 33.

(Senate Bill 8.)

AN ACT

For the Relief of Certain Wholesale and Retail Liquor Dealers in the State of Arizona.

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

Section 1. That a proportionate amount of the license paid to the various counties of the State of Arizona, and to the State of Arizona, by each of the wholesale and retail liquor dealers carrying on business in said state for the unexpired term of such licenses shall be refunded to him.

Sec. 2. That the Board of Supervisors of each county in the said state, and the State Auditor, is hereby authorized on the passage of this act to refund and pay to any person or persons, firm, or association of persons pursuing the occupation of a wholesale or retail liquor dealer, under a license issued in accordance with the law of this state. a proportionate amount of the license paid by him or them for the unexpired term of such license.

Whereas, an early operation of this act is required to preserve the public peace, health and safety, and for the

support and maintenance of the departments of the State Government and State Institutions, an emergency is hereby declared to exist, and this law shall take effect and be in force from and after its passage and approval by the Governor, and is hereby exempt from the operation of the referendum provision of the State Constitution.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this eleventh day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 34.

(House Bill 56.)

AN ACT

Making an Appropriation in Aid of the Construction of a Road Connecting Certain Bridges on the San Carlos Indian Reservation in Graham County.

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 twenty thousand dollars ($20,000) to be expended towards, and in aid of the construction of approaches to, and a road between, the bridges heretofore constructed by the United States government across the Gila and San Carlos Rivers, on the San Carlos Indian Reservation, to be expended under the direction of the superintendent of said Indian reservation in constructing approaches to, and a good, smooth road, sixteen feet in width, between said bridges, in strict accordance with the recitals and specifications contained in the premises herein; provided, that no part of the money appropriated herein shall be expended until the remainder of the cost of constructing said approaches and said road shall be provided for by said San Carlos Indian Reservation and approved by the Commissioner of Indian Affairs.

Sec. 2. It is further provided that all work done on said approaches and on said road by said superintendent of

said reservation shall be subject to the approval of the board of supervisors of Graham County, or by an inspector appointed by said board, without any expense to the State of Arizona, and in case of disagreement between the superintendent of said reservation and said board of supervisors, or said inspector, as to the acceptability of any portion or piece of said road constructed, the question shall be submitted as provided for in the recitals contained in the premises hereto.

Sec. 3. When notified by the Commissioner of Indian Affairs and the board of supervisors of said county, that the conditions specified in section 1, of this act have been fulfilled, the state auditor is hereby authorized and directed to draw warrants upon the general fund not to exceed in the aggregate said sum of twenty thousand dollars $20,000), in installments of five thousand dollars ($5,000) each in proportion as said work of construction shall progress, payable to the superintendent of said Indian reservation, and the state treasurer is hereby authorized to pay said warrants out of any money in the general fund not otherwise appropriated.

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

Approved March 11, 1915.

CHAPTER 35.

(Sub-Senate Bill 68.)

AN ACT

To Amend Paragraph 5147 and 5148 of Chapter 9, Title 50, of the Revised Statutes of Arizona, 1913, Civil Code (Chapter 53 Laws 1913, 3rd Special Session, State of Arizona).

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

Section 1. That paragraph 5147 and 5148 of Chapter 9, Title 50 of the Revised Statutes of Arizona, 1913, Civil Code (Chapter 53 Laws 1913, 3rd Special Session, State of Arizona) be, and the same are, hereby amended so as to read as follows:

(5147) The cost of removing and transporting the persons so employed and any necessary guards, to and from the State Prison, and from one place to another, and of establishing and maintaining any such camps or enclosures, and the shelter, maintenance and subsistence for the persons so employed, and necessary guards, and the purchase, repair and maintenance of tools, equipment and machinery and the purchase and storage of supplies, and the purchase, shelter and subsistence for animals and the transportation of equipment, animals, or supplies, and all other necessary expenses incurrred in or about the employment of such persons and the carrying on of any such work shall be payable as follows: That proportion equalling the maintenance cost at the Prison for the number of prisoners employed shall be paid from the Prison maintenance fund, and the remainder from the State Road Tax Fund. All claims therefor shall be in writing, and in such form as may be prescribed by the Board of Control, and shall be approved in writing by the State Engineer, and shall be audited by the State Auditor and if correct, ordered paid as herein provided. All payments shall be made by warrants drawn on the State Treasurer by the State Auditor, countersigned by the Governor, and payable as herein provided, and the State Treasurer is hereby authorized and directed to pay the same.

(5148) There shall be annually levied and collected in the manner in which other State taxes are levied and collected, by the officials provided by law, to be paid into the State Road Tax Fund, the sum of Sixty Thousand ($60,000) Dollars, and such other sum as may be necessary is hereby appropriated out of the Prison Maintenance Fund, to carry out the provisions of this Act. Counties availing themselves of the provisions of this Act shall not, during the same fiscal year, be entitled to any portion of the State Road Tax Fund under the direction of the Board of Control, except such as would be a proper engineering charge.

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

Approved March 11, 1915.

CHAPTER 36.

(House Bill 124.)

AN ACT

For the Relief of Paul C. Thorne, Court Reporter to the Supreme Court of the State of Arizona.

Whereas, Paul C. Thorne was reporter to the Supreme Court of the State of Arizona from May 14, 1913, to June 30, 1913; and

Whereas, no provision was made by which the said Paul C. Thorne could be paid for his services during such period; and

Whereas, the state auditor has certified that the said Paul C. Thorne performed the duties of the office of reporter of decisions of the Supreme Court of the State of Arizona for the above period set out, and that no part of such salary has been paid; and that there is now due the said Paul C. Thorne the sum of fifty-two dollars and sixty cents ($52.60) for such services; therefor,

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

Section 1. That the sum of fifty-two dollars and sixty cents ($52.60) is hereby appropriated out of the general funds of the state for the payment to the said Paul C. Thorne for services performed as reporter of decisions of the Supreme Court of the State of Arizona.

Sec. 2. The state auditor is hereby authorized and directed upon presentation of a verified claim by the said Paul C. Thorne to draw his warrant on the general fund for the sum of fifty-two dollars and sixty cents ($52.60), and the state treasurer is hereby authorized and directed to pay such warrant.

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

Approved March 15, 1915.

CHAPTER 37.

(House Bill 129.)

AN ACT

To Provide an Appropriation for the Repair of the Borderland Highway in the Several Counties Traversed; to Provide for the Apportionment of the Same and the Manner in which it is to be Used.

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

Section 1. There is hereby appropriated out of the general fund, not otherwise appropriated, the sum of ten thousand dollars ($10,000.00) for the repair of the Borderland State Highway. The amount hereby appropriated to be used in the counties of Cochise, Santa Cruz, Pima, Pinal, Maricopa and Yuma. Said amount to be apportioned to the several counties by the state engineer. The sums so apportioned to the several counties to be disbursed by the several boards of supervisors of the different counties.

Sec. 2. The state auditor is hereby authorized and directed to draw his warrants payable to the boards of supervisors of the counties herein named, in such amounts as such apportionment herein mentioned may determine, and the state treasurer is hereby authorized and directed to pay such warrants.

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

Approved March 15, 1915.

CHAPTER 38.

(House Bill 145.)

AN ACT

Appropriating the Sum of Two Thousand Five Hundred Dollars for Each of the Years of 1915 and 1916 to be Expended for Conducting During Said Years the Northern Arizona Fair, at Prescott, Yavapai County, Arizona, and to Acquire and Pay for the Grounds for the Use of Said Fair.

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

Section 1. That the sum of two thousand five hundred dollars ($2,500.00) for each of the years nineteen hundred fifteen and nineteen hundred sixteen is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purpose of aiding the cities of Northern Arizona in conducting and maintaining the annual Northern Arizona Fair, held at Prescott, Arizona, and participated in by Apache, Coconino, Mohave, Navajo and Yavapai counties. The money appropriated may also, at the discretion of the officers conducting the said Northern Arizona Fair, be used toward paying for the grounds for said fair.

Sec. 2. The state auditor is hereby authorized and directed to draw his warrant upon the fund above appropriated from time to time upon the receipts of properly verified vouchers, approved by the president of the Northern Arizona Fair Association, and the state treasurer is hereby authorized and directed to pay such warrants.

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

Approved March 15, 1915.

CHAPTER 39.

(House Bill 62.)

AN ACT

For the Relief of Herman J. Parmley and Mrs. K. Holmes, and Appropriating the Sum of One Thousand One Hundred Seventy-Seven Dollars and Twenty Cents ($1177.20) as Full Compensation for Loss of Cattle Caused by the Negligence of Certain Inmates of the State Industrial School.

Whereas, on or about the thirteenth day of May, nineteen hundred fourteen, Herman J. Parmley was the owner of nine head of well bred cattle of the value of one thousand dollars ($1,000.00); and Mrs. K. Holmes was the owner of three head of young well bred cattle of the value of one hundred twenty dollars ($120.00), and

Whereas, all of said cattle were in a field or pasture adjoining a public highway in Cochise county, State of Arizona, and

Whereas, on or about said thirteenth day of May, nineteen hundred fourteen, two inmates of said industrial school, at Fort Grant, State of Arizona, carelessly and negligently placed a quanity of white lead in said pasture from the effects of eating which white lead said cattle were poisoned and died, and

Whereas, said Herman J. Parmley and Mrs. K. Holmes have received no compensation from the state or otherwise for the loss of said cattle; 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 one thousand fifty dollars ($1050.00), one thousand dollars ($1000.00) principal; fifty dollars ($50.00) interest from May 13, 1914, to February 13, 1915, at eight per cent per annum for the relief of said Herman J. Parmley and the state auditor is hereby authorized and directed to draw his warrant on the general fund in favor of said Herman J. Parmley for said sum of one thousand fifty dollars ($1050.00), and the state treasurer is hereby authorized and directed to pay said warrant.

Sec. 2. There is hereby appropriated out of the general fund the sum of one hundred twenty-seven dollars and twenty cents ($127.20); one hundred twenty dollars ($120.00) as principal; seven dollars and twenty cents ($7.20) interest from May 13, 1914, to February 13, 1915, at eight per cent per annum, for the relief of said Mrs. K. Holmes, and the state auditor is hereby authorized and directed to draw his warrant on the general fund in favor of said Mrs. K. Holmes for said sum of one hundred twenty-seven dollars and twenty cents ($127.20), and the state treasurer is hereby authorized and directed to pay said warrant.

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

Approved March 15, 1915.

CHAPTER 40.

(Senate Bill 103.)

AN ACT

Providing for the Building of a Bridge Across Santa Cruz River in Santa Cruz County 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 the sum of twelve thousand five hundred dollars ($12,500.00) for the construction of a bridge across the Santa Cruz River and approaches thereto in Santa Cruz County near the mouth of Proto Canyon, under the direction of the board of supervisors of said county and the state engineer; provided, that no part of the money herein appropriated shall be expended until a like amount has been provided for the construction of said bridge by the county of Santa Cruz and deposited with the state treasurer.

Sec. 2. Any money hereby appropriated remaining in the state treasury, after the completion of said bridge as set forth in section 1, shall be equally divided, one-half

thereof returned to the county treasurer of Santa Cruz County, and by him placed to the credit of the county road fund, and one-half returned to the general fund of the state.

Sec. 3. When the state treasurer notifies the state auditor that said county of Santa Cruz has deposited with said treasurer the sum of money that it shall pay according to the provisions of this act, then the state auditor is hereby authorized and directed to draw his warrants in favor of the board of supervisors of the county of Santa Cruz and the state engineer for the sum appropriated under the provisions of this act, and the state treasurer is hereby authorized and directed to pay said warrants.

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

Approved March 15, 1915.

CHAPTER 41.

(Senate Bill 4.)

AN ACT

To Amend Paragraphs 3192, 3197 and 3199 of Chapter I, Title XV, of the Revised Statutes of Arizona 1913, Pertaining to the Fees and Salaries of County and Other Officers.

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

Section 1. That Paragraph 3192, of Chapter I, Title XV of the Revised Statutes of Arizona 1913, be and the same is hereby amended to read as follows:

"3192. The sum herein provided to be paid, shall be in full payment of all fees of said clerks, and in lieu of the fees heretofore provided by law to be paid, except for certified copies of papers on file, for transcript of minute entries or other records on appeal, for which fees now allowed by law shall be charged in addition to the sums herein provided to be paid, provided that in all cases commenced prior to the 24th day of September 1912, the same fees shall be charged as provided by law at the time of the commencement of such case.

Sec. 2. That Paragraph 3197 of Chapter I, Title XV, of the Revised Statutes of Arizona 1913, be, and the same is hereby amended to read as follows:

"3197. For services not hereinbefore provided, the clerk of the superior court shall receive the following fees:

1.	For filing transcript of judgment and docketing such judgment from the superior court of any other county from the district court of the United States or from any justice court	$1.00
2.	For issuing an execution of any such judgment and filling return thereof	1.00
3.	For service in filing oath and bond, delivery of commission, and report thereon for Notaries Public	1.00
4.	For each marriage license and return thereon	2.00
5.	In taking depositions, and other matters connected therewith, the same fees allowed for Notary Public in such cases	
6.	For making copies of papers and records required to be made by the clerks upon appeal, copies of papers and records in his office made upon request in other cases, for each one hundred words of originals	.20
7.	For extra copies thereof required or requested each copy, for each one hundred words thereof, an additional	.05
8.	For each certificate to correctness of copy of any records or papers on file in his office	.75
9.	For issuing and sealing a certificate as to official capacity of a Notary Public or Justice of the Peace	.25
10.	For each certificate of clerk to any fact contained in the records of his office not specifically provided for	1.00
11.	For filing any other paper or performing any other service not specifically provided for	1.00

Sec. 3. That Paragraph 3199, Chapter I, Title XV Revised Statutes of Arizona 1913, Civil Code, be and the same is hereby amended to read as follows:

"3199. Sheriffs shall receive the following fees:

For serving writ of summons, garnishment, injunction or other writ notice or citation, not otherwise provided for $1.00

For levying, executing and returning any writ of attachment, execution, or possession, or other writ not otherwise provided for 2.00

Taking and approving each bond, and returning same to proper court 1.00

Posting notice of any sheriff's sale 1.00

Posting any notice required by law, and not otherwise provided for 2.00

Executing deed to purchase or redemptioner of real estate under sheriff's sale 2.00

Executing bill of sale to purchase of personal property at sheriff's sale 1.00

For services in designating homesteads or other exempt property 2.50

For receiving and paying money on redemption and issuing certificate of redemption 2.50

For traveling in the service of any civil process sheriffs and constables shall receive twenty cents for each mile actually and necessarily traveled, to be charged one way only, and if two or more persons are mentioned in the same process 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 for each one hundred dollars, or major portion of $100.00.

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

Approved March 16, 1915.

CHAPTER 42.

(House Bill 46.)

AN ACT

To Amend Paragraph 5249, Chapter VII, Title LI Revised Statutes of Arizona, 1913, Civil Code, Providing for Sales of Stocks and Commodities in Bulk.

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

Section 1. That Paragraph 5249, Chapter 7, Title 51, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"5249. No person who makes it his business to buy commodities and sell the same in small quantities, for the purpose of making a profit, shall at a single transaction, and not in the regular course of business, sell, assign or deliver the whole or seventy-five per cent of his stock in trade, unless he shall, not less than ten days previous to such sale, assignment or delivery, cause to be recorded in the office of the county recorder in the county in which said vendor conducts his said business, a notice of his intention to make such sale, assignment or delivery, which notice shall be in writing, and duly acknowledged in the manner prescribed by law; and in addition thereto, such notice of intention to make such sale, assignment or delivery shall be published in a newspaper, at least six times if a daily and three times if a weekly, in the county and nearest the place where said vendor conducts his said business; and in addition thereto, a notice of intention to make such sale, assignment or delivery shall be posted in a conspicuous place in plain sight of the public upon said premises during said period of ten days.

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

Approved March 16, 1915.

CHAPTER 43.

(Senate Bill 128.)

AN ACT

To Amend Paragraph 2394 of the Revised Statutes of Arizona, 1913, Relating to County Charges.

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

Section 1. That Paragraph 2394 of the Revised Statutes of Arizona, 1913, be and the same is hereby amended to read as follows:

(2394) The board of supervisors of any county of the State of Arizona is hereby authorized to appropriate annually from the general fund belonging to said county, a sum not to exceed five thousand dollars in counties of from the first to and including the ninth class, and two thousand five hundred dollars in all other counties, which appropriation so made by the board of supervisors shall be known as the Fair Fund of said county. The board of supervisors shall have authority to expend the money so appropriated by them in aid of a county or district fair, or to make an exhibit of its resources at the Arizona State Fair, A district fair shall be a fair at which the boards of supervisors of two or more counties shall by resolution entered upon their minutes, invite the people of their respective counties to exhibit the resources of said counties. No money appropriated under the provisions of this paragraph shall be expended in aid of a county or district fair conducted under the auspices of any corporation, unless the stockholders of said corporation shall, by resolution entered upon its minutes, provide that no dividend shall ever be declared or paid upon its stock, and that in the event of the dissolution of said corporation all sums of money appropriated and expended by any county in aid of such fair shall be repaid before any assets of said corporation shall be distributed to its stockholders.

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

Approved March 16, 1915.

CHAPTER 44.

(House Bill 61.)

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.

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

Section 1. That Paragraph 1280, Chapter 1, Title 6, Revised Statutes of Arizona, 1913, Civil Code, 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 exceed two hundred dollars ($200.00). 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 dollars ($25.00) per month, and where the whole amount of damage does not exceed two hundred dollars ($200.00).

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

Approved March 16, 1915.

CHAPTER 45.

(House Bill 35.)

AN ACT

To Amend Paragraph 5114, Chapter VI, Title L, Revised Statutes of Arizona, 1913, Civil Code, Relating to the Levy and Collection of Road Taxes in Special Road Districts and Empowering the Board of Supervisors to Apportion the Same.

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

Section 1. That Paragraph 5114, Chapter 6, Title 50, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"5114. The levy and collection of the road taxes within said district shall not exempt the property within such district from the levy and collection of the general county road tax by the board of supervisors; provided, that the board of supervisors shall appropriate annually to the use of such special road district, such amount as in their judgment is equitable and just, which amount shall in no case be less than forty per cent nor more than sixty-five per cent of the amount of road tax levied and collected within said special road district.

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

Approved March 18, 1915.

CHAPTER 46.

(House Bill 114.)

AN ACT

To Amend Paragraph 3404 in Title XXIV, of the Revised Statutes of the State of Arizona, Civil Code 1913, and to Provide for the Separate Statement and Report to the Corporation Commission by Fire Insurance Companies of all Moneys Received by Them for Premiums from Fire Insurance upon Property Within the Corporate Limits of Each of the Cities of the State Having a Population of 3000 or Over; and Providing for the Payment of Fifty Per Cent of the Tax Now Payable by Law Arising out of the Fire Insurance Written Upon Property within the Corporate Limits of Each of Said Cities to the Governing Bodies thereof to be Used for Providing or Maintaining a System of Fire Protection Therein, and For the Relief of Disabled Paid or Volunteer Firemen.

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

Section 1. That Paragraph 3404 in Title XXIV, of the Revised Statutes of the State of Arizona, Civil Code 1913, shall be and the same is hereby amended to read as follows:

"3404. All insurance companies authorized to do business in this state, must make and file with the corporation

commission annually, on or before the first day of March of each year, a statement, under oath, giving a true exhibit of the business of the company making such statement during the year ending December thirty-first next preceding. The form shall be prescribed by the corporation commission in such manner as shall seem to the commission best adapted to elicit from such corporations a true exhibit of their condition. It shall contain the total amount of all premiums collected or contracted for by the company making such statement during the year ending December thirty-first next preceding, the total amount actually paid to policy holders for losses and the total amount paid policy holders on return premiums for the same period. All fire insurance companies shall segregate and make a separate statement of all premiums for fire insurance collected or contracted for during said next preceding year for insurance upon property in each of the cities of the state having a population of 3000 or over."

Such statement shall also contain the following information pertaining to the business of the company transacted in the State of Arizona during the year ending December thirty-first next preceding, viz.

Total amount of insurance written, total amount of premiums collected or contracted for, total amount paid for losses and claims, total amount paid policy holders as return premiums, the amount of insurance re-insured in other companies, naming them, authorized to do business in this state and the amount of premiums paid therefor; the amount of insurance re-insured in companies, naming them, not authorized to do business in this state and the amount of premiums paid therefor; the amount of re-insurance accepted from admitted companies and the premiums received for such re-insurance and the names of companies so re-insured. The corporation commission shall file a copy of such verified statement or schedule with the state treasurer and every company organized under the laws of any other state or foreign country shall pay to the state treasurer through the corporation commission a tax of two per centum of all premiums collected or contracted for in this state during the year ending December thirty-first next preceding; provided that the tax shall be collected on such premiums after deducting from the gross amount thereof

the amount paid to policy holders in this state as return premiums, and the amount paid as premiums to admitted companies for re-insurance on business in this state. Such tax shall be due and payable at the time of filing statement herein provided for, and such tax shall be payment in full of all demands of any and all taxes on said company or of licenses for conducting said business of insurance in this state other than as provided for by section fourteen (Par. 3396) and thirty-one (Par. 3414) of this act.

Fifty per cent of all moneys collected as herein provided from fire insurance companies during each year after and including the year 1915, arising out of insurance upon property within the corporate limits of any city of the state having a population of 3000 or over shall be by the state treasurer paid over to the governing body of said city to be used for providing or maintaining a system of fire protection for said city, or for providing a relief fund for the benefit of injured or disabled firemen, either volunteer or paid.

Any company failing or refusing to render such statement and information and to pay taxes as required by this act for more than thirty days after the time specified, shall be liable for a fine of twenty-five dollars for each additional day of delinquency and such tax may be collected by distraint and such fine may be recovered by an action to be instituted by the corporation commission in the name of the state, the attorney general representing it, in any court of competent jurisdiction. The amount of the fine collected shall be paid to the state treasurer and credited to the general fund: and the corporation commission may revoke and annul the certificate of authority of such delinquent company, until such taxes and fine, should any be imposed, are fully paid.

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

Approved March 22, 1915.

CHAPTER 47.

(Senate Bill 47.)

AN ACT

Amending Paragraph 3632 of the Revised Statutes of Arizona 1913, Which Paragraph Provides for the Docketing of Judgments Rendered in the Superior Courts of this State in Counties Other than that in Which the Judgment is Rendered, So as to Provide Also for the Docketing of the Judgments of the Federal Courts in this State in Counties Other Than That in Which the Judgment is Rendered, and So as to Provide That a Certified Statement May Be Presented to the Clerk of the Court in which the Judgment is to be Docketed in Place of a Transcript of the Original Docket, and That such Transcript or Statement May be Certified by a Deputy Clerk as Well as by the Clerk.

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

Section 1. That Paragraph 3632 of the Revised Statutes of Arizona 1913 be and hereby is amended so as to read as follows:

3632. Any judgment docketed in any of the Superior Courts of this State or rendered in any of the courts of the United States within this state shall be docketed by the Clerk of the Superior Court in any county in this state other than that in which the judgment was rendered, upon presentation to him of a transcript of the original docket certified by the Clerk or a Deputy Clerk of the court having the custody thereof, or a statement under the hand and seal of the Clerk or a Deputy Clerk of the court in which the judgment is rendered, setting forth the particulars specified in Paragraph 3630 of the Revised Statutes of Arizona 1913.

Sec. 2. Upon the payment or satisfaction of any judgment of the United States Courts, which have become a lien upon property in this State, it shall be the duty of the plaintiff to cause the lien of such judgment to be discharged of record in each county of this State.

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

Approved March 22, 1915.

CHAPTER 48.
(Senate Bill 52.)
AN ACT

To Amend Section 2881, 2882, 2885, 2906, 3018 and 3019 of The Civil Code, Revised Statutes of Arizona, 1913, so as to Provide that all Persons Who Register for the Purpose of Voting Shall Specify the Political Party With Which Such Persons Are Affiliated and Shall Only Vote for Candidates at Primary Elections Representing the Party With Shich Such Persons Are Affiliated, With An Emergency.

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

Section 1. Sections 2881, 2882, 2885, 2906, 3018 and 3019 of the Civil Code, Revised Statutes of Arizona, 1913, are hereby amended so as to read as follows:

(Section 2881) There shall be one or more volumns of the registration book, well bound with leather backs and corners and cloth sides, for each county, sufficient to contain the names of all the electors in the county, called the "General County Register." Said registration book shall be ruled and printed upon twenty-four pound folio, superfine white paper so that each double page may be twenty-two inches wide and seventeen inches long. Such book shall be ruled and printed alike for all counties in the state. Each general county register shall have four blank leaves, suitably ruled, in the front, to facilitate making an index to the several precincts in the county, and the pages shall be numbered consecutively on the upper right hand corner of each double page. Each county recorder shall, before proceeding to register electors, suitably divide his general county register into as many parts as there are election precincts in his county, and index the several precincts in the county. There shall be one registration book bound in tag board, with cloth strips on the back, for each election precinct in each county in the State, called the "Precinct Register for ..... Precinct, ... County," and its pages shall be alphabetically indexed on the margin so as to facilitate registrating the electors in the precinct in alphabetical order, according to surnames. The paper, size of pages, ruling and printing shall be the same as used for the general county register, but the pages need not be numbered. Said registration book shall be ruled and printed substantially in the following form:

Official Register of Electors for..... Precinct, ... County, Arizona.

No.	Date	Name in ull	Voted	Occupation	Political Party	Age	Nativity

Declaration of Naturalization	Residence and Post Office Address	Oath	Reads English	Signature of Electors	Signature of Recorder	Remarks

The following form of oath shall be printed perpendicularly in the column headed "oath." "I having been first duly sworn, say, upon oath, (or affirm) that I am a qualified elector, that I can read the Constitution of the United States in the English language, without being prompted or reciting from memory, and that the statements here entered opposite my name, as to my qualifications as an elector, are true."

(Section 2882) The following registration blanks designated as "Registration Blank A" and "Registration Blank B," shall be printed upon paper eight and one-half inches wide and fourteen inches long, with a blank margin of one inch on the left hand side of the blank, the back of which margin shall be gummed. They shall be furnished in pads of one hundred each.

REGISTRATION BLANK A.

STATE OF ARIZONA }
County of ..... } ss.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below is my true name and signature. If I have not personally signed it, it is because..... and it was signed at my request by the attesting officer. My age is twenty-one years or over; occupation.....; nativity.....; naturalized or declared my intention in ..... court, in ..... County, ... State, on ....., 19...., as appears by the naturalization papers exhibited herewith; and I am affiliated with the ..... party. That I am able to read the Constitution of the United States in the English language without being prompted or reciting from memory. Present residence is in ..... precinct, ... County, Arizona, or at No. ..... street, in the City of .....; that I will have resided in this State one year immediately preceding the next election.

In testimony whereof I sign my name three times.

(1) .....
(2) .....
(3) .....
Elector.

Subscribed and sworn to by the elector before me this ..... day of ....., 19.....

.....

Said elector has passed test of reading a section of the Constitution of the United States in English, is ..... feet, ... inches tall, weighs approximately ..... pounds, is of ..... nationality, ... sex, and has the following other characteristics, ...

(Signed) .....

Registering Officer.

REGISTRATION BLANK B.

STATE OF ARIZONA, }
County of ..... } ss.

I, the undersigned elector, do solemnly swear that my name and signature as signed below is my true name and signature.

If I have not personally signed it, it is because .....; and it is signed at my request by the attesting officer. That while a resident of ..... precinct, in ..... County, Arizona, I registered, but on ..... day of ....., 19...., I moved my residence to ..... precinct, ... County, Arizona, or to No. ..... Street, in the City of.....

I therefore request the cancellation of my registration in said ..... precinct, ... County, Arizona.

.....

Elector

Subscribed and sworn to by the elector before me this ..... day of ..... 19.....

.....

(Section 2885) Every elector may be registered without charge by personally appearing in the office of said recorder and after being duly sworn, stating the following facts, which the recorder or his deputy shall appropriately enter in black ink, at first, in the general county register. The electors shall be numbered consecutively 1, 2, 3, etc.,

in each precinct as they are registered in the general county register. The recorder shall test the ability of the applicant for registration to read the English language, as in this chapter provided, and shall inquire of the said applicant and enter the following information in the general county register in the division set off for the precinct in which said applicant resides; to wit:

(1) The registration number of the elector;

(2) The date of registering the elector;

(3) The full name of the elector;

(4) Leave a blank space in which the judges of election shall enter in the precinct register the poll-book number of each elector when he has voted;

(5) The business or occupation of the elector;

(6) The fact that the elector is of the age of twenty-one years or over;

(7) The county of nativity;

(8) If naturalized, the time, the place and court of naturalization or declaration, as evidenced by the legal proof thereof, exhibited by the elector;

(9) The political party affiliation;

(10) The actual and precise place of residence of the elector at the time of his registering, stating the precinct; and in cities and towns having streets, specifying the name of the town or city, the street or other location or dwelling place of the elector, with the number of such dwelling, if the same has a number; if not, then with such description of the place that it can readily be ascertained and identified;

(11) The fact whether the applicant for registration has shown in the test given him by the recorder his ability to read the Constitution of the United States in the English language, as in this chapter provided;

(12) The fact whether or not the elector desiring to be registered is able to write his name and mark his ballot;

(13) The elector shall then next following the afore-administered oath, sign his name in the presence of the

recorder, or the deputy acting, in the general register upon the same line where the preceding information is written, and the registering officer shall then sign his own name upon the said line, and add in the last column headed "Remarks" such physical description of the elector, giving his height, approximate weight, nationality, color, and any peculiarity that will tend to establish his identity, for the information of the judges of election. If the elector is registered by the recorder, in person, the recorder shall so sign his own name in attestation thereof, and if the elector is registered by a deputy, then, in addition to the name of the recorder, the particular deputy actually registering the elector shall sign his name, at length, in attestation thereof. If the elector declares he is unable to mark his ballot or sign his name he shall state why, and the recorder or his deputy, as the case may be, shall enter upon the register the reasons. If the elector's inability to sign is apparent, in consequence of some physical infirmity, such as blindness or loss of limb, incapacitating the elector for writing, he shall so state the fact.

(Section 2906) The certificate of registration herein provided for shall be substantially in the following form and words:

CERTIFICATE OF REGISTRATION.

..... County, Arizona.

I ....., County Recorder of ..... County, Arizona, do certify upon demand of ..... whose name appears upon the general county register of said county, that he is a duly qualified elector, and I hereby issue this certificate to said ..... and certify that said ..... is a (man or woman) of ..... feet, ... inches in height, color of eyes ..... complection ..... nationality ..... weight ....., age ..... years member of the ..... party; and that he or she has signed this certificate in my presence.

.....
County Recorder.

.....
(Seal) Elector.

Upon the reverse of said certificate shall appear the form and words:

We, the undersigned, members of the election board of ..... precinct, ... County, State of Arizona, do hereby certify that on the ..... day of ..... at ..... M, of said day, ..., the elector named on the face of this certificate of registration, presented ..... self in person at the above named precinct, and after making oath that he or she was a qualified elector whose name appears upon the face of this certificate of registration, did cast ..... ballot in this precinct as provided by law.

.....
Inspector.

.....
Judge.

.....
Judge.

.....
Clerk.

.....
Clerk.

.....

(Signed by elector on date of voting and in the presence of the election board.)

(Section 3018) (1) The primary board shall consist of one inspector and two judges, who, together with two clerks shall be appointed and paid in like manner as provided for boards of election.

(2) The provisions of existing statutes concerning elections, and any amendment now or hereafter made thereto so far as they are not inconsistent with the provisions of this chapter, shall apply to primary elections, the intent being to place the primary under the regulations and protection of the laws in force as to elections, provided, that all the powers and duties conferred are imposed by the laws of this state upon boards of election, registration officers, judges and clerks of election, canvassing boards and all

other public officials in connection with general election, are in every detail and particular conferred and imposed upon each and all such officers, in connection with primary elections.

(3) At all primaries there shall be provided a separate ticket for each party entitled to participate in the primary, and also a blank ticket on which shall be printed only the titles of the officers to be voted for by the electors at the polling place for which the ticket is printed. Each party ticket shall be designated by the name of the party. The names of all party candidates shall be arranged as hereinafter provided, under the appropriate title of the respective officers, and under the proper party name upon the party ticket. If any elector writes upon his ticket the name of any person who is a candidate for any office upon some other ticket than that upon which his name is so written, such elector shall thereby invalidate vote on that particular office, but the vote on the balance of the ticket shall be counted. In case a person is nominated on more than one ticket, he shall forthwith file with the proper officer or officers in charge of the preparation of elections ballots, a written declaration indicating the party named under which his name is to be printed on the official election ballot, and his name shall be printed only under said party name. The ticket with the endorsements shall be in substantially the form herein prescribed; provided, that tickets for any city primary may be varied as to the title of the officers to be printed thereon so as to conform to the law under which such primary is to be held.

(4) Any person desiring to vote shall give his name and residence to the judges of the primary, one of whom shall thereupon announce the same in a loud and distinct tone of voice, and if such name be found upon the precinct register by the officers having charge thereof, or if he shall have produced and filed with the election board a certificate, as provided by law, entitling him to vote, he shall likewise repeat said name and the voter shall be allowed to enter the space enclosed by the guard rail. The clerk shall thereupon place his name and number upon the poll list. Whereupon one of the judges designated by the primary board shall give the voter one, and only one, ticket of the party with which he or she is affiliated, as appears from the pre-

cinct register, in the upper right hand corner of the stub of which shall be inscribed with pen and ink, the number corresponding with the voter's number upon the poll list, and the voter's name shall be immediately checked on the register. If any person desiring to vote at any primary shall be challenged, he shall not receive a ticket until he has established his right to vote in the manner provided by law, but during the pendency of such challenge other voters shall be given tickets and permitted to vote.

(Section 3019) The precinct committee of each party in each precinct may, by written appointment addressed to the board, designate a party agent or representative and an alternate in such precinct who shall act as challenger for his respective party. The right of any person to vote at a primary may be challenged by any elector upon the same ground and his right to vote determined in the same manner as provided by Chapter VIII of this Title.

A precinct committeeman of each party may represent such party at the polling booth during the canvass and return of a vote at a primary election, or he may appoint, in writing, an agent who shall be a member of his party and a resident elector of his precinct for that purpose.

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

Approved March 22, 1915.

CHAPTER 49.

(House Bill 90.)

AN ACT

Providing for the formation of electrical districts in the various counties of the state, the organization thereof, the election of officers, the raising of revenue, providing for the erection of transmission lines, defining and limiting the powers and duties of trustees and providing for the issuance of bonds..

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

Section 1. Electrical districts may be formed as follows:

Whenever a petition, signed by twenty-five free holders residing within a proposed electrical district, as herein provided, and defining the boundaries thereof, shall be presented to the board of supervisors of any county in this state requesting the formation of an electrical district, under the provisions of this act, it shall be the duty of the board of supervisors within thirty days after the filing of such petition with the clerk of such board of supervisors to call an election of the resident freeholders within such proposed electrical district to determine for or against the formation of such proposed electrical district. Notice of the time and place and purpose of such election shall be posted in three public places other than school houses, and at each school house in said proposed electrical district, and at the front door of the courthouse of the county in which such proposed electrical district is located at least ten days before the date of the election, said election to be held not more than twenty days after issuing the call by the board of supervisors.

Said election shall be conducted as nearly as may be in the manner prescribed by law for the conducting of school elections. Voting places shall be established at each school house within such proposed electrical district; provided, however, that should any part of a school district be included within said proposed electrical district in which there is no school house, such district may, by resolution of the board of supervisors, for the purposes of voting, at any election held under the provisions of this act, be attached to the most accessible school district in which an election is held. The notice calling the election shall specifically designate the boundaries of school districts lying partly within the proposed electrical district, and state at what school house the electors living therein shall vote. The board of supervisors shall select the judges and clerks of election from among the electors residing within said proposed electrical district. If none are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may select the necessary election officers from among the qualified electors.

Sec. 2. No person shall be eligible to vote at such election or at any election held for the purpose of electing a trustee or trustees of an electrical district organized under

the provisions of this act unless he shall be a qualified elector of the precinct, and shall have resided within such electrical district not less than thirty days next preceding the date of any such election, and shall be the owner of real property located within such electrical district subject to taxation, or a person who has an equitable interest in real property on which he has paid taxes as shown by the last assessment roll of state and county taxes. The ballots to be used at any election to determine whether or not any electrical district shall be formed shall be provided by the board of supervisors, and shall contain the words "For Electrical District No. .....," and the voters 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 results thereof with the full returns of said election to the board of supervisors of the county within five days thereafter.

Sec. 3. If a majority of the votes cast at such election be in favor of the formation of such electrical district, the board of supervisors shall enter an order in their records, declaring the formation of such electrical district and setting forth its boundaries, and designating it as "Electrical District No. ....."; and thereupon the board of supervisors shall appoint from among the electors of said electrical district seven trustees for the said electrical district, two of whom shall serve until the first annual election of trustees hereinafter provided for, two shall serve until one year from the date of the first annual election, and the remaining three shall serve for two years after the first annual election. After the first annual election all persons elected as trustees shall serve for three years, or until their successors are elected and qualified.

Sec. 4. An election shall be held in each electrical district on the first Saturday in January of each year for the purpose of filling, by election, all vacancies in the board of trustees occasioned either by the expiration of the term of office of any trustee as herein provided, or by the removal or by vacancy otherwise occasioned by the disqualification of any member or members of said board for any cause whatever. Such election shall be held at such place or places as the board of trustees shall, by resolution determine, after due notices thereof have been posted for a

period of not less than ten days next preceding the date of said election in at least three conspicuous places in each precinct into which said electrical district shall have been divided for the purpose of said election. The returns of such election shall be made to the board of supervisors who shall issue a certificate of election to each person elected to the office of trustee as shown by such returns. The said board of trustees, immediately after qualifying by taking and subscribing to the oath of office as required for other public officials and filing of bonds as herein provided, shall proceed to organize by electing one of its members as chairman, one member as vice-chairman, one member as secretary and one member as treasurer. The officers so elected shall hold office only until the next election of trustees. It shall be the duty of the remaining members of the board of trustees of any electrical district in which a vacancy occurs to, within thirty days from the date of such occurence, by resolution, declare the office vacant, and immediately thereafter to fill the same by appointment. The board of trustees shall certify such appointment to the board of supervisors of the county, who shall issue a certificate of such appointment to the person entitled thereto whenever such person shall have qualified by filing a satisfactory bond as herein provided.

The bond of each trustee shall be in the sum of three thousand dollars ($3,000.00) and sureties may be personal, or a surety bond may be given in lieu thereof; provided, however, that the bond of the treasurer shall not be less than seventy-five per cent of the highest probable amount of money that may come into his possession at any time during his term of office; and, provided further, that in no case shall his bond be less than five thousand dollars ($5,000.00), payable to the electrical district.

The board of trustees of any electrical district shall have exclusive charge and control of the construction, operation, maintenance and repairs of all lighting, heating or power distributing system or generating agencies and in carrying out such purposes, shall have power to acquire, for the use and benefit of the persons living within such electrical district, by purchase, rental, generation, manufacture or otherwise; power, gas, electricity or electrical energy; and to store, sell, rent, distribute, transmit and dispose of the same to persons living within the area of its operation.

Any electrical district shall have the use of, and the right is hereby expressly granted to use, the public streets, roads, thoroughfares, highways and alleys, and any and all other public ways not within cities or municipal corporations, under the direction of the officers of public authority in charge or control thereof; and the right of laying of pipes or conduits therein and connections therewith so far as it may be necessary to carry out the purposes for which such electrical district is formed; also to erect, maintain and operate on the public roads, streets (not within corporate limits of cities), thoroughfares, highways, and alleys and all other public ways; poles, wires or any other kind or class of conduits or conductors in connection therewith as may be necessary to complete the carrying out and effecting the purposes of said electrical districts.

The trustees of an electrical district formed under this act shall have the power to acquire for the use and benefit of persons living in such electrical district such personal property, real estate, right-of-way, franchise, patents, licenses, easements, privileges, exemptions, donations, contracts or other property as in their judgment may be needed or useful in the conduct of the affairs of said electrical district; and to hold, own, use and operate the same. They shall have power to acquire by original construction or otherwise and to hold, own and operate hydraulic, electric, gas and power generating plants and all machinery, appliances or apparatus useful or needful in generating, storing, building and using of power, gas, and electricity; to acquire, lease, own and operate water, hydraulic, steam, gas and other power plants and property for generating, making, storing, using and delivering power, electricity and gas, and to sell and distribute the same among persons living in such electrical district. Any right, title or privilege acquired under the provisions of this act, shall be for the use and benefit of the electrical district.

Sec. 6. The trustees of any electrical districts shall have control of all funds of such electrical district, and the same shall be paid out only on a written order, containing an itemized statement of the charges for which said order is drawn, and shall be signed by the chairman and secretary of the board of trustees. No person shall be qualified or entitled to act as trustee of any electrical district until he

shall have filed with the board of supervisors of the county a bond approved by the chairman of the board of supervisors conditioned upon the faithful performance of the duties of such trustee as herein provided.

Sec. 7. For the purpose of construction, maintenance and repairs of any machinery, power lines, transmission lines, transformers, extensions or other equipment, to pay interest on bonds or other overhead charges or salaries or providing a redemption fund for the payment of bond issues of any electrical district, the board of trustees of any electrical district is hereby authorized and empowered to fix a monthly service charge on the users of electricity, not to exceed ten cents per kilowat hour for lighting nor more than eight cents per kilowat hour for power and domestic uses other than lighting; and, provided still further, that should rates not be sufficient to meet the expenses herein enumerated, together with other expenses incidental thereto, then the board of trustees shall at once proceed to determine the amount of such deficit and certify the same to the board of supervisors of the county not later than June 1st of each calendar year, such certificate to show the amount of the deficiency and the amount required for each specific item thereof.

Whereupon, the board of supervisors shall cause to be levied and collected upon the real estate within such electrical district a tax sufficient to meet such deficit, together with such penalties as may be incident thereto, the same to be collected as all other taxes are collected. When such taxes are collected by the county treasurer, they shall be kept in a special fund to be known and designated "Electrical District No. ..... Fund"; provided, that when taxes are so collected upon property within an electrical district, the county treasurer shall at once certify to the trustees of said electrical district the amount collected and the purpose for which collected. The board of trustees shall at once issue its orders to the county treasurer directing him to pay any defaulted or delinquent amount due from said electrical district, which said orders shall be issued and paid in the following order, to-wit:

1st. Payment of defaulted interest on bonds.

2nd. Interest on other interest bearing obligations.

3rd. The payment of outstanding trustees' warrants when due.

4th. To the bond redemption fund.

Sec. 8. In case it shall be deemed advisable or necessary to expend in original construction or maintenance of electrical transmission lines or equipment, or the installation of power or electric producing or generating machines, or transformer stations, delivery lines, extensions, office or other necessary buildings, or to make extensive repairs caused by storm or other unforseen conditions within any electrical district, a larger sum than can be raised by taxes and service charges as above provided for, in lieu of said tax levy and service charges as herein provided, the trustees may call an election and submit to the taxpayers whether the bonds of said electrical district shall be issued and sold for the purpose of making such original construction, or adding equipments, or making repairs or extensions in any electrical district. Such election may be called by posting notices, signed by the board of trustees, at each school house in said electrical district, providing that when a school district shall lie partly within and partly without the electrical district, the posting of a notice at any public place within that part of the said school district lying within the electrical district shall be sufficient notice of the time and place of holding such election. Such election notices shall be posted for not less than twenty days next before the date named in such notice of the time and place of holding the election; and if a newspaper be published in the county, notice shall also be given by publishing a notice of the time of holding such election, which notice shall designate the several places at which the persons residing within such electrical district may vote, such notice to be published for at least once a week for two weeks prior to the date of holding such election. Such notice must contain the name and place of holding such election, the names of the judges and other officers to conduct the same, the hours during the day (not less than eight hours) in which the polls will be open, the amount and denominations of the bonds, rate of interest (which shall not exceed seven per cent per annum), and the number of years (not exceeding twenty years) the whole or any part of said bonds are to run.

Such election shall be held, except as otherwise provided herein, in conformity with the general election laws of the state of Arizona, except that the words to appear on the ballot, following a statement of the total amount of the proposed bond issue, the purpose for which the proceeds of the sale of such bonds are to be used, the rate of interest such bonds are to bear, and the length of time they are to run, shall be "Bonds—Yes (.....)" and "Bonds—No (.....)." On the 5th day after such election, at one o'clock P. M., the returns having been made to the trustees of such electrical district, the trustees must meet and canvas said returns, and if it appears that a majority of all the votes cast are in favor of issuing such bonds, then the trustees shall cause an entry of that fact to be made upon their minutes, and shall certify to the board of supervisors of the county all proceedings had in the premises; and thereupon the board of supervisors shall, and they are hereby authorized and directed to, issue the bonds of such electrical district in the number and amount provided for at such election, payable out of the funds of such electrical district, the said bonds to be a lien upon all property within the electrical districts. Said bonds must not bear a greater rate of interest than seven per centum per annum, said interest to be payable semi-annually, and said bonds to be payable at such place within the United States as the board of supervisors may direct, and must be sold in the manner provided by the board of supervisors for not less than par. The proceeds of the sale thereof must be deposited in the county treasury to the credit of the electrical district issuing the same and paid out only as herein provided.

In case the funds received from the rates charged for services shall be sufficient to give a surplus, such funds may be credited to the bond redemption fund and deposited with the county treasurer quarterly each and every year, the county treasurer to give his receipt therefor to the board of trustees.

The trustees shall, with the approval of the board of supervisors, invest the bond redemption funds herein provided for in interest bearing state, county or municipal bonds, or school bonds, maturing at an earlier date than the bonds issued by any electrical district; or they may invest in first mortgage real estate security at not more than

thirty-five per cent of the market value of the real estate whenever the accumulated bond redemption fund amounts to one thousand dollars ($1,000.00) or more, such real estate loans to bear interest at a rate not less than the interest rate on the bonds.

Sec. 9. Bonds issued under the provisions of this act shall be in such form, amount and tenure as may be prescribed by the board of supervisors of the county wherein any electrical district may be located, and the amount realized from the sale thereof paid into the county treasury for the use and benefit of the electrical district. The county treasurer shall not pay or otherwise honor any order, voucher, check, or other demand upon the proceeds realized from the sale of such bonds until the treasurer shall file additional bonds which must be approved as provided in section four. The expense of procuring all surety bonds herein provided shall be paid out of the general fund of the electrical district.

Sec. 10. The board of trustees of any electrical district formed as herein provided may, with the consent of the board of supervisors of the county, issue its interest bearing emergency warrants bearing interest at not to exceed seven per cent per annum, for the purpose of making repairs in case of the destruction or damage to transmission lines, power lines or other property of the electrical district, redeemable out of the general fund in the treasury of said electrical district upon demand.

Sec. 11. Beginning with the second year after the date at which outstanding bonds are issued, the trustees must provide a redemption fund sufficient to pay such bonds in full at maturity by apportioning said amount equally among the years which the said bonds are to run. To determine the yearly amount to be raised the accumulated redemption fund is subtracted from the amount of the bonds and the remainder divided by the number of years which must lapse before the maturity of the bonds. From the several yearly sums thus found necessary to provide as a redemption fund is subtracted the amount apportioned to this fund by the trustees of the electrical district from funds accumulated from rate charges, and the remainder is the balance which must be raised by a property tax upon

all the taxable property in the electrical district, and when collected, shall be placed to the credit of the "Redemption Fund of Electrical District No. ....." Principal and interest shall be paid by the county treasurer upon a warrant of the trustees of such electrical district out of the fund provided therefor, and it shall be the duty of the board of trustees to cancel said bonds whenever paid and file the same with the board of supervisors.

Sec. 12. The levy and collection of electrical district taxes on the property of any electrical district shall not exempt the property of such electrical district from the levy and collection of general county and state taxes.

Sec. 13. Any electrical district formed under the provisions of this act shall be and is hereby declared to be a body corporate under the name and style of "Electrical District No. ..... of the County of ....., Arizona," with power to contract and be contracted with, to sue and be sued, to plead and implead, together with any and all powers, duties and liabilities usual to such bodies corporate, under the provisions of the general laws of the state or specially conferred by this act.

Sec. 14. The provisions of this statute, insofar as they are substantially the same as existing statutes, shall be construed in like manner as such statutes are construed; and all bonds or other outstanding obligations of any subdivisions within such electrical district are hereby declared to be unaffected by this act.

Sec. 15. All existing statutes of the state of Arizona, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 16. Until otherwise provided by law this act shall apply only to counties of the first class.

Approved March 22, 1915.

CHAPTER 50.

(House Bill 171.)

AN ACT

To make an Appropriation of Two Hundred 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 two hundred dollars ($200.00) is hereby appropriated to be expended by and under the direction of the board of control of the State of Arizona for the purpose of securing the painting of the portraits of the Speaker of the House of Representatives and the President of the Senate of the Second Legislature of the State of Arizona.

Sec. 2. Upon the presentation of verified claims approved by the board of control 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.

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

Approved March 22, 1915.

CHAPTER 51.

(Senate Bill 160.)

AN ACT

To amend Section 5302, Title 53, of the Revised Statutes of Arizona, 1913, Civil Code, relating to Trustees of Government Townsites, the settlement of accounts of such trustees and payment by them of funds in their hands as such townsite trustees to the corporation on persons entitled thereto.

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

Section 1. Section 5302, Title 53, of the Revised Statutes of Arizona, 1913, Civil Code, is hereby amended so as to read as follows:

(Sec. 5302) Within sixty days from the first publication provided for in section 5 (Par. 5290) of this title, the trustee shall make a full and true statement in writing of all moneys expended by him in the acquisition of the title and the execution of the trust to that time, including all money paid by him for the land, necessary traveling expenses, money paid for posting notices and proof thereof and for all other necessary and proper expense incident to such trust and a true account of his reasonable charges for time and services in the business of such trust to that time which shall be and remain a first charge upon said lands, in favor of the trustee, to be collected as hereinafter provided and shall be applied:

1st. To reimburse the parties who advanced the money to enter the townsite, with interest thereon at the rate of ten per cent per annum from the date of such advancement.

2nd. To the discharge of other outstanding claims incurred in entering the townsite or executing the trust.

3rd. The surplus, if any, shall be paid by the trustee to the corporate authorities of the town, if incorporated, and used for the purpose of making public improvements in the town in such manner as the corporate authorities of the town shall direct, and if the town be not incorporated, shall be a special fund held by the trustee, and used in making public improvements in such manner as shall be directed by a meeting of the citizens of the town held after thirty days' notice by the trustee, by publication in some newspaper published in the town, or if none is published, then by posting in at least five public places in the town, for said time.

Sec. 2. Whereas, all towns, when incorporated, need the funds, if any, in the hands of such trustee, and the corporate authorities thereof should have the right to the immediate use of such funds and the right to pay them out as they may see fit to promote and preserve the public peace, health and safety; therefore, an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the referendum provision of the Constitution.

Approved March 22, 1915.

CHAPTER 52.

(Senate Bill 37.)

AN ACT

Relating to the Taxation of Mutual Building and Loan Associations and Mutual Building and Loan Corporations, and the shares thereof.

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

Section 1. All property belonging to Mutual Building and Loan Associations and Mutual Building and Loan Corporations shall be assessed and taxed to such mutual associations or corporations, but no assessment shall be made of the shares of stock of such mutual associations or corporations, nor shall any holder of such shares of stock be taxed therefor.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this 24th day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 53.

(Senate Bill 74.)

AN ACT

To amend Paragraphs 1955, 1957 and 1960 of Chapter XIII, Title VII of the Revised Statutes of Arizona of 1913, relative to Improvement of Streets.

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

Section 1. That Paragraph 1955 of Chapter XIII, Title VII, Revised Statutes of Arizona of 1913, relative to improvement of streets, be, and the same hereby is, amended to read as follows:

"1955. Before ordering any improvement made which is authorized by this chapter, the legislative body of the municipality shall pass a resolution of intention so to do,

by which resolution the improvement shall be briefly described. By such resolution of intention, and the proceedings subsequent thereto, one or more of the improvements authorized by this chapter may be made on one or more streets or any portion or portions thereof and shall constatute one improvement and be constructed under one contract. Whenever the proposed improvement, in the opinion of said legislative body, is of more than local or ordinary public benefit, it may make the expense of such improvement chargeable upon a district, which shall describe the extent of said district in general terms in its resolution of intention, either by reference to street lines or block numbers, or by designating its exterior boundaries by their courses and distances from the street or streets the improvement of which is contemplated, and may refer for a more particular description thereof to a map on file with the city engineer of said city, showing the exterior boundary lines of said district, and delineating block and lot numbers or containing such details as will show the location of such lines. Provide, however, that the said legislative body of the municipality, in such resolution of intention, may provide, in its discretion, that the improvement described therein may be made according to any of several alternative plans and specifications, in accordance with any one of several alternative methods, classes or kinds of construction, and calling for any of several alternative classes and kinds of material to be thereafter determined by the said legislative body.

Sec. 2. That Paragraph 1957 of said Chapter XIII, Title VII, be, and hereby is, amended to read as follows:

"1957. The owners of a majority of the frontage of the property fronting on said proposed improvement, or when the cost of said improvement has been made chargeable upon a district, then the owners of a majority of the frontage of property fronting upon the proposed improvement, together with the owners of a majority of the frontage of property fronting upon the streets or parts of streets contained within the limits of said assessment district, may make a written protest against said improvement within fifteen days after the date of the last publication of the resolution of intention, or within fifteen days after the completion of the posting of notices of the proposed improvement

by the superintendent of streets if such date be subsequent to the day of said last publication. Such protest shall be filed with the city clerk or other officer exercising like official functions, who shall endorse thereon the date of their reception by him, and such objections so delivered and endorsed shall be a bar to any further proceedings in relation to the making of said improvement, unless the owners of one-half or more of the frontage as aforesaid shall meanwhile petition for the said work to be done. Objections to the extent of the district to be assessed to pay the expenses of said improvement may be made by any owner or owners of property contained in said assessment district within the same period above provided for the filing of protests against the work. Such objections shall show the amount of frontage owned by each signer, together with the postoffice address of each objector. Whenever such objection to the extent of the proposed assessment district shall have been filed the legislative body of such municipality shall fix a time for hearing the same, and the city or town clerk shall notify the persons making such objections by depositing a notice thereof in the post office of said city, postage prepaid, addressed to the addresses given by each objector, at least ten days prior to the time fixed for said hearing. At the time fixed for said hearing, or at any time or times to which said hearing may be adjourned, the said legislative body shall hear the objections urged, and pass upon the same, and its decisions shall be final and conclusive. It may, in its discretion, modify the extent of the proposed assessment district, in which event a new resolution of intention shall be passed containing a description of the modified district, and said new resolution shall be published, and notices thereof posted in the same manner hereinbefore provided with respect to the original resolution of intention.

When no protests against said work or objections as to the extent of the proposed assessment district have been filed within the time above specified, or when a protest shall have been filed and it is found by said legislative body to be insufficient, or when the objections to the extent of the proposed district shall have been heard, and shall have been denied, immediately thereupon the said legislative body shall have jurisdiction to order the proposed improvements. Upon acquiring jurisdiction, the said legislative body may by resolution order the improvement described in the reso-

lution of intention to be done. Such resolution need not fully describe the improvement nor the extent of the assessment district when the expense of said work is to be chargeable upon a district, but may refer to the resolution of intention for such description. . The superintendent of streets shall then publish a notice reciting the fact of the passage of the resolution ordering the work, and inviting sealed proposals or bids for making the improvement therein ordered, twice in one or more daily newspapers, if there be any, and if there be no daily then a weekly newspaper, published and circulated in said city. He shall also cause a copy of such notice to be posted conspicuously for five days on or near the council chamber door of said legislative body. He shall state in said notices the time within which the said proposals may be filed with the city or town clerk, which shall not be less than ten days from the date of the first publication of the notice inviting bids.

Provided, that whenevever in the said resolution of intention the legislative body of the municipality shall have provided for alternative plans and specifications, alternative methods, kinds or classes of construction, or alternative kinds or classes of materials, in accordance with the provisions of said paragraph 1955 as amended, that the said invitation for sealed proposals or bids for making said improvement may require separate bids according to each of the several alternative plans and specifications, or each or the several alternative methods, classes or kinds of constructions, and of each of the several classes and kinds of material enumerated, set forth or referred to in said resolution of intention.

Sec. 3. That paragraph 1960 of said Chapter XIII, Title VII, be, and hereby is, amended to read as follows:

"1960. All proposals or bids offered shall be accompanied by a bond payable to the order of the mayor of the city, for an amount which shall not be less than ten per centum of the aggregate proposal. Provided, that any bidder submitting alternative bids for any such improvement under the provisions for said paragraph 1957 as amended, need only furnish one bond, which shall be at least equal to ten per centum of the amount of the highest proposal submitted by such bidder for the making of such improve-

ment. The legislative body of said city shall, in open session, open, examine and publicly declare the said proposals or bids, and may reject any and all proposals or bids if it deem this for the public good, and may also reject the bid of any person who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals other than the lowest and best regular proposal or bid of any responsible bidder; and may award the contract for such work or improvement to the lowest and best responsible bidder at the price named in his bid, which award may be made by motion noted in the minutes of said legislative body, but shall not be effective unless a majority of the members of said legislative body shall have voted in favor thereof. Provided, that whenever the said resolution of intention to make any such improvement shall provide for alternative plans and specifications, alternative methods, kinds and classes of construction, or alternative kinds and classes of material, and the resolution ordering the work and inviting sealed proposals or bids for making the said improvement shall invite separate proposals or bids for making said improvement, in accordance with said alternative plans and specifications said alternative methods kinds and classes of construction or of such alternative classes and kinds of material, respectively, the said legislative body shall not award the contract for such improvement until one week after said proposals or bids have been opened, examined and publicly declared, and if within a period of five days from and after the opening, examination and declaration of said bids or proposals, the owner or owners of a majority of the frontage of property fronting on said proposed improvement (or when the cost of said improvement has been made chargeable upon a district, then the owner or owners of a majority of the frontage of property fronting upon the proposed improvement, together with the owner or owners of a majority of the frontage of property fronting upon the streets or parts of streets contained within the limits of said assessment district) shall in writing require that said proposed improvement be constructed in accordance with any particular one of said alternative plans and specifications, or according to any particular one of said alternative methods, classes or kinds of construction, or of any particular one of said alternative classes or kinds of material, then the said legislative

body shall so determine and require, and shall award the contract to the lowest and best responsible bidder therefor accordingly. Should no such written requirement, so signed, be filed with the city clerk of such municipality within five days after the opening, examination and declaration of said proposals or bids, then the legislative body of such municipality shall determine which of the alternative plans and specifications, and which of the alternative methods, kinds and classes of construction, and which of the alternative classes and kinds of material, shall be adopted, followed and used, having in view the cost and efficiency thereof with reference to the requirements of the particular street or streets, or district, to be improved, and shall award the contract for the making of such improvement to the lowest and best responsible bidder therefor accordingly.

Notice of such award of contract shall be published twice in a daily newspaper, or if there be no daily, then in a weekly newspaper, published and circulated in said city. At any time within fifteen days from the date of the first publication of the notice of award of contract, any owner of, or other person having an interest in, any lot or land liable to assessment, who claims that any of the previous acts or proceedings relating to said improvement are irregular, effective, illegal, erroneous or faulty, may file with the clerk of the city council a written notice specifying in what respect said acts and proceedings are irregular, defective, illegal, erroneous or faulty. Said notice shall state that it is made in pursuance of this section. All objections to any act or proceeding, prior to said notice of award, relating to said improvement not made in writing in the manner and at the time aforesaid shall be waived, excepting as to matters directly affecting the acquiring of jurisdiction by the said legislative body to order the said work or improvement. If, in the opinion of said legislative body any such objection is well taken, it may abandon the said proceedings or such portion of the same as it may deem desirable to correct or modify, and proceed as in the first instance. Within twenty days from the date of the first publication of the notice of award of contract, when no objections of the character herein mentioned are filed, the successful bidder shall enter into a contract to make said improvement at the prices specified in his bid. In the event that objections

are filed, and are rejected by the legislative body, then within five days from receiving notice from the city clerk of such rejection, the successful bidder shall enter into said contract. If such bidder neglects, fails or refuses to enter into such contract within said period, then the legislative body, without further proceedings, shall again advertise for proposals or bids as in the first instance, and award the contract for said improvement to the then lowest regular bidder.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 5. This act shall be in full force and effect ninety days after the close of this session of the legislature.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 54.

(Senate Bill 40.)

AN ACT

To provide for the Correction and Modification of Assessments, and the Correction of Errors and Irregularities in bonds heretofore or hereafter made or issued for local improvements under Chapter 13, Title 7, Revised Statutes of Arizona of 1913, being the improvement act of the Legislature of Arizona for 1912 and amendments thereof; and for the division of said bonds to that portions of the assessment represented thereby shall be several liens on respective portions of the lot, piece or parcel or land therein described; with an emergency clause.

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

Section 1. At any time after any assessment heretofore or hereafter made under the provisions of Chapter 13,

Title 7, Revised Statutes of Arizona of 1913, being the Improvement Act of the Legislature of Arizona for 1912, and amendments thereof shall have been confirmed by the legislative body, and the contractor or his assignee and all persons owning or having an interest in any of the lots or pieces or parcels of lands assessed shall, by instrument in writing, duly acknowledged, request said legislative body to modify or correct any assessment, the legislative body may, by motion noted in the minutes of said legislative body, order such modification or correction to be made, and direct the Superintendent of Streets to note such modification or correction on his record of the assessment, together with the date the same is made. Such modification or correction shall not affect the rights of persons under the assessment who have not joined in the request.

Sec. 2. Whenever an error in the description of the property against which any bond has been or hereafter shall be issued or intended to be issued under the provisions of said Chapter 13, and the said Improvement Act of 1912, or subsequent amendments thereof, or any error in the amount of the bonds or coupons, or any other irregularity, shall be discovered in any such bond, the City Treasurer, upon the application of the owner or holder thereof, shall have power and authority to correct such error or irregularity, either by cancellation of the old bond and the issuance of a new one in place thereof, or any other satisfactory manner, so that said bond shall correspond with the record of the assessment in the office of the Superintendent of Streets. A record of all such corrections shall be kept by said City Treasurer.

Sec. 3. Whenever the owner or owners of any lot, piece or parcel of land, on which any bond heretofore or hereafter issued under the provisions of the said Chapter 13, and the said Improvement Act of 1912 and amendments thereof is a lien, shall desire said bond to be divided so that respective portions of the amount of the assessment represented thereby shall be several liens on respective portions of said lot, piece or parcel of land, such owner or owners may file with the City Clerk of the municipality by which the bond was issued the following:

(1) The bond with coupons attached:

(2) A statement sworn to by the owner of said bond or some one in his behalf that he is the owner of said bond and coupons and that he consents to a division thereof, stating clearly the separate amounts into which said bond may be divided and the portions of said lot, piece or parcel of land on which each of said portions is to be a lien;

(3) An instrument in writing, duly signed and acknowledged by all the owners and other persons interested in said lot, piece or parcel of land, either as lienholders or otherwise, requesting that the said division be made, which request shall likewise state clearly the separate amounts into which said bond may be divided and the portion of said lot, piece or parcel of land on which each of said portions is to be a lien;

(4) The certificate of a searcher of records that the parties joining in the said request are all the owners and persons who have any record, interest or lien in said lot, piece or parcel of land.

The City Clerk shall present the foregoing papers to the legislative body and such legislative body, by resolution or by motion noted in the minutes of said legislative body, shall order said division to be made. The Superintendent of Streets shall thereupon record said division in his record of the assessment, or a supplement thereto, which record shall state the respective amounts and contain a description of the respective parcels upon which each of said amounts shall be a lien. After the Superintendent of Streets shall have completed his record of the division the City Treasurer shall cancel the old bond and issue new bonds for each of the amounts shown by said divided assessment. Said bonds shall be issued as of the date of the original bond and the lien thereof shall attach to the portion of the original lot, piece or parcel of land described therein as of the date of the issuance of the original bond. Whenever any such division shall be made without the request of all persons interested in the lot, piece or parcel of land described in the original bond, such division shall be invalid as to the persons interested who have not joined in the request, and the new bonds shall be enforcable against such person or persons to the extent that the original bond could have been enforced.

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

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 55.

(Senate Bill 135.)

AN ACT

To amend Paragraph 5104, of Chapter 5, of Title 50, of the Revised Statutes of Arizona, 1913, Civil Code.

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

Section 1. That Paragraph 5104, of Chapter 5, of Title 50, of the Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

(5104) The State Treasurer shall keep a separate account of all warrants so drawn and presented. Whenever any moneys shall be received in the State Treasury to the credit of the seventy-five per cent of the state road tax fund, belonging to such county, the State Treasury shall transfer thirty-three and one-third per cent from the said state road tax fund, to the general fund of the State; and shall from time to time continue to make such transfer, until the said general fund shall be fully reimbursed, and the amount so loaned and paid out of the said general fund, pursuant to the provisions hereof, shall be fully repaid. Provided that on all moneys remaining unpaid after the first repayment the Treasurer shall charge, and said county shall pay to the credit of the general fund, interest at the rate of five per cent per year until the whole amount so borrowed is repaid, and provided further than any county may repay to the State Treasurer at any time, the entire amount of its indebtedness.

Sec. 2. 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 for the public peace, health and safety an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 56.

(House Bill 74.)

AN ACT

To Regulate Barbering on Sunday and providing a penalty for the violation of this Act.

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

Section 1. Any person who carries on or engages in the business of shaving, hair cutting or other work of a barber on the first day of the week commonly known as Sunday, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five dollars; and upon the second conviction for a like offense shall be fined not less than ten dollars and not more than twenty-five dollars, or be imprisoned in the county jail for a period of not less than ten days nor more than twenty-five days, or be punishable by both such fine and imprisonment at the discretion of the court.

Sec. 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 excepted, and the Legislature not being in ses-

sion, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 57.

(Sub. Senate Bill 38.)

AN ACT

Remitting to Mutual Building and Loan Associations and their stockholders all unpaid taxes assessed upon stock held in such associations for the years 1913 and 1914; and providing for the assessment of real property of Mutual Building and Loan Associations which escaped assessment for the years 1913 and 1914 and placing same on the 1915 assessment rolls.

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

Section 1. That all taxes assessed and levied upon the stock of any Mutual Building and Loan Association of this State for the years 1913 and 1914, are hereby remitted as being illegally assessed.

Sec. 2. That all property of any Mutual Building and Loan Association, other than stock thereof, which escaped taxation for either of the years 1913 and 1914, or escaped taxation for both such years, shall be assessed at its full cash value for each year any of such property so escaped assessment, and also at its full cash value for 1915 taxes, upon the tax rolls for 1915, and all such taxes shall be equalized, levied and collected in same manner and with same effect as other taxes upon said 1915 tax rolls.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 58.

(Senate Bill 143.)

AN ACT

To repeal Section 57-D and to amend Section 26 of an Act "To provide for the supervision and regulation of insurance companies and to regulate the transaction of insurance business in the State of Arizona," passed and adopted May 13, 1913, and which became a law May 31, 1913; the same being Paragraphs 3445 and 3409 of the Revised Statutes of Arizona, 1913.

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

Section 1. Section 57-D of an act "to provide for the supervision and regulation of insurance companies and to regulate the transaction of insurance business in the State of Arizona," passed and adopted May 13, 1913, and which became a law May 31, 1913; the same being Paragraph 3445 of the Revised Statutes of Arizona, 1913, be and the same is hereby repealed.

Sec. 2. Section 26 of an act "to provide for the supervision and regulation of insurance companies and to regulate the transaction of insurance business in the State of Arizona," passed and adopted May 13, 1913, and which became a law May 31, 1913; the same being Paragraph 3409 of the Revised Statutes of Arizona, 1913; be and the same is hereby amended to read as follows:

(Must Act Through Resident Agents). It shall be unlawful for any foreign insurance company to make, write, place or cause to be made, written or placed in this State any insurance policy or contract of any kind to provide against any contingency which may be insured or guaranteed against, unless done through its duly and regularly appointed and authorized agent or agents, residents of this State; any insurance company violating this section shall have its certificate of authority to do business in this State suspended not less than one year, and it shall only be renewed upon a written pledge from the directors or executive body in authority over the officers that this section will be fully and faithfully observed.

When an agent or solicitor of any insurance company doing business in this State accepts an application for insurance from any person not provided with the certificate for a broker or an agent or solicitor as required herein, and in any way compensates or promises to compensate such person for soliciting such application, the Commissioner shall, upon due proof and notice suspend or revoke the certificate of such agent or solicitor; and if it shall appear to the Commissioner that the company for which such agent or solicitor is acting is guilty of participation in the acts of such agent or solicitor, the Commissioner shall suspend the certificate of authority of such company to do business in this State for a period of not less than one (1) nor more than three (3) months for each and every offense.

WHEREAS, the immediate operation of this act is necessary for the public 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.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 59.

(Senate Bill 76.)

AN ACT

To amend Section 1001, Chapter 3, Title 8, of the Revised Statutes of Arizona, 1913, Penal Code, entitled "Removal of action before trial."

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

Section 1. That Paragraph 1001 of Chapter 3, Title 8, of the Revised Statutes of Arizona, 1913, Penal Code, entitled "Removal of action before trial" be and the same is hereby amended to read as follows:

(Section 1001) If the court is satisfied that the representation of the defendant is true, or if the application of the defendant is supported by affidavits of resident electors of the county, equal in number to fifteen per cent of the total vote cast in such county for Governor at the last preceding general election, an order must be made for the removal of the action to the proper court of the county, whose county seat is nearest by direct railroad or other usually traveled route, to the place where such trial is pending.

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

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 60.

(House Bill 148.)

AN ACT

To amend Paragraphs 3264, 3265, 3266, 3267, 3269, 3271, Chapter II, Title XVII, Revised Statutes of Arizona, 1913, Civil Code, relating to fire companies in unincorporated cities and towns.

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

Section 1. That Paragraph 3264, Chapter 2, Title 17, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3264. (a) When a petition defining boundaries of an unincorporated town within the State of Arizona shall be filed with the clerk of the board of supervisors of any county in said state, signed and certified to under oath by three or more taxpayers residing within such town, stating that on their information and belief said petition contains

the signatures of a majority of the property taxpayers and qualified electors thereof, praying that they be permitted to organize a volunteer fire company in said unincorporated town, it shall be the duty of the board of supervisors to make an order calling an election within said town, and the boundaries fixed in said petition, to decide whether or not a volunteer fire company shall be organized and maintained therein as hereinafter provided; provided said order shall not be entered by the board of supervisors until said petitioners shall have deposited with said board sufficient moneys not to exceed one hundred dollars ($100.00) to defray the expenses of said election, which said moneys shall be paid out on the order of the board of supervisors, and if a volunteer fire company shall be organized as hereinafter specified, the depositors of said money shall be reimbursed therefor from the volunteer fire fund hereinafter specified.

Said election shall be held not less than sixty nor more than ninety days after the date of said order. The order of the board of supervisors calling said election shall be posted in three public places within said town and boundaries for not less than twenty days prior to the date of said election, and if a newspaper shall be published within the county having a general circulation within such town, said order shall be published in such newspaper for not less than once a week for the period of three weeks prior to such election. Such order shall contain:

(1) The purpose and place of holding such election.

(2) The names of three suitable persons as judges to conduct the same.

(3) The hours during the day, not less than six, when the polls will be open.

The words appearing upon the ballots shall be "Volunteer Fire Company—Yes."

"Volunteer Fire Company—No."

The manner of conducting and voting at such election, and contesting the same, of keeping the poll lists thereat, canvassing the votes and certifying the returns, shall be the same as nearly as may be as is now provided by law for the general election of county officers. Upon the closing of

the polls, the ballots shall be counted by the judges and their returns thereon shall be filed with the clerk of the board of supervisors within three days after said election.

No person shall be entitled to vote at said election other than property taxpayers within the boundaries specified in said petition, who are also in all respects qualified electors of the State of Arizona, and who have resided within said town and boundaries for a period of six months prior to said election.

(b) At the same time when the board of supervisors shall order such election, it shall, by resolution provide and require a registration of all persons entitled to vote thereat who possess the qualifications hereinabove specified. Said registration shall begin at least thirty days before, and close ten days prior to the date of such election, and shall be made by, or under direction of the clerk of the said board of supervisors, who shall not less than five days prior to the date of such election file with the board of supervisors and deliver to each of the judges named in said order for the election, a certified list of the persons qualified as hereinabove specified to vote at said election. As full compensation for his services in preparing and filing said registration, said clerk shall receive the sum of fifteen cents for each qualified voter whose name appears thereon, to be paid upon order of the board of supervisors from the amount deposited with said petition as aforesaid.

(c) On the seventh day after said election, the returns having been made to the board of supervisors, the board must meet and canvass the same, and if it appear that a majority of the votes cast at said election were in favor of organizing such volunteer fire company, then the board shall cause an entry of that fact to be made upon its minutes, and shall make an order authorizing the inhabitants of said unincorporated town to organize a volunteer fire company therein. Said order shall be prima facie evidence of the complete performance of all of the conditions and requirements precedent to the holding of such election.

Sec. 2. That Paragraph 3265, Chapter 2, Title 17, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3265. Within twenty days after the date of making said order, the inhabitants and residents of the territory described in said petition shall call a meeting for the purpose of organizing such volunteer fire company, and at said meeting shall elect a chief of such fire company who shall have charge of said company and direct its operations, a secretary-treasurer, and shall elect members of such volunteer fire company, not to exceed twenty-five in number. The chairman of said meeting shall make and sign a certificate showing the date of said meeting, the number of persons present and voting thereat, the name of the chief of the fire company, the secretary-treasurer and the names of the volunteer firemen elected to constitute said fire company. Said certificate shall be attested by the secretary elected at said meeting; the chairman of said meeting shall then cause said certificate to be filed with the clerk of the board of supervisors of the county. At the next regular meeting of the board of supervisors of the county held after the filing of said certificate with the clerk, the board of supervisors shall make an order in writing declaring said volunteer fire company duly organized; said order shall recite the description of the territory in said petition, the name of the chief, and the secretary-treasurer thereof; said order shall be signed by the chairman of the board of supervisors and the clerk of said board, and shall be spread upon the minutes of the meeting of the board of supervisors at which said order is made, and the original so signed by the chairman and clerk of said board of supervisors, shall be recorded in the office of the county recorder of such county in the book of miscellaneous records.

Sec. 3. That Paragraph 3266, Chapter 2, Title 17, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3266. Within ten days after said volunteer fire company shall be duly organized as aforesaid, the members thereof shall hold a meeting and over the signature of the chief, and of the secretary and treasurer of the company shall certify to the board of supervisors an estimate of the amount of money required for the equipment and maintenance of said volunteer fire company for the ensuing year. Whereupon, it shall be the duty of the board of supervisors merely to levy and assess against all property real and

personal situated within the boundaries of said unincorporated town as described in the petition aforesaid, as the same may appear upon the last assessment roll of said county, a tax not to exceed seven mills for each dollar's worth of said property, and to make a return of said levy and assessment to the tax collector and treasurer of such county, whose duty it shall be within sixty days after the date of the return of such levy and assessment to him, to collect said taxes in the manner provided by law for the collection of state and county taxes. Said taxes shall be due and payable within sixty days from and after the date of the return of such levy and assessment to the tax collector, and if not paid within such time, shall be deemed delinquent. Said taxes shall constitute a lien upon the real estate upon which they are levied from and after the date of the levy and assessment thereon by the board of supervisors, and the collection thereof with legal penalties may be enforced by the foreclosure of such lien, or by the seizure and distraint of personal property, in all respects as is now or may be provided by law for the collection of delinquent state and county taxes. Upon the receipt of said taxes by the tax collector and treasurer, the same shall be kept by him in a separate fund to be known as volunteer fire fund of such unincorporated town (naming it).

Sec. 4. That Paragraph 3267, Chapter 2, Title 17, Revised Statutes of Arizona 1913, Civil Code be and the same is hereby amended to read as follows:

"3267. Such fire company shall hold regular monthly meetings on such dates as may be determined by the company and are hereby empowered by a majority vote of such company and with the approval of the board of supervisors to purchase such hose, ladders, fire wagons, hose carts, engines and other apparatus and water for fire protection, and to employ such help as shall be necessary for fire protection in such unincorporated town. The fire chief and the secretary-treasurer of such company shall draw warrants on the county treasurer for moneys required by such company for the purpose aforesaid, which warrants when countersigned by the chairman of the board of supervisors shall be a sufficient warrant to authorize the county treasurer to pay the same out of any moneys in said volunteer fire fund. Provided, however, that such company shall

have no right or authority to incur any debt or liability in excess of the moneys actually available and at the time undisposed of in said volunteer fire fund.

Sec. 5. That Paragraph 3269, Chapter 2, Title 17, Revised Statutes of Arizona 1913, Civil Code, be and the same is hereby amended to read as follows:

"3269. The volunteer firemen shall serve without compensation, provided however, that the fire chief and such firemen shall receive such compensation for extra services performed by them as shall be fixed by such company at a regular meeting thereof, subject to the approval of the board of supervisors, and performed by such chief and under the direction and order of the fire chief or member of such company acting for him in his absence.

Sec. 6. That Paragraph 3271, Chapter 2, Title 17, Revised Statutes of Arizona 1913, Civil Code, be and the same is hereby amended to read as follows:

"3271. (a) Said fire company may be abolished and disbanded by a majority of vote of the property taxpayers who are qualified electors of said unincorporated town, as specified above herein, attending a meeting held for that purpose after ten days previous notice of such meeting posted in three public places within the limits of said town, as described in said petition, but without invalidating any valid claim against such company. The chief of such company shall preside at said meeting and shall sign a certificate reciting the notice of the call of said meetings, the name and number of the persons voting thereat, the number of persons voting in favor of abolishing and disbanding said fire company and that a majority of the qualified persons present at said meeting voted in favor of abolishing and disbanding said company. Such certificate shall be attested by the secretary of said company and within five days thereafter filed with the clerk of the board of supervisors, and it shall be the duty of the board of supervisors at the next regular meeting to make a written order reciting the facts of the calling of the meeting, the number of persons present, the number of persons voting thereat, the number of persons voting in favor of disorganizing and listing the unpaid valid claims against said company, which shall thereupon be paid by the county treasurer upon war-

rants drawn as aforesaid from such moneys as may be available in said volunteer fire fund. Said order shall be signed by the chairman of the board of supervisors, attested by the clerk of the board and spread upon the minutes of the meeting at which said order was made, and the original of said order shall thereupon be filed in the office of the county recorder, and recorded in the miscellaneous records of the county and upon the recording thereof, and not before said fire company shall be abolished, disbanding and disorganized and all moneys remaining in such volunteer fire fund, after the payment of all valid claims against said company, shall be transferred to the general fund of the county.

(b) If any volunteer fire company shall have been organized or attempted to be organized heretofore under the provisions of Chapter 2, Title 17, Revised Statutes of Arizona 1913, and the property taxpayers and qualified electors of the unincorporated town for which such fire company was organized or attempted to be organized, shall authorize and approve the organization of a volunteer fire company for such unincorporated town under the provisions of this act funds theretofore paid to, or collected by the county treasurer, and deposited in said volunteer fire fund for such unincorporated town, shall immediately upon the organization of such volunteer fire company hereunder, become and be immediately available for the uses of such volunteer fire company, and shall be paid out by the county treasurer upon warrants drawn as hereinabove specified in all respects as if the same had been collected by him under the provisions of this act.

Sec. 7. Whereas, an 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.

Sec. 8. 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 excepted, and the Legislature not being in session,

it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 61.

(House Bill 48.)

AN ACT

To amend Paragraphs 2003, 2005, 2006, 2008 and 2011, of Chapter XIV, Title VII, Revised Statutes of Arizona, 1913, Civil Code, relating to the construction of sewers, water works, and lighting plants by cities and towns; the assessment of the cost thereof on property benefited and the issuance of bonds to represent such assessment.

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

Section 1. That Paragraph 2003, Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2003. The city council of any municipality in this State shall have the power, in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent assessments of ten dollars or over, for the cost of any improvements authorized in this Chapter.

Section 2. That Paragraph 2005, Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2005. When the city council shall determine that serial bonds shall be issued to represent the assessment for the cost and expenses of any proposed work or improvement authorized by this Chapter, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which such bond shall bear. The like description of said bonds shall be inserted in the resolution ordering the work, in all notices of proceedings relative to said work required, to be either posted or published; and

also a notice, that a bond will issue to represent each assessment of ten dollars or more remaining unpaid for thirty days after the date of the warrant of the city clerk, directing the tax collector to collect the assessments, shall be included in such warrant.

Sec. 3. That Paragraph 2006, Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2006. When the city council shall determine that such serial bonds shall be issued, then the city tax collector shall, at the expiration of thirty days after the date of the warrant of the city clerk directing the tax collector to collect the assessments, make and certify to the city treasurer a complete list of all assessments, of ten dollars or over, on such assessment roll, then remaining unpaid; and the city treasurer shall thereupon make out, sign, and issue to and in the name of the city, a separate bond, representing upon each lot, or parcel of land upon said list, the total amount of the assessments against the same, as therein shown, and if said lot or parcel of land is described upon said assessment roll by its number or block, or both, and is also designated by its number or block, or both, upon the official map of said municipality or upon any map on file in the office of the county recorder of the county in which such municipality is situated, then it shall be in said bond a sufficient description of the lot or parcel of land to designate it by said number or block or both, as it appears on said official or recorded map.

Sec. 4. That Paragraph 2008, Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2008. In case the amount of unpaid assessment upon any lot or parcel of land shall be less than ten dollars then no bond shall be issued thereon, but such assessment shall be collected as hereinbefore provided.

Sec. 5. That Paragraph 2011, Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"2011. The bonds so issued by said city treasurer shall be payable to the city, or order, and shall be serial

bonds, as hereinbefore described, and shall bear interest at the rate specified in the resolution of intention to do said work. They shall have annual coupons attached thereto, payable in annual order, on the second day in January in each year after the date of the bond, until all are paid, and each coupon shall be for an even annual proportion of the principal of the bond. They shall have semi-annual interest coupons attached, the first of which shall be payable upon the second day of January or July, as the case may be, next after its date, and shall be for the interest accrued at that time, and the last of which shall be for the amount of interest accruing from the second day of January or July, as the case may be, next preceding the maturity of said bond, to the maturity thereof. The city treasurer shall, in addition to his other duties in the premises, report all coupon payments of principal upon said bonds to the tax collector, who shall forthwith endorse the same upon the margin of the record of the assessment to the credit of which the same is paid, and said assessment shall be a first lien upon the property affected thereby until the bond issued for the payment thereof and the accrued interest thereon shall be fully paid. Said bonds, by their issuance shall be conclusive evidence of the regularity of all precedings thereto under this Chapter, previous to the making of the certified list of assessments unpaid to the amount of ten dollars, or over, by the tax collector to the city treasurer, and of the validity of said lien up to the date of the tax collector's certificate on said list.

Sec. 6. That in all proceedings under the authority of said Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, heretofore commenced and now being taken, by the city council of any municipality of this State, as defined in said Chapter, wherein it has been determined that serial improvement bonds shall be issued to represent assessments of twenty-five dollars or over for the cost of the improvement or work contemplated and ordered in such proceeding, but wherein such bonds have not yet been actually issued, it shall be lawful to issue such serial improvement bonds to represent all assessments of ten dollars or over for the cost of said work or improvement, and the city treasurer, as defined in said Chapter, or other proper officer of such municipality, shall in such proceeding issue such bonds to represent all such assessments of ten dollars or over for

the cost of the work or improvement contemplated and ordered in such proceedings, in the same manner and form, upon the same terms and conditions and in all other respects as is provided in said Chapter for the issuance of bonds to represent such assessments of twenty-five dollars or over. All such bonds issued in any such proceeding now being had to represent such assessment of ten dollars or over shall be and are hereby declared valid and in all respects of the same force and effect as if said Chapter and the proceedings heretofore and now being taken by any such municipality preliminary to the issue of such bonds had at all times authorized the issuance of such bonds to represent all assessments of ten dollars or over of the cost of the work or improvement contemplated and ordered in such proceedings.

Sec. 7. Whereas, proceedings are being had under the provision of Chapter 14, Title 7, Revised Statutes of Arizona, 1913, Civil Code, for the construction of municipal sewers in certain municipalities of this State, and this act is necessary and requires early and immediate 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.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 62

(House Bill 31.)

AN ACT

Establishing a State Library, with a law and legislative reference bureau, providing for the appointment of a Board of Curators and Librarian, defining their duties and making an appropriation therefor.

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

Section 1. A state library is hereby established to be located at the State Capitol, to be under the control and direction of a board of curators, consisting of three (3) members, to be appointed by the governor, by and with the advice and consent of the senate.

They shall be so appointed that the term of one member, shall expire January 1, 1917, one January 1, 1919, and one January 1, 1921. The successor of the first appointed member of the board of curators whose term expires January 1, 1917, and all subsequent incumbents of the said office, shall serve for six years, or until their successors are duly appointed and qualify.

Sec. 2. The board of curators shall have full control and management of the library and all its departments and shall provide rules and regulations for the government thereof; shall elect a chairman who shall preside at all meetings and shall appoint a law and legislative reference librarian who shall act as secretary of the said board and hold office at the pleasure of the board.

Provided, however, that said board of curators are not empowered to appoint said legislative reference librarian during the incumbency in office of the said librarian as provided in section 3 of this act.

Sec. 3. Until otherwise provided by law Con P. Cronin is appointed legislative reference librarian, and shall serve until his successor is appointed. Any vacancy shall be filled by the board of curators.

Sec. 4. There shall be maintained in the state library a legislative reference bureau for the use and information

of the members of the legislature, the heads of the several departments of state government, and such citizens of the state as may desire to consult the same.

Sec. 5. The librarian shall prepare, and have available for use, check-lists and catalogues of Arizona law, and all the current legislation of Arizona and other states; lists of bills and resolutions presented in either branch of the legislature; check-lists of the public documents of the state, including all reports issued by the several departments, boards and commission; digests of such public laws of this and other states as may be the best made available for legislative use; catalogues, files and clippings of newspapers, and of such other printed matter as may be proper for the use of the bureau.

The librarian shall also, when requested by the governor, heads of departments, or members of the legislature, promptly procure available information, not on file in the bureau relating to pending legislation, and investigate the manner in which laws have operated in other states.

Sec. 6. It shall be the duty of the librarian:

(a) To keep and maintain at all times, in duplicate a loose leaf set of statutes, including all sections in force, arranged numerically, and in connection with each section, sub-section or paragraph of a sub-section to designate the titles and sub-titles, under which the same is indexed, and to keep an alphabetical card index of all such titles and sub-titles referring to such section, sub-section or paragraph.

(b) To keep and maintain, in duplicate, a loose leaf ledger of notes of court decisions and other matters, referring to any section, sub-section or paragraph of the statutes, arranged numerically.

(c) To supervise and attend to the preparation, printing and binding of a complete compilation of the statutes and index, or the statutes, index and notes whenever ordered by the legislature.

(d) To supervise and attend to the preparation, printing and binding of such compilations of the particular sections or portions of the statutes as may be ordered by the head of any department of the state.

(e) To formulate and prepare a definite plan for the order, classification, arrangement, indexing, printing and binding of the statutes and session laws, and between and during sessions of the legislature to prepare and at the beginning of each session thereof to present to the committee of revision of each house, in such bill or bills as may be thought best, such consolidations, revisions or other matters relating to the statutes, or any portion thereof, as can be completed from time to time.

Sec. 7. It shall be the further duty of the librarian:

(a) To be in attendance at the library during office hours;

(b) To act as secretary of the board of curators and keep a record of its proceedings;

(c) To purchase books or to sell or exchange duplicate copies of books when authorized by the board of curators;

(d) To keep in order and repair all the books and property in the library;

(e) To approve all claims for books purchased and other necessary expenses for the proper maintenance of the library;

(f) To keep a register of all books and property added to the library, the cost thereof, and to number and stamp all books and publications belonging to the library and keep a catalogue thereof;

(g) To establish with the government, the other states and foreign countries a system of exchange, and distribute all official state publications, including laws, statutes, journals, appendices of the legislature, supreme court reports and digests thereof, and all reports issued by the different departments of the state, together with special publications of the laws of the state in pamphlet form.

The librarian is empowered to make requisitions upon the secretary of state for a sufficient number of such publications to enable him to carry out the requirements of this subdivision.

(h) The librarian shall biennially make a report to the governor, setting forth the condition of the library and all money expended in the maintenance thereof.

Sec. 8. The librarian shall neither oppose nor urge legislation, but shall, upon request, aid and assist the members of the legislature, the governor, and the heads of departments by advising as to bills and resolutions and drafting the same into proper form, and by furnishing to them the fullest information upon all matters in the scope of the bureau relating to their public duties. No employees of the bureau shall reveal to any person outside of the bureau the contents or nature of any matter not yet published, except with the consent of the person bringing such matters before the bureau.

Sec. 9. The librarian shall procure copies of all newspapers and other publications published in the state and cause the same to be bound in suitable volumes, and deposit and keep the same in the library.

Sec. 10. The librarian is empowered to bring suit in his official capacity for the recovery of any book or books, or for three times the value thereof, together with costs of suit, against any person having the same in his or her possession or being responsible therefor, and who shall fail or refuse to return the same to the library upon demand of said librarian. In case the librarian has purchased a duplicate of any such book, he is authorized to bring suit, as aforesaid, for three times the amount expended for said duplicate, together with costs of suit.

Sec. 11. The library fund shall consist of the fees collected and paid into the state treasury by the clerk of the supreme court, which fund is hereby set aside for the maintenance and support of the state library.

Sec. 12. During sessions of the legislature the library must be kept open every day from 9:00 o'clock A. M. until 9:00 o'clock P. M. and at other times during such hours as other state offices are provided by law to be kept open.

Sec. 13. The annual salary of the law and legislative reference librarian shall be twenty-four hundred dollars payable semi-monthly, and the State Auditor is ordered to draw his warrant and the State Treasurer to pay same out

of any money in the general fund of the state not otherwise appropriated.

Sec. 14. The librarian shall execute a bond in the sum of two thousand dollars, to be approved by the board of curators, for the performance of the duties required of him by law and for the observance of the rules prescribed by the said board.

Sec. 15. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

"This bill, having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it became a law this twenty-fourth day of March, A. D., 1915.

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 63

(Sub. Senate Bill 105.)

AN ACT

To Amend Paragraph 3230, Chapter II, Title XV, Revised Statutes of Arizona, 1913, Civil Code, Relating to Fees and Salaries of County and Other Officers, by Adding Thereto a Paragraph To Be Known as Paragraph 3230-A.

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

Section 1. That Paragraph 3230, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be amended by adding the following paragraph thereto, to be known as Paragraph 3230-A.

"3230-A. In counties of this class, in justice precincts comprising a population of twelve thousand, or over, there may be allowed to the justice of the peace, one clerk, with the approval of the board of supervisors, who shall be appointed by the justice of the peace, and who shall be paid a salary of not to exceed one hundred dollars per month.

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

Sec. 3. Whereas, an early operation of this act is required to preserve the public peace, health and safety, and for the support and maintenance of the departments of the state government and state institutions, an emergency is hereby declared to exist and this law shall take effect and be in force from and after its passage and approval by the governor, and is hereby exempt from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 64

(House Bill 120.)

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. The police courts heretofore established by law in Arizona, within counties of the first and third class, 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.

Sec. 2. All fees collected by the police courts in the exercise of such concurrent jurisdiction shall be paid over to and inure to the benefit of the city wherein the police court is situated.

Sec. 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 excepted, and the Legislature not being in session it became a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN.
Secretary of State.

CHAPTER 65

(House Bill 65.)

AN ACT

To Amend Paragraph 3238, Chapter II, Title XV, Revised Statutes of Arizona, 1913, Civil Code, Relating to Salaries of Officers of Counties of the Eleventh Class.

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

Section 1. That Paragraph 3238, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3238. In counties of the eleventh class, the county officers shall receive respectively as full compensation for the services required of them by law, or by virtue of their office, the following salaries, to-wit:

The clerk of the superior court, one thousand dollars per annum; provided, that in counties of this class, there may be and there is hereby allowed to the clerk of the superior court, by and with the consent of the board of supervisors. one deputy, at a salary not exceeding seventy-five dollars per month.

The sheriff, twenty-four hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the sheriff, one chief deputy, at

a salary of one hundred dollars per month, and by and with the consent of the board of supervisors, such other deputies and jail guards as may be necessary to properly perform the business of his office, at a salary not exceeding seventy-five dollars each per month.

The recorder, fifteen hundred dollars per annum; provided, that in counties of this class there may be, and there is hereby allowed to the recorder, by and with the consent of the board of supervisors, one deputy at a salary of seventy-five dollars per month.

The treasurer and ex-officio tax collector, eighteen hundred dollars per annum.

The county attorney, fifteen hundred dollars per annum, and necessary traveling expenses.

The assessor, twelve hundred dollars per annum, and necessary traveling expenses; provided, that in counties of this class there may be, and there is hereby allowed to the assessor by and with the consent of the board of supervisors, one deputy at a salary of seventy-five dollars per month, for not more than six months in each year, and traveling expenses not to exceed one hundred and fifty dollars in any one year.

The superintendent of schools, fourteen hundred dollars per annum, which shall be in full for all services including the conduct of teachers' examinations, also actual and necessary traveling expenses.

The chairman of the board of supervisors, seven hundred dollars per annum; the other members of the board of supervisors shall receive a salary of six hundred dollars per annum; provided, that in counties of this class the county recorder shall be ex-officio clerk of the board of supervisors without extra compensation.

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

Sec. 3. Whereas, this act is necessary to enable the county officers to perform the duties required of them by law, this act requires early and immediate operation to provide for the assessment of property as required by law for the maintenance of a department of state, an

emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it became a law this twenty-fourth day of March, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 66.

(House Bill 10.)

AN ACT

To Amend Paragraph 3236, Chapter II, Title XV, Revised Statutes of Arizona, 1913, Civil Code, Entitled "Fees and Salaries of County and Other Officers."

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

Section 1. That Paragraph 3236, Chapter 2, Title 15, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3236. In counties of the ninth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries, respectively, to-wit:

The clerk of the superior court, fifteen hundred dollars per annum.

The sheriff, twenty-four hundred dollars per annum; provided, that in counties of this class there shall be, and there is hereby allowed to the sheriff one deputy, at a salary of twelve hunderd dollars per annum; and by and with the consent of the board of supervisors such other deputies and jail guards as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The recorder, eighteen hundred dollars per annum; provided that in counties of this class there shall be and there is hereby allowed the recorder, one chief deputy at a salary of nine hundred dollars per annum.

The treasurer and ex-officio tax collector, eighteen hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed to the treasurer, one assistant at a salary not to exceed two hundred dollars per annum.

The county attorney, fifteen hundred dollars per annum, and necessary traveling expenses.

The assessor, twelve hundred dollars per annum, and expenses, such expenses not to exceed one hundred and fifty dollars per annum; provided, that in counties of this class there shall be allowed and there is hereby allowed to the assessor, one assistant for four months in each year at a salary not exceeding one hundred dollars per month.

The superintendent of schools, nine hundred dollars per annum, which shall be in full for all services, including conduct of teachers examinations; also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The members of the board of supervisors, five hundred dollars each per annum. The board of supervisors shall appoint one clerk of the board of supervisors who shall receive a salary of twelve hundred dollars per annum.

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

Sec. 3. Whereas, to enable the county officers to perform the duties required of them by law, this act is necessary and requires early and immediate operation to provide for the assessment of property as required by law for the maintenance of a department of State, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempted from the operation of the referendum provisions of the State Constitution.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 67.

(Sub. House Bill 6.)

AN ACT

To Amend Paragraph 3654, Chapter II, Title XXIX, of the Revised Statutes of Arizona, 1913, Civil Code, Relating to Liens on Mines and Mining Claims, and Exempting Claims under Bond and Lease from the Provisions Thereof by Complying With Certain Conditions Herein Provided for.

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

Section 1. That Paragraph 3654, Title 29, Chapter 2, Revised Statutes of Arizona, 1913, Civil Code, be and the same is hereby amended to read as follows:

"3654. All miners, laborers and others who may labor, and all persons who may furnish material or merchandise of any kind, designed or used, in or upon any mine, or mining claim, and to whom any sum is due for such labor or material or merchandise, shall have a lien upon the same for such sums as are unpaid. And said lien for labor performed, or material or merchandise furnished, shall attach to said mine, or mining claim, whenever said labor was performed, or said material or merchandise was furnished in or upon said mine or mining claim, under any of the following conditions:

(1). Under or by virtue of a contract between the person performing such labor, or furnishing said material or merchandise, and the owner of said mining claim, or his agent, trustee, receiver, contractor or contractors.

(2). Under or by virtue of a contract between the person performing such labor, or furnishing said material

or merchandise, and the lessee of said mine or mining claim, or his agent, or contractor, where the terms of the lease from the owner of said mine or mining claim, to said lessee, permit said lessee to develop or work said mine or mining claim.

(3). Under or by virtue of a contract between persons performing said labor, or furnishing said material or merchandise, and any person or corporation having an option to buy, or contract to purchase said mine or mining claim, from the owner thereof, where said option or contract permits the person or corporation having said option to buy, or contract to purchase, to go upon said mine or mining claim, and to work or develop the same.

The lien herein provided for shall attach to the mine or mining claim in, or on which, said labor was performed, or material or merchandise furnished, in preference to any prior lien or encumbrance, or mortgage upon said mine or mining claim, except such liens, encumbrances, or mortgages which may have attached to any mine or mining claim, prior to December 5, 1912.

Provided, that the provisions of this paragraph shall not apply to any mine or mining claim worked under lease, bond, or option, by any person, partnership, association, company, or corporation, under lease from the owner thereof, when the owner of such mine or mining claim shall have posted at the collar of all working shafts, tunnels or entrances to the mine, entrances to all boarding houses, and shall have mailed by registered mail to the secretary of any labor union at such camp, if any exist, the notice provided for in section two of this act, on or before the day the lessee or those working said claim under bond, lease or option to buy begin operations and shall file for record in the office of the county recorder of the county within which such mine or mining claim is situated, within thirty days from the date of such lease, bond or option of said claim, a notice to the effect that said mine or mining claim will not be subject to the lien provided for in this act, and the owner or owners of said mine or mining claim, will not be responsible for any debts of said person, partnership, association, company, or corporation operating or working said mine or mining claim under lease, bond or

option; and provided further, the leassee of said mine shall keep said notices posted upon said claim or claims, and upon his failure to do so shall be deemed guilty of a misdemeanor.

It is hereby made the duty of the county recorder to record all such notices upon the payment of a recording fee of one dollar ($1.00).

Sec. 2. The notice provided for in section one shall be substantially as follows:

NOTICE OF NON LIABILITY FOR LABOR OR MATERIALS FURNISHED.

Notice is hereby given to all persons, that the undersigned ..... is the owner of ..... mine or mining claim, hereinafter described, with all the improvements thereon.

That said mine or mining claim is now in the possession of and is being worked and operated by ....., pursuant to a contract (or option to purchase or lease) made and executed by the undersigned in favor of said ..... dated .....; said contract to be in force up to and including the ..... day of ...., 19.....

The undersigned is not working or operating said mine or mining claim, or any part thereof, and does not intend to work or operate said mine or mining claim, or any part thereof, or purchase any supplies or materials therefor, during the life of said contract with said .....

The name of said mine or mining claim is ....., situate, lying and being in ..... mining district in ..... County, in the State of Arizona. The location notice of said mine or mining claim being duly recorded in book ..... at page ..... of notices of location of mining claims, in the office of the County Recorder of said ..... County, State of Arizona, to which book and page reference is hereby made for a more particular description of said mine or mining claim.

In witness whereof, the said ..... has hereunto set his hand this ..... day of ....., 19.....

.....

Witness:

.....

Sec. 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 excepted, and the Legislature not being in session, it has become a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 68.

(House Bill 81.)

AN ACT

Providing for the Sinking of an Experimental Artesian Well for Water Near Franklin, in Greenlee County, Arizona, for the Encouragement of Agriculture in the Arid Sections of the State.

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

Section 1. That the sum of eight thousand five hundred dollars ($8,500.00) is hereby appropriated from the general fund of the state to pay for the drilling of an artesian well near Franklin, Greenlee County, Arizona, at a suitable site therefor, to be selected by the board of supervisors of said county.

Sec. 2. It shall be the duty of the board of supervisors of Greenlee County, as soon after the passage of this act as is convenient to select a suitable site near Franklin in said county, for the sinking or drilling of an artesian well for water, and to report the place or site so selected to the county engineer. Said place to be on a section of school land.

Sec. 3. It shall be the duty of the county engineer to at once commence the drilling of such artesian well, by contract or otherwise, as in his judgment may be least expensive and continue such drilling until a flow of artesian water is encountered in such well, or until the money hereby appropriated has been exhausted.

Sec. 4. The state auditor is hereby authorized and directed to draw his warrants from time to time upon properly verified vouchers approved by the chairman of the board of supervisors of Greenlee County, and the state treasurer is hereby authorized and directed to pay such warrants.

Sec. 5. 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 excepted, and the Legislature not being in session, it became a law this twenty-fourth day of March, A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 69.

(Senate Bill 79.)

AN ACT

Approving and Proposing to the People of the State of Arizona an Amendment of Section 2, Article 9, of the Constitution of the State of Arizona.

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

Section 1. That there is hereby approved, proposed and submitted to the people of the State of Arizona, an amendment to Section 2, Article 9, of the Constitution of the State of Arizona, so that said section as amended shall read as follows:

Sec. 2. That there shall be exempted from taxation all Federal, State, county and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced

by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation, the property of widows, residents of this state, not exceeding the amount of two thousand dollars, where the total assessment of such widow does not exceed five thousand dollars. All property in the State not exempt under the laws of the United States or under this constitution, or exempted by law under the provisions of this section, shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

Sec. 2. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate March 9, 1915.

Passed the House March 11, 1915.

Filed March 16, 1915.

CHAPTER 70.

(Senate Bill 32.)

AN ACT

To Amend Subdivision 5, of Section 1, of Article IV, of the Constitution of the State of Arizona, and to Provide for the Submission of Such proposed Amendment to the People of the State of Arizona.

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

Section 1. That it is hereby proposed that Subdivision 5, of Section 1, of Article IV, of the Constitution of the State of Arizona shall be amended so as to read as follows:

"ARTICLE IV.

LEGISLATIVE DEPARTMENT.

I. INITIATIVE AND REFERENDUM.

(5) Any measure or amendment to the Constitution proposed under the initiative, and any measure to which

the referendum is applied, shall be referred to a vote of the qualified electors, and shall become a law when approved by a majority of the total vote of electors voting at said election and upon proclamation by the Governor, and not otherwise."

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

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature, and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate February 17, 1915.

Passed the House March 6, 1915.

Filed March 16, 1915.

JOINT MEMORIALS

SENATE JOINT MEMORIAL NO. 1.

Memorial to the Congress of the United States of America, Petitioning the United States Government to Appropriate $300,000.00 for Suppressing Carnivorous Wild Animals, Destructive to Livestock in the Public Land States of the West.

To the Honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the Governor and Legislature of the State of Arizona, respectfully represent that:

WHEREAS, in the western states, known as the public land states, the losses of livestock and poultry due to the attacks of coyotes, wolves, wild cats, cougars and bears amount to not less than $18,000,000.00 annually, and

WHEREAS, in these western public land states the state, county and stockmen do now and have for years paid large bounties, and used other means to bring about the eradication of these carnivorous wild animals, and

WHEREAS, in these western public land states, there is now withdrawn from settlement in some form or other approximately 225,000,000 acres of Federal land, which land constitutes the principal breeding ground and refuge of these carnivorous wild animals and enables them to increase their numbers in spite of the efforts made by state, county and stockmen to exterminate them.

NOW, THEREFORE, BE IT RESOLVED, that the legislature of the State of Arizona does hereby most respectfully urge and request that Congress immediately appropriate the sum of $300,000.00 to be used by the United States Department of Agriculture for the destruction of coyotes, wolves, wild cats, cougars and bears in these west-

ern public land states in order that the meat supply of the nation may be increased and the proper development of the west encouraged.

RESOLVED FURTHER, THAT THE Secretary of State is hereby instructed to forward a copy of this memorial and this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives and to the Representatives of Arizona in Congress, and that our Representatives in Congress be and they are hereby requested to do all in their power to accomplish the enactment of the legislation herein asked for.

Passed the Senate January 14, 1915.

Passed the House January 23, 1915.

SENATE JOINT MEMORIAL NO. 5.

To the Senate and House of Representatives of the United States of America, in Congress Assembled.

Your Memorialists, the Second Legislature of the State of Arizona, respectfully represent:

WHEREAS, In the year 1863, or thereabout, the Congress of the United States of America did grant to the heirs of one Luis Maria Baca, deceased, certain large tracts of land, to be located upon that public domain anywhere within the area of the Territory of New Mexico, of which territory the present State of Arizona was then a part, and

WHEREAS, One of the said tracts, embracing one hundred thousand acres of land, was located within the area that is embraced now within the county of Santa Cruz, State of Arizona, and is known as Baca Float Grant No. 3, and

WHEREAS, No effort was made upon the part of the claimants of said Baca Float Grant No. 3, to complete and perfect their title to said land grant, and the interior department always maintained that it was invalid, owning to the

failure of the claimants to comply with the provisions of the act of Congress granting the same, and

WHEREAS, When, after about forty years, said claimants applied for confirmation of said grant, the surveyor general of Arizona, to whom the matter had been referred, recommended rejection of said Baca Float Grant No. 3 on the ground of noncompliance with the provisions of the act of Congress aforesaid; and upon appeal, the Commissioner of the general land office and the Secretary of the interior did so reject said Baca Float Grant No. 3 for the reasons set forth hereinbefore, and

WHEREAS, the interior department of the United States, through its general and local land offices, did accept filings of homestead entries upon lands embraced within the area of said Baca Float Grant No. 3, and the entrymen who made said entries located upon said lands in good faith, lived there many years, cultivating and improving them in accordance with law, and

WHEREAS, By a recent decision of the Supreme Court of the United States, said Baca Float Grant No. 3 has been declared valid, and the homestead entrymen, described hereinbefore, are subject to ejectment and dispossession of lands they have held and cultivated from twenty-five to thirty years, to their great loss and damage,

THEREFORE, BE IT RESOLVED, By the Senate of the Second 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 measure of relief to said homestead entrymen occupying lands upon the Baca Float Grant No. 3, whereby they may be granted within the State of Arizona, other lands upon the public domain in lieu of those they have occupied heretofore; and they that may be permitted to make final proof by showing the necessary residence and improvement of the lands they have occupied heretofore within the area of Baca Float Grant No. 3.

BE IT FURTHER RESOLVED, That the Senators and Representative from Arizona in the Congress of the United States of America, are hereby requested to use their best efforts toward the enactment of the necessary legisla-

tion for the relief of the homestead entrymen who are affected by the circumstances hereinbefore set forth.

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.

Passed the House March 9, 1915.

Passed the Senate March 10, 1915.

HOUSE JOINT MEMORIAL NO. 1.

To The Senate and House of Representatives of the United States of America, in Congress Assembled:

Your memorialist, the Second Legislature of the State of Arizona, respectfully represents:

That there stands, on the bank of the Santa Cruz river, in Santa Cruz county, Arizona, the ruins of an ancient Spanish mission, which at once affords a quaint and striking illustration of the architecture of a day that is gone and a monument to the surpassing zeal of the vanguards of Southwestern civilization.

That this mission, known as the Mission San Jose de Tumacacori, was founded by the Jesuit priest, missionary and explorer, Father Eusebio Francisco Kino, between the years 1687 and 1690, and is therefore one of the most ancient ruins of its kind within the boundaries of the United States.

That although the ground, ten acres in extent, upon which this ruin stands, has been set aside by the Federal Government as a National monument, no provision has been made for restoring the partially decayed walls of the mission, or preserving the evidences of architectural and artistic skill which they bear, and meanwhile the structure is subject to the ravages of time, the elements and the carelessness of passers-by.

That it would be an occasion of the greatest regret to the people of Arizona, and for that matter to all people who revere the memory of those religious pioneers who toiled and suffered and died that civilization and christian-

ity might live and advance, should this visible sign of their devoted labors be permitted to pass away.

Now, therefore, it is highly desirable that this milestone of civilization be effectually preserved, thus to hold its sacred history the fresher, to paint the beloved memories which cluster about it the brighter, and to offer, through the far from vanished beauty of its venerable walls, telling their eloquent story of love, courage and patience, instruction and inspiration to the visitor.

Therefore, be it resolved by the Senate and the House of Representatives of the Second Legislature of the State of Arizona:

That the Congress of the United States be, and it is hereby urged to enact such legislation as may be necessary to effect the aforesaid object, and to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to restore and preserve the historical Mission of San Jose de Tumacacori; and be it further

Resolved, that a copy of this memorial and these resolution be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Honorable Secretary of the Interior, and to the Representatives of Arizona in Congress; and that our Representatives in Congress be and they are hereby requested to do all in their power to accomplish the enactment of such legislation.

Passed the House February 8, 1915.

Passed the Senate February 11, 1915.

HOUSE JOINT MEMORIAL NO. 2.

To The Senate and House of Representatives of the United States of America, in Congress Assembled.

Your memoralist, the Second Legislature of the State of Arizona, respectfully represents:

That the several Indian reservations in the State of Arizona now embrace large areas of mineral land, which under present regulations are not open to location as min-

eral claims, and are valueless as tillable or agricultural land; and

Whereas, the opening of these mineral lands in these aforesaid reservations to entry as mineral claims by prospectors, miners and legitimate mining companies will hasten the development of the state and, at the same time, give employment to the Indians on big reservations in road building and other departments of work and make them more self supporting; and

Whereas, the opening of these claims to mining will develop water in many heretofore arid portions of the state and improve the value of said lands for grazing, to which they are now alloted; therefore,

Be it resolved by the Senate and House of Representatives of the State of Arizona;

That the Congress of the United States is hereby petitioned and urged to enact such legislation as may be necessary to open to entry and location the mineral lands embraced within the confines of these aforesaid Indian reservations by bona fide prospectors, and miners, subject to the same regulations governing mineral lands on other public domain; provided, however, that this petition shall not be so construed as to permit any person, company or corporation to enter in or upon large tracts of land in these reservations for any purpose other than mining as hereinbefore stated; and provided further that no land other than mineral lands, as defined in the mineral laws of the United States pertaining thereto, shall be included within the provisions of this petition; and 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 Senate, the Speaker of the House of Representatives, the Honorable Secretary of the Interior, and the Representatives of Arizona in Congress; and that our Representatives in Congress be and they are hereby requested to do all in their power to accomplish the enactment of such legislation.

Passed the Senate February 25, 1915.

Passed the House February 19, 1915.

HOUSE JOINT MEMORIAL NO. 3.

To The Senate and House of Representatives of the United States of America, in Congress Assembled.

Your memorialist, the Second Legislature of the State of Arizona, in session convened, respectfully represents:

Whereas, the boundry line dividing the United States of America and the Republic of Mexico is marked by monuments placed several miles apart, with no barrier or other distinguishing mark indicating said line; and

Whereas, the natural lines of travel and stock drifts run back and forward across said line; and

Whereas, detachments of the various warring factions and guerilla bands of Mexico often invade American territory, and professional thieves and smugglers prey upon the stock of Arizona settlers almost at will; and

Whereas, large sums are expended annually by the United States of America and the State of Arizona in the prevention of diseases of live stock, and great precautions are taken to prevent the introduction of "Texas fever ticks" known to exist in Mexico, and infected stock may be turned loose on the open range in Mexico and will roam at will across the line, and in drift weather often penetrate far into the interior, thereby endangering the live stock of the whole country, and the nature of the country is such that an effective patrol is impracticable with the line open at all points, and as evidence of the foregoing, there now exists countless well beaten trails and wagon roads leading in and out of Mexico far from ports of entry; and

Whereas, Arizona settlers have erected fences along said border with no legal right to same, and have been unable to maintain said fences; and

Whereas, the Government is receiving liberal fees through its forest reserve department for grazing, timber and wood on large areas of land adjacent to the line, and a good barbed wire fence could be placed along the line for a small cost; and

Whereas, all law abiding citizens residing near the border would heartily co-operate in the upkeep of such a

fence, and such a fence would enable the customs, sanitary, immigration and peace officers both of the United States and the State of Arizona to enforce the laws with facility and thoroughness, an impossibility under the present conditions, and that the lives and property of the people residing along the border would be greatly protected and they might proceed to the pursuit of their industries rather than spend their time on constant guard; and

Whereas, the State of Arizona is now represented in Congress by the Honorable Marcus A. Smith, Honorable Henry F. Ashurst, and the Honorable Carl Hayden; now, therefore

Be it resolved by the House of Representatives and the Senate of the State of Arizona, that we most earnestly request and urge that the necessary legislative action be taken to build a fence along the border line through the length of Arizona and at such other places where like conditions prevail.

And we will ever pray.

Passed the House February 17, 1915.

Passed the Senate March 4, 1915.

HOUSE JOINT MEMORIAL NO. 6.

To The Senate and House of Representatives of the Congress of the United States of America in Congress Assembled:

Your memorialists, the Second Legislature of the State of Arizona in regular session convened, respectfully represent:

That during the years of 1908 and 1909 the then Indian Agent of the Colorado River Indian Reservation under authority of the Department of the Interior granted numerous permits to persons to settle upon certain lots in the Parker townsite, Yuma County, Arizona.

That an appraisement was made of the lots of said townsite under the direction of the Department of the Interior during the year 1909, and the persons occupying lots

under permits granted by the department were given a preference right to purchase said lots.

That about ninety days thereafter a second appraisement of all lots in the Parker townsite including those occupied by permittees was ordered by the Department of the Interior and the valuation was raised from three hundred to six hundred per cent above the figures set forth in the first appraisement. That this raise in appraised values was made because of the fact that the townsite of Parker is within a short distance of the allotted Indian land on the Colorado River Indian Reservation, the surplus area of which was planned by the Department of the Interior to be opened to purchase and settlement at an early date.

That the said permittees occupying lots upon the Parker Townsite have paid to the United States under the valuations of town lots under the second appraisement the sum of twenty-four thousand five hundred sixty-two dollars ($24,562.00).

That on May 10, 1910, the authorities of the United States held an auction sale of lots within the Parker Townsite and fifty-six thousand six hundred ninety-eight dollars ($56,698.00) worth of said lots were sold to residents of Parker and other investors. That thirty-seven thousand six hundred twenty-three dollars ($37,623.00) have been paid to the United States for lots purchased at said auction sale and there is still owing to the United States upon said sales the sum of nineteen thousand seventy-five dollars ($19,075.00).

That immediately prior to the auction sale of townsite lots at Parker, Congress passed an act as follows:

"For the construction of a pumping plant to be used for irrigation purposes on the Colorado River Reservation, together with the necessary Canals and laterals, for the utilization of water in connection therewith, for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land, $50,000 to be reimbursed from the sale of the surplus lands of the reservation."

That the above act was in effect a representation by the United States that the surplus land of the Colorado

River Indian Reservation was soon to be opened to settlement and entry by bona fide settlers. That the lots put up for sale at said auction had a prospective value only upon the assumption that said surplus lands would be opened to settlement at an early date. That the enormous increase in the valuation of lots in the Parker Townsite by the second appraisement above referred to was only justified by the carrying out of the implied promise contained in the above act that the surplus lands of the Colorado River Indian Reservation would be open to settlement.

That the townsite of Parker is on a barren desert, on land having an intrinsic value of less than one dollar an acre. That whatever added value it may have arises from the fact that it is adjacent to the bottom lands of the Colorado River Indian Reservation in which the surplus lands above referred to lie, and unless said lands are opened to settlement and entry, the townsite of Parker is worth little, or no more than any other desert land.

That the residents of Parker and numerous other residents of the State of Arizona interested therein, who were induced to purchase lots in the Parker Townsite by reason of the implied promise of the United States above set forth to open the reservation lands to entry, have repeatedly petitioned Congress and the Department of the Interior for the opening of said surplus lands.

That said purchasers of lots in Parker have further evidenced their reliance upon said implied promise of the United States to open said lands by investing large sums of money in buildings and improvements in said town of Parker all of which will be worthless unless the said lands are opened to settlement.

That the allotments of land to the Indians belonging on said reservation have been approved by the Department of the Interior and the surplus land, amounting to aproximately one hundred twenty-five thousand acres (125,000) which might be open to entry, is segregated.

That to the best knowledge and belief of your memorialists there exists a sufficient flow of underground water for the irrigation and reclamation of the surplus lands.

That the surplus Indian lands above described are highly desirable as prospective farms and hundreds of energetic and enterprising citizens of this state alone are awaiting the opportunity to secure tracts of lands for the purpose of making their homes thereon. That to the best knowledge and belief of your memorialists a large amount of the delay in opening the surplus lands of said reservation to settlement in accordance with the said implied promise of the United States has been caused by the unnecessary entanglements of official red tape in the various bureaus at Washington having charge of reclamation work and Indian Affairs.

That another reason which has been assigned for the delay in opening said lands for settlement is the fact that people having large cattle interests have leased certain of the lands involved and have been exerting their influence to delay the opening of said lands for settlement.

Therefore, be it resolved by the Senate and the House of Representatives of the Legislature of the State of Arizona, that the Congress of the United States be and it is hereby urged to enact any legislation which may be necessary for the opening for settlement of said lands to the end that the implied promise of the United States made to the settlers and purchasers of lots within the Parker Townsite to the effect that Indian lands within the Indian Reservation would be opened for settlement, be carried out.

Resolved further, that a copy of this memorial and these resolutions be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the interior, and to the Representatives of Arizona in Congress: and that our Representatives in Congress be and they are hereby requested to do all in their power to accomplish the enactment of such legislation.

Passed the House March 4, 1915.

Passed the Senate March 6, 1915.

CONCURRENT RESOLUTION

CONCURRENT RESOLUTION NO. 4.

BE IT RESOLVED, by the House of Representatives, the Senate concurring, that President Rufus Bernhard von KleinSmid, of the University of Arizona, be invited to address the Senate and House of Representatives in joint session in the hall of the House, on Saturday, January 23, 1915.

Passed the Senate January 23, 1915.

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ACTS, RESOLUTIONS AND MEMORIALS

OF THE

FIRST SPECIAL SESSION

OF THE

SECOND LEGISLATURE

OF THE

STATE OF ARIZONA

Session Began April Twenty-Third, 1915.

Session Adjourned May Twenty-Ninth, 1915.

Phoenix, Arizona.

CERTIFICATE

STATE OF ARIZONA,
Office of the Secretary. } ss

I, SIDNEY P. OSBORN, Secretary of State of Arizona, do hereby certify that the Acts, Resolutions and Memorials herein contained are printed as passed by the First Special Session of the Second 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 17th day of June, A. D., 1915.

Sidney P. Osborn

Secretary of State.

ORDER OF ACTS

ORDER OF ACTS

FIRST SPECIAL SESSION, SECOND LEGISLATURE

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2. H. B. 2.—An Act making an appropriation for paying a deficiency in the Contingent expenses of the Regular Session of the Second State Legislature, State of Arizona, 1915 2

3. H. B. 3.—An Act making appropriations for the different Departments of State, for State institutions, for public schools, for interest on the public debt, for maintenance and extensions of public highways, investigations of under-flow waters, gauging streams and the economic use of water, expenses of the State Land Commission from March 11 to July 1, 1915, and for the payment of certain deficits specified herein, for the fiscal year beginning July 1, 1915, and ending June 30, 1916, and for the fiscal year beginning July 1, 1916, and ending June 30, 1917, and repealing certain sections of the Revised Statutes of Arizona 1913, Civil Code, all of which Constitutes the General Appropriation Bill 4

4. S. B. 2.—An Act to provide for the levy of an annual tax for each of the fiscal years ending June 30, 1916, and June 30, 1917, to defray the necessary ordinary expenses of the State of Arizona for each of the said fiscal years and for the purpose of paying deficiencies in the expenses of the State

Chapter Page

of Arizona for the preceding fiscal year; to defray the expenses of the maintenance, support and improvement of the various State Institutions including agricultural and horticultural experiments and under-flow and surface water investigations; to defray the expenses of the construction and maintenance of State highways and bridges; to defray the expenses of the maintenance and support of the State common schools; and to pay the interest on the State debt and to provide sinking funds for the redemption of State bonds 74

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PROCLAMATION

A PROCLAMATION

EXECUTIVE DEPARTMENT
STATE OF ARIZONA

WHEREAS, the Second State Legislature, in regular session convened on January 11, 1915, took final adjournment at the expiration of the sixty days period allowed by law, without having passed a general appropriation bill providing money for the different State Departments, institutions, public schools, and for the interest on the public debt;

WHEREAS, the funds set aside by the First State Legislature for the use of State departments and institutions will be virtually depleted on June 30, 1915, the date of the expiration of the current fiscal year;

WHEREAS the lack of departmental, institutional and school appropriations, in conjunction with certain existing defects in the statutes governing the levy of taxes, create a serious emergency rendering early legislative action absolutely imperative;

NOW, THEREFORE, I GEO. W. P. HUNT, Governor of Arizona, by virtue of the authority in me vested by the Constitution, do hereby convene the Second State Legislature in special session, in Phoenix, the Capital of Arizona, at 10 o'clock on the morning of Friday, April 23rd, A. D., 1915, for the purpose of providing legislation on the subjects hereinafter following:

1. To enact a general appropriation bill providing appropriations of money for the different departments of the state, for State institutions, for public schools, and for interest on the public debt, as defined and set forth in Article IV, Section 20, of the Constitution of the State of Arizona.

2. To fix the rate of taxes to be levied for the fiscal years ending June 30, 1916, and June 30, 1917, to defray the necessary ordinary expenses of the State during each of said fiscal years, and to provide for the levy of taxes during each of said years at the rates so fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the State of Arizona to be affixed.

Done at the City of Phoenix, the Capital, this 3rd day of April, A. D., 1915.

GEO. W. P. HUNT,
Governor of Arizona

Attest:
SIDNEY P. OSBORN,
Secretary of State.

ACTS

ACTS

CHAPTER 1.

(House Bill 1.)

AN ACT

To Make Appropriations For Current and Contingent Expenses of Carrying on and Conducting and Defraying the Expenses of the First Special Session of the State Legislature of Arizona for the Session of 1915.

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

Section 1. The sum of twenty-five thousand ($25,000.00) dollars is hereby appropriated out of the General Fund of the state of Arizona, or as much thereof as may be necessary for the several objects and purposes hereinafter named.

(1) The sum of eleven thousand three hundred forty ($11,340.00) dollars, or as much thereof as may be necessary, is hereby appropriated for the payment of the salaries of the members of the state legislature of the state of Arizona for the first special session of the year 1915.

(2) The sum of six thousand one hundred eighty ($6,180.00) dollars, or as much thereof as may be needed, is hereby appropriated for the payment of the salaries of the employees of the legislature of the state of Arizona for the first special session of the year 1915.

(3) The sum of two thousand three hundred ninety-two and 30-100 ($2,392.30) dollars, or as much thereof as may be needed, is hereby appropriated for the payment of mileage of the members of the legislature.

(4) The sum of five thousand eighty-seven and 70-100 ($5,087.70) dollars, or as much thereof as may be needed, is hereby appropriated for the payment of the contingent expenses of said legislature.

Sec. 2. All claims for salaries and mileage of the members of the respective houses of the Legislature shall be honored upon presentation of a certificate signed by the presiding officer of the respective houses of said legislature. Thereupon 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 sum out of the General Fund herein provided for.

Sec. 3. All salaries of clerks and employees of the respective houses of the legislature shall be paid in like manner as provided for in Section 2 of this act.

Sec. 4. The salaries of the said members of the legislature and the salaries of the said employees shall be payable on Monday of each and every week during the session of said legislature, and the incidental expenses shall be payable whenever the proper vouchers shall be presented.

Sec. 5. Whereas, an urgent necessity exists for the appropriation of funds to pay the salaries and mileage of the members of the legislature, and the salaries of the various employees of the legislature, and to provide funds for the contingent expenses of the legislature; and the provisions of this act are necessary for the support and maintenance of the legislature to keep intact; and to preserve the public peace, health and safety an emergency is hereby declared to exist, and this act shall be in full force and effect from and after its passage and approval by the governor, and is hereby exempt from the referendum provisions of the state constitution.

Approved April 26, 1915.

CHAPTER 2.

(House Bill 2.)

AN ACT

Making an Appropriation for Paying a Deficiency in the Contingent Expenses of the Regular Session of the Second State Legislature, State of Arizona, 1915.

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

Section 1. The sum of three thousand eight hundred and twenty-two and 31-100 dollars ($3,822.31), is hereby

appropriated out of the General Fund of the State of Arizona, for the several objects and purposes hereinafter named.

(1) The sum of two thousand ninety-five and 85-100 dollars ($2095.85), for payment to The McNeil Company for work on the Legislative Journal and printing of bills for the Legislature and incidental expenses.

(2) The sum of nine hundred and seventy-three dollars ($973.00), is hereby appropriated for the payment of the salaries of employees designated by the President of the Senate and Speaker of the House, to complete the work after the adjournment of said session of the Legislature.

(3) The sum of seven hundred and fifty-three and 45-100 dollars ($753.45), or as much thereof as may be needed, is hereby appropriated for the incidental expenses of said Legislature, at said session.

Sec. 2. All claims for salaries arising under this Act shall be honored upon presentation of a certificate signed by the presiding officer of the respective Houses of said Legislature, and the payment of all of the claims arising under this Act shall be payable whenever the proper vouchers shall be presented, thereupon, 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 sum out of the General Fund herein provided for.

Sec. 3. WHEREAS, an urgent necessity exists for the appropriation of funds to pay the above mentioned claims, 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.

"This bill having remained with the Governor five days, Sundays excepted, and the Legislature being in session, it has become a law this eighth day of May A. D. 1915."

SIDNEY P. OSBORN,
Secretary of State.

CHAPTER 3.

(House Bill 3.)

AN ACT

Making Appropriations for the Different Departments of State, for State Institutions, for Public Schools, for Interest on the Public Debt, for Maintenance and Extensions of Public Highways, Investigations of Underflow Waters, Gauging Streams and the Economic use of Water, Expenses of the State Land Commission from March 11, to July 1, 1915, and for the Payment of Certain Deficits Specified Herein, for the Fiscal Year Beginning July 1, 1915, and Ending June 30, 1916, and for the Fiscal Year Beginning July 1, 1916, and Ending June 30, 1917, and Repealing Certain Sections of the Revised Statutes of Arizona, 1913, Civil Code, all of Which Constitutes the 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. To pay the salaries of the three members of the corporation commission there is hereby appropriated the sum of eighteen thousand dollars ($18,000.00); three thousand dollars ($3,000.00) to be paid each commissioner during each of the years ending June 30, 1916 and June 30, 1917.

2. To pay the salary of the secretary of the corporation commission there is hereby appropriated the sum of forty-two hundred dollars ($4200.00); twenty-one hundred dollars ($2100.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

3. To pay the salary of the rate and traffic expert of the corporation commission there is hereby appropriated

the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

4. To pay the salary of the rate clerk of the corporation commission there is hereby appropriated the sum of thirty-six hundred dollars ($3600.00); eighteen hundred dollars ($1800.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

5. To pay the salary of the reporter of the corporation commission there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

6. To pay the salary of one expert stenographer for the corporation commission there is hereby appropriated the sum of twenty-four hundred dollars ($2400.00); twelve hundred dollars ($1200.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

7. To pay the contingent expenses of the corporation commission there is hereby appropriated the sum of thirty-four thousand eight hundred dollars ($34,800.00); seventeen thousand four hundred dollars ($17,400.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

8. To pay the salaries of the chief clerk and assistant clerk in the incorporating department of the corporation commission there is hereby appropriated the sum of four thousand five hundred sixty dollars ($4560.00); two thousand two hundred eighty dollars ($2280.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917; and all statutory appropriations heretofore made for the expenses and purposes provided for in this subdivision are hereby repealed, and the state auditor is hereby directed to draw no warrant against the general or other fund for any state moneys for the purposes provided for in this subdivision otherwise than is herein directed, the appropriation herein made being in lieu of all such statutory appropriations and is not in addition thereto.

9. To pay the salary of the attorney general there is hereby appropriated the sum of five thousand dollars ($5,000.00); twenty-five hundred dollars ($2500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

10. To pay the salary of one assistant to the attorney general there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917, Paragraph 109, revised statutes of Arizona, 1913, civil code, is hereby repealed. Said assistant to the attorney general shall aid him in conducting the prosecution of the legal business of the state and of the corporation commission; such attorney shall be at all times subject to the control and under the direction of the attorney general.

11. To pay the salary of one law clerk in the office of the attorney general there is hereby appropriated the sum of thirty-six hundred dollars ($3600.00); eighteen hundred dollars ($1800.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

12. To pay the extra office expenses of the attorney general there is hereby appropriated the sum of two thousand dollars ($2,000.00). Paragraph 112, revised statutes of Arizona, 1913, civil code, is hereby repealed.

13. To pay the salary of a stenographer to the attorney general there is hereby appropriated the sum of twenty-four hundred dollars ($2,400.00); twelve hundred dollars ($1,200.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

14. To pay the contingent expenses of the office of the attorney general and the expense of defending suits in the federal courts there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00), or so much thereof as may be needed to be expended during each of the years ending June 30, 1916, and June 30, 1917. Paragraph 113, revised statutes of Arizona, 1913, civil code, is hereby repealed.

15. To secure additional counsel and to pay any additional expense that may be incurred in prosecuting the ap-

peal of the state to the United States Supreme Court in the matter of the act commonly known as the "Eighty Per Cent Law" there is hereby appropriated the sum of five hundred dollars ($500.00) to become available during the year ending June 30, 1916, the appropriation herein made to be used by and under the direction of the attorney general, the above appropriation to be in lieu of any appropriations now provided for in title I, Chapter X, revised statutes of Arizona, 1913, civil code.

16. To pay the salary of the state auditor there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

17. To pay the salary of the deputy state auditor there is hereby appropriated the sum of forty-eight hundred dollars ($4,800.00); twenty-four hundred dollars ($2,400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

18. To pay the salary of one bookkeeper employed by the state auditor there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

19. To pay the salaries of two warrant registrars employed by the state auditor there is hereby appropriated the sum of forty-eight hundred dollars ($4,800.00); twelve hundred dollars ($1200.00) to be paid to each warrant registrar during each of the years ending June 30, 1916, and June 30, 1917.

20. To pay the salary of one stenographer employed by the state auditor there is hereby appropriated the sum of twenty-four hundred dollars ($2,400.00); twelve hundred dollars ($1200.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

21. To pay the contingent expenses of the state auditor there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

22. To pay the salary of one state bank examiner, there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

23. To pay the traveling expenses of the state bank examiner there is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

24. To pay the salaries of the three members of the state tax commission there is hereby appropriated the sum of eighteen thousand dollars ($18,000.00); three thousand dollars ($3,000.00) to be paid to each member during each of the years ending June 30, 1916, and June 30, 1917.

25. To pay the salary of the secretary of the state tax commission there is hereby appropriated the sum of forty-eight hundred dollars ($4,800.00); twenty-four hundred dollars ($2,400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

26. To pay the salary of a clerk in the office of the state tax commission there is hereby appropriated the sum of twenty-four hundred dollars ($2,400.00); twelve hundred dollars ($1,200.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

27. To pay all other persons employed by the state tax commission there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1,500.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917.

28. To pay the necessary traveling expenses of the members of the state tax commission there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1,500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

29. To pay the necessary office expenses of the state tax commission there is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

30. To pay the expenses of the state tax commission while sitting as a state board of equalization there is hereby appropriated the sum of six hundred dollars ($600.00); three hundred dollars ($300.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917.

31. To pay the salary of the state game warden there is hereby appropriated the sum of thirty-six hundred dollars ($3600.00); eighteen hundred dollars ($1800.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

32. All moneys received from the sale of hunting licenses, permits, certificates, fines, penalties, forfeitures, or other sources, shall constitute the game protection fund, and shall be used to pay the salaries of all deputy state game wardens, for printing, the publishing of reports, postage, express, and all other necessary and office expenses of the state game warden. This appropriation shall be in lieu of all appropriations provided for in title XVIII, revised statutes of Arizona, 1913, penal code.

33. To pay the salary of the governor, there is hereby appropriated the sum of eight thousand dollars ($8,000.00); four thousand dollars ($4,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

34. To pay the salary of the secretary to the governor there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

35. To pay for clerical assistance in the governor's office there is hereby appropriated the sum of ten thousand dollars ($10,000.00); five thousand dollars ($5,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

36. To pay the contingent expenses of the governor's office there is hereby appropriated the sum of eight thousand dollars ($8,000.00); four thousand dollars ($4,000.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917.

37. To pay the expenses of the governor when attending the annual conference of governors there is hereby appropriated the sum of three hundred dollars ($300.00); one hundred and fifty dollars ($150.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

38. To pay the salary of the state treasurer there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars $3,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

39. To pay the salary of the deputy state treasurer there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars, ($1500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

40. To pay on account of salary to the deputy state treasurer there is hereby appropriated the sum of six hundred dollars ($600.00); three hundred dollars ($300.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

41. To pay for stenographic assistance in the office of the state treasurer there is hereby appropriated the sum of nine hundred dollars ($900.00); four hundred fifty dollars ($450.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

42. To pay the office expenses of the state treasurer there is hereby appropriated the sum of one thousand dollars ($1,000.00); five hundred dollars ($500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

43. To pay the salary of the state examiner there is hereby appropriated the sum of five thousand dollars ($5,000.00); twenty-five hundred dollars ($2500.00) to be

paid during each of the years ending June 30, 1916, and June 30, 1917.

44. To pay the office and traveling expenses of the state examiner there is hereby appropriated the sum of thirty-two hundred dollars ($3200.00); sixteen hundred dollars ($1600.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

45. To pay a deputy in the office of the state examiner and his traveling expenses there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

46. To pay the salary of the inspector of weights and measures there is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

47. To pay the salary of the clerk for the inspector of weights and measures there is hereby appropriated the sum of twenty-four hundred dollars ($2400.00); twelve hundred dollars ($1200.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

48. To pay the office and traveling expenses of the inspector of weights and measures there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

49. To pay the salary of the secretary of state there is hereby appropriated the sum of seven thousand dollars ($7,000.00); thirty-five hundred dollars ($3500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

50. To pay the salary of the assistant secretary of state there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

51. To pay the salaries of stenographers employed by the secretary of state there is hereby appropriated the sum of forty-two hundred dollars ($4200.00); twenty-one hundred dollars ($2100.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917.

52. To pay the contingent expenses of the secretary of state there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

53. To pay for tags, number plates, and for other expenses incurred by the secretary of state in connection with issuing automobile licenses, there is hereby appropriated the sum of eight thousand dollars ($8,000.00); four thousand dollars ($4,000.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

54. To provide the secretary of state with funds to defray the expenses incurred in connection with initiative and referendum measures, there is hereby appropriated the sum of six thousand dollars ($6,000.00), to be expended during the biennium ending June 30, 1917.

55. To pay for the publication of the session laws of the second legislature there is hereby appropriated the sum of two thousand dollars ($2000.00), or so much thereof as may be needed, to be used by the secretary of state during the years 1915 and 1916.

56. For printing and publishing the decisions of the supreme court there is hereby appropriated the sum of twenty-two hundred fifty dollars ($2250.00). Upon publication of such reports and delivery to the secretary of state, the state auditor shall draw his warrant in favor of the publisher of said reports for the price of publication; the total amount drawn for the purposes herein provided not to exceed the sum herein appropriated. Paragraph 1773, revised statutes of Arizona, 1913, civil code, is hereby repealed, the appropriation herein made being in lieu of all statutory appropriations and is not in addition thereto.

57. To pay the salary of the citizen member of the board of control there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917. Paragraph 4460, revised statutes of Arizona, 1913, civil code, is hereby repealed and all statutory appropriations for the salary provided for in this subdivision are hereby repealed, and the state auditor shall draw no warrant against the general or other state fund for the salary provided for in this subdivision otherwise than is herein directed, the appropriation herein made being in lieu of all such statutory appropriations and is not in addition thereto.

58. To pay for printing and publishing reports of state officer, commissions, and boards, there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1500.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917, to be expended under the direction of the board of control. Paragraph 242, revised statutes of Arizona, 1913, civil code, and section 2 of chapter 53 of the session laws, second special session, first legislature, 1913, are hereby repealed; the appropriation herein made being in lieu of all statutory appropriations and is not in addition thereto.

59. To pay for publishing the minutes of the board of control and for publishing calls for bids for supplies published under the authority of and by direction of the board of control, and for publishing the minutes of the state board of equalization and for such other publications as may be directed to be made by law, there is hereby appropriated the sum of four thousand dollars ($4000.00); two thousand dollars ($2000.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917, to be expended by authority of the board of control. All statutory appropriations made for such publications and the purposes provided for in this section are hereby repealed, the appropriation herein made being in lieu of all statutory appropriations and is not in addition thereto.

60. To pay the office expenses and clerk hire of the board of control there is hereby appropriated the sum of

forty-two hundred dollars ($4200.00); twenty-one hundred dollars ($2100.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917.

61. To pay the traveling expenses of the board of control there is hereby appropriated the sum of four thousand dollars ($4000.00); two thousand dollars ($2000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

62. To pay that portion of the salaries of the judges of the superior court required by the constitution to be paid by the state, being one-half the total salaries due such judges, there is hereby appropriated the sum of forty-seven thousand five hundred dollars ($47,500.00); twenty-three thousand seven hundred fifty dollars ($23,750.00) to be paid as provided by law during each of the years ending June 30, 1916, and June 30, 1917.

63. To pay the salaries of the judges of the supreme court there is hereby appropriated the sum of thirty thousand dollars ($30,000.00); five thousand dollars ($5000.00) to be paid to each judge during each of the years ending June 30, 1916, and June 30, 1917.

64. To pay the salary of the clerk of the supreme court there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

65. To pay the salary of reporter of decisions of the supreme court there is hereby appropriated the sum of one thousand dollars ($1000.00); five hundred dollars ($500.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

66. To pay for stenographic assistance to the supreme court there is hereby appropriated the sum of sixty-four hundred eighty dollars ($6480.00); thirty-two hundred forty dollars ($3240.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

67. To pay the contingent expenses of the supreme court there is hereby appropriated the sum of two thousand

dollars ($2,000.00); one thousand dollars ($1,000.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

68. To pay premiums on official bonds of state officers as provided by law there is hereby appropriated the sum of eleven hundred dollars ($1,100.00); five hundred fifty dollars ($550.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917.

69. To pay the salary of the superintendent of public health there is hereby appropriated the sum of two thousand dollars ($2,000.00); one thousand dollars ($1,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

70. To pay the salary of the registrar of vital statistics there is hereby appropriated the sum of two thousand dollars ($2,000.00); one thousand dollars ($1,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

71. To pay the office expenses of the superintendent of public health there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917. One thousand dollars to be used for the purchase and distribution by mail and otherwise of printed matter pertaining to communicable diseases.

72. To pay the salary of the chemist at the state laboratory there is hereby appropriated the sum of thirty-six hundred dollars ($3,600.00); eighteen hundred dollars ($1800.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917. Paragraph 4451, revised statutes of Arizona, 1913, civil code, is hereby repealed.

73. For the maintenance and office expenses of the state laboratory and for the purchase of equipment, apparatus, chemicals and supplies for the use of the state laboratory and for the compensation of assistants and other necessary help there is hereby appropriated the sum of fifty-four hundred dollars ($5400.00); twenty-seven hundred dollars ($2700.00), or so much thereof as may be needed, to

be expended during each of the years ending June 30, 1916, and June 30, 1917, such expenditures to be made on the order of the director of such laboratory.

74. To pay the salary of the state engineer there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917. The appropriation for the salary herein made is in lieu of all statutory appropriations heretofore made and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the salary provided for in this subdivision otherwise than is herein directed.

75. To pay the office expenses of the state engineer there is hereby appropriated the sum of five thousand dollars ($5,000.00); twenty-five thousand dollars ($2500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

76. To pay the per diem of the chairman of and all expenses of the board of pardons and paroles there is hereby appropriated the sum of two thousand dollars ($2,000.00); one thousand dollars ($1,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

77. To pay the per diem of the members of the bar examiners there is hereby appropriated the sum of five hundred dollars ($500.00); two hundred fifty dollars ($250.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917. The appropriation herein made for said per diem is in lieu of all statutory appropriations heretofore made for said purposes, and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or other state fund for the per diem provided for in this subdivision otherwise than is herein directed.

78. To pay the salaries of the commissioners, entomollogist, secretary to the entomologist, and such assistants, inspectors, clerks and other persons as may be needed by the horticulture commission, there is hereby appropriated the sum of twenty-four thousand dollars ($24,000.00);

twelve thousand dollars ($12,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917. There is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917, for the prevention of the spread of alfalfa weavil and boll weavil and dodder. The appropriation herein made for such salaries and expenses is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the state auditor is hereby directed to draw no warrants against the general or other state fund for the salaries and expenses provided for in this subdivision otherwise than is herein directed.

79. To pay the per diem and expenses of the members of the board of dental examiners there is hereby appropriated the sum of six hundred dollars ($600.00); three hundred dollars ($300.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917, said per diem to be paid at the rate of seven dollars ($7.00) for each member while actually engaged in the business of said board, including necessary traveling and hotel expenses incurred in the discharge of the duties of the board; the appropriation herein made for said per diem and expenses is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or other state fund for the per diem and expenses provided for in this subdivision otherwise than is herein directed.

80. To pay the salary of the state historian there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

81. To pay the salary of a clerk and office expenses of the state historian there is hereby appropriated the sum of thirty-four hundred dollars ($3400.00); seventeen hundred dollars ($1700.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

82. To pay the traveling expenses of and the employment of extra help by the state historian in obtaining historical data, and for searching the records of departments and congressional library at Washington, D. C., there is hereby appropriated the sum of twenty-five hundred dollars ($2500.00); twelve hundred fifty dollars ($1250.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917. The appropriation for the expenses herein made is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the salaries and expenses provided for in this subdivision otherwise than is herein directed.

83. To pay for printing and binding two volumes of the History of Arizona there is hereby appropriated the sum of five thousand dollars ($5000.00), to be expended during the biennium ending June 30, 1917.

84. To pay the salary of the secretary and the expenses of the sheep sanitary commission there is hereby appropriated the sum of nine thousand dollars ($9000.00); forty-five hundred dollars ($4500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917. The appropriation for the salary and expenses herein made is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or other state fund for such salary and expenses provided for in this subdivision otherwise than is herein directed.

85. For the purpose of erecting armories, drill rooms, headquarters offices, storage rooms, or other buildings, to be used for military purposes, there is hereby appropriated the sum of thirteen thousand dollars ($13,000.00), six thousand five hundred dollars ($6500.00), or so much thereof as may be needed, to be available during each of the years ending June 30, 1916, and June 30, 1917, the said sums to be placed by the state treasurer to the credit of the military fund out of the taxes collected for the years 1915 and 1916, the said sum to be expended, as provided by law, for the erection of armories, drill rooms, headquarters, offices,

store rooms, or other buildings to be used for military purposes; provided, that before the commencement of the erection of any building herein provided for in any city or town, such city or town shall deposit with the state treasurer, to the credit of said military fund, an amount equal to the amount to be expended by the state in said city, and to be added to the amount herein appropriated for the erection of any such building as specified in a contract approved as required by law; and provided further, that the land upon which any such building is constructed shall be conveyed to the State of Arizona in fee simple, without cost to the state, for military purposes; and provided further, that no work shall be begun nor expenditure made until such deed is filed with the proper county and state officers; provided further, that Douglas, Flagstaff and Yuma be given the preference in the order named.

86. To pay for the maintenance, upkeep and repairs of the state capitol building and grounds there is hereby appropriated the sum of thirty thousand dollars ($30,000.00); fifteen thousand dollars ($15,000.00), or so much thereof as may be needed, to be expended under the direction and supervision of the board of control during each of the years ending June 30, 1916, and June 30, 1917. The appropriation herein made for such maintenance, upkeep and repairs is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the maintenance, upkeep and repairs provided for in this subdivision otherwise than is herein directed.

87. To pay for elementary training in agricultural, mining, manual training, domestic science, and other vocational pursuits in such normal and high schools as are designated under the provisions of law to give such training, there is hereby appropriated the sum of seventy-three thousand dollars ($73,000.00); thirty-six thousand five hundred dollars ($36,500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917. The appropriation herein made for such elementary training is in lieu of all statutory appropriations heretofore made for this purpose, and is not in addition thereto; and the state auditor is hereby di-

rected to draw no warrant against the general or other state fund for the expenses of such elementary training provided for in this subdivision otherwise than is hereby directed.

88. To pay the salary of the state law and legislative reference librarian, there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00); twenty-four hundred dollars ($2400.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917. The appropriation herein made for such salary is in lieu of all satutory appropriations heretofore made for this purpose and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for such salary provided for in this subdivision otherwise than is herein directed.

89. To pay for clerical assistance to the state librarian for cataloging, indexing and cross indexing the volumes, pamphlets and publications in the state library, there is hereby appropriated the sum of twenty-four hundred dollars ($2400.00); twelve hundred dollars ($1200.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

90. All fees received by the clerk of the supreme court shall be paid into the state treasury and shall be set aside for the maintenance of the state library, and all such fees are hereby appropriated for the maintenance of said state library for the payment of the salary provided for in subdivision 89. The appropriation herein made is not in addition to any other maintenance fund but is in lieu of all statutory appropriations for the maintenance of said state library.

91. To pay the per diem and mileage of the members of the live stock sanitary board there is hereby appropriated the sum of two thousand dollars ($2000.00); one thousand dollars ($1000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

92. To pay the salaries and per diem of such live stock inspectors, detectives and slaughterhouse inspectors as may be appointed, to pay for keeping the records of the inspection service, and such clerical assistance and office

expenses as may be necessary for the proper performance of the duties of the live stock sanitary board, there is hereby appropriated the sum of eighteen thousand five hundred dollars ($18,500.00); nine thousand two hundred fifty dollars ($9,250.00), or so much thereof as may be needed, to be paid during the years ending June 30, 1916, and June 30, 1917.

93. For the maintenance of the national guard of Arizona, for the payment of insurance, expenses of instruction, examination of recruits, purchase of clothing, payment of salaries, providing allowance for camps of instruction, and other expenses, there is hereby appropriated the sum of sixty thousand dollars ($60,000.00); thirty thousand dollars ($30,000.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917, said sum to be placed to the credit of the military fund out of the taxes collected for the years 1915 and 1916; said sum to be expended as provided by law; and all vouchers for expenditures made under the provisions of this section, shall be signed by the adjutant general. Upon presentation of such vouchers the state auditor is hereby authorized and directed to draw his warrants payable out of the funds credited to the account of the military fund and the state treasurer is authorized and directed to pay such warrants; provided, that the salary and allowance for the adjutant general as provided by law shall not exceed the sum of twenty-four hundred dollars ($2400.00) per year, payable semi-monthly, and on travel allowances outside of the state shall be allowed. All statutory provisions for the salary of the adjutant general are hereby repealed.

The above appropriations are in lieu of all appropriations now provided in title XXXIII of the revised statutes of Arizona, 1913, civil code.

94. To pay the salary of the state mine inspector there is hereby appropriated the sum of six thousand dollars ($6000.00); three thousand dollars ($3000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

95. To pay the salaries of three deputy mine inspectors, appointed by the state mine inspector, there is

hereby appropriated the sum of ten thousand eight hundred dollars ($10,800.00); one thousand eight hundred dollars ($1,800.00) to be paid to each deputy during each of the years ending June 30, 1916, and June 30, 1917.

96. To pay the salary of clerk and office expenses of the state mine inspector there is hereby appropriated the sum of twenty-eight hundred dollars ($2800.00); fourteen hundred dollars ($1400.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

97. To pay the salary of the state veterinarian there is hereby appropriated the sum of thirty-six hundred dollars ($3600.00); eighteen hundred dollars ($1800.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

98. To pay the traveling and office expenses of the state veterinarian there is hereby appropriated the sum of one thousand dollars ($1000.00); five hundred dollars ($500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

99. For the care and education of defective students in the deaf and dumb department of the University of Arizona there is hereby appropriated the sum of twenty-nine thousand nine hundred and eighty dollars ($29,980.00); fourteen thousand nine hundred and ninety dollars ($14,990.00) to be expended during each of the years ending June 30, 1916, and June 30, 1917, said sum to be placed by the state treasurer to the credit of the fund for defective students out of the taxes collected during the years 1915 and 1916. The board of regents is hereby authorized and directed to expend such sum, or so much thereof as may be needed, for the purpose of caring for and educating the defective students attending the University of Arizona. If the facilities in the University of Arizona are not adequate for the caring for all defectives who apply, the board of regents are hereby authorized to place such defectives in a suitable school outside of the state at a cost not to exceed the per capita cost of caring for such defectives at the University of Arizona, these appropriations to be in lieu of all appropriations now provided by chapter 25, title 11,

revised statutes of Arizona, 1913, civil code. All moneys remaining to the credit of the Arizona school for the deaf from the appropriation of 1913-1915 is hereby transferred to the general fund.

100. To pay the necessary expenses of the Arizona Pioneers' Historical Society there is hereby appropriated the sum of twenty-five hundred dollars ($2500.00); twelve hundred fifty dollars ($1250.00) to be expended during each of the years ending June 30, 1916, and June 30, 1917.

101. To pay the salaries of the chief clerk, deputies, clerks and stenographers, and contingent expenses of the state land commission from March 11, 1915, to July 1, 1915, there is hereby appropriated the sum of five thousand two hundred thirty-five dollars ($5,235.00), or so much thereof as may be needed, said sum to be paid in the manner provided by law.

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.

Sec. 2. For maintenance, including repairs, of the Arizona State Fair, there is hereby appropriated the sum of thirty thousand dollars ($30,000.00); fifteen thousand dollars ($15,000.00) to be expended during the year ending June 30, 1916, and fifteen thousand dollars ($15,000.00) during the year ending June 30, 1917, said sum to be placed by the state treasurer to the credit of the State Fair Maintenance Fund, out of the taxes collected for the years 1915 and 1916. All vouchers for expenditures to be paid from the sum herein appropriated shall be signed by the chairman of the State Fair Commission, and one other member of the Commission, and shall be attested by the secretary. Upon presentation of such vouchers the state auditor is hereby authorized and directed to draw his warrants on said State Fair Maintenance Fund, and the state treasurer is hereby authorized and directed to pay said warrants. The said State Fair Commission is hereby directed to deposit

with the State Treasurer all income received on account of said State Fair from donations, rentals, sale of concessions, entrance fees, gate receipts, and from all other sources whatsoever, and the state treasurer is directed to place said sum to the credit of the State Fair Maintenance Fund; and all sums derived from said donations, rentals sale of concessions, entrance fees, gate receipts and from all other sources whatsoever, are hereby appropriated in addition to the specific appropriation herein made for the maintenance of the Arizona State Fair, to be expended by and under the direction of the state fair commission, and the state auditor is hereby authorized and directed to draw his warrants on the state treasurer to the amount of the additional appropriation herein made and the state treasurer is hereby authorized and directed to pay same. The above appropriations are in lieu of appropriations made in chapter VI, title XLII, revised statutes of Arizona, 1913, civil code.

Sec. 3. For improvements and betterments for the Arizona state fair there is hereby appropriated, in addition to all other sums appropriated, the sum of sixteen thousand dollars ($16,000.00); eight thousand dollars ($8,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; said sums to be placed by the state treasurer to the credit of the state fair commission improvement fund out of the taxes collected for the years 1915 and 1916; and the state fair commission is hereby authorized and directed to expend such sum, or so much thereof as may be needed, for such improvements and betterments and for incidental expenses on the grounds and buildings as they deem expedient. All vouchers for such expenditures shall be signed by the chairman and one other member of the commission, and attested by the secretary. Upon presentation of such vouchers, the state auditor is hereby authorized and directed to draw his warrants on the state treasurer for the amount of such voucher, and the state treasurer is hereby authorized and directed to pay same.

Sec. 4. To pay the deficit of the state fair commission, from February 1, 1915, to June 30, 1915, there is hereby appropriated the sum of four thousand dollars ($4,000.00); said sum to be placed by the state treasurer to the credit of the state fair commission deficit fund out of the general

fund of the state not otherwise appropriated, said sum to be paid after July 1, 1915. The state fair commission is hereby authorized and directed to expend such sums, or so much thereof as may be needed, to meet the deficit of said commission as herein provided. All vouchers for expenditures under the provisions of this section shall be signed by the chairman and one other member of the commission and attested by the secretary. Upon presentation of said vouchers the state auditor is hereby authorized and directed to draw his warrants on the state treasurer for the amount of such vouchers, and the state treasurer is hereby authorized and directed to pay the same. The above sums are appropriated provided that the state fair commission issue during any one year not more than one hundred free passes, and in case more than one hundred passes are issued, the above appropriation is null and void.

Sec. 5. For the maintenance of the pioneers' home there is hereby appropriated the sum of thirty thousand dollars ($30,000.00); fifteen thousand dollars ($15,000.00), or so much thereof as may be needed, to be expended by the board of control during each of the years ending June 30, 1916, and June 30, 1917, the said sum to be placed by the state treasurer in the pioneers' home maintenance fund out of taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the pioneers' home maintenance fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 6. For the improvement and repairs of the pioneer's home there is hereby appropriated the sum of two thousand dollars ($2,000.00); one thousand dollars ($1,000.00), or so much thereof as may be needed, to be expended by the board of control during each of the years ending June 30, 1916, and June 30, 1917, the said sum to be placed by the state treasurer in the pioneer' home improvement fund out of the taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the pioneers' home improvement fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 7. There is hereby appropriated out of the general fund the sum of four thousand five hundred dollars ($4,500.00), or so much thereof as is necessary to pay the deficit in the maintenance fund for the pioneers' home for the year ending June 30, 1915, to be paid as provided by law. The appropriations for the pioneers' home are in lieu of appropriations made in chapter VII, title XLII, revised statutes of Arizona, 1913, civil code.

Sec. 8. For the construction, reconstruction, repairs, improvements and maintenance of the public highways, roads and bridges, there is hereby appropriated the sum of five hundred thousand dollars ($500,000.00) to be placed in the state road tax fund; two hundred fifty thousand dollars ($250,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917. The board of control and state engineer are hereby directed to expend fifteen thousand dollars ($15,000.00), in each of the counties of Navajo and Apache in addition to the apportionment alloted to these counties of the twenty-five per cent state highway fund. Said amounts to be expended out of the twenty-five per cent state highway fund. Said sum to become and be available on and after July 1, 1915. The sum herein appropriated is in lieu of any and all statutory appropriations heretofore made for the purposes and objects designated in this section and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general fund, the state road tax fund, or other state fund for the purposes and objects provided for in this section otherwise than is herein directed.

Sec. 9. There is hereby appropriated from the twenty-five per cent state highway fund the sum of eleven hundred and one dollars and 40-100 ($1,101.40) on account of Perry E. Borchers for goods and materials used on Antelope Hill Bridge in Yuma county. The board of control and

Sec. 10. For the salary of the inspector of apiaries there is hereby appropriated the sum of two thousand dollars ($2,000.00); one thousand dollars ($1,000.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917; all fees collected by said inspector under the provisions of law shall be collected by him without extra compensation therefor, and shall be deposited with the state treasurer and by him credited to the account commonly known as the "Apiary Inspection Fund," provided, however, that no money shall be paid out of the state treasury state engineer are hereby authorized and directed to pay the same to E. F. Sanguinetti of Yuma, Yuma County.
for the purposes provided for in this section and the next succeeding section until a sufficient sum has been paid into such fund previous to any warrants being drawn thereon; and no deficit occuring in said "Apiary Inspection Fund" shall be paid from any other state fund and should the collections for the purposes provided for herein be insufficient to pay either the salary provided for in this section or the expenses provided for in the next succeeding section then the appropriation herein made shall be paid out only to the extent of the collections made and paid into such "Apiary Inspection Fund."

Sec. 11. For the expenses of the inspector of apiaries there is hereby appropriated the sum of seven hundred dollars ($700.00): three hundred fifty dollars ($350.00) to be paid during each of the years ending June 30, 1916, and June 30, 1917.

Sec. 12. For the maintenance of the asylum for the insane there is hereby appropriated the sum of one hundred seventy thousand dollars ($170,000.00); eighty-five thousand dollars ($85,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; the state treasurer shall place said sum to the credit of the asylum for the insane maintenance fund out of the taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the asylum for the insane maintenance fund, but in case

of a deficit in said fund, to pay such warrants out of the General Fund.

Sec. 13. For the purpose of building and equipping a female ward at the asylum for the insane there is hereby appropriateed the sum of twenty-five thousand dollars ($25,000.00), said sum to be placed to the credit of the asylum for the insane building fund out of the taxes collected during the year 1915, and said sum to be expended by the state board of control in the manner provided by law.

Sec. 14. For improvement and repairs at the asylum for the insane there is hereby appropriated the sum of twenty-five thousand dollars ($25,000.00); fifteen thousand dollars ($15,000.00), or so much thereof as may be needed to be expended by the Board of Control during the year ending June 30, 1916, ten thousand dollars ($10,000.00) or so much thereof as may be needed, to be expended during the year ending June 30, 1917; the said sum to be placed by the state treasurer to the credit of the asylum for the insane improvement fund out of taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the asylum for the insane improvement fund. But in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 15. To provide for the disposal of the sewage from the asylum for the insane either by purchase of land or other means as may seem proper, there is hereby appropriated the sum of thrity-two hundred dollars ($3200.00), to become available during the year ending June 30, 1916; and the board of control is hereby authorized and directed to enter into such contracts on behalf of the state, as in its judgment may be proper for the disposal of such sewage, and the appropriation hereby made or such part thereof as may be needed, may be used by said board of control for the purchase of carrying out the provisions of this section.

Sec. 16. For the maintenance of the state prison there is hereby appropriated the sum of one hundred seventy thousand dollars ($170,000.00); eighty-five thousand dollars ($85,000.00), or so much thereof as may be needed, to be expended by the board of control during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the "prison maintenance fund" out of the taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the "prison maintenance fund," but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 17. For improvements and repairs at the state prison and for the construction of a power line to said prison there is hereby appropriated the sum of twenty-three thousand nine hundred dollars ($23,900.00), or so much thereof as may be needed, to be expended by the board of control during the year ending June 30, 1916, said sum to be placed by the state treasurer in the "prison improvement and power line fund" out of the taxes collected for the year 1915. 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 control under the provisions of this section and the state treasurer is hereby authorized and directed to pay such warrants out of said "prison improvement and power line fund," but in case of a deficit in said fund caused by delinquent taxes to pay such warrants out of the general fund, said fund to be expended as follows:

Subsection (a). For the construction of a storage house for supplies for the state prison there is hereby appropriated the sum of twenty-five hundred dollars ($2,500.00), or so much thereof as may be needed, to be expended by the board of control during the year ending June 30, 1916.

(b). For the necessary repairs to the female ward of the state prison there is hereby appropriated the sum of one thousand dollars ($1,000.00), said sum, or so much

thereof as may be needed, to be expended during the year ending June 30, 1916.

(c). For the construction of a power line, transformers and all other necessary equipment for the con-struction of a power line from Sacaton to the state prison there is hereby apportioned out of said sum nineteen thousand four hundred dollars ($19,400.00) to be divided as follows:

Cost of high line, 31 miles, at $830.00 per mile	$17,430.00
2 - 20 KW. 25 cycle transformers at .....(each)....	500.00
1 - 10 HP A. C. Motor	175.00
1 - 20 HP A. C. Motor	225.00
1 - 3 HP A. C. Motor	70.00
Yard lamps, switching boards, rewiring, etc.	500.00

Said appropriation to be available upon the signing of the contract by the officials of the City of Florence and the board of control, whereby the City of Florence agrees to pay annually to the state of Arizona five per cent on one-half the total cost of construction of said power line. The above appropriations are in lieu of appropriations made in part 111, of title 1, of the revised statutes of Arizona, 1913, penal code."

(d). For the purchase of hog styes there is hereby appropriated out of said sum five hundred dollars ($500.00).

(e). For the purpose of providing paints and oils to be used on the buildings at the state prison there is hereby appropriated out of said sum five hundred dollars ($500.00), or so much thereof as may be needed.

Sec. 18. For the maintenance of the Tempe Normal School there is hereby appropriated the sum of one hundred eighty thousand dollars ($180,000.00); ninety thousand dollars ($90,000.00), or so much thereof as may be needed, to be expended by the board of education of the Tempe Normal School, during each of the years ending June 30, 1916, and June 30, 1917, said sum to be placed by the state treasurer in the Tempe Normal School Maintenance Fund out of the taxes collected for the years 1915 and 1916. 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 Tempe Normal School Maintenance Fund, but in case of a deficit in said fund caused by delinquent taxes to pay such warrants out of the general fund.

Sec. 19. For improvements and repairs at the Tempe Normal School, there is hereby appropriated the sum of fifteen thousand dollars ($15,000.00), or so much thereof as may be needed, to be expended by the board of education of the Tempe Normal School during the years ending June 30, 1916, and June 30, 1917, or either of them; said sum to be placed by teh state treasurer in the "Tempe Normal School Improvement Fund" out of the taxes collected for the years 1915 and 1916. 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 Tempe Normal School Improvement Fund, but in case of a deficit in said fund caused by delinquent taxes to pay such warrants out of the general fund. Said sum to be expended as follows:

A. The sum of five thousand dollars ($5,000.00), or so much thereof as may be needed, for the purpose of completing the construction of a sewer system for the Tempe Normal School.

B. The sum of ten thousand dollars ($10,000.00) to be expended for general improvements at said Tempe Normal School, five thousand dollars ($5,000.00) to be paid annually.

Sec. 20. For improvement of the grounds, walks, ditches and roads at the Tempe Normal School there is hereby appropriated the sum of ten thousand dollars ($10,000.00); five thousand dollars ($5,000.00), or so much thereof as may be needed, to be expended by the board of education of the Tempe Normal School during each of the years ending June 30, 1916, and June 30, 1917; the said sum to be placed by the state treasurer in the Tempe Normal School ground improvement fund, out of the taxes collected for the years 1915 and 1916. 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 Tempe Normal School ground improvement fund, but in case of a deficit in said fund, caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 21. For the purpose of constructing and furnishing a hospital at the Tempe Normal School there is hereby appropriated the sum of four thousand dollars ($4,000.00), said sum to be placed in the treasury out of the taxes to be collected during the year 1916 to the credit of the Tempe Normal School. Said board of education is hereby authorized and directed to expend such sum, or so much thereof as may be needed, for the construction and furnishing of said hospital building.

Sec. 22. For the maintenance of the University of Arizona there is hereby appropriated the sum of two hundred twenty-four thousand one hundred and fifty-six dollars and eighty cents ($224,156.80), one hundred and twelve thousand seventy-eight dollars and forty cents ($112,078.40), or so much thereof as may be needed, to be expended by the board of regents during each of the years ending June 30, 1916, and June 30, 1917; the said sum to be placed by the state treasurer in the University of Arizona maintenance fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all calims approved and allowed by the board of regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the University of Arizona maintenance fund; but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 23. For improvement and repairs at the University of Arizona there is hereby appropriated the sum of one hundred forty-seven thousand five hundred and twenty-six dollars and fifty cents ($147,526.50), or so much there of as may be needed, to be expended by the board of regents during the years ending June 30, 1916, and June 30,

1917; said sum to be placed by the state treasurer in the University of Arizona improvement fund out of the taxes collected for the years 1915 and 1916. 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 regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the University of Arizona improvement fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund; said fund to be expended as follows:

A. For repairs, renewals, and replacements and part equipment of the agricultural building, the sum of twenty-five thousand five hundred and twenty-six dollars and fifty cents ($25,526.50), twelve thousand seven hundred and sixty-three dollars and twenty-five cents ($12,763.25), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

B. For the purchase of additional land adjoining the campus of the University of Arizona, the sum of five thousand dollars ($5,000.00), to be expended by the board of regents during the year ending June 30, 1916.

C. For maintenance, improvements and equipment of the University farm there is hereby appropriated the sum of twenty-two thousand dollars ($22,000.00), eleven thousand dollars ($11,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

D. For extension service of the University of Arizona there is hereby appropriated the sum of twenty thousand dollars ($20,000.00), ten thousand dollars ($10,000) or so much thereof as may be needed to be expended during each of the years ending June 30, 1916, and June 30, 1917.

E. For the erection of a mining and engineering building at the University of Arizona, there is hereby appropriated the sum of seventy-five thousand dollars ($75,000.00) to be available during the year ending June 30, 1917.

The above sum to be deposited by the state treasurer to the credit of the mining and engineering building fund, provided that prior to January 1, 1917, there shall be obtained by donation, endowment, or otherwise, and deposited with the state treasurer by the University of Arizona an equal amount of money. The above sums to be combined and used for the purpose of completely erecting and equipping a mining and engineering building on the campus of the University of Arizona.

Sec. 24. For constructing and equipping a central heating and power plant at the University of Arizona there is hereby appropriated the sum of forty-eight thousand dollars ($48,000.00) said sum to be paid out of the taxes collected during the year 1915, and placed by the state treasurer in a fund to be known as the "central heating and power plant at the University of Arizona Fund," and to be paid out upon the authorization of and under the direction of the board of regents of said university. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents, and the state treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 25. For plant introduction and breeding to be conducted under the direction of the agricultural department of the University of Arizona, there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00) or as much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the "plant introduction fund" out of taxes collected for the year 1915 and 1916. 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 regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 26. To pay the salary of the supervisor of dry farming, office help, office supplies, and traveling expenses, there is hereby appropriated the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00), or so

much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917, to be expended as follows:

Supervisor	$1,600.00
Office help	500.00
Office supplies	100.00
Traveling	800.00

Said sum to be expended under the direction of the board of regents of the University of Arizona; and said sum to be placed by the state treasurer in the "dry farming fund" out of the taxes collected during the years 1915 and 1916. 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 regents of said university under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 27. To pay the salaries, expense of administration, purchase of necessary farm equipment and material, and for improvements there is hereby appropriated the sum of eighty-one hundred dollars ($8,100.00), to be used at the Prescott dry farm under the supervision and by the direction of the board of regents of the University of Arizona said sum to be placed by the state treasurer in the dry farming fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants of said fund.

A. For salaries, expense of administration, purchase of necessary farm equipment and material, and for improvements the sum of seven thousand dollars ($7,000.00) thirty-five hundred dollars ($3,500.00), or so much thereof as may be needed to be expended during each of the years ending June 30, 1916 and June 30, 1917.

B. For the purchase of a pump and engine with the necessary equipment to be installed and used on the Prescott dry farm, the sum of eleven hundred dollars ($1,100.00)

or so much thereof as may be needed, to be expended during the year ending June 30, 1916.

Sec. 28. To pay the wages of a foreman, and for labor, to make necessary repairs, to purchase equipment, machinery and pumps, to purchase seeds, trees and other necessary incidentals to be used for the operation of the Sulphur Springs Valley dry farm, there is hereby appropriated the sum of seventy-one hundred sixty dollars ($7,160.00); said sum to be placed by the state treasurer in the "Sulphur Springs Valley dry farm fund" out of taxes collected for the years 1915 and 1916. 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 regents of the University of Arizona under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of said fund.

A. To pay the wages of a foreman and laborers, to make necessary repairs, to purchase machinery, equipment, seeds and other incidentals, the sum of six thousand dollars ($6,000.00); three thousand dollars ($3,000.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916 and June 30, 1917.

B. To provide for the purchase and installation of a pumping plant, the sum of eleven hundred sixty dollars ($1,160.00), or so much thereof as may be needed, to be expended during the year ending June 30, 1916.

Sec. 29. To pay the wages of a foreman and laborers, to make improvements, erect a barn, install a water system, to purchase two horses, harnesses, machinery, seeds, trees and necessary incidentals for use in the operation of the Northern Arizona dry farm, there is hereby appropriated the sum of sixty-four hundred dollars ($6,400.00); thirty two hundred dollars ($3,200.00), or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the "Northern Arizona dry farm fund" out of the taxes collected for the years 1915 and 1916. 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 regents of the University of Ari-

zona under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of said fund.

Sec. 30. To pay the salaries and necessary operating expenses of the state date palm orchards at Tempe, in Maricopa County, and at Yuma, in Yuma County there is hereby appropriated the sum of seven thousand dollars ($7,000.00); thirty-five hundred dollars ($3,500.00) or so much thereof as may be needed, to be used during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the "date palm orchard fund" out of taxes collected for the years 1915 and 1916. 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 regents of the University of Arizona under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of said fund. Provided, that the superintendent, supervisors, foreman or manager of each experimental farm, date palm orchard, horticultural station and dry farm shall keep an accurate account of everything raised or produced by him on the place under his control, and shall make an accurate detailed report thereof annually to the governor, who shall transmit the same to the legislature at the beginning of each regular session; and all products not used in maintaining the institution shall be sold for cash and the proceeds of such sales shall be turned into the state treasury and be credited to a fund to be called "experimental farm fund."

Sec. 31. To pay for the maintenance of the horticultural station at Yuma, in Yuma County, by the board of regents of the University of Arizona, there is hereby appropriated the sum of fourteen hundred dollars ($1,400.00); seven hundred dollars ($700.00) or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the "Yuma horticultural station fund" out of taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all claims approved and allowed by said board of regents under the provisions of this section, and the state treasurer is here-

by authorized and directed to pay such warrants out of said fund.

Sec. 32. To pay for the printing and binding of reports and other printed matter of the several departments of the University of Arizona, there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1,500.00) or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; said sum to be placed by the state treasurer in the printing fund of the state university out of the taxes collected for the years 1915 and 1916. 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 regents of said university under the provisions of this section and the state treasurer is hereby authorized and directed to pay such warrants out of the said fund.

Sec. 33. To pay for making underflow water investigations in the several counties of the state and for further development of the state well near Servoss, there is hereby appropriated the sum of four thousand dollars ($4,000.00) to be expended under the supervision and by the direction of the board of regents of the university of Arizona; said sum to be placed by the state treasurer in the underflow water investigation fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of said fund.

A. For making underflow water investigations in the several counties of the state, the sum of twenty-five hundred dollars ($2,500.00) twelve hundred fifty dollars ($1,250.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917.

B. For further development of the state well near Servoss, in Cochise County, the sum of fifteen hundred dollars ($1,500.00) or so much thereof as may be needed, to be expended during the year ending June 30, 1916.

Sec. 34. To pay for improvements on and the expenses of the Salt River Valley Experimental Farm, at Mesa, there is hereby appropriated the sum of ten thousand dollars ($10,000.00) three thousand dollars ($3,000.00) or so much thereof as may be needed, to be expended during the year ending June 30, 1916 and seven thousand dollars ($7,000.00), or so much thereof as may be needed, to be expended during the year ending June 30, 1917; said sum to be used under the supervision of and by direction of the board of regents of the University of Arizona; said sum to be placed by the state treasurer in the Salt River Valley experimental farm fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents under the provisions of this section and the state treasurer is hereby authorized and directed to pay such warrants out of said fund.

Sec. 35. To pay the salaries of the director, assistants, employees, for maintenance, purchase of equipment and supplies of the bureau of mines attached to the University of Arizona, there is hereby appropriated the sum of ten thousand dollars ($10,000.00); five thousand dollars ($5,000.00) or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; to be expended under the supervision of and by direction of the board of regents of the University of Arizona; said sum to be placed by the state treasurer in the bureau of mines fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of said fund. This appropriation is in lieu of all other appropriations, provided by law for the Bureau of Mines.

Sec. 36. To pay the expenses of the holders of county scholarships at the University of Arizona, there is hereby appropriated the sum of forty-two hundred dollars ($4,200.00); twenty-one hundred dollars ($2,100.00) or so much thereof as may be needed, to be expended during

each of the years ending June 30, 1916, and June 30, 1917. Each scholarship when awarded shall bear the name of the county to which it has been awarded and the expenses of the holders thereof shall be paid to the president of the University, such payment to be made monthly on receipt by the state auditor of the certificate of the president of the University that such holder has done his work in a satisfactory manner for the preceding month. The appropriation herein made for such scholarships is in lieu of all statutory appropriations made therefor and is not in addition thereto, and the state auditor is hereby directed to draw no warrant, against the general or other state fund for the scholarships provided for in this section otherwise than is herein directed, said sum to be placed by the state treasurer in the county scholarship fund out of taxes collected for the years 1915 and 1916, and the state treasurer is hereby authorized and directed to pay said warrant out of such fund.

Sec. 37. For maintenance of the Northern Arizona Normal School there is hereby appropriated the sum of eighty thousand dollars ($80,000.00); forty thousand dollars ($40,000.00) or so much thereof as may be needed, to be expended by the board of education of the Northern Arizona Normal School there is hereby appropriated the sum of and June 30, 1917; said sum to be placed by the state treasurer in the "Northern Arizona Normal School Maintenance Fund" out of taxes collected for the years 1915 and 1916. 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 Northern Arizona Normal School Maintenance Fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 38. To pay the deficit in the funds heretofore set apart for the use and benefit of the Northern Arizona Normal school there is hereby appropriated the sum of eleven thousand dollars ($11,000.00) to be paid out of any unappropriated sum in the general fund during the year ending June 30, 1916, under direction of the Board of Education of the Northern Arizona Normal School. The state auditor is hereby authorized and directed to draw his war-

rants on the state treasurer for all expenditures approved and allowed by said board of education under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the said general fund.

Sec. 39. For building and equiping an addition to the boys' dormitory at the Northern Arizona Normal School there is hereby appropriated the sum of eighty-nine hundred dollars ($8,900.00) to be expended under the supervision of and by direction of the board of education of the Northern Arizona Normal School; said sum to be placed by the state treasurer in the Northern Arizona Normal School Building Fund out of the taxes collected for the year 1915. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of education under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of such fund.

Sec. 40. For improvement and repairs of the Northern Arizona School, there is hereby appropriated the sum of forty thousand one hundred forty-three dollars ($40,143.00); twenty thousand and seventy one and 50-100 dollars ($20,071.50) or so much thereof as may be needed to be expended by the board of education of the Northern Arizona Normal School during each of the years ending June 30, 1916, and June 30, 1917, the said sum to be placed by the state treasurer in the "Northern Arizona Normal School Improvement Fund" out of the taxes collected for the years 1915 and 1916. 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 Northern Arizona Normal School Improvement Fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 41. For the building and furnishing of one dormatory for the Northern Arizona Normal School, there is hereby appropriated the sum of forty-eight thousand

dollars ($48,000.00) to be expended by the Board of Education of the Northern Arizona Normal School during the year ending June 30, 1916; the said sum to be placed by the state treasurer to the credit of the Northern Arizona Normal School out of taxes collected for the year 1915. 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 Northern Arizona Normal School Fund, but in case of a deficit in said fund caused by delinquent taxes, to pay such warrants out of the general fund.

Sec. 42. For Maintenance of the State Industrial School, there is hereby appropriated the sum of fifty-five thousand dollars ($55,000.00) thirty thousand dollars ($30,000.00) or so much thereof as may be needed, to be expended by the board of control during the year ending June 30, 1916, and twenty-five thousand dollars ($25,000.00), or so much thereof as may be needed, to be expended during the year ending June 30, 1917; the said sum to be placed by the state treasurer in the "state industrial school maintenance fund" out of the taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of the state industrial school maintenance fund, but in case of a deficit in said fund caused by delinquent taxes to pay such warrants out of the general fund.

Sec. 43. For improvement and repairs at the State industrial school, there is hereby appropriated the sum of fifteen thousand dollars ($15,000.00); or so much thereof as may be needed, to be expended by the board of control; the said sum to be placed by the state treasurer in the "state industrial school improvement fund" out of taxes collected for the years 1915 and 1916. 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 control under the provisions of this section, and the state treasurer is hereby authorized and directed to

pay such warrants out of said state industrial school improvement fund, but in case of a deficit in said fund, caused by delinquent taxes, to pay such warrants out of the general fund, said sum to be expended as follows:

A. Ten thousand dollars ($10,000.00) or so much thereof as may be needed, for improvements during the year ending June 30, 1916.

B. Five hundred dollars ($500.00) or so much thereof, as may be needed for repairs on building and for installing laundry equipment during the year ending June 30, 1916.

C. Two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended for the purchase of dairy stock and for the construction of sheds and barns, and to purchase the necessary dairy supplies.

D. Three hundred and fifty dollars ($350.00) or so much thereof as may be needed, to purchase poultry and construct the necessary sheds, pens and runways therefor during the year ending June 30, 1916.

E. One thousand dollars ($1,000.00) for the purchase of tools, materials, equipment and supplies for the manual training department; five hundred dollars ($500.00) or so much thereof as may be needed to be expended during the year ending June 30, 1916, and five hundred dollars ($500.00) or so much thereof as may be needed to be expended during the year ending June 30, 1917.

F. Seven hundred fifty dollars ($750.00) or so much thereof as may be needed, for the construction and repair of sewers to be expended during the year ending June 30, 1916.

G. Four hundred dollars ($400.00) or so much thereof as may be needed, to be expended for the construction of toilets and sewer connection during the year ending June 30, 1916. The above appropriations are in lieu of all other appropriations provided by law for the State Industrial School.

Sec. 44. To provide a state common school fund, to maintain the office of the state superintendent of public instruction, to pay the expenses of the state board of educa-

tion, to purchase free text books for the public schools, to pay certain sums into the school funds of the several counties of the state in the proportion provided by law, there is hereby appropriated the sum of two hundred thousand dollars ($200,000.00) one hundred thousand dollars ($100,000.00) or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; to be expended under the supervision of and by direction of the state board of education said sum to be placed by the state treasurer in the state common school fund out of the taxes collected for the years 1915 and 1916. 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 board of education under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of such fund. The appropriation herein made is in lieu of the appropriation directed to be made in paragraph 2815, revised statutes of Arizona, 1913, civil code, for the purposes and objects provided for in this section and is not in addition thereto.

Sec. 45. To continue the underflow water investigations on the Colorado River Indian Reservation during the years 1915 and 1916 there is hereby appropriated the sum of five thousand dollars ($5,000.00), or so much thereof as may be needed, to be expended under the supervision of and by direction of the state land commission; provided, that said state land commission may in its discretion expend said sum in whole or in part during either of said year 1915 or said year 1916; said sum to be placed by the state treasurer in the underflow water investigation fund out of the taxes collected for the year 1915, and to become available on and after July 1, 1915. 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 land commission under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of said fund.

Sec. 46. 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 eight thousand dollars ($8,000.00);

four thousand dollars ($4,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917, to be expended under the supervision of and by the direction of the board of regents of the state university, said sum to be placed by the state treasurer in the surface water investigation fund out of the taxes collected for the years 1915 and 1916. The state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenditures approved and allowed by said board of regents under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said 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 purpose of investigating said surface water supply in this state, and the sum herein appropriated shall not become available for the uses herein specified until the state auditor is notified that such equal sum has been set aside by the United States governmentt for the purposes specified in this section; the board of regents are 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.

Sec. 47. To investigate the use of water for the purpose of determining its economic duty and to determine the losses resulting from the transmission and application of water and to investigate the various factors relating to irrigation practice and for maintenance of an experimental tract situate near Higley in Maricopa County there is hereby appropriated the sum of six thousand dollars ($6,000.00; three thousand dollars ($3,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917, under the supervision and by direction of the state engineer; said sum to be placed by the state treasurer in the "water duty investigation fund" out of the taxes collected for the years 1915 and 1916, and the state auditor is hereby authorized and directed to draw his warrants on the state treasurer for all expenses approved and allowed by the state engineer under the provisions of this section, and the state treasurer is hereby authorized and directed to pay such warrants out of such fund. The appropriation provided herein is in lieu

of that made in chapter 88, session laws, first legislature, 1912, regular session, and is not in addition thereto; provided that the appropriation herein made is contingent upon the setting aside by the United States govenrment of a sum equal to that herein appropriated for the provisions provided for in this section, and the sum herein provided shall not become available for the uses herein specified until the state auditor has been notified that such equal sum has been set aside by the United States government for such purposes and the state engineer is hereby authorized and directed to enter into an agreement with the United States Department of agriculture for the purposes of carrying out the provisions of this section; provided further, that in order to carry out the purposes and objects of this section any person or persons employed in making the investigations herein provided for may enter upon and cross any and all lands within the state, but in so doing no damage shall be done to private property; provided further, it is hereby declared to be a misdemeanor for any person to wilfully and maliciously remove or injure any equipment, monument, or permanent marks installed for the purpose of carrying on the investigations provided for in this section.

Sec. 48. In all cases where money appropriated under the provision of this act is expended for labor, citizens of the United States shall be employed and citizens of this State must be given the preference whenever much labor required can be found within the state, and a verified statement to this effect shall be filed with the state auditor before he draws his warrant in payment of such labor.

Sec. 49. The unexpended balances that may be at the date of the passage of this act in any of the above mentioned funds already established, or that may hereafter accrue thereto under existing tax levies or from any other source, are hereby continued in said funds, and said amounts may be expended in accordance with the provisions of this act, in addition to the appropriations herein expressly provided, which will hereafter accrue to said fund.

Sec. 50. All claims for moneys appropriated or the disposition of which is provided for by the provisions of this act, shall be itemized and accompanied by proper

vouchers and each claim shall be audited by the state auditor who shall have the right to reject any voucher or claim or any part thereof which, in his judgment, does not constitute a proper or legal charge against the state. All said claims shall be verified and the form of said claim, and the verification thereof, shall be prescribed by the state auditor, and upon the auditing of said claim the state auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amounts audited by him, and the state treasurer is hereby authorized and directed to pay said warrant out of the fund upon which it is drawn, Provided, that all claims for moneys appropriated by this act shall be fully itemized and that no items shall be grouped under the word "incidentals" or other general term covering more than one item; should any such items be grouped under the head of "incidentals" or other general terms the state auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Sec. 51. No expenditures shall be made or indebtedness incurred during the fiscal years ending June 30, 1916, and June 30, 1917, for salaries, maintenance or expense of any department of state, office, commission or board; nor for maintenance, equipment, repairs, new construction, or expense of any state institution, otherwise than is herein provided for or in excess of the amounts herein appropriated for the purposes provided for in this general appropriation bill; provided, that nothing herein shall be construed as limiting, repealing, or affecting any special appropriation made by the second legislature during its regular session.

Paragraph 2815, chapter XVIII, title 11, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 4577, chapter I, title 43, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 4833, chapter I, title 49, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 3948, title 33, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Sec. 52. 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.

Received and Filed in the office of the Secretary of State, this 9th day of June A. D. 1915 at 6:13 P. M.

SIDNEY P. OSBORN,
Secretary of State.

MESSAGE FROM THE GOVERNOR ACCOMPANYING THE FILING OF HOUSE BILL NO. 3, "GENERAL APPROPRIATION BILL."

Phoenix, Arizona, June 9th, 1915.

To the Honorable,
The Secretary of State,
State House.

Sir:

It becomes my duty to hand you herewith for filing in the public archives, House Bill, No. 3, as enacted by the Second Legislature of the State of Arizona in its first special session, which I have approved except as to certain items of money and special provisions hereinafter set forth, and which is entitled: "An Act making appropriations for the different departments of State, for State institutions, for public schools, for interest on the public debt, for maintenance and extension of public highways, investigations of underflow waters, gauging streams and the economic use of water, expenses of the State Land Commission from March 11, to July 1, 1915, and for the payment of certain deficits specified herein for the fiscal year beginning July 1, 1915, and ending June 30, 1916, and for the fiscal year beginning July 1, 1916, and ending June 30, 1917, and repealing certain sections of the revised statutes of Arizona, 1913, Civil Code, all of which constitutes the general appripriation bill."

While, in the exercise of the veto power, as conferred upon the Governor in respect to general appropriations bills by familiar provisions of the Constitution, I have approved the greater portion of House Bill No. 3, which is appended hereto, I have, also, on the other hand, found it not only inadvisable, but directly contrary, in my opinion, to the best interests of the State to extend my approval to a number of items of money and to numerous special provisions, by means of which the authors of the measure have seemingly transcended the proper limits of a general appropriation bill, as prescribed by Section 20, Article IV, of

the Constitution of the State of Arizona, and by the call convening the Legislature in special session on April 23, 1915, for the express purpose of meeting a public exigency of serious proportions occasioned by the failure of the Second State Legislature, during its regular session, to make adequate provisions for the expenditure of money in support of State departments and institutions, the maintenance of public schools and the payment of interest on the public debt.

Those sections of House Bill, No. 3, as enacted by the Second State Legislature during its first special session, which are disapproved either in their entirety, or as to certain provisions thereof, are as follows:

Sub-division 8 of Section 1, relating to the incorporating department of the Corporation Commission, is wholly disapproved.

Sub-division 10 of Section 1, relating to the assistant to the Attorney General, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "Paragraph 109, revised statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 12 of Section 1, relating to the extra office expenses of the Attorney General, while being approved as to the item of money therein contained, is disapprovd as to the following provision: "Paragraph 112, revised statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 14 of Section 1, relating to the contingent expenses of the Attorney General's office, while being approved as to the item or items or money therein contained, is disapproved as to the following provision: "Paragraph 113, Revised Statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 15 of Section 1, relating to additional counsel for the attorney general in the case commonly known as the "eighty per cent case," while being approved as to the item or items of money therein contained is disapproved as to the following provisions: "the above appropriation to be in lieu of any appropriations now provided for in Title I, Chapter X, revised statutes of Arizona, 1913, civil code."

Sub-division 27 of Section 1, relating to persons employed by the State Tax Commission, is disapproved in its entirety.

Sub-division 28 of Section 1, relating to necessary traveling expenses of the members of the State Tax Commission, is disapproved in its entirety.

Sub-division 29 of Section 1, relating to necessary office expenses of the State Tax Commission, is disapproved in its entirety.

Sub-division 30 of Section 1, relating to the expenses of the State Tax Commission while sitting as a State Board of Equalization, is disapproved in its entirety.

Sub-division 32 of Section 1, relating to game protection, is disapproved in its entirety.

Sub-division 56 of Section 1, relating to the publication of decisions of the Supreme Court, while being approved as to the item or items of money therein contained ,is disapproved as to the following provisions: "Paragraph 1773, revised statutes of Arizona, 1913, civil code, is hereby repealed, the appropriations herein made being in lieu of all statutory appropriations and not in addition thereto."

Sub-division 57 of Section 1, relating to the citizen member of the Board of Control, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "Paragraph 4460, Revised Statutes of Arizona, 1913, Civil Code, is hereby repealed, and all statutory appropriations for the salary provided for in this subdivision are hereby repealed, and the State Auditor shall draw no warrant against the general or other state fund for the salary provided for in this subdivision otherwise than is herein directed, the appropriation made being in lieu of all such statutory appropriations and is not in addition thereto."

Sub-division 58 of Section 1, relating to the printing of official reports, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "Paragraph 242, Revised Statutes of Arizona, 1913, Civil Code, and Section 2 of Chapter 53 of the Session Laws, Second Special Session, First Legislature, 1913, are hereby repealed; the appropriation herein

made being in lieu of all statutory appropriations and is not in addition thereto."

Sub-division 59 of Section 1, relating to public printing by the Board of Control, is disapproved in its entirety.

Sub-division 61 of Section 1, relating to the traveling expenses of the Board of Control, is hereby disapproved in its entirety.

Sub-division 72 of Section 1, relating to the salary of the State Chemist, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "Paragraph 4451, revised statutes of Arizona, 1913, civil code, is hereby repealed."

Sub-division 74 of Section 1, relating to the salary of the State Engineer, is approved as to the item or items of money therein contained, but is disapproved as to the following provisions: "The appropriation for the salary herein made is in lieu of all statutory appropriations heretofore made and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the salary provided for in this subdivision otherwise than is herein directed."

Sub-division 77 of Section 1, relating to the per diem of the State Bar Examiners, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The appropriation herein made for the said per diem is in lieu of all statutory appropriations heretofore made for said purposes, and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or other state fund for the per diem provided for in this sub-division otherwise than is herein directed."

Sub-division 78 of Section 1, relating to the salaries of the Arizona Commissioners of Agriculture and Horticulture, the State Entomologist and his secretary, the Commission's assistants, inspectors, clerks and other employes, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The appropriation herein made, for such salaries and expenses is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition

thereto; and the State Auditor is hereby directed to draw no warrants against the general or other state fund for the salaries and expenses provided for in this sub-division otherwise than is herein directed."

Sub-division 79 of Section 1, relating to the per diem and expenses of the State Board of Dental Examiners, while being approved as to the item or items of money therein contained is disapproved as to the following provision: "The appropriation herein made for said per diem and expenses is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or state fund for the per diem and expenses provided for in this sub-division otherwise than is herein directed."

Sub-division 82 of Section 1, relating to the traveling expenses, extra help and research work of the State Historian, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The appropriation for the expenses herein made is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the salaries and expenses provided for in this subdivision otherwise than is herein directed."

Sub-division 84 of Section 1, relating to the salary of the secretary and expenses of Sheep Sanitary Commission, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The appropriation for the salary and expenses herein made is in lieu of all statutory appropriation heretofore made for such purposes and is not in addition thereto; and the state auditor is hereby directed to draw no warrant against the general or other state fund for such salary and expenses provided for in this sub-division otherwise than is herein directed."

Sub-division 86 of Section 1, relating to the maintenance, upkeep and repair of the State Capitol building and grounds, while being approved as to the item or items of money therein contained, is disapproved as to the follow-

ing provisions: "The appropriation herein made for such maintenance, upkeep and repairs is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the maintenance, upkeep and repairs provided for in this subdivision otherwise than is herein directed."

Sub-division 87 of Section 1, relating to elementary training in vocational pursuits in normal and high schools, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The appropriation herein made for such elementary training is in lieu of all statutory appropriations heretofore made for this purpose, and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the expenses of such elementary training provided for in this sub-division otherwise than is hereby directed.

Sub-division 88 of Section 1, relating to the salary of the State Law and Legislative Reference Librarian, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "The appropriation herein made for such salary is in lieu of all statutory appropriations heretofore made for this purpose and is not in additian thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state fund for such salary provided for in this subdivision otherwise than is herein directed."

Sub-division 90 of Section 1, relating to the application of fees received by the Clerk of the Supreme Court, while being approved as to that part which makes the above mentioned fees available for use in the maintenance of the State Library is disapproved as to the following provisions: "The appropriation herein made is not in addition to any other maintenance fund but is in lieu of all statutory appropriations for the maintenance of said State Library."

Subdivision 93 of Section 1, relating to the maintenance of the National Guard of Arizona, is disapproved in its entirety.

Subdivision 99 of Section 1, relating to the care and education of defective students in the deaf and dumb de-

partment of the University of Arizona, while being approved as to the item of money therein contained, is disapproved as to the following provisions: "these appropriations to be in lieu of all appropriations now provided by Chapter 25, Title II, Revised Statutes of Arizona, 1913, Civil Code."

Section 2, relating to the maintenance of the Arizona State Fair, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "The above appropriations are in lieu of appropriations made in Chapter VI, Title XLII, Revised Statutes of Arizona, 1913, Civil Code."

Section 4, relating to the deficit of the State Fair Commission, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The above sums are appropriated, provided that the State Fair Commission issue during any one year not more than one hundred free passes, and in case more than one hundred passes are issued, the above appropriation is null and void."

Section 7, relating to the deficit in the maintenance fund for the Pioneers' Home, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "The appropriations for the Pioneers' Home are in lieu of appropriations made in Chapter VII, Title XLII, Revised Statutes of Arizona, 1913, Civil Code."

Section 8, relating to the construction, repair and maintenance of public highways, roads and bridges, while being approved as to the item or items of money therein contained, is disapproved as to the following provisions: "The sum herein appropriated is in lieu of any and all statutory appropriations heretofore made for the purposes and objects designated in this section and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general fund, the state road tax fund, or other state fund for the purposes and objects provided for in this section otherwise than is herein directed."

Sub-section C, Section 17, relating to the construction of the power line from Sacaton to the State Prison, while being approved as to all items of money contained therein, is dis-

approved as to the following provision: "The above appropriations are in lieu of appropriations made in part III, Title I, of the Revised Statutes of Arizona, 1913, Penal Code."

Section 35, relating to the maintenance of a Bureau of Mines at the University of Arizona, while being approved as to the item or items of money therein contained, is disapproved as to the following provision: "This appropriation is in lieu of all other appropriations provided by law for the Bureau of Mines."

Sub-section G of Section 43, relating to the construction of toilets and sewer connections at the State Industrial School, while being approved as to the item of money contained therein, is disapproved as to the following provision: "The above appropriations are in lieu of all other appropriations provided by law for the State Industrial School."

Section 44, relating to the State common school fund, the maintenance of the office of the State Superintendent of Public Instruction, the expenses of the State Board of Education, the purchase of free text books for the public schools, and for the payment of certain sums into the school funds of the several counties of the State in the manner provided by law, making also an appropriation of $200,000 for the purposes mentioned above in this paragraph during the biennium ending June 30, 1917, is hereby disapproved in its entirety.

Section 49, relating to unexpended balances remaining in appropriated funds or accruing thereto under existing tax levies, or from any other source, and the expenditure of such funds, is disapproved in its entirety.

Section 50, relating to claims against the State, the form and verification thereof, and the issuance of warrants thereunder, is disapproved in its entirety.

Section 51, purporting to relate to expenditures and indebtedness on the part of the State, or departments or institutions thereof, and aiming, presumably, to effect the repeal of various statutory provisions of the State of Arizona relating directly or indirectly to appropriations or expenditures of public moneys, is hereby disapproved in its entirety.

On casual observation of the foregoing sections, or parts of sections, which are disapproved, it will be noted that they fall, for the most part, into two classes, one of which includes only items of money, while the other embraces also certain legislative attempts to repeal appropriations or parts of statutes heretofore existent, or to confer new powers and imposed unwonted duties upon certain State officers and departments.

Taking up, firstly, that exercise of the veto which relates exclusively to items of money, I may state briefly, in each instance, as required by law, the reasons on which my disapproval is based.

First in order of importance among the sections from which my approval has been withheld is Section 44, which relates to the maintenance of the common schools, and which reads as follows:

"Section 44. To provide a state common school fund, to maintain the office of the statte superintendent of public instruction, to pay the expenses of the state board of education, to purchase free text books for the public schools, to pay certain sums into the school funds of the several counties of the state in the proportion provided by law, there is hereby appropriated the sum of two hundred thousand dollars ($200,000.00); one hundred thousand dollars ($100,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917; to be expended under the supervision of and by direction of the state board of education; said sum to be placed by the state treasurer in the state common school fund out of the taxes collected for the years 1915, and 1916. 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 board of education under the provisions of this section, and the state treasurer is hereby authorized and directed to pay said warrants out of such fund. The appropriation herein made is in lieu of the appropriation directed to be made in paragraph 2815, revised statutes of Arizona, 1913, civil code, for the purposes and objects provided for in this section and is not in addition thereto."

The seriousness of the situation threatened by this attempted act of the majority of the Legislature whereby the

common school fund is summarily reduced from $500,000.00 to $100,000.00, can scarcely be overdrawn. Even the most uncompromising advocate of stringent economy in public affairs would be loath to uphold a legislative act which contemplates the sudden and complete disarrangement of the State's educational system upon which the welfare of growing generations and the advancement of posterity is so directly dependent. Of all branches of the State Government, aside from those departments essential to the simple maintenance of an organized government, no part of the whole is less reasonably susceptible to retrenchment than is the teaching and proper upbringing of children upon whose preparations for the struggle of life our hope for a better citizenship and continued individual and national accomplishment must inevitably rest. While such a movement, carried through to its logical conclusion, would in all probability, lay an unjust burden upon every family in the State by curtailing educational facilities which are almost universally prized and safeguarded, the stress would fall most severely upon that great majority of parents, who, while being in such material circumstances as permit the education of their children in the common schools, could not in any exigency, find the means of paying for private tutelage within or outside of the State.

I am not at all insensible to the great responsibility which I, as Governor, assume when I veto a provision which relates to the expenditure of some hundreds of thousands of dollars for a purpose so intimately bound up with the welfare of the State as is the maintenance of the common schools. It may even be argued by some timid souls that my action is impolitic and that the responsibility of any public calamity that might ensue from a drastic abridgement of the State's school fund could more safely be allowed to rest upon those legislators who are the authors of this measure falsely masquerading in the guise of economy.

With all due regard, however, to the responsibility which I incur at that juncture when I affix my disapproval to a measure so iniquitous as is the one under consideration, my conception of the duties coeval with my office does not leave room for the dodging of responsibility where the best interests of the people whom I honestly endeavor to serve are so vitally at stake.

In reviewing the action of the Legislature, in this instance, I find no groundwork of common sense upon which those responsible for this attempted reduction of the school fund may rest their case. Had it been the opinion of a majority of the Legislature that existent conditions suggested the advisability of a reasonable diminution of the school fund, I might, while demurring at retrenchment in a field which, least of all, can endure it, have, nevertheless, refrained from exercising the veto in such a case. To divide the school fund in five parts, however, and then to discard four thereof in a seeming attempt to impress the necessity of economy upon a constituency, transcends the dictates of reason and assumes the aspect of showing a reproachful disregard for a public benefaction of paramount importance. Were there, furthermore, any other sure sources, such as appreciable revenue from school lands or the sale thereof, to remedy the deficiency, which the Legislature has on this occasion attempted to create, the action taken might become clothed with some semblance of judgment. Unfortunately, however, no such certain sources of available funds are within definite view.

As a sophistry, to be sure, the proponents of this false measure of economy, glibly point out that, under existing statutes, the different counties are authorized to levy, collect and disburse such funds as may be deemed necessary, within certain limits, for the maintenance of the common schools. The only foundation that may be accorded this argument is the well-known fact that only a very small portion of the moneys raised by the State for school purposes is actually expended by the State. Most of it is apportioned, as is known, among the different counties, and in this manner the advancement of education over the entire State is kept, in a fair degree, uniform instead of sporadic, or regional. In other words, the State, acting under the present law, merely undertakes to perform the duties of levying and collecting school funds in behalf of the various counties. In considering the contention that the counties may with equal facility make such a levy and collection, the transparent falsity of this measure as a step toward economy becomes more apparent, for it is difficult to discover wherein any saving to the citizens of Arizona is effected by virtue alone of the mere fact that the taxes, in the one instance, are paid to the County, whereas, in the

other, they are paid to the State, and thence assigned to the different counties. It becomes evident, accordingly, that what is made to appear on first sight, as economical action, partakes, in reality, of the nature of a ruse whereby the State's records of taxes and disbursements show a material reduction while the same records in the different counties are raised proportionately or disproportionately in that ratio in which the public's educational needs are cared for or neglected.

As a further feature worthy of consideration in this connection, the wording of the latter portion of Section 44, wherein the immediate repeal of paragraph 2815, Revised Statutes of Arizona, 1913, Civil Code, is evidently intended, may profitably be accorded attention. It is permissible to repeat as follows: "The appropriation herein made is in lieu of the appropriation directed to be made in Paragraph 2815, Revised Statutes of Arizona, 1913, Civil Code, for the purposes and objects provided for in this section and is not in addition thereto."

In the first part of the foregoing quotation, the Legislature has apparently attempted to amend or repeal that portion of the School Code which confers authority for the annual levy and collection of $500,000 for educational purposes. In so attempting, however, the Legislature has overlooked or ignored the provisions of Section 14 of Article IV of the Constitution of Arizona, which reads as follows:

2. The Legislature.

Sec. 14. No act or section thereof shall be revised or amended by mere reference to the title of such Act, but the Act or section as amended shall be set forth and published at full length.

Continuing, a question may justly be raised as to the meaning of the legislative direction that "the appropriation herein made is in lieu of the appropriation directed to be made in paragraph 2815, Revised Statutes of Arizona, 1913, Civil Code, for the purposes and objects provided for in this Section and **is not in addition thereto.**"

Whether, in view of the fact that House Bill, No. 3, by virtue of its emergency provision, becomes immediately effective upon receiving the Governor's signature, the

State's schools would thereupon be deprived of any moneys for use during the period that would intervene between the signing of the bill and June 30, 1915, the end of the current fiscal year, is a point which at least merits serious consideration.

In the last quoted provision of Section 44, there is evident, moreover, a disregard for the terms of the Governor's call, by which only affirmative legislation in the form of appropriations was contemplated, and in which there is no suggestion that the Legislature should undertake to place statutory restrictions upon the State departments. It is also advisable to compare the legislative action in this instance with the first sentence of Section 20 of Article IV of the Constitution of the State of Arizona, which reads:

"Sec. 20. 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."

For the reasons, collectively, stated above, I have withheld my approval from Section 44 of House Bill, No. 3, in its entirety.

Sub-division 8 of Section 1, of House Bill, No. 3, is disapproved in its entirety, upon representations by one of the Corporation Commissioners that the provision allowed therein for the use of the Incorporating Department of the Corporation Commission is insufficient to facilitate the discharge of the necessary duties. This sub-division, as appears in the general appropriations bill, reads as follows:

8. To pay the salaries of the chief clerk and assistant clerk of the incorporating department of the corporation commission there is hereby appropriated the sum of four thousand five hundred sixty dollars ($4,560.00); two thousand two hundred eighty dollars ($2,280.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917; and all statutory appropriations heretofore made for the expenses and purposes provided for in this subdivision are hereby repealed, and the state auditor is hereby directed to draw no warrant against the general or other fund for any state moneys for the purposes provided for in this sub-division

otherwise than is herein directed, the appropriation herein made being in lieu of all such statutory appropriations and is not in addition thereto."

As an opportunity has been afforded in the call for the second special session to correct the deficiency occasioned by the enactment of Subdivision 8 of Section 1, of House Bill No. 3, it is assumed that the Legislature will accord this matter all needful attention.

Continuing with my consideration of such items and provisions of House Bill, No. 3, as are disapproved, I may dwell briefly upon Section 93, relating to the maintenance of the National Guard of Arizona, which reads as follows:

"93. For the maintenance of the National Guard of Arizona, for the payment of insurance, expenses of instruction, examination of recruits, purchase of clothing, payment of salaries, providing allowance for camps of instruction, and other expenses, there is hereby appropriated the sum of sixty thousand dollars ($60,000.00); thirty thousand dollars ($30,000.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917, said sum to be placed to the credit of the military fund out of the taxes collected for the years 1915 and 1916; said sum to be expended as provided by law; and all vouchers for expenditures made under the provisions of this section, shall be signed by the adjutant general. Upon presentation of such vouchers the state auditor is hereby authorized and directed to draw his warrants payable out of the funds credited to the account of the military fund, and the state treasurer is authorized and directed to pay such warrants; provided that the salary and allowance for the adjutant general as provided by law shall not exceed the sum of twenty-four hundred dollars ($2400.00) per year, payable semi-monthly, and no travel allowances outside of the State shall be allowed. All statutory provisions for the salary of the adjutant general are hereby repealed.

The above appropriations are in lieu of all appropriations now provided in Title XXXIII of the revised statutes of Arizona, 1913, civil code."

This section contains discrepancies and evidences of short-sightedness which must, reluctantly, be accredited to

any legislative body. In the first place it is palpably clear that the placing of a definite limit on the guard's appropriation, contrary to all precedents of the Territory or State, defeats, in a great measure the purpose of maintaining a serviceable military force for State use in times of impending danger. While the appropriation allowed would, in all probability, prove ample for the expenses of the National Guard, if peace were permanently assured, it is, on the other hand, equally apparent that if conditions should arise necessitating active service by the guardsmen, the appropriation allowed would speedily be depleted, and thereupon the militia would be rendered useless. The well-known object in this and other states of making a military appropriation elastic, is to guard against just such an emergency as is described in the foregoing sentence. Upon examination of this section, moreover, it becomes evident that the limiting of the appropriation is not the most serious error committed by the Legislature in dealing with this subject. In that paragraph of House Bill, No. 3, preceding the various appropriations for State departments, the State Auditor was authorized and directed to issue the necessary warrants payable out of the general fund. In section 93, however, this mandate is seemingly disregarded, for the direction given that the sum set aside for the use of the State Militia shall "be placed to the credit of the Military fund," and that, also, the "State auditor is authorized and directed to draw his warrants payable out of the funds credited to the account of the military fund, and the State treasurer is directed and authorized to pay such warrants." This provision appears not only contradictory but might be interpreted as ordering the payment of the militia expense out of a fund which has no existence, except in theory. If such should prove to be the case, the National Guard would plainly be suddenly deprived of means of maintenance.

There is, furthermore, a provision in Section 93, as will be noted above, directing that "no traveling allowance outside the State shall be allowed." It may suitably be mentioned, in passing, that this direction, if adhered to, would prevent the adjutant general from visiting the militia company organized at Morenci, since, in order to do so, it would be necessary for him to travel by way of Lordsburg, New Mexico, at which point the necessary railway connections

are obtained. As stated above, my veto in this instance embraces all of sub-division 93, including those provisions which aim to repeal all statutory appropriations for the maintenance of the national guard, and for the payment of the salary of the adjutant general. There is plainly no proper place in the general appropriations bill for the repeal or amendment of general statutes, and it is, likewise, to be considered that any attempted repeal or amendment of this character is not only unconstitutional as to its intent, but is also contrary to that section of the Constitution which governs the amending of statutes.

Subdivisions 27, 28, 29 and 30, of Section 1, of House Bill No. 3, are vetoed in their entirety, in accordance with satisfactory representations made by members of the State Tax Commission to the effect that the appropriation allowed for the several purposes mentioned in the sections above outlined are not sufficient to permit the effective discharge of the Commission's duties. These sections, in the order in which they appear in the bill, read as follows:

"27. To pay all other persons employed by the state tax commission there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1,500.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917."

"28. To pay the necessary traveling expenses of the members of the state tax commission there is hereby appropriated the sum of three thousand dollars ($3,000.00); fifteen hundred dollars ($1,500.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917."

"29. To pay the necessary office expenses of the state tax commission there is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917."

"30. To pay the expenses of the state tax commission while sitting as a state board of equalization there is hereby appropriated the sum of six hundred dollars ($600.00); three hundred dollars ($300.00), or so much

thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917."

In giving the basis of my veto in this instance, it is proper that I should call attention to the fact that the State Tax Commission has supervision and direction over the entire taxation system of the State. Upon the power and force behind its actions depends the ability of the State to collect revenue, and to enforce an equitable distribution of the burden entailed by that collection. A department charged with such important duties in relation to the State's welfare can ill afford to be unduly hampered in its activities, through the absence of legislative consideration for its actual needs.

Sub-division 59 of Section 1, House Bill No. 3, which relates to publications by the Board of Control and the State Board of Equalization, and which is disapproved in its entirety, reads as follows:

"59. To pay for publishing the minutes of the board of control and for publishing calls for bids for supplies published under the authority of and by direction of the board of control, and for publishing the minutes of the state board of equalization and for such other publications as may be directed to be made by law, there is hereby appropriated the sum of four thousand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917, to be expended by authority of the board of control. All statutory appropriations made for such publications and the purposes provided for in this section are hereby repealed, the appropriation herein made being in lieu of all statutory appropriations and is not in addition thereto."

My reasons for disapproving this sub-division are, in the first instance, that the monetary allowance made therein is insufficient for the purposes mentioned, with the expenditure for previous years as a basis for judgment, and, secondly, that there is evidently no necessity or justification for the legislative attempt at restriction or repeal as embodied in the last sentence of this sub-division.

Sub-division 51, of Section 1, House Bill No. 3, is disapproved as a whole upon representation made by the Sec-

retary of State of Arizona, to the effect that the monetary provision allowed is insufficient to facilitate the discharge of necessary duties, and was the result of an admitted legislative oversight. This sub-division reads as follows:

"To pay the salaries of stenographers employed by the Secretary of State there is hereby appropriated the sum of forty-two hundred dollars ($4,200.00); twenty-one hundred dollars ($2,100.00), or so much thereof as may be needed, to be paid during each of the years ending June 30, 1916, and June 30, 1917."

As the subject matter of Sub-division 51 of Section 1 is included in the call recently issued for the second special session, it is assumed that due legislative consideration will be given to the deficiency herein noted.

Sub-division 32, Section 1, House Bill No. 3, is hereby vetoed as a whole for the reason that the protection of game is herein made wholly dependent upon the variable fees accruing from office fees, fines and forfeitures. The sub-division referred to in this paragraph reads as follows:

"32. All moneys received from the sale of hunting licenses, permits, certificates, fines, penalties, forfeitures, or other sources, shall constitute the game protection fund, and shall be used to pay the salaries of all deputy state game wardens, for printing, the publishing of reports, postage, express and all other necessary and office expenses of the state game warden. This appropriation shall be in lieu of all appropriations provided for in title XVIII, revised statutes of Arizona, 1913, penal code."

It is evident, that, since the functioning of the State Game Warden's department is, in this respect, already provided for by statutory appropriations, this possibly inadequate provision, together with the attempted repeal or amendment of existing statutes relative to the protection of game, are wholly ill-advised, and, in certain respects, unconstitutional.

Sub-division 61 of Section 1, House Bill No. 3, which relates to the traveling expenses of the Board of control, and which is disapproved in its entirety, reads as follows:

"61. To pay the traveling expenses of the board of control there is hereby appropriated the sum of four thou-

sand dollars ($4,000.00); two thousand dollars ($2,000.00), or so much thereof as may be needed, to be expended during each of the years ending June 30, 1916, and June 30, 1917."

This sub-division of Section 1 is vetoed for the reason that the appropriation of money designated therein is unquestionably insufficient for the purposes outlined. It is, moreover, to be noted, that the general statute prescribing the duties of the Board of Control and the manner in which the same shall be performed, includes such provisions as render a separate appropriation for traveling expenses in this instance wholly unnecessary. Attention, also, may suitably be directed to the fact that the amount of traveling necessitated by such needs or emergencies as arise at different state institutions cannot accurately be estimated either by the members of the Board of Control or by members of the Legislature, I deem it advisable, therefore, to disapprove of this item in its entirety.

In vetoing such entire sections, including items oi money as are dealt with in the foregoing paragraphs, it is allowable that I should direct attention to the fact that, in several instances, such sections embrace provisions designed presumably to effect the repeal or amendment of existing statutory appropriations. Inasmuch as, firstly, such provisions, not only are unconstitutional, but transcend the scope of legislation contemplated by the Executive's call for the first special session of the Second State Legislature, and secondly, these provisions are made parts of the same sections which include items of money appropriated, they must logically be covered by that same act of veto which is made applicable to the itemized appropriations. Couched in different language, the thought dwelt upon in this paragraph may be emphasized by the statement that these numerous provisions are of a nature extraneous to a general appropriations bill as defined by the Constitution of the State, and exceed, moreover, the terms of the call issued by the Governor, who plainly contemplated that the action of the Legislature should be only affirmative in respect to the public need of appropriations, and should not be of such a negative and sweeping character as to repeal existing statutes and restrict the power of the Governor in his constitutional right to exercise his veto.

By way of a pardonable repetition for purposes of clarity and emphasis, I may, at this juncture, and prefactory to the ensuing portions of this message, reiterate my disapproval upon constitutional and statutory grounds of the following provisions, exclusive of items of money, which are contained in House Bill, No. 3:

Sub-division 10 of Section 1: "paragraph 109, revised statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 12 of Section 1: "Paragraph 112, revised statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 14, of Section 1: "Paragraph 113, revised statutes of Arizona, 1913, Civil Code, is hereby repealed."

Sub-division 15, of Section 1: "the above appropriation to be in lieu of any appropriations now provided for in Title I, Chapter X, revised statutes of Arizona, 1913, civil code."

Sub-division 56, of Section 1: "Paragraph 1773, revised statutes of Arizona, 1913, civil code, is hereby repealed, the appropriations herein made being in lieu of all statutory appropriations and not in addition thereto."

Sub-division 57, of Section 1: "Paragraph 4460, Revised Statutes of Arizona, Civil Code, is hereby repealed, and all statutory appropriations for the salary provided for in this subdivision are hereby repealed, and the State Auditor shall draw no warrant against the general or other state fund for the salary provided for in this sub-division otherwise than is herein directed, the appropriation made being in lieu of all such statutory appropriations and is not in addition thereto."

Sub-division 58, of Section 1: "Paragraph 242, Revised Statutes of Arizona, Civil Code, and Section 2 of chapter 53 of the Session Laws, Second Special Session, First Legislature, 1913, are hereby repealed; the appropriation herein made being in lieu of all statutory appropriations and is not in addition thereto."

Sub-division 72, of Section 1: "Paragraph 4451, revised statutes of Arizona, 1913, civil code, is hereby repealed."

Sub-division 74, of Section 1: "The appropriation for the salary herein made is in lieu of all statutory appropriations heretofore made and is not in addition thereto, and the state auditor is hereby directed to draw no warrant against the general or other state fund for the salary provided for in this subdivision otherwise than is herein directed."

Sub-division 77, Section 1: "The appropriation herein made for the said per diem is in lieu of all statutory appropriations heretofore made for said purposes, and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the per diem provided for in this sub-division otherwise that is herein directed."

Sub-division 78, Section 1: "The appropriation herein made for such salaries and expenses is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the State Auditor is hereby directed to draw no warrants against the general or other state fund for the salaries and expenses provided for in this subdivision otherwise than is herein directed."

Sub - division 79, Section 1: "The appropriation herein made for said per diem and expense is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the per diem and expense provided for in this sub-division otherwise than is herein directed."

Sub-division 82, Section 1: "The appropriation for the expenses herein made is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the salaries and expenses provided for in this subdivision otherwise than is herein directed."

Sub-division 84, Section 1: "The appropriation for the salary and expenses herein made is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general or other

state fund for such salary and expenses provided for in this sub-division otherwise that is herein directed."

Sub-division 86, Section 1: "The appropriation herein made for such maintenance, upkeep and repairs is in lieu of all statutory appropriations heretofore made for such purposes and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the maintenance, upkeep and repairs provided for in this subdivision otherwise than is herein directed."

Sub-division 87, Section 1: "The appropriation herein made for such elementary training is in lieu of all statutory appropriations heretofore made for this purpose, and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general or other state fund for the expenses of such elementary training provided for in this sub-division otherwise than is hereby directed."

Sub - division 88, Section 1: The appropriation herein made for such salary is in lieu of all statutory appropriations heretofore made for this purpose and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state fund for such salary provided for in this subdivision otherwise than is herein directed."

Sub-division 90, Section 1: "The appropriation herein made is not in addition to any other maintenance fund, but is in lieu of all statutory appropriations for the maintenance of said State Library."

Sub-division 99, Section 1: "these appropriations to be in lieu of all appropriations now provided by chapter 25, Title II, Revised Statutes of Arizona, 1913, Civil Code."

Section 2: "The above appropriations are in lieu of appropriations made in Chapter VI, Title XLII, Revised Statutes of Arizona, 1913, Civil Code."

Section 4: "The above sums are appropriated, provided that the State Fair Commission issue during any one year not more than one hundred free passes, and in case more than one hundred passes are issued, the above appropriation is null and void."

Section 7: "The appropriations for the Pioneers' Home are in lieu of appropriations made in Chapter VII, Title XLII, Revised Statutes of Arizona, 1913, Civil Code."

Section 8: "The sum herein appropriated is in lieu of any and all statutory appropriations heretofore made for the purposes and objects designated in this section and is not in addition thereto; and the State Auditor is hereby directed to draw no warrant against the general fund, the state road tax fund, or other state fund for the purposes and objects provided for in this section otherwise than is herein directed."

Sub-section C, Section 17: "The above appropriations are in lieu of appropriations made in part III, Title I, of the Revised Statutes of Arizona, 1913, Penal Code."

Section 35: "This appropriation is in lieu of all other appropriations provided by law for the Bureau of Mines."

Sub-section G, Section 43: "The above appropriations are in lieu of all other appropriations provided by law for the State Industrial School."

Section 49. The unexpended balances that may be at the date of the passage of this act in any of the above mentioned funds already established, or that may hereafter accrue thereto under existing tax levies, or from any other source, are hereby continued in said funds, and said amounts may be expended in accordance with the provisions of this act, in addition to the appropriations herein expressly provided, which will hereafter accrue to said fund.

Section 50. 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 couchers and each claim shall be audited by the state auditor who shall have the right to reject any voucher or claim or any part thereof which, in his judgment, does not constitute a proper or legal charge against the state. All said claims shall be verified and the form of said claim, and the verification thereof, shall be prescribed by the State Auditor, and upon the auditing of said claim the state auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amounts audited by him, and the state treasurer is hereby authorized and

directed to pay said warrant out of the fund upon which it is drawn. Provided, that all claims for moneys appropriated by this act shall be fully itemized and that no items shall be grouped under the word "incidentals" or other general term the state auditor is hereby authorized and directed to reject such claim until it is properly itemized.

Section 51. No expenditures shall be made or indebtedness incurred during the fiscal years ending June 30, 1916, and June 30, 1917, for salaries, maintenance or expense of any department of state, office, commission or board; nor for maintenance, equipment, repairs, new construction, or expense of any state institution, otherwise than is herein provided for or in excess of the amounts herein appropriated for the purposes provided for in this general appropriation bill; provided, that nothing herein shall be construed as limiting, repealing or affecting any special appropriation made by the second legislature during its regular session.

Paragraph 2815, Chapter XVIII, Title 11, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 4577, Chapter I, Title 43, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 4833, Chapter I, Title 49, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

Paragraph 3948, Title 33, revised statutes of Arizona, 1913, civil code, be and the same is hereby repealed.

In this connection it is, furthermore, clear from a reading of the Governor's call that the first special session of the Legislature was occasioned solely and primarily by a lack of departmental and institutional appropriations, together with the need of a tax levy and collection enactment. The text of the call, as issued, revealed the Executive's intent to open the door for only affirmative legislation providing appropriations of money for the necessary ordinary expenses of the State and making provision for the levy and collection of taxes.

To continue my objections to the above enumerated extraneous and irrelevant amending, repealing or penalizing

provisions improperly and unconstitutionally incorporated in the general appropriations bill, designated as House Bill No. 3, it becomes, on closer observation, reasonably conclusive that if such provisions, through any official eccentricity, should be deemed pertinent to the Act as a whole, numerous State departments and institutions, or branches thereof, would under the operation of the emergency clause, which is made a part of the bill, be deprived of funds on which to operate during the period that will intervene between the signing of this measure and June 30, 1915, the end of the current fiscal year; for it is not reiterated by the Legislature on many occasions with reference to necessary appropriations. "The appropriation herein made is in lieu of all statutory appropriations heretofore made and is not in addition thereto, and the State Auditor is hereby directed to draw no warrant against the general or other state funds for the purposes provided for in this subdivision otherwise than is herein directed." The conditions, therefore, which would confront many departments under a literal acceptance of these superfluous portions of House Bill, No. 3, are nothing short of appalling, so far as the interim between now and July 1st is concerned, and indicates a degree of negligence and inattention to public needs which should be reluctantly admitted by the authors and supporters of the various restrictions and stipulations embodied in the measure under discussion.

In view, accordingly, of the fact that the emergency, being sanctioned by the Constitution, is such a component part of the general appropriations measure as not to be subject, presumably, to the Executive's veto, and in the light, moreover, of the equally evident truth that the legislative error or negligence herein noted may, if supported by the Governor, create a public exigency of a serious character, I have slight recourse except to veto all the repealing or amendatory provisions enumerated above as being contained in House Bill, No. 3.

It should, also, be noted in passing that adherence to some of the repealing and restricting clauses would necessitate the repudiation of State contracts, thereby making the State liable to expensive suits. In several other instances, contradictory directions to the State Auditor are to be found.

With the foregoing statement and summarization of my reasons for vetoing certain items and provisions of House Bill, No. 3, as enacted during the first special session of the Second State Legislature of Arizona, I surrender the document into your possession so that, in pursuance of law, you may place it on file among the archives of the State.

Very respectfully,

GEO. W. P. HUNT,

Governor of Arizona.

CHAPTER 4.

(Senate Bill 2.)

AN ACT

To provide for the levy of an annual tax for each of the fiscal years ending June 30, 1916, and June 30, 1917, to defray the necessary ordinary expenses of the State of Arizona for each of the said fiscal years and for the purpose of paying deficiencies in the expenses of the State of Arizona for the preceeding fiscal year; to defray the expenses of the maintenance, support and improvement of the various state institutions including agricultural and horticultural experiments and underflow and surface water investigations; to defray the expenses of the construction and maintenance of State highways and bridges; to defray the expenses of the maintenance and support of the State common schools; and to pay the interest on the State debt and to provide sinking funds for the redemption of State bonds.

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, 1916, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1915, based upon the total assessed valuation of all property in the State of Arizona for the year 1915, the following taxes:

(a) To defray the necessary ordinary expenses of the State for the fiscal year ending June 30, 1916, and to pay deficiencies in such expenses for the preceeding fiscal year, exclusive of revenue from other sources, five hundred and sixty thousand ($560,000.00) dollars.

Sec. 2. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1916, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1915, based upon the total assessed valuation of all property in the State of Arizona for the year 1915, the following additional taxes:

(a) To defray the expenses of the maintenance of the Asylum for the Insane for the fiscal year ending June 30, 1916, eighty-five thousand ($85,000.00) dollars.

(b) To defray the expenses of building and equipping a female ward at the Asylum for the Insane during the fiscal year ending June 30, 1916, twenty-five thousand ($25,000.00) dollars.

(c) To defray the expenses of improvement and repairs at the Asylum for the Insane for the fiscal year ending June 30, 1916, fifteen thousand ($15,000.00) dollars.

(d) To defray the expenses of disposing of the sewage from the Asylum for the Insane, by the purchase of land or otherwise, during the fiscal year ending June 30, 1916, three thousand two hundred ($3,200.00) dollars.

(e) To defray the expenses of the maintenance of the Northern Arizona Normal School for the fiscal year ending June 30, 1916, forty thousand ($40,000.00) dollars.

(f) To defray the expenses of building and equipping an addition to the boys' dormitory at the Northern Arizona Normal School during the fiscal year ending June 30, 1916, eight thousand nine hundred ($8,900.00) dollars.

(g) To defray the expenses of improvement and repairs at the Northern Arizona Normal School during the fiscal year ending June 30, 1916, twenty thousand seventy-one and fifty one-hundredths ($20,071.50) dollars.

(h) To defray the expenses of building and furnishing one dormitory for the Northern Arizona Normal School

during the fiscal year ending June 30, 1916, forty-eight thousand ($48,000.00) dollars.

(i) To defray the expenses of the maintenance of the Pioneers' Home during the fiscal year ending June 30, 1916, fifteen thousand ($15,000.00) dollars.

(j) To defray the expenses of improvement and repairs of the Pioneers' Home during the fiscal year ending June 30, 1916, one thousand ($1,000.00) dollars.

(k) To defray the expenses of the maintenance of the State Prison during the fiscal year ending June 30, 1916, eighty-five thousand ($85,000.00) dollars.

(l) To defray the expenses of improvement and repairs and for the construction of a power line to the State Prison during the fiscal year ending June 30, 1916, twenty-three thousand nine hundred ($23,900.00) dollars.

(m) To defray the expenses of the maintenance of the State Industrial School during the fiscal year ending June 30, 1916, thirty thousand ($30,000.00) dollars.

(n) To defray the expenses for improvement and repairs at the State Industrial School during the fiscal year ending June 30, 1916, fourteen thousand five hundred ($14,-500.00) dollars.

(o) To defray the expenses of the maintenance of the Tempe Normal School during the fiscal year ending June 30, 1916, ninety thousand ($90,000.00) dollars.

(p) To defray the expenses for improvement and repairs at the Tempe Normal School during the fiscal year ending June 30, 1916, ten thousand ($10,000.00) dollars.

(q) To defray the expenses for improvement of the grounds, walks, ditches and roads at the Tempe Normal School during the fiscal year ending June 30, 1916, five thousand ($5,000.00) dollars.

(r) To defray the expenses of constructing and furnishing a hospital at the Tempe Normal School during the fiscal year ending June 30, 1916, four thousand ($4,000.00) dollars.

(s) To defray the expenses of the maintenance of the University of Arizona during the fiscal year ending June

30, 1916, one hundred twelve thousand seventy-eight and forty one-hundredths, ($112,078.40) dollars.

(t) To defray the expenses for improvement and repairs at the University of Arizona during the fiscal year ending June 30, 1916, thirty-eight thousand seven hundred sixty-three and thirty-five one-hundredths ($38,763.35) dollars.

(u) To defray the expenses for constructing and equipping a central heating and power plant at the University of Arizona during the fiscal year ending June 30, 1916, forty-eight thousand ($48,000.00) dollars.

(v) To defray the expenses of plant introduction and breeding under the direction of the Agricultural Department of the University of Arizona during the fiscal year ending June 30, 1916, three thousand ($3,000.00) dollars.

(w) To defray the expenses in connection with dry farming including the Prescott Dry Farm for the fiscal year ending June 30, 1916, seven thousand six hundred ($7,600.00) dollars.

(x) To defray the expenses in connection with the Sulphur Springs Valley Dry Farm during the fiscal year ending June 30, 1916, four thousand one hundred sixty ($4,160.00) dollars.

(y) To defray the expenses in connection with the Northern Arizona Dry Farm during the fiscal year ending June 30, 1916, three thousand two hundred ($3,200.00) dollars.

(z) To defray the expenses in connection with the date palm orchards during the fiscal year ending June 30, 1916, three thousand five hundred ($3,500.00) dollars.

(al) To defray the expenses of the maintenance of the horticultural station at Yuma during the fiscal year ending June 30, 1916, seven hundred ($700.00) dollars.

(bl) To defray the expenses of printing and binding reports and other printed matter in connection with the University of Arizona during the fiscal year ending June 30, 1916, fifteen hundred ($1,500.00) dollars.

(cl) To defray the expenses of the holders of county scholarships at the University of Arizona during the fiscal year ending June 30, 1916, two thousand one hundred ($2,100.00) dollars.

(dl) To defray the expenses for improvements of the Salt River Valley Experimental Farm during the fiscal year ending June 30, 1916, three thousand ($3,000.00) dollars.

(el) To defray the expenses of the maintenance and equipment for the Bureau of Mines at the University of Arizona during the fiscal year ending June 30, 1916, five thousand ($5,000.00) dollars.

(fl) To defray the expenses for making underflow water investigations under the supervision of the Board of Regents during the fiscal year ending June 30, 1916, two thousand seven hundred fifty ($2,750.00) dollars.

(gl) To defray the expenses of continuing underflow water investigations of the Colorado River Indian Reservation under the supervision of the State Land Commission during the fiscal year ending June 30, 1916, five thousand ($5,000.00) dollars.

(hl) To defray the expenses in connection in gauging the various streams and otherwise investigating and determining the surface water supply of the State during the fiscal year ending June 30, 1916, four thousand ($4,000.00) dollars.

(il) To defray the expenses of determining the economic duty of water and for maintenance of an experimental tract near Higley in Maricopa County during the fiscal year ending June 30, 1916, three thousand ($3,000.00) dollars.

(jl) To defray the expenses for maintenance including repairs of the Arizona State Fair during the fiscal year ending June 30, 1916, fifteen thousand ($15,000.00) dollars.

(kl) To deefray thee expenses for improvements and betterments for the Arizona State Fair for the fiscal year ending June 30, 1916, eight thousand ($8,000.00) dollars.

Sec. 3. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal

year ending June 30, 1916, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1915, based upon the total assessed valuation of all property in the State of Arizona for the year 1915, the following additional taxes:

(a) To defray the expenses of the construction and maintenance of state highways and bridges for the fiscal year ending June 30, 1916, two hundred fifty thousand ($250,000.00) dollars.

Sec. 4. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1916, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1915, based upon the total assessed valuation of all property in the State of Arizona for the year 1915, the following additional taxes:

(a) To defray the expenses of the maintenance and support of the State Common Schools during the fiscal year ending June 30, 1916, one hundred thousand ($100,000.00) dollars.

Sec. 5. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1916, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1915, based upon the total assessed valuation of all property in the State of Arizona for the year 1915, the following additional taxes:

(a) To pay the interest on the Asylum for the Insane bonds (Act 73, Laws 1903) for the fiscal year ending June 30, 1916, one thousand ($1,000.00) dollars.

(b) To pay the interest on the Capitol Building bonds (Act 9, Laws 1897) for the fiscal year ending June 30, 1916, five thousand ($5,000.00) dollars.

(c) To pay the interest on University bonds (Par. 3663 R. S. 1901) for the fiscal year ending June 30, 1916, one thousand two hundred fifty ($1,250.00) dollars.

(d) To pay the interest on University bonds (Act 47, Laws 1903) for the fiscal year ending June 30, 1916, five hundred fifty ($550.00) dollars.

(e) To pay the interest on the State funded indebtedness for the fiscal year ending June 30, 1916, thirty-four thousand five hundred ($34,500.00) dollars.

(f) To provide a sinking fund for the redemption of the St. Louis Exposition bonds (Act 86, Law 1901) for the fiscal year ending June 30, 1916, two thousand five hundred ($2,500.00) dollars.

(g) To provide a sinking fund for the redemption of University bonds (Par. 3663, R. S. 1901) for the fiscal year ending June 30, 1916, two thousand five hundred ($2,500.00) dollars.

(h) To provide a sinking fund for the redemption of various State funding bonds (Chap. 29, Sec. 9, S. S. 1912) for the fiscal year ending June 30, 1916, fourteen thousand five hundred ($14,500.00) dollars.

Sec. 6. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1917, the rate of taxation to be fixed by the State board of Equalization at its meeting to be convened on the first Monday in August 1916, based upon the total assessed valuation of all property in the State of Arizona for the year 1916, the following taxes:

(a) To defray the necessary ordinary expenses of the state for the fiscal year ending June 30, 1917, and to pay deficiencies in such expenses for the preceeding fiscal year, exclusive of revenues from other sources, three hundred thousand ($300,000.00) Dollars.

Sec. 7. There is hereby levied upon the real and personal property within the state of Arizona, for the fiscal year ending June 30, 1917, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August 1916, based upon the total assessed valuation of all property in the State of Arizona for the year 1916, the following additional taxes:

(a) To defray the expenses of the maintenance of the Asylum for the Insane for the fiscal year ending June 30, 1917, eighty five thousand ($85,000.00) Dollars.

(b) To defray the expenses of improvement and repairs at the Asylum for the Insane for the fiscal year ending June 30, 1917, ten thousand ($10,000.00) Dollars.

(c) To defray the expenses of the maintenance of the Northern Arizona Normal School for the fiscal year ending June 30, 1917, forty thousand ($40,000.00) Dollars.

(d) To defray the expenses of improvement and repairs at the Northern Arizona Normal School, during the fiscal year ending June 30, 1917, twenty thousand seventy one dollars and fifty cents ($20,071.50.)

(e) To defray the expenses of the maintenance of the Pioneers' Home during the fiscal year ending June 30, 1917, fifteen thousand ($15,000.00) Dollars.

(f) To defray the expenses of improvements and repairs of the Pioneers' Home during the fiscal year ending June 30, 1917, one thousand ($1,000.00) Dollars.

(g) To defray the expenses of the maintenance of the State Prison, during the fiscal year ending June 30, 1917, eighty-five thousand ($85,000.00) Dollars.

(h) To defray the expenses of the maintenance of the State Industrial School during the fiscal year ending June 30, 1917, twenty-five thousand ($25,000.00) Dollars.

(i) To defray the expenses for improvement and repairs of the State Industrial School during the fiscal year ending June 30, 1917, five hundred ($500.00) dollars.

(j) To defray the expenses of the maintenance of the Tempe Normal School during the fiscal year ending June 30, 1917, ninety thousand ($90,000.00) Dollars.

(k) To defray the expenses for improvement and repairs at the Tempe Normal School during the fiscal year ending June 30, 1917, five thousand ($5,000.00) Dollars.

(l) To defray the expenses for improvement of the grounds, walks, ditches and roads at the Tempe Normal School during the fiscal year ending June 30, 1917, five thousand ($5,000.00) dollars.

(m) To defray the expenses of the maintenance of the University of Arizona during the fiscal year ending June 30, 1917, one hundred twelve thousand seventy-eight dollars forty cents ($112,078.40).

(n) To defray the expenses of improvement and repairs and the erection of a mining and engineering build-

ing at the University of Arizona, during the fiscal year ending June 30, 1917, one hundred eight thousand seven hundred and sixty dollars twenty-five cents ($108,763.25).

(o) To defray the expenses of plant introduction and breeding under the direction of the Agricultural Department of the University of Arizona, during the fiscal year ending June 30, 1917, three thousand ($3,000.00) dollars.

(p) To defray the expenses in connection with dry farming including the Prescott Dry Farm for the fiscal year ending June 30, 1917, six thousand five hundred ($6,500.00) dollars.

(q) To defray the expenses in connection with the Sulphur Springs Valley Dry Farm for the fiscal year ending June 30, 1917, three thousand ($3,000.00) dollars.

(r) To defray the expenses in connection with the Northern Arizona Dry Farm during the fiscal year ending June 30, 1917, three thousand two hundred ($3,200.00) dollars.

(s) To defray the expenses in connection with the Date Palm Orchard during the fiscal year ending June 30, 1917, three thousand five hundred ($3,500.00) dollars.

(t) To defray the expenses of the maintenance of the Horticultural Station at Yuma during the fiscal year ending June 30, 1917, seven hundred dollars ($700).

(u) To defray the expenses of printing and binding reports and other printed matter in connection with the University of Arizona during the fiscal year ending June 30, 1917, one thousand five hundred dollars ($1,500.00).

(v) To defray the expenses of the holders of county scholarships at the University of Arizona during the fiscal year ending June 30, 1917, two thousand one hundred ($2,100.00) dollars.

(w) To defray the expenses for improvements of the Salt River Valley Experimental Farm during the fiscal year ending June 30, 1917, seven thousand ($7,000.00) dollars.

(x) To defray the expenses of the maintenance and equipment for the Bureau of Mines at the University of

Arizona during the fiscal year ending June 30, 1917, five thousand ($5,000.00) dollars.

(y) To defray the expenses for making under flow water investigations under the supervision of the Board of Regents during the fiscal year ending June 30, 1917, one thousand two hundred and fifty ($1,250.00) dollars.

(z) To defray the expenses in connection with the gauging of the various streams and otherwise investigating and determining the source of water supply of the state during the fiscal year ending June 30, 1917, four thousand ($4,000.00) dollars.

(a1) To defray the expenses of determining the economic duty of water and for maintenance of an experimental tract near Higley in Maricopa County during the fiscal year ending June 30, 1917, three thousand ($3,000.00) dollars.

(b1) To defray the expenses of maintenance including repairs of the Arizona State Fair during the fiscal year ending June 30, 1917, fifteen thousand dollars ($15,000.00).

(c1) To defray expenses for improvements and betterments for the Arizona State Fair for the fiscal year ending June 30, 1917, eight thousand ($8,000.00) dollars.

Sec. 8. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1917, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1916, based upon the total valuation of all property in the State of Arizona for total assessed valuation of all property in the State of Arizona for the year 1916, the following additional taxes:

(a) To defray the expenses of the construction and maintenance of state highways and bridges for the fiscal year ending June 30, 1917, two hundred and fifty thousand ($250,000.00) dollars.

Sec. 9. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1917, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1916, based upon

the total assessed valuation of all property in the State of Arizona for the year 1916, the following additional taxes:

(a) To defray the expenses of the maintenance and support of the State Common Schools during the fiscal year ending June 30, 1917, one hundred thousand dollars ($100,000.00).

Sec. 10. There is hereby levied upon the real and personal property within the State of Arizona, for the fiscal year ending June 30, 1917, the rate of taxation to be fixed by the State Board of Equalization at its meeting to be convened on the first Monday in August, 1916, based upon the total assessed valuation of all property in the State of Arizona for the year 1916, the following additional taxes:

(a) To pay the interest on the Asylum for the Insane bonds (Act 73, Laws 1903) for the fiscal year ending June 30, 1917, one thousand ($1,000.00) dollars.

(b) To pay the interest on the Capitol Building bonds (Act 9, Laws 1897) for the fiscal year ending June 30, 1917, five thousand ($5,000.00) dollars.

(c) To pay the interest on the University Bonds (Par. 3663, R. S. 1901) for the fiscal year ending June 30, 1917, One thousand two hundred and fifty ($1,250.00) dollars.

(d) To pay the interest on the University Bonds (Acts 47, Laws 1903) for the fiscal year ending June 30, 1917, five hundred and fifty ($550.00) dollars.

(e) To pay the interest on the state funded indebtedness for the fiscal year ending June 30, 1917, thirty-four thousand five hundred ($34,500.00) dollars.

(f) To provide a sinking fund for the redemption of the St. Louis Exposition Bonds (Act 86, Laws 1901) for the fiscal year ending June 30, 1917, two thousand five hundred ($2,500.00 dollars.

(g) To provide a sinking fund for the redemption of the University of Arizona Bonds (Par. 3663, R. S. 1901) for the fiscal year ending June 30, 1917, two thousand five hundred ($2,500.00) dollars.

(h) To provide a sinking fund for the redemption of various state funding bonds (Chap. 29, Sec. 9, S. S. Laws 1912) for the fiscal year ending June 30, 1917, fourteen thousand five hundred ($14,500.00) dollars.

Sec. 11. The State Board of Equalization, at its meeting on before the second Monday in August in each of the years 1915 and 1916 shall fix the rate of the several taxes herein provided, which rate shall be sufficient to produce the various sums herein mentioned for the several purposes provided for in this Act, and shall certify such rate to the Board of Supervisors of the several counties in the manner provided by law.

Sec. 12. Whereas, it is necessary to provide for and to make a levy of taxes to defray the necessary expenses of the State government and to provide for the existing deficit and for the maintenance and support of the State Institutions, the state highways, the state common schools and to pay the interest on the state debt and to provide sinking funds for the redemption of state bonds, and,

Whereas, the provisions of this Act are necessary for the support and maintenance of the departments of state and State Institutions, highways and schools and the payment of interest and redemption funds on the state's indebtedness, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage and approval by the Governor and is hereby exempt from the referendum provisions of the State Constitution.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this 10th day of June, A. D., 1915."

SIDNEY P. OSBORN,
Secretary of State.

RESOLUTIONS

HOUSE RESOLUTION NO. 1.

WHEREAS, On the 14th day of April, owing to the continued floods in the Little Colorado River in Northern Arizona, several dams were washed out causing the loss of eight lives and much valuable property, and among the lives lost being three grandchildren of our much esteemed Representative, the Honorable Rachael Berry of Apache County.

THEREFORE BE IT RESOLVED, That this House of Representatives extend its sincerest sympathy to the Honorable Rachael Berry in this time of bereavement, with the prayer that He who lightens our burdens may give her strength and consolation.

Passed the House April 23, 1915.

HOUSE RESOLUTION NO. 2.

WHEREAS, the elevator boy, Mr. Thomas Howard, has faithfully performed his duty as such during the regular session of the Second State Legislature, and

WHEREAS, the said Thomas Howard is performing said duties as elevator operator during this, the First Special Session of said Legislature, and

WHEREAS, said services so performed have not been paid for at a price commensurate with the services rendered and, in proportion to the price paid to janitors, doorkeepers and other clerks.

THEREFORE, be it resolved that said Thomas Howard be, and he is hereby placed on the list of attaches of the House of Representatives at the rate of two and 50-100

dollars ($2.50), per day for such services, during this special session.

Passed the House May 4, 1915.

HOUSE RESOLUTION NO. 3.

WHEREAS, the Almighty in His wisdom has seen fit to remove from his earthly sphere of activity and usefulness the Honorable J. H. Willis of Snowflake, Arizona, a member of the Senate of the First Legislature of the State of Arizona, who stricken with paralysis, caused by injury to the spine, departed this life at Snowflake, Arizona, on the twenty-ninth day of March, nineteen hundred and fifteen; and

WHEREAS, Senator Willis was known by his personal associates and friends, his co-workers in public life and all who were familiar with his characteristics and achievements, as a man of unimpeachable integrity, keen intellect, force of character and untiring industry, and as one possessed of a deep and abiding sympathy for mankind, and an unfaltering interest in the needs and rights of humanity.

THEREFORE, BE IT RESOLVED, by the House of Representatives of the Second State Legislature, in regular Session assembled, that the State of Arizona has suffered in the death of Senator Willis, the loss of one of her most valuable and most highly respected and most patriotic citizens, whose passing is contemplated with the most poignant regret,

BE IT FURTHER RESOLVED, that this resolution be spread upon the Journal of the House and that an engrossed copy be sent to the family of the late Senator.

Passed the House May 3, 1915.

HOUSE CONCURRENT RESOLUTION NO. 2.

WHEREAS, The people of Arizona are deeply appreciative of the high honor conferred upon our State by the frequent visits and sojourn among us of Honorable Thomas

R. Marshall, Vice President of the United States, and hope soon to number him among the permanent residents of the beautiful Salt River Valley;

NOW THEREFORE, Be it resolved by the House of Representatives, the Senate Concurring, that we hereby extend to the Honorable Thomas R. Marshall a cordial invitation to address the Legislature at such time as he may find it convenient; and that a committee of three from the House and two from the Senate be appointed to convey this invitation to the Vice President and report his reply to the respective Houses.

Passed the House April 29, 1915.
Passed the Senate April 29, 1915.

HOUSE CONCURRENT RESOLUTION NO. 3.

WHEREAS, there is, at this time, war and rumors of war effecting the civilized world, and

WHEREAS, the United States of America is at peace with the world and all mankind, and

WHEREAS, the course of our chief executive, President Woodrow Wilson, in handling the present international crisis, meets our hearty approval,

THEREFORE, Be it resolved, that the House of Representatives of the Second Legislature, of the State of Arizona, in special session assembled, hereby expresses its full faith and confidence in the wisdom, integrity and statesmanship of President Woodrow Wilson to successfully cope with international complications and maintain the honor and dignity of the nation, and we hereby pledge to him the loyal support of the people of the State of Arizona, and

Be it Further Resolved, that an enrolled and engrossed copy of these resolutions bearing the signature of each member be forwarded to the President.

Passed the House May 18, 1915.
Passed the Senate May 21, 1915.

(Signed)
WILLIAM P. MAHONEY,
SAM W. PROCTOR, Navajo Co.
JAMES L. EDWARDS, Yuma Co.

JOS H. LINES, Graham Co.
J. D. LEE, Graham Co.
J. B. FLANAGAN, Yuma Co.
RICHARD FARRELL, Santa Cruz Co.
WILL MARLAR, Coconino Co.
S. F. LANFORD, Greenlee Co.
JOHN S. MERRILL.
SAM P. BRISCOE.
W. D. CLAYPOOL.
A. G. AUSTIN.
FRANK PINKLEY.
GUY D. ACUFF.
MRS. R. E. BERRY.
A. A. JOHNS.
J. W. BUCHANAN.
LOREN F. VAUGHN, Phoenix.
T. T. POWERS.
J. C. GOODWIN, Tempe.
CHAS. T. FRANCIS.
WILLIAM L. COOK, McNeal, Ariz.
J. E. McCLAIN, Tempe, Arizona.
JOHN E. NEWBURY.
JOHN CHRISTY.
JOHN J. SWEENEY.
W. J. GRAHAM.
O. F. ORTHEL.

Senators.

WILLIAM M. RIGGS.
O. S. STAPLEY.
FRANCES W. MUNDS.
HENRY LOVIN.
MORRIS GOLDWATER.
SAM F. WEBB.
JOHN E. BACON.
CHAS. E. MacMILLIN.
FRED T. COLTER.
GEO. H. CHASE.

HOUSE CONCURRENT MEMORIAL NO. 1.

To the President and the Congress of the United States:

Your memorialists, the Second Legislature of the State of Arizona, in session convened respectfully represent; that

WHEREAS, That portion of the White Mountain or San Carlos Indian Reservation, in the State of Arizona, lying south of the Salt or Black River, contains an area, far in excess of that necessary to sustain and maintain the Indians residing and maintained thereon; and

WHEREAS, According to the United States census of 1910 there are only 1860 Indians residing and being maintained on that portion of said reservation, south of the said Salt or Black River; and

WHEREAS, The present area of said reservation, south of said Salt or Black River is more than 1,500,000 acres; and

WHEREAS, The area of said reservation, if reduced to the boundaries hereinafter set forth, will be between 600,000 and 700,000 acres; and

WHEREAS, All of the farming lands within said reservation, viz, those lying along the Gila and San Carlos Rivers, will remain within the hereinafter described boundaries, and are sufficient to maintain several times the number of Indians, now on said reservation; and

WHEREAS, The Government saw-mill, operated for the benefit of these Indians, together with nearly all of the merchantable timber on said reservation will be within the boundaries of such reservation if established in accordance with this memorial; and

WHEREAS, That portion of said reservation asked to be thrown open, is of no utility to said Indians, except for grazing purposes; and these Indians have a very limited number of cattle and horses; and such reservation after being reduced, will contain a far greater acerage of grazing lands than these Indians can ever utilize; and

WHEREAS, That portion of said reservation, which would be thrown open contains many valuable mineral

deposits and large areas of grazing lands, which would at once be occupied by American settlers and miners and will maintain a large number of people, who will be able to improve and develop this vast area and give employment to both the white man and the Indian;

NOW, THEREFORE BE IT RESOLVED, by the House of Representatives and the Senate of the State of Arizona, that we call upon the President or the Congress of the United States, to take such action as may be necessary to reduce the boundaries of said White Mountain or San Carlos Indian Reservation to the area hereinafter described and to throw open to settlement and mining location all that portion of said reservation lying south of Salt or Black River, and outside of the following described boundaries, to-wit:

Commencing at a point on the east boundary line of the White Mountain or San Carlos Indian Reservation, two (2) miles south of the Gila River, near Geronimo; thence westerly on a line south of, and two (2) miles distant from the said Gila River to a point two (2) miles south and two (2) miles west of the San Carlos Agency; thence northerly on a line west of, and two (2) miles distant from the said San Carlos River to a point two (2) miles west and two (2) miles north of the Talkali or Rice Indian school; thence northerly to a point two (2) miles west and two (2) miles north of the Government saw-mill, on said reservation; thence east to the 110° meridian west longitude; thence southwesterly to a point in the top of the Gila Mountain Range at the acute angle in the east boundary line of said reservation due north from the place of beginning; thence south to the place of beginning, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the President of the United States; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to our Representatives in Congress, the Honorable Henry F. Ashurst, the Honorable Marcus A. Smith and the Honorable Carl Hayden.

Passed the House May 27, 1915.

Passed the Senate May 27, 1915.

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ACTS, RESOLUTIONS AND MEMORIALS

of the

SECOND SPECIAL SESSION

of the

SECOND LEGISLATURE

of the

STATE OF ARIZONA

Session began June first, 1915.

Session Adjourned June twenty-eighth, 1915.

CERTIFICATE

STATE OF ARIZONA,
Office of the Secretary. } ss

I, SIDNEY P. OSBORN, Secretary of State of Arizona, do hereby certify that the Acts, Resolutions and Memorials herein contained are printed as passed by the Second Special Session of the Second 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 seventh day of July, A. D., 1915.

Sidney P. Osborn

Secretary of State.

ORDER OF ACTS

ORDER OF ACTS

SECOND SPECIAL SESSION, SECOND LEGISLATURE.

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A PROCLAMATION

EXECUTIVE DEPARTMENT
STATE OF ARIZONA

WHEREAS, the Second Legislature of the State of Arizona, during the regular session for the consideration of general subjects, which was concluded on March 11th, 1915, did not make necessary statutory provisions for the administration of State Lands and for sundry other matters which have been brought to the attention of the Governor of Arizona;

WHEREAS, the first special session of the Second Legislature of the State of Arizona, which was called on April 3rd, 1915, for the special purpose of authorizing a tax levy and collection, and for the enactment of a general appropriation measure as provided by the State's Constitution, was ended May 28th, 1915;

WHEREAS, the need of new legislation in relation to State lands, in relief of flood sufferers in Apache and Navajo Counties, and relative to other matters of various degrees of importance is undeniably essential;

NOW, THEREFORE, I Geo. W. P. Hunt, Governor of Arizona, in consideration of the premises and by virtue of the authority in me vested by the Constitution, do hereby convene the Second State Legislature in special session in Phoenix, the Capital of Arizona, at ten o'clock, on the morning of Tuesday, June 1st, A. D., 1915, for the purpose of providing legislation on the subjects hereinafter following:

1. To define the powers and duties of the Land Commission, with respect to management, control, disposition and administration of the state and school lands,

and to make suitable appropriations for the maintenance of such commission and the exercise of the powers and the performance of the duties so defined.

2. To enact laws relating directly to irrigation districts and laws relating directly and specifically to irrigation, providing for the construction or reconstruction in whole or in part of irrigation works; making possible the construction or reconstruction of irrigation works by the State or by the several counties, or by both; to afford relief to citizens whose means of irrigating their lands have been destroyed by the elements or otherwise; to authorize the investment of funds legally derived from the sale of public lands, or from other sources, in the construction, reconstruction or acquisition of irrigation works, or in additions, enlargements or improvements thereof.

3. To consider the question of authorizing the introduction into this State of pure grain alcohol for scientific purposes, and for the compounding of medicines and medical preparations, under such restrictions as may be deemed advisable; making also such statutory provisions as will facilitate the enforcement of the constitutional amendment relating to prohibition.

4. To enact a measure creating the office of Labor Commissioner; providing also for the establishment, maintenance and operation of a Labor Commissioner's office with necessary assistants to suitably carry on the work and discharge the duties thereof.

5. To enact into law a measure providing for the establishment, maintenance and operation of a home and hospital for disabled, decrepit or needy miners.

6. To consider the question of repealing the act passed at the regular session, relating to the semi-annual payment of taxes, or of postponing the time of taking effect of such law.

7. To consider the question of abolishing capital punishment and enacting in lieu thereof a law imposing life imprisonment for the crime of murder where no extenuating circumstances exist.

8. To consider the question of amending Paragraph 542, Chapter XIV, Title 6, and Paragraph 615, Chapter

XXI, Title 6, of the Revised Statutes of Arizona, 1913, Civil Code, so as to provide, in the first instance, that questions of fact shall be submitted to the jury at the request of either party, and that questions not so requested to be submitted may be determined by the court; providing, in the second instance, that when a party upon whom service shall have been made as provided fails to object to the sufficiency and correctness of the bill of exceptions, statement of facts, or reporters' transcripts, the same shall be deemed correct and sufficient, and shall thereupon become a part of the record of the case, and shall be considered as though the same had been certified by the trial judge; to amend said paragraphs 542 and 615, if deemed advisable.

9. To consider the question of providing that the Judge of the Superior Court of any County may hold court in another county at the request of the Judge of the Superior Court of the latter County, and that each of such judges may hold court separately at the same time and hear and determine cases and conduct any business coming before such court, and to so provide, if deemed advisable.

10. To enact into law a measure making an appropriation of money for the payment of the salaries of the State Land Commissioners, during the period from March 11th, 1915, to July 1st, 1915.

11. To make legislative provisions for the expenses of elective county officials in counties of the second class.

12. To consider the question of enacting a County Division law.

13. To enact into law a measure making an appropriation of money to pay the salaries of the chief clerk, assistant clerk, and all other stenographers or clerical assistants in the incorporating department of the Corporation Commission of the State of Arizona, during the years ending June 30th, 1916, and June 30th, 1917, respectively.

14. To enact into law a measure making an appropriation of money to pay the salaries of stenographers em-

ployed by the Secretary of State during the years ending June 30th, 1916, and June 30th, 1917, respectively.

15. To fix the rates of taxes to be levied for the fiscal years ending June 30th, 1916, and June 30th, 1917, to defray the necessary ordinary expenses of the State during each of said fiscal years, and to provide for the levy of taxes during each of said years at the rates so fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the great seal of the State of Arizona to be affixed.

Done at the City of Phoenix, the Capital, this 28th day of May, A. D., 1915.

GEO. W. P. HUNT,
Governor of Arizona.

Attest:
SIDNEY P. OSBORN,
Secretary of State.

ACTS

CHAPTER 1.

(Senate Bill 7.)

AN ACT

Making Appropriations for the Current and Contingent Expenses of Carrying on, and Conducting and Defraying the Expenses of the Second Special Session, of the Second State Legislature, of the State of Arizona, Convened June 1, 1915.

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

Section 1. That the sum of twenty-two Thousand Five Hundred ($22,500.00) Dollars is hereby appropriated out of the General Fund of the State Treasurer of the State of Arizona for the purpose of paying the necessary and ordinary expenses of the Second Special Session of the Second Legislature, convened June 1, 1915.

Sec. 2. All claims for mileage and for salaries of the members and attaches of the respective Houses of the said Legislature, for the necessary and ordinary and contingent expenses of the said Second Special Session shall be honored by the State Auditor, upon presentation of a certificate signed by the presiding officers of the respective Houses 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 fund herein provided for.

Section 3. WHEREAS, an urgent necessity exists for the appropriation of funds to pay the salary and mileage of the members of the legislature and the salaries of the said clerks, employees and attaches of said legislature, and to provide funds for the contingent expenses of said legis-

lature for said second special session, and the provisions of this act are necessary for the support and maintenance of said legislature to keep it intact and to preserve the public peace, health, and safety, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval by the Governor, and is hereby exempt from the provisions of the referendum provided for in the state constitution.

Approved June 12, 1915.

CHAPTER 2.

(House Bill 11.)

AN ACT

Making an appropriation to pay the salaries of stenographers employed by the Secretary of State for the fiscal years ending June 30, 1916, and June 30, 1917.

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

Section 1. To pay the salaries of stenographers employed by the secretary of state, there is hereby appropriated the sum of forty-eight hundred dollars ($4800.00), thenty-four hundred dollars ($2,400.00), or so much thereof as may be necessary to be paid during each of the years ending June 30, 1916, and June 30, 1917.

Approved June 25, 1915.

CHAPTER 3.

(House Bill 20.)

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.

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

Section 1. That paragraph 336, chapter III, title VI, revised statutes of Arizona, 1913, civil code, be and the same is hereby amended to read as follows:

"Par. 336. In each of the counties of this state there shall be a superior court for which 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 shall be an additional judge of the superior court, for every additional thirty thousand (30,000) inhabitants or majority fraction thereof."

Section 2. In each county of this state having a census enumeration greater than thirty thousand (30,000) inhabitants 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.

Sec. 3. For the purpose of this act the county of Maricopa is 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 inhabitants.

Sec. 4. 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.

Approved June 25, 1915.

CHAPTER 4.

(House Bill 19.)

AN ACT

To appropriate money for the relief of natural persons residing in and owning or occupying land in Apache and Navajo counties whose property was damaged or destroyed by floods occasioned by the breaking of the Lyman Reservoir; to provide for the distribution therof.

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

Section 1. That there be and there is hereby appropriated the sum of forty thousand dollars to be used for the relief of natural persons who are resident land owners and land occupants of the counties of Apache and Navajo whose property was damaged or destroyed by the floods caused by the breaking of the Lyman Reservoir, and to aid them in the immediate repair of irrigation works destroyed or damaged by such floods.

That of such sum thirty thousand dollars shall be paid to such resident land owners or land occupants of Apache County and the sum of ten thousand dollars to those of Navajo County.

Said sums shall be distributed equitably amongst such resident land owners or occupants as best to relieve their necessities and aid them to make such reparation of their irrigation works as shall most speedily supply their lands with water for irrigation.

Sec. 2. The board of control and the state engineer shall constitute a commission to be charged with, and they are hereby charged with the duty of the distribution of said funds.

It shall be the duty of said commission to promptly proceed to determine by proper investigation, the needs of said resident land owners or occupants, and distribute said sum amongst them as it shall find to be just and equitable.

It shall make such rules for the making of application for the benefits of this act as shall speedily and equitably provide for the distribution of such funds.

Sec. 3. Upon the determination of the commission of the amount to be paid from said funds to the applicant therefor, it shall cause a certificate thereof addressed to the state auditor, stating the name of the person and the amount to be paid to him, attested by the signature of the secretary of the board of control, to be delivered to such applicant.

On the presentation of any such certificate to the state auditor, he shall draw his warrant therefor upon the state treasurer, who shall on presentation thereof, pay the same out of the money hereby appropriated.

Approved June 25, 1915.

CHAPTER 5.

(Sub. House Bill 1.)

AN ACT

To provide a code for the systematic administration, care and protection of the state lands and vesting the necessary powers therefor in a department, to be known as the State Land Department, and creating the office of Commissioner of State Lands to carry out the provisions hereof; to provide for the selection and securing of title to the lands granted to the State by the Enabling Act; to provide for the appraisement of state lands and the improvements thereon and for the trial of appeals from such appraisements; to provide for the lease, sale and other disposition of the state lands, and

of the timber and other products thereof; to provide a method of reimbursing lessees of state lands for the improvements placed thereon; to provide for the granting of rights of way and sites over and upon state lands for various purposes; to provide for the filing of water appropriations and the acquisition of water rights for the benefit of the State; to provide for the taking over of school or university land by the State, or any department of the State; to provide for the establishment of special funds for the several purposes for which lands were granted to the State of Arizona by the Enabling Act or otherwise; and for the disposition of the receipts of such lands; to make an appropriation for carrying out the provisions of this Act; and to repeal all Acts and parts of Acts in conflict with the provisions of this Act, with an emergency clause.

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

Section 1. **Meaning of Terms:** The following words and phrases hereafter used in this Act shall have the following meaning, to-wit: "the commissioner" shall mean the state land commissioner of the State of Arizona, and shall include his deputy; "the department" shall mean the State Land Department of the State of Arizona; "state lands" shall mean any land owned or held in trust, or otherwise, by the State of Arizona; including leased school or university land; "leased school or university land" shall mean school or university land for which a lease has been issued by the State of Arizona, or the former Territory of Arizona, under which the lessee still has rights; "improvements" shall be held to mean anything permanent in character, the result of labor or capital expended on state land in its reclamation or development, and the appropriation of water thereon, which has enhanced the value of the same beyond what said land would be worth had it been permitted to remain in its original state; "board of appraisers" shall mean the persons appointed to make appraisements in the respective counties, or the persons who have actually made such appraisement in accordance with the provisions of this Act; "selection board" shall mean the Governor, the Commissioner, and the Attorney General; "agricultural lands" shall mean such lands as are used, or can be used principally for raising crops, fruits, grains and similar ranch

products; "grazing lands" shall mean lands which can be used only for the ranging of animals.

STATE LAND DEPARTMENT

Sec. 2. **Creation of Department — Commissioner:** There is hereby created a department of state, which shall be known as the State Land Department. Said department shall consist of the **Governor, the Secretary of State, the Attorney General, the State Treasurer and the State Auditor,** who shall serve without extra compensation. **The Governor shall be ex-officio chairman of the department.** Said department shall appoint a State Land Commissioner, who is hereby clothed with the powers of surveyor general and shall hold office until his successor shall have been appointed and qualified. Subject to the control and direction of the State Land Department, the commissioner shall have charge of and administer the state lands and shall exercise the powers and perform the duties hereinafter set forth.

Sec. 3. **Duties and Powers of Department:** The department is hereby authorized to sell and lease all lands owned or held in trust by the State, under such provisions as are hereinafter provided, and under such other rules and regulations, not in conflict with the provisions of this Act, as the department may direct; to hold semi-monthly meetings, at which time all disputes, grievances and other matters pertaining to the administration of state lands may be heard by said department; and to perform all of the duties heretofore imposed by law upon the State Land Commission.

Sec. 4. **Deputies and Assistants:** The commissioner shall have the power to appoint a deputy, who shall act as secretary of the department and may exercise all the powers herein conferred upon the commissioner **and who shall also be chief clerk;** a chief draftsman and such other clerical and other assistants as may be required to properly transact the business of the department. Neither the commissioner, deputy commissioner, nor any employee of the department shall have, own or acquire directly or indirectly any state lands, nor the products thereof, nor any interest in or to such lands or products, or improvements on leased state lands, or be otherwise interested in any state irrigation project affecting state lands.

Sec. 5. **Salaries and Bonds:** The salary of the commissioner shall be three thousand dollars ($3,000.00) per annum, payable at the rate of two hundred fifty dollars ($250.00) per month; the deputy commissioner shall be paid a salary of twenty-seven hundred dollars ($2,700.00) per annum, payable at the rate of two hundred twenty-five dollars ($225.00) per month; **the salary** of the chief draftsman shall not exceed eighteen hundred dollars ($1,800.00) per annum, payable at a rate not to exceed one hundred and fifty dollars ($150.00) per month; stenographers and clerks shall be paid at the rate of not to exceed twelve hundred dollars ($1,200.00) per year, each payable at the rate of not to exceed one hundred dollars ($100.00) per month. The commissioner, deputy commissioner and employees shall also be allowed all necessary traveling expenses when traveling in the discharge of their duties as provided by law; provided, that the total amount allowed for traveling expenses shall not exceed six thousand dollars ($6,000.00) per annum. The salaries of the employees and expenses of the department shall be paid out of an appropriation to be made therefor from vouchers in duplicate approved by the commissioner, numbered consecutively, setting forth the accounts duly itemized,—one copy to be retained in the office of the commissioner and the other to be filed with **and audited by** the State Auditor, and warrants for the payment thereof to be drawn by the State Auditor upon said appropriation. The department shall require of the commissioner a bond in such sum as it may deem necessary. The commissioner shall require of the deputy and all employees bonds in such sums as he may deem necessary.

All bonds required by this section shall be surety bonds, and all premiums necessary to be paid by the various officers enumerated in the two preceding sections shall be paid by the State of Arizona, and the Auditor of the State is hereby directed to draw his warrant for the amount of said premium upon the filing of said bonds with the State Treasurer, and the State Treasurer shall pay the same out of the general fund of the State.

Sec. 6. **Semi-Annual Reports:** The commissioner shall present to the department a semi-annual report, showing all selections of lands made, all appraisements and leases and sales of land, all investments of funds, and con-

taining an itemized list of all expenditures incurred during the preceding six months. Said reports shall be printed and published biennially for distribution as reports of other state departments are printed and distributed.

Sec. 7. **Seal:** The commissioner shall have a seal and shall affix the same together with his signature, to all instruments of conveyance, leases, certificates and other official acts evidenced in writing. Such signature or impression of the seal of the commissioner, upon the original or copy of any paper, plat, map or document emanating from the office of the commissioner shall impart verity to the same, and such paper, plat, map or document bearing said signature and said impression of said seal shall be admitted as evidence in any court in the state.

Sec. 8. **Powers:** The commissioner, under the direction of the department, shall have charge and control of all lands owned by the State of Arizona, except such as are under the specific use and control of state institutions, with full power to administer the same, and shall have charge and control of the timber, stone, gravel and other products thereof or thereon, subject to the provisions of law. He shall have power, subject to the approval of the State Land Department, to commence and prosecute all actions and proceedings, civil or criminal, as and to the extent that such actions and proceedings are available to private individuals before any court or governmental department necessary or proper to protect the interests of the state in such lands or the products thereof or the proceeds therefrom, in the public lands within the state, and to defend on behalf of the state all actions brought against the state or any officer or agent thereof respecting any such lands, or the proceeds thereof. All such actions shall be brought in the name of the State, and shall be commenced and prosecuted at the request of the commissioner by the Attorney General, or by a county attorney, or by special counsel under the direction of the Attorney General. The summons in any action against the State respecting any of the land thereof, or the products or proceeds of said land and all notices concerning the state lands, shall be served upon the commissioner and he shall be the official organ of communication between the state and any department of the government of the United States, in all matters respecting state lands, or

any interest of the State in or to the public lands within the state. All notices, summons, warrants or other legal notices may be served by the commissioner or his deputy, or by the sheriff or precinct officer of any county in the state.

Sec. 9. **Testimony:** The commissioner shall have power to summon witnesses to appear and give testimony, and to compel said witnesses to produce records, books, papers and documents relative to any subject or matter which the commissioner shall have the authority to investigate or determine; to cause the depositions of witnesses residing within or without the state, or absent therefrom, to be taken upon notice to the interested parties, if any, in like manner as depositions of witnesses are taken in civil actions pending in the superior court, in any matter which the commissioner shall have the authority to investigate or determine. In case any witness shall wilfully fail to obey the summons to appear, or refuse to testify, such person shall be deemed guilty of a misdemeanor and upon conviction thereof before the proper court of any county in the State, shall be fined a sum of not less than ten dollars nor more than two hundred dollars. Any person who shall knowingly and wilfully testify falsely, under oath, shall be guilty of the crime of perjury, and shall be punished therefor as provided in the penal code for the punishment of such offenses. The commissioner may administer oaths to witnesses.

Sec. 10. **Duty of County Officers:** It shall be the duty of the various county officers in the state to furnish all information desired by the commissioner relative to any subject or matter which the commissioner shall have authority to investigate or determine.

SELECTION OF LANDS

Sec. 11. **Duties of Commissioners:** It shall be the duty of the commissioner to thoroughly examine the public lands within the state for the purpose of selecting the lands granted to Arizona in quantity, or as indemnity, by the Act of Congress approved June 20, 1910, known as the Enabling Act; to prepare all lists, forms and papers required in the formal selection of said lands and the securing of title thereto, and to establish and maintain such records and per-

form such duties as may be necessary to protect the interests and rights of the state in and to such lands.

Sec. 12. **Duties of Selection Board:** It shall be the duty of the Governor, the Commissioner, acting as surveyor general, and the attorney general of the state, and they are hereby empowered to file upon and select, and cause to be withdrawn and surveyed for selection, such lands as the commissioner may from time to time choose and recommend for selection, or for withdrawal and survey, and to cancel, relinquish and release the claim of the state and to reconvey to the United States, any tract or tracts of land erroneously listed to the state, or any tract upon which, at the time of selection or withdrawal, a bona fide claim has been initiated by an actual settler, and to do any and all things necessary to comply with the laws of the United States and of the State, in securing title to the lands granted in quantity, or as indemnity, by the Enabling Act, or which may hereafter be granted to the State.

Sec. 13. The Board shall designate what lands selected by the state shall be assigned to each specific fund designated in said grants made by the United States. Such selections shall be so apportioned among the various grants that each shall receive as nearly as possible its pro rata share of the different classes of land selected.

Sec. 14. **Division Into Funds:** All lands granted to the state shall be selected and filed upon by the selection board, without unnecessary delay and as expeditiously as the best interest of the state will warrant. All lands selected, and all lands heretofore specifically by description granted to the state, and all lands hereafter granted, shall be designated on the books, maps and plats of the commissioner, as lands of the fund of the institution, department or purpose to which the proceeds received therefrom will be credited. All moneys received from leases or grants of any land designated as belonging to any institution, department or purpose, and all moneys accrued by the way of forfeitures of penalties in the handling thereof, shall belong to the proper fund hereinafter provided for such institution, department or purpose.

Sec. 15. **Classification of Lands Selected:** The commissioner immediately after the selection of lands shall

classify the same and make an entry thereof on the plats, maps or books in his office, containing the description of such lands. Such classification shall show: (1) What lands are suitable for agricultural purposes; (2) What lands are suitable for grazing purposes only; (3) What lands contain timber, stone or other products that may be valuable; (4) What lands may become agricultural lands by the expenditure of a reasonable amount for the development of water thereon.

Sec. 16. **Advances For Survey:** For the purpose of procuring public lands of the United States, to be surveyed, with a view to satisfying any public land grants made to the state in the manner prescribed by the Act of Congress, approved August 18, 1894 (28 Statutes at Large, Page 394), and as said act was made applicable to Arizona by the Enabling Act, the governor is authorized to advance to and to deposit to the credit of the treasurer of the United States, at such United States depository as may be designated by the commissioner of the general land office, such sums as may be necessary for the survey of any township or townships for which application for survey shall have been made, and the auditor shall draw upon the state treasurer the necessary warrants for said purpose; said warrants shall be paid out of the general fund, and when the moneys so advanced are returned to the state as provided in the act above mentioned, they shall be returned to said fund.

Sec. 17. **Expenses of Selection:** The necessary fees and expenses of selecting and securing title to said lands shall be paid out of the general fund upon warrants drawn thereon by the auditor and approved by the commissioner.

Sec. 18. **Appropriation For Selection:** There is hereby appropriated out of the general fund during each of the years ending June 30, 1916, and June 30, 1917, such sums as may be necessary to **pay necessary fees and costs of advertising incurred in** selection of and securing of patent to the lands granted to the state, in quantity or as indemnity, by the Enabling Act. The auditor is hereby authorized and directed to draw his warrant for such claims, and the state treasurer is directed to pay the same.

Sec. 19. **Appraisers:** Appraisements of state lands and improvements, for which the owner is entitled to re-

imbursement, shall be made by three appraisers; the commissioner shall appoint one appraiser; the board of supervisors of the county in which such lands to be appraised are situated, shall appoint one appraiser, who shall be a taxpayer of said county; and the governor shall appoint the third appraiser. Said appraisers while so employed shall each be paid five dollars per day and expenses while engaged in the performance of their duty; all the expenses of the appraisement shall be paid out of the state land administration fund.

Sec. 20. **Notice For Appraisement:** Appraisement shall be made only by order of the commissioner. Whenever the commissioner desires an appraisement to be made, he shall transmit to the state appraisers and board of supervisors of the county in which the property to be appraised is situated, a written notice containing the description of the lands to be appraised and the names and addresses of the applicant to purchase or lease, if any, and the owner of the improvements thereon, if any, and stating whether the land is to be appraised for a sale or for a lease. If said appraisement is for leased state lands, containing improvements for which the lessee is entitled to reimbursement, notice shall likewise be given for the appraisement of the improvements, and shall state that the appraisers shall separately appraise the improvements on said lands. The commissioner shall transmit with said notice such information concerning said land, and the improvements thereon, if any, as may be found in the records of his office.

Sec. 21. **Appraisements:** Upon the receipt of notice from the commissioner to appraise any land or the improvements thereon, or connected therewith, the board of supervisors shall select the county appraiser and shall fix a convenient date when the appraisers will go upon the land and make the appraisement thereof, and shall give not less than ten days' notice by registered mail to the owner of the improvements on the land, if any, and mail a notice of its action to the commissioner and to the state appraisers. The appraisers shall repair to the land and make an examination thereof and shall appraise said land at its true value. If an appraisement is also to be made of the improvements on said land, the board of appraisers therefor shall, at the date fixed and after giving notice as herein

provided for the appraisement of land, make an examination of said lands and improvements and shall make a list of the improvements on said lands, and shall then proceed to appraise and value the same as provided by section nine, article ten of the Constitution of Arizona, and by title sixty-five of the Civil Code of Arizona, 1901.

Sec. 22. **Report of Appraisement:** When any appraisement, either of land or improvements, shall have been completed, the same shall be reduced to writing on blank forms to be provided by the commissioner. Such reports shall be signed by the appraisers, and they shall make affidavit to be attached to said report, that they made a personal investigation and view of the land or improvements, as the case may be, directed to be appraised; that they fairly and impartially appraised said land or improvements in the manner provided by law, and that the said appraisements made by them, and therewith reported, are, in their judgment, correct.

Sec. 23. **Majority Sufficient to Act:** A majority of any board of appraisers, when acting as such, shall be sufficient to make any appraisement provided for in this act, and any appraisement concurred in by a majority of the appraisers shall be as valid and effective for all purposes as if concurred in by all the appraisers.

Sec. 24. **Record of Appraisers' Report:** Upon receipt of the appraisers' report or reports, the commissioner shall make a record of the same in books provided by him for that purpose, and shall forthwith give notice thereof by registered mail, to the owner of any improvements appraised; said notice shall state separately the amount at which the land was appraised and the amount at which the improvements were appraised.

APPEALS FROM APPRAISEMENT

Sec. 25. **Taking Appeal:** The commissioner or the owner of any improvements appraised shall have the right to appeal from any appraisement of such improvements, to the superior court of the county in which said land, or a major portion thereof, is situated. The appeal shall be taken by the commissioner within twenty days after the date of the filing of the appraisers' report, and by the owner

of such improvements within twenty days after receiving notice by registered mail of such filing. If the appeal is taken by the commissioner, then the notice of appeal shall be signed by the Attorney General and shall be served upon the owner of the improvements, or left at his place of residence, or with some member of his family over the age of 15 years. If the appeal is taken by the owner of such improvements, he shall serve a written notice thereof, properly signed by himself, or his attorney, upon the commissioner, by leaving a copy of such notice at the office of the commissioner; said notice shall state generally the objection which the appellant has to the action of the appraisers or to the appraisement made and that appeal is taken to the superior court of the proper county.

Sec. 26. **Transcript on Appeal:** Immediately upon the service of such notice of appeal, the commissioner shall prepare a transcript containing the names of the appraisers, the report and return made by them, all proceedings had in the matter and notice of appeal, together with evidence of service thereof, and shall transmit the same to the clerk of the proper superior court.

Sec. 27. **Docketing Appeal:** Upon the filing of such transcript, the clerk of the superior court, shall docket the appeal in the name of the appellant as plaintiff, and appellee as defendant, and said appeal shall then stand for trial.

Sec. 28. **Trial of Appeal:** Said appeal shall be set for trial and shall be heard at the earliest practicable date; said trial shall be before the court, without a jury; the valuations fixed and action taken by the appraisers shall be presumed to be correct, and the party attacking the acts or valuation made by the appraisers shall have the burden of proof. At such trial the court shall hear evidence as to the property appraised and the true value thereof, and the actions of the appraisers complained of, and, from such evidence, determine if the appraisement of the improvements was at the true value, and the decision of the court thereon shall be final, subject to the right of appeal to the supreme court. If the notice of appeal complains of the action of the appraisers in that they acted contrary to the law in their manner of procedure, and, if the court finds that all the property or rights that should have been appraised were

so appraised, and that the valuation placed on the improvements was the true value, as herein provided, at the time of the appraisement, then the appraisement made by the appraisers shall be affirmed, notwithstanding that there was some error or mistake in their method of procedure; but if the valuations made by such appraisers were not fair, or if any property or rights were included in making such appaisement, which should have been excluded, or excluded which should have been included, then the court shall sustain said appeal and set aside the entire appraisement made by said appraisers; the decision of the court shall be in writing, and a certified copy thereof made by the clerk of the court shall be delivered to the commissioner to be filed in the records of his office. The successful party shall recover costs from the opposing party.

Sec. 29. **New Appraisement:** If the decision of the court sustains the appeal on the ground that the appraisers failed to properly proceed in making the appraisement, then, upon the receipt of the certified copy of the court's decision, the commissioner shall, within ten days, give notice thereof to the board of appraisers, who shall then proceed to make a new appraisement in conformity with the requirements of this act.

LEASE OF STATE LANDS

Sec. 30. **Application For Lease:** All state lands not otherwise administered shall be subject to lease as in this act provided, but no state lands shall be leased for a longer term than 5 years, **and not more** than 160 acres of agricultural lands **nor** more than 640 acres of grazing lands shall be leased to any one person, association or corporation. All applications for lease shall be made on blank forms, to be prepared and furnished by the commissioner, and shall be signed and sworn to by the applicant and filed with the commissioner.

Sec. 31. **Two or More Applicants:** In case two or more applicants apply to lease the same land, the commissioner shall approve the application of the one who, after investigation or hearing by the commissioner shall appear to have the best right to such lease, but if it should appear that none of the applicants has any rights or equities superior to those of another, the commissioner may, at a

stated time, and after due notice to all such applicants, receive sealed bids submitted in accordance with such rules and regulations as the commissioner may adopt, and shall approve the application of the bidder, who, in all respects, is eligible to hold a lease upon the land, and will pay the highest annual rental therefor; provided, that the commissioner shall have the right to reject all the bids submitted.

Sec. 32. **Minimum Rental:** No lease shall be executed for a consideration less than $10.00 per year, except that when a lease is made for a tract of land of five acres or less, then in that event for not less than $2.50 per year, nor for an annual rental of less than three cents per acre on grazing lands and not less than two and one-half per cent of the commissioner's estimate of the value of agricultural lands; said rental shall be paid in advance, annually or for such other period not exceeding two years as the commissioner may fix.

Sec. 33. **Leases and Covenants:** All leases shall be signed by the commissioner and the seal of the commissioner shall be placed thereon and shall contain the covenants that the lessee will not permit any loss, nor commit or cause any waste in, to or upon the land, and will not cut or waste, nor allow to be cut or wasted any timber or standing trees that may be thereon, without the written consent of the commissioner, except for fuel for domestic uses, or for necessary improvements on the land, and that he will surrender peaceable possession of the lands at the expiration of the lease; provided, that nothing herein contained shall be construed to permit the cutting of saw timber for any purpose without the written consent of the commissioner.

Sec. 34. **Reservation of Oils, Minerals, Etc.:** Said leases shall expressly except and reserve to the state all oils, gases, coal, ores, minerals, fertilizer and fossils of every name, kind and description which may be in or upon the land, and any legal claim or claims existing or that may be established under the mineral land laws of the United States, or the State of Arizona, and shall reserve to the state and its agents or assigns the right to go upon the land for the purpose of extracting therefrom or prospecting for such oils, coal, ores, minerals, fertilizer or fossils, and shall further reserve the right to relinquish to the United States

such lands as may be needed for irrigation works, in connection with any government reclamation project, and to grant or dispose of rights of way and sites for canals, reservoirs, dams, power or irrigating plants, or works, railroads, tramways, transmission lines or any other purpose or use on or over such land.

Sec 35. **Forfeiture of Leases—Extension of Payment:** The violation by the lessee of any of the conditions imposed by this act, relating to the leasing of lands shall work a forfeiture of such lease and all the rights held by the lessee thereunder, and the commissioner may proceed by proper action to secure possession of the land, or to take such other steps in accordance with law, as the interest of the state may require; provided, that if the lessee shall fail to pay the said rental when due, the commissioner may in his discretion, extend the time for the payment thereof, and shall, in such case, add to said rental a penalty of five per cent and charge interest on such delinquent rental and penalty at the rate of ten per cent per annum, until paid, which said delinquent rental, penalty and interest shall be a lien on the improvements, crops and property on said land.

Sec. 36. **Cancellation of Lease:** Before any suit can be brought for the cancellation of any lease made under the provisions of this act, the land department shall hold a public hearing after due notice thereof to the lessee or assignee. The department may then order the commissioner to bring suit to cancel said lease and when it shall be established before any court of competent jurisdiction that such lease was procured through fraud, deceit or willful misrepresentation, the commissioner shall cancel said lease and when a lease is cancelled for any such reason the improvements on the land, if any, shall be deemed forfeited to the state; but should said lease be cancelled for any other reason, then the lessee shall be permitted to remove his improvements at any time within sixty days; provided, that nothing herein shall be so construed as to deprive any party of the right of appeal to any court in the state having jurisdiction.

Sec. 37. **Preferred Right to Renew:** Upon application made to the commissioner, not less than thirty nor more than sixty 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 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.

Sec. 38. The department is hereby authorized to execute leases and contracts for the leasing of lands containing gold, silver, copper, lead or other valuable minerals, or for any land containing shale, slate, petroleum, natural gas, or other valuable natural deposits which the state now owns or to which it may hereafter acquire title.

(a) Any citizen of the United States finding valuable minerals upon any unsold lands of the state may apply to the department for a lease of any amount of land not to exceed the amount and dimensions allowed by the mining laws of the state and the United States.

(b) The manner of locating a mineral claim upon state land shall be in accordance with the law of the state regulating the location of mineral claims on government lands; provided, that any citizen or citizens who may have found minerals on unsold state lands previous to the passage of this act and posted notices in accordance with the mining laws of the State, and the United States, shall have preference right to lease the same, and shall have ninety (90) days after the passage of this act, in which to make application to the department for such lease.

(c) For the purpose of developing such mine or mines, the applicant shall, upon the payment of five (5) dollars per claim, receive from the department a lease for two years; provided, however, that no more than fifty tons of ore shall be removed from the premises for any purposes until a contract shall have been executed, as hereinafter provided.

(d) The lessee may cut and use the timber found upon said claim for fuel, and in the construction of buildings required in the operation of any mine or mines, on the claim; also the timber necessary for drains, tramways, and supports for such mine or mines, but for no other purpose.

(e) Any time prior to the expiration of said lease, the lease-holder, or any assignee thereof, shall have the right

to obtain from said department a contract, which shall bind the State of Arizona, as a party of the first part, and the person, or persons, or corporation, to whom said contract shall issue, as party of the second part, in a mutual observance of such obligations, terms, and conditions as may be agreed upon by said department and the said lessee.

(f) Whenever any lessee of mining property shall be convicted of fraud or wilful misrepresentation in connection with the procuring of any such lease, or the handling or shipping of ores or other dealing with the product or proceeds of any property leased under the provisions of this act, the penalty shall be the forfeiture of the lease to any such mine or mining claim, and all improvements placed thereon, or used in connection therewith, and all property pertaining thereto and all moneys paid thereon and all rights, title or claim to any and all of said property shall be vested in the state without further or other procedure on the part of the state.

Sec. 39. **Taxation of Improvements:** All improvements placed upon state lands, shall, until they become the property of the state, be subject to assessment for taxes, in the name of the owner, the same as other property.

Sec. 40. **Assignments of Lease:** Any lessee of state lands not in default as to any rent, and who has kept and performed all the conditions of his lease, may, only with the written consent of the commissioner, assign his right, title and interest under such lease.

Sec. 41. **Right to Remove Improvements:** The lessee shall have the right, at any time, within sixty days prior to, or ninety days following the expiration of his lease, to remove from the land the transportable improvements placed thereon by him, or purchased by him from the preceding lessee, the removal of which will not injure the land, and he shall have the right, at any time, within ninety days after the expiration of the lease, to go upon the land for the purpose of effecting such removal; provided, that wells, embankments or dams, designed for the development, storage or conservation of water by whomsoever placed on the land, shall not be taken away, destroyed or injured in any way, but shall remain as an attachment and appurtenance to the land, which may only be removed, destroyed or

altered by authority of the commissioner. The retiring lessee may, with the written consent of the commissioner, at any time before or within ninety days after the expiration of his lease sell his improvements to the succeeding lessee.

Sec. 42. **Reimbursements For Improvements:** The lessees of state lands shall have the right to be reimbursed by a succeeding lessee or purchaser of said land for improvements placed thereon.

Sec 43. **Interpleder:** Whenever the commissioner shall receive into his possession or control funds to be paid to the owner of improvements on state lands, as compensation therefor, and when there shall be more than one person claiming to be the owner of such improvements, or otherwise entitled to the proceeds thereof, the commissioner may hold such funds until the matter is adjusted between said claimants, or may, if he deems it advisable, file a bill of interpleader in the proper court tendering the funds to said court, to be paid to the claimant who shall be found to be rightfully entitled thereto.

Sec. 44. **Commissioner to Recover Lands Unlawfully Held:** Nothing contained in any of the provisions of this act shall be construed to confer any rights whatsoever upon occupants or lessees of any school lands, who have not taken out a lease under the provisions of this act, except such rights as have heretofore been conferred upon them by section 9, article 10, of the Constitution of Arizona, and Title 65, Civil Code of 1901; and it shall be the duty of the commissioner to examine into the rights of all persons, associations or corporations that now are, or hereafter may be, in possession of state lands, or improvements thereon, or claiming compensation for improvements on such lands, and, if he shall find that any of such persons, associations or corporations are unlawfully in possession of such lands, or are unlawfully claiming compensation for such improvements, he shall with the approval of the department bring an action or other appropriate proceeding, in the proper superior court, to recover possession of such lands and improvements, or otherwise establish the rights of the State.

SALE OF STATE LANDS

Sec. 45. **Lands Subject to Sale**: All state lands, **except land granted for the purpose of building and maintaining a State Hospital for disabled miners,** and as otherwise provided for in this act, including all improvements made or placed thereon, or connected therewith, shall be subject to appraisement and sale as in this act provided. Any person over 18 years of age, who is a citizen of the United States, or has declared his intention to become such, is entitled to purchase any of the lands of the state.

Sec. 46. **Mineral Lands Not to Be Sold:** State lands known to contain valuable metals, mineral, petroleum or natural gas, in paying quantities, and state lands adjoining private lands upon which there are producing mines, oil wells or gas wells, or which are known to contain valuable minerals, petroleum or natural gas in paying qauntities, shall not be sold.

Sec. 47. **Application to Purchase:** Any person desiring to purchase state lands or the lessee of any leased school or university land entitled to reimbursement for improvements thereon, may make application, in writing, to the commissioner to purchase any such land, which application shall contain:

(a) The name, age and residence of the applicant.

(b) A description of the land sought to be purchased.

(c) If a lessee of leased school or university lands is the applicant, then the date of the issuance to him of a lease of said land, if he holds or claims the right of possession by assignment of a lease or by a quit-claim deed or other instrument in writing from a former lessee, then the name of his assignor or grantor, the date of the original lease and the date of such assignment and shall attach to his application the original instrument of assignment; in the event of its loss or destruction, he shall furnish the commissioner satisfactory proof showing his right by such claimed assignment. If the applicant for any such leased school or university land claims by judgment of the decree of any court or by operation of law, he shall attach to his application a certified copy of the instrument, giving him such right.

(d) If the application is by one claiming a right to reimbursements for the improvements placed on leased school or university lands, he shall set forth a list of any improvements made upon said land.

(e) An affidavit that all statements made in the application are true to the best of his information and belief, which affidavit shall be attached to the application.

Sec. 48. Upon receipt of the application provided for in section 47, the commissioner shall, under such rules and regulations as the department may adopt, and not contrary to the provisions of this act, cause such lands to be sold; provided, said lands are not such as are prohibited by law to be sold; and provided that no lands containing timber of such value that it should in the opinion of the commissioner be sold separately from the said land, shall be subject to sale until after said timber shall be sold, and no lands chiefly valuable for the production of saw timber shall be subject to any of the provisions of this act, relating to the sale of state lands.

Sec. 49. **Sale Without Application:** The commissioner shall have authority to sell any agricultural land without application; provided, that the sales of agricultural land with or without application shall not exceed two hundred thousand acres in any one year. In case of lands susceptible of immediate use for agricultural purposes, except such as are susceptible of irrigation from an established reclamation project, not more than three hundred twenty acres thereof owned by the state in a section shall be sold in any one year. The commissioner shall also advertise for sale, and endeavor to sell as speedily as the interests of the State will warrant, the lands granted to the state by the Enabling Act for the payment of bonds and accrued interest thereon, issued by Maricopa, Pima, Yavapai and Coconino counties; provided, that not to exceed 200,000 acres of such land shall be sold in any one year with or without application; provided, further, that should any such lands be not sold the commissioner may lease all or any part thereof for a term of years not exceeding five years under the rules and regulations provided in this act for the leasing of public lands. All rents, profits, or increase of any kind derived from the leasing of such lands,

shall be paid into the state treasury to the credit of the county bond land fund, and apportioned to the several counties by the state treasurer in proportion to the amount of railroad bonded indebtedness charged against each county for the purpose for which this indemnity was granted by the Enabling Act.

Sec. 50. **Appraisement Without Application:** When the commissioner desires to sell any land of his own motion, he shall give notice thereof to the board of appraisers, who shall proceed to appraise the same, and the notice of sale terms and all other provisions of this Act, relating to the sale of land, shall apply, in so far as the same are applicable; provided, that in case of lands containing no improvements for which the owner is entitled to reimbursement, the appraisal of the value thereof shall be made by the department.

Sec. 51. **Subdivision Into Tracts:** If any one lessee holds more than one hundred sixty acres of state lands susceptible of irrigation, as in this act defined, or in any case where the commissioner shall be of the opinion that it is desirable that the land held under one lease shall be subdivided and sold in separate tracts, he shall direct the appraisers to separately appraise such portions of the entire holdings under said lease, together with the improvements thereon, in such tracts as he may designate, and in such cases in the advertisement of sale, said tracts and improvements thereon shall be separately described and they shall likewise be separately sold.

Sec. 52. The department shall have authority to lay off any state land into small parcels not larger than ten acres each or into town or city lots, and to appraise and sell the same in the manner hereinbefore provided; provided, that no such parcel shall be sold for less than ten dollars per acre and no such town or city lot for less than ten dollars each, and in no case for less than the appraised value thereof.

Sec. 53. Whenever the department shall lay off any tract of land into small parcels or lots, as provided in this act, it shall cause a correct map of the same to be entered of record in the county where said lands are situated.

Sec. 54. **Ordering Sale:** Upon receipt of the appraisers' report, if in his judgment the interests of the state will not be prejudiced by sale of the land, or if the case is one where the application for purchase was made by the lessee of agricultural land entitled to compensation for improvements on the land appraised, within sixty days after the time for taking an appeal has expired and no appeal is taken; or if an appeal is taken and the decision is against the appellant, within 60 days after the certified copy of the court's decision is received, the commissioner shall make an order, authorizing the sale of the lands applied for to the highest and best bidder therefor, at a public auction, to be held at the county seat of the county wherein the lands to be sold, or the major portion thereof, shall lie, and shall give notice of such sale by advertisement, as hereinafter provided.

Sec. 55. **Advertisements For Sales:** Notice of all sales of state lands shall be made by advertisement, which shall set forth the nature, time and place of the transaction to be had, with a full description of the land, and shall be published once, each week, for not less than ten successive weeks, in a newspaper of general circulation published regularly at the state capital, and in a newspaper of like circulation, which shall then be regularly published nearest to the location of said lands so offered to be sold. If said notice is for the sale of lands and improvements, then, in addition to the other matters herein required, said advertisement shall contain the appraised value of the improvements thereon, or connected therewith, and shall state the name of the owner of the same and the terms upon which compensation therefor shall be made.

Sec. 56. **Regulation of Sale:** Upon the day and at the hour fixed by the commissioner, the commissioner or his deputy, or any agent designated by him, shall attend the place fixed for said sale, and at such time shall proceed to offer the land for sale by public auction, by first reading the notice published in the newspaper; he shall then call for bids and sell said lands for the highest and best bid therefor; and shall then make a written report to the commissioner containing a description of the land, of the time and place of sale, the highest bid, the name of the purchaser, the number of acres sold, the amount paid on the land

and the amount paid for improvements, if any. No land shall be sold for less than the value fixed by the appraisers. When the interest of the state will be subserved thereby or the amount of land to be offered at such sale may require, the commissioner, or the person conducting the sale, may adjourn the same from day to day, Sundays and holidays excepted, or the commissioner may dissolve the sale altogether and readvertise said lands.

Sec. 57. **Minimum Price:** The minimum price of the lands granted for the payment of the county bonds aforesaid shall be three dollars an acre; the minimum price of any state lands, not included within said grant, shall be three dollars per acre, and the minimum price of lands susceptible of irrigation from any established irrigation project shall be twenty-five dollars per acre, and no land shall be sold for less than its appraised value.

Sec. 58. **Maximum Amount of Land That May Be Purchased:** No individual, corporation or association shall be allowed to purchase more than six hundred forty acres of grazing land, or more than one hundred sixty acres of land susceptible of immediate use for agricultural purposes, and no sales, leases or subleases of state lands shall be made to persons who are not citizens of the United States or who have not declared their intention to become such, nor to corporations or associations not qualified to transact business in the state of Arizona.

Sec. 59. **Terms of Sale:** The terms upon which the state lands shall be sold shall be as follows: One per cent of the purchase price shall be paid in cash, upon the announcement of the successful bidder; four per cent upon the execution and delivery of certificate of sale; provided that in no case shall a less amount be paid upon the announcement of the successful bidder than a sum sufficient to cover the cost of appraisement and of the sale. Should the purchaser fail to complete the two initial payments, or to enter into a contract of sale within the time provided, he shall forfeit the sum paid, which amount shall be transferred to the general fund. The balance of the purchase price shall be in thirty-eight annual payments, with interest on the whole amount unpaid at the rate of five per cent per annum, payable annually. Upon the payment of six months' in-

terest in advance, the purchaser may discharge the entire debt at any time and be entitled to a patent for said land.

Sec. 60. **Manner of Payment For Improvements on Land Sold:** Whenever state lands on which there are improvements for which the owner thereof is entitled to be compensated, are offered for sale, and the purchaser shall be a person, association or corporation other than the owner of such improvements, he shall be required to pay the Commissioner or other person conducting such sale, immediately after said land and improvements shall be struck off to him ten per cent of the appraised value of such improvements and the balance thereof within thirty days thereafter; provided, that if, in the judgment of the Commissioner, the sum at which said improvements are appraised is so great that competitive bidding for the land will be thereby hindered, the Commissioner may sell such improvements on installments payable ten percent upon the announcement of the successful bidder, fifteen per cent thirty days after, and fifteen per cent annually thereafter for five years, together with 6 per cent interest on the balance of the purchase price of said improvements remaining unpaid, said balance, until paid, shall be a lien upon the land. The purchaser shall, at all times, keep the insurable improvements insured for the benefit of the state. Payments shall be made at the time and in the manner prescribed for payments on the land, and any default in the payments for improvements shall be deemed a default in the payments for the land. When improvements are sold on installments as herein provided, the twenty-five per cent paid to the commissioner upon the execution and delivery of the certificate of purchase shall, after deducting all rents, penalties and costs owing to the State on account of said land, be paid to the owner of the said improvements, and the balance shall become a legal charge against the state; upon surrendering possession of any such land the owner of the improvements thereof shall file with the state auditor his claim for the balance on said improvements remaining unpaid, and if the said claim bears the commissioner's approval as to its correctness, and certificate that possession of the said lands and improvements has been surdendered by all persons having lawful claims for improvements on said land, it shall be paid by the state treasurer on the order of the auditor out of any fund in which there

is money subject to investment. As the payments for said improvements are made by the purchaser thereof, they shall be deposited with the state treasurer and both principal and interest shall be, by him returned to the fund from which the same was taken. Provided, further, that failure to pay the balance of the purchase price or the installment of fifteen per cent as the case may be, within thirty days after the announcement of the successful bidder, shall cause a forfeiture of all rights to said land and all payments theretofore made.

Sec. 61. **Compensation for Rent in Arrears and Use of Land:** If the owner of improvements upon leased school or university lands so sold is the purchaser of said lands, and is in arrears for rent due under a permit or lease given him by the commissioner, or if he has failed to take out a permit or to pay any rent since the admission of Arizona as a state, then before a certificate of purchase is issued to him, he shall, in addition to other payments in this act required, pay to the commissioner all rent for which he is in arrears, and, in case no rent has been stipulated, then he shall be charged for the use and occupation of such land from the date of the admission of Arizona as a state. Interest at the rate of five per cent per annum shall be charged on all such sums, and added to the amount to be so paid. A like charge shall be made against such occupant of leased school or university lands, if some other party is the purchaser of the land and improvements for which he is entitled to compensation.

Sec. 62. **Certificate of Purchase:** Upon compliance by the purchaser with the requirements of this act, the commissioner shall make and deliver to such purchaser a certificate of purchase, containing the name of the purchaser, a description of the land purchased, the sum paid, the amount paid as the value of improvements, if any, the amount remaining due, the date when each of the deferred payments fall due, and the amount thereof, and the rate of interest thereon; said purchaser shall agree in said certificate that he will pay taxes, water assessments or charges which may be assessed against said land, or the water right belonging thereto, and such certificates shall be signed by the commissioner, or his deputy, and by the purchaser, and the record of the sale shall be kept by the commis-

sioner; said certificate of purchase shall contain the covenant that the purchaser will not permit any loss or commit or cause any waste in, to or upon said lands and that any right to the use of water appurtenant to or existing upon the lands shall be so maintained as to prevent the forfeiture or abandonment of said right; that all taxes levied against the land, and all construction and maintenance charges, in connection with any United States reclamation project, from and subject to which the lands shall receive water, will be promptly paid, and all other acts will be performed to insure the acquisition and maintenance of said rights and the use of said water; provided, that if the successful irrigation of any such lands susceptible of irrigation from works constructed or controlled by the United States government should not be dependant upon said irrigation works, it shall not be necessary to acquire and maintain such water rights thereon.

Sec. 63. **Rights Conferred by Certificate of Purchase:** The certificate of purchase of state lands issued pursuant to the provisions of law, shall entitle the purchaser and his heirs, or in case of an assignment, filed with and approved by the commissioner, his assigns, to the possession of the lands therein described, to maintain actions for injuries done to the same, or any action or proceedings to recover possession thereof, unless such certificate has become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner as deeds of conveyance are authorized to be recorded.

Sec. 64. **Default in Payments:** Whenever a purchaser shall default in any payment of principal or interest, as set forth in the certificate of purchase, or shall fail or refuse to comply with any condition or requirement thereof, said certificate of purchase may be declared forfeited, and notice of any such default or failure shall be sent, by registered mail, to the last known address of the purchaser, which notice shall allow sixty days in which to make good such default, and if such payment is not made or such condition or requirement is not complied with, the said certificate of purchase and all rights of the purchaser to said lands and the improvements thereon shall be declared forfeited, together with all payments made on the purchase price of said land, and the improvements thereon, which shall be

taken and deemed to be rent for the land; provided, that the commissioner may, upon the application of the purchaser, and upon the payment of all interest due, extend the time for any annual payment of principal not to exceed six months, and whenever the State shall be entitled to the possession of any land, and such possession is withheld after demand made therefor by the commissioner, then the person withholding such possession shall be guilty of forcible detainer, and an action may be brought by the commissioner under the forcible entry and detainer statutes to recover the possession of said land.

Sec. 65. **Improvements Credited to Funds:** Whenever any improvements on state land shall become the property of the State by reason of default in any payment therefor, or for the land on which situated, or otherwise, they shall be deemed to belong to the fund for the purpose of which the said land was granted, and any moneys subsequently received for said improvements shall be deposited in the fund in which the moneys received from the sale or lease of said land are deposited; provided, that whenever any moneys have been paid out of the general fund for such improvements they shall not be deemed to belong to any special fund, and if said land shall subsequently be sold or leased the purchaser or lessee shall be required to reimburse the State for such improvements and the amount so paid out of the general fund for such improvements shall be returned to said fund. Any surplus remaining after reimbursing said fund shall belong to the fund for the purpose for which the lands upon which the improvements are situated was granted.

Sec. 66. **Cancellation of Unlawful Sales:** Any sale made by mistake, or not in accordance with law, or obtained by fraud, shall be void and the certifcate of purchase issued thereon shall be of no effect; but the holder of such certificate shall be required to surrender the same to the commissioner, who shall, except in case of fraud, cause the money paid thereon to be refunded to the holder of such certificate, and shall likewise make compensation for the actual value of the improvements placed on said land, to the purchaser. Such value shall be determined by the board of appraisers and paid out of the general fund.

Sec. 67. **Lost Certificate:** Whenever any certificate of purchase shall be lost, destroyed, or wrongfully withheld by any person from the owner thereof, the commissioner may receive evidence of such loss, destruction, or wrongful withholding and in a proper case may issue a new certificate of purchase, or a patent, as the case may be, to such person as shall appear to be rightfully entitled thereto.

Sec. 68. **Issuance of Patent:** Upon the filing of the certificate of purchase, together with evidence of full payment of principal and interest, for any tract of land sold, the commissioner shall issue to teh purchaser a patent therefor, which shall be under the seal of the State of Arizona, signed by the Governor and countersigned by the Secretary of State. In case the purchaser shall have died and the land described shall have been sold by order of a court having jurisdiction and such sale shall have been duly confirmed by order of such court, the patent shall be issued to the purchase to whom confirmation of sale is made.

Sec. 69. **Patent to Heirs or Assigns:** If the estate of a deceased person, distributed by order of such court shall include a certificate of purchase of state land, the patent shall be issued to the heirs of said deceased person, or to such other person or persons as may be shown by such decree of distribution to be entitled to the same. Patents issued to a deceased person shall inure to the benefit of the heirs or assigns of such deceased person. In case an assignment of the certificate of purchase has been filed with and approved by the commissioner, the patent shall be issued in the name of the assignee, and likewise if proper evidence of a transfer of such certificate, by operation of law, shall be filed with the commissioner, the patent shall issue to the person entitled thereto under such transfer. A record of all patents issued shall be kept in the office of the commissioner.

Sec. 70. **Taxation of Lands Sold**: All lands sold under the provisions of this Act shall be subject to taxation the same as other lands and the taxes assessed thereon collected and enforced in like manner as against other lands; provided, that should the taxes on any such land be permitted to become delinquent while the title to such

lands remains in the State, the State Treasurer shall pay such delinquent taxes. Immediately after the said taxes become delinquent the tax collector of the county in which the land is situated shall make a claim upon the commissioner for such delinquent taxes and all penalties provided by law, and such claim, when approved by the commissioner, shall be audited and paid out of the general fund, as other claims against said fund are audited and paid. The tax receipt shall be delivered to the commissioner by the tax collector and the amount so paid shall be charged against the land and bear interest at the rate of ten per cent per annum. If not paid by the purchaser when the next annual deferred payment on the land becomes due, it shall constitute a forfeiture of the land to the State, as provided for failure to make payments when due. If paid such delinquent taxes and interest thereon shall be returned to the general fund.

Sec. 71. **Payment of Irrigation Charges:** In the manner provided for the payment and reimbursement of delinqunt taxes, the State Treasurer shall pay out of the general fund, and said fund shall be reimbursed for, all delinquent charges for construction on any irrigation works supplying water to any state lands sold under the provisions of this Act, the title to which remains in the State, and the payment so made shall become a charge against said land, bearing interest at the rate of ten per cent per annum, and if not paid when the next annual payment of principal and interest on the purchase price of said land becomes due, it shall constitute a forfeiture of the land; provided, that if the successful irrigation of any such lands, and the maintenance of the right to the use of the water therefor, shall not depend upon the payment of construction charges on such irrigation works, the State shall not pay such delinquent construction charges, and provided further that the commissioner shall not be obliged to pay any such charges but may exercise his discretion in making or refusing payment thereof.

Sec. 72. **Report to Assessor:** The commissioner shall as soon as possible after a sale of any state land, transmit to the assessor of the county in which such land is situated, a description of the same, the name of the purchaser and

the amount paid for said land and the improvements thereon separately.

Sec. 73. **List to Tax Collector:** Immediately after the time fixed by law for the payment of taxes has expired the commissioner shall provide the tax collectors of the various counties in the State with a list of the state lands sold, as herein provided, the title to which remains in the State, and the said tax collectors shall at once make their claim against the State for all delinquent taxes thereon.

Sec. 74. **Cancellation of Assessment on Lands Reverting to the State:** In case any lands sold under the provisions of this Act shall revert to the State for any cause whatsoever, the commissioner shall at once notify the assessor and tax collector of the county in which the land is situated, and upon the receipt of such notice, it shall be the duty of the assessor to cancel any assessment of said land for that year, and of the tax collector or other county official to charge off all taxes that have been charged against said land for that year; provided, that the State shall pay as herein provided, any taxes that may have been levied upon said land for any year, in which the State has collected an installment of purchase money upon said land.

PRODUCTS OF LAND.

Sec. 75. **Commission to Administer Products:** The commissioner shall have the authority and it shall be his duty to care for, sell or otherwise administer the timber products, stone, gravel, and other products and property upon the lands belonging to the State, under such rules and regulations, not in conflict with the Enabling Act, and of the Constitution of the State of Arizona, as the commissioner may prescribe.

Sec. 76. **Rules and Regulations:** Except as otherwise herein provided said rules and regulations for the care, sale and administration of said timber and timber products, shall conform as nearly as may be, to the rules and regulations of the forest service of the United States Department of Agriculture.

Sec. 77. **Limitation of Timber Contracts:** No contract for the sale of timber shall exceed five years in term, nor shall more than fifty million feet of timber be sold to any

one individual, association or corporation, at one sale, nor shall any sale be made or contract entered into with any person, association or corporation, while such individual association or corporation has under sale or contract more than five million feet of timeber sold under the provisions of this Act.

Sec. 78. **University Timber Account Fund:** The expenses incurred by the commissioner for the care, sale and other administration of timber or timber products, upon lands granted for university purposes, shall be kept by the commissioner in a separate account and said expenses shall be a charge against the said university fund.

RIGHTS OF WAY AND SITES FOR RESERVOIRS, ETC.

Sec 79. **Authority to Grant:** The department shall have authority to grant rights of way for roads, railroads, canals, ditches, sewers, telegraph, telephone, electric, gas, power and transmission lines, and for any other purpose it may deem necessary, and sites for reservoirs, dams and power or irrigation plants or other purposes, on and over state lands, subject to such terms and conditions as the department may impose and to make rules and regulations respecting the granting and maintenance of such rights of way and sites; provided, that where the granting of a right of way or site amounts to the disposition of, or conveys a perpetual right to, the use of the surface of said land, it shall be disposed of, after the department's approval of the application for said right of way or sites in conformity with the requirements of law.

Sec. 80. **Sales May Be Subject to Confirmation of the Department:** Whenever the application for any right of way or site, the granting of which amounts to a disposition of, or conveys a perpetual right to, the use of the surface of the land, has been approved by the department, the commissioner may, if in his judgment the best interests of the State so require, state in the notice of sale that said sale shall be subject to approval by the department, and in such case the purchaser thereof shall not be entitled to said right of way or site unless and until his purchase shall be confirmed by the department.

TRESPASS ON STATE LANDS.

Sec. 81 **Definition and Punishment:** Whoever knowingly and wilfully commits a trespass upon state lands, either by cutting down or destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or by mowing or cutting, or removing any hay or grass thereof or therefrom, or by extracting or removing any oils, gases, coal, minerals, fertilizer or fossils of any name, kind or description thereon or therefrom, or who, without right, injures or removes any building, fence, improvements or other property belonging or appertaining to said lands, or unlawfully occupies, plows or cultivates any of said lands, or negligently or wilfully exposes growing trees, shrubs, or undergrowth standing on the state lands to danger or destruction by fire, or aids or abets any such trespass or other injury shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars ($50.00) or more than three hundred dollars ($300.00) or punished by imprisonment in the county jail not more than six months or by both such fine and imprisonment; provided, that this section shall not be construed to prohibit the grazing of live stock upon unfenced or open lands.

Sec. 82. **Civil Action:** Whoever commits any trespass upon state lands, as defined in the preceding section, shall be liable in civil action to be brought in the name of the State, in the county in which the trespass was committed, for three times the amount of the damage caused by such trespass, if the trespass is adjudged to have been wilful, but for single damages only, if the trespass is adjudged to be casual or involuntary.

Sec. 83. In addition to all other penalties provided for trespass upon any state land, the commissioner is authorized and empowered without legal process to seize and take, or cause to be seized and taken, any product or property whatsoever unlawfully severed from such land, whether the same has been removed from such land or not, and may dispose of the product or property so seized in the manner prescribed by law for disposing of the products of state lands.

Sec. 84. **County Officers to Report:** The county officers of the several counties shall promptly report to the

commissioner all cases of trespass committed upon state lands, which may come to their knowledge.

INVESTIGATION OF LANDS AND WATER.

Sec. 85. **Investigation of Lands:** The commissioner shall have authority to conduct investigations and experiments on the lands belonging to the State, with a view to determining which thereof are suitable for agricultural purposes, and which may be suitable therefor by the development of water and otherwise, and to determine which are useful for grazing purposes only; and to ascertain the requirements of such as are susceptible of agricultural development and the method or means best adapted to insure the same; to do all things necessary to properly demonstrate the adaptability and desirability of such lands for agricultural purposes, and to secure such other information and data as will aid in the leasing, sale and administration of the lands belonging to the State. If in the course of such investigation or examination, the commissioner finds that said lands have been erroneously classified, he shall change the classification thereof in accordance with the result of such investigation and examination on the plats, maps or books in his office.

Sec 86. **Investigation of Water:** The commissioner is authorized to make preliminary investigation of projects for the reclamation of lands by the storage of flood waters, for the discovery and development of subterranean water for irrigation and domestic purposes, or the diversion of running streams as appear to be peculiarly adapted for development in co-operation with the United States or by the State independently, and to report to the Legislature the facts with respect to the possibilities of such reclamation and the physical requirements connected therewith, accompanied by recommendations relating to the formulation of a legislative plan for carrying such reclamation into effect.

Sec. 87. **Locations and Appropriations:** The commissioner shall have authority and it shall be his duty to make and file water locations and appropriations, and reservoir sites, dam sites and power sites, wherever such location and filing may be deemed advisable for the irrigation of any state lands, and to do for and on behalf of the State and

any and all other things that a private citizen may do to acquire the title to such water appropriation, reservoir, dam, power or other sites and rights of way, as may be necessary or advisable for the reclamation and irrigation of state lands; all such locations and filings shall be made in the name of the State and the procedure shall conform in all respects to that provided for the acquisition of such rights by private citizens.

Sec. 88. **Expenses of Investigation, Etc.:** The costs and expenses of such investigation, classification and demonstration of lands and the investigation and development of water, including the expenses of making the necessary filings and locations, shall be paid out of the state land classification and appraisement fund; provided, that such costs and expenses shall not at any time exceed the amount available from said fund.

Sec. 89. **Investigation of Adverse Claims to Land:** The commissioner shall have the authority to investigate and determine all adverse claims to land, the title to which is held by the State and in proper cases, where title to other land may be secured in lieu of such land, to relinquish the claim of the State thereto, and the decision of the commissioner shall be final in such matters until set aside by a court of competent jurisdiction.

Sec. 90. **Investigation of Appropriations:** The Commissioner shall have authority to investigate the status of any appropriation of water, or reservoir site for irrigation or stock water, made and maintained in accordance with law, prior to the reservation, for the benefit of the State, of the land on which any such water appropriation is situated, and in proper cases to protect the equities of such appropriator of water by the extension of a preference right to lease the said land or by such other lawful means as the commissioner may prescribe.

STATE LANDS TAKEN BY STATE INSTITUTIONS

Sec. 91. **Right Defined:** The State of Arizona shall have the right, whenever the same is necessary for its uses, or for the uses of any department of the State government, or of a state institution, to take over any state lands and the improvements thereon, by reimbursing the owners of the improvements therefor, and the department

or institution so using the said lands shall lease the same and shall pay such rental as the commissioner shall fix.

Sec. 92. **Method of Procedure:** When any such department or institution shall desire to avail itself of the provisions of this Act, the board of trustees, superintendent or such other person or persons as may have the direct management thereof, shall make application to the Board of Control for the taking over of said school or university lands, and, if the application be approved by the Board of Control, it shall be transmitted with such approval to the commissioner, and the commissioner shall give notice to the board of appraisers to make appraisement of the improvements on said lands; the existence of a permit or lease for the land desired shall not be a bar to its being taken over by the State; provided that the permittee or the lessee shall be entitled, in addition to the appraised value of the improvements on such lands, to reasonable compensation for the damages he may sustain by reason of the cancellation of his permit or lease prior to its termination, and the determination of the amount of any such damage shall be made a part of the appraisement. Upon the surrender of the said lands to the State of Arizona, the owner of said improvements shall be entitled to receive, from the general fund of the State, the appraised value thereof, and the amount of the damages, if any, sustained by him less any rents, penalties and costs that may be due the State, on account of such lands or improvements. The owner of said improvements shall file his claim with the State Auditor, and, if the said claim shall bear the commissioner's approval, as to its correctness and certificate that the possession of the said lands and improvements has been surrendered to the State by all persons having lawful claims thereon, it shall be paid as other claims against the general fund are paid.

Sec. 93. **Improvements Become Property of State:** Upon the payment by the State of the value of any improvements for the benefit of a state department or institution, as provided in this Act, and only after such payment has been made, said improvements shall become the property of the State, and, if the said land shall subsequently be sold or leased to other parties, the purchaser or lessee shall reimburse the State for such improvements in the

manner provided in this Act for reimbursement and the sum or sums so received shall be replaced to the credit of the general fund.

FUNDS

Sec. 94. **Creation:** For the purpose of complying with the provisions of section seven, article ten, of the Constitution of Arizona, and of disposing of all moneys derived from the lands granted or confirmed to this State by the Enabling Act, and of disposing of all moneys in any way received by the State for the specific objects and purposes hereinafter set out, the following special funds are hereby created and established: (a) permanent common school fund; (b) university land fund; (c) legislative, executive and judicial buildings land fund; (d) penitentiary land fund; (e) asylum for the insane land fund; (f) schools and asylums for the deaf, dumb and the blind land fund; (g) miners' hospitals for disabled miners land fund; (h) normal schools land fund; (i) state charitable, penal and reformatory institutions land fund; (j) agricultural and mechanical colleges land fund; (k) school of mines land fund; (l) military institutes land fund; (m) county bonds land fund; (n) state land administration fund; (o) state land classification and appraisement fund.

Sec. 95. **Permanent Common School Fund:** The permanent common school fund shall consist of the proceeds of all lands that have been or may be granted to this State by the United States for the support of common schools; of all property real or personal, that may accrue to the State by escheat or forfeiture; of all lands, money or other property given by individuals for the benefit of the common schools, unless the terms of such gift shall other wise specifically provide; of all unclaimed shares and dividends of any corporation incorporated under the laws of this State; of the sale of timber, mineral, gravel or other natural products or property from school lands and state lands other than those granted for specific purposes; the residue of the lands granted for the payment of the bonds and accrued interest thereon issued by Maricopa, Pima, Yavapai and Coconino counties, after the purpose of said grant shall have been fully satisfied, and the five per centum of the proceeds of sales of public lands lying within this State sold by the United States subse-

quent to the admission of this State into the Union, as granted by the Enabling Act. Said fund shall be and remain a perpetual fund, the interest of which only, together with the moneys derived from the rental of said lands and property, shall be placed in the state common school fund and appropriated as other moneys in said state common school fund are apportioned.

Sec. 96. **Transfers from Permanent Common School Fund:** It shall be the duty of the State Treasurer, on or before the first day of January in each year, to transfer from the said permanent common school fund all moneys received from the rental of said lands and property and the interest earned by said permanent common school fund up to and including June 30th, of the preceding year, and to place the same in the state common school fund, to be apportioned and distributed as provided by law, for the support and maintenance of the common schools of the State; provided, that the moneys received from the rental of said lands and property and the interest earned by the moneys received and property belonging to said permanent school fund, which were received or earned up to and including June 30, 1914, and shall upon the passage of this Act be immediately transferred to the said state common school fund, and, provided further, that in making apportionment of said moneys, received or earned up to and including June 30th, 1914, to the several counties in accordance with law, there shall be taken into account and charged against the counties receiving the same, any of such moneys as may heretofore have been erroneously distributed to them, or which may have been collected and retained by the said counties for the rental of said lands subsequent to the admission of this State into the Union.

Sec. 97. **University Land Fund:** The university land fund shall consist of the proceeds of all lands that have been or may be granted to this State by the United States for university purposes of all lands, money or other property given by individuals for like purposes, unless the terms of such gift shall otherwise specifically provide, and of the sale of timber, mineral gravel or other natural products or property from lands granted or given for university purposes, such fund shall be and remain a perpetual fund for the benefit and support of the University of

Arizona, the interest of which only, together with the moneys derived rom the rental of said lands and property, shall be used.

Sec. 98. **Normal Schools Land Fund:** The normal schools land fund shall consist of the proceeds of all lands that have been or may be granted to this State by the United States for normal schools; of all lands, money or other property given by individuals for like purposes, unless the terms of such gift shall otherwise specifically provide, and of the sale of timber, mineral, gravel or other natural products of property granted or given for such purpose. Said fund shall be and remain a perpetual fund for the benefit and support equally of the normal school for the State of Arizona, heretofore established at the town of Tempe, and the Northern Arizona Normal School, heretofore established at the town of Flagstaff, and the interest only of such fund, together with the moneys derived from the rental of said lands and property, shall be used.

Sec. 99. **Agricultural and Mechanical Colleges and School of Mines Land Fund:** The agricultural and mechanical colleges land fund, and the school of mines land fund shall separately consist of the proceeds of all lands that have been or may be granted to this State by the United States for the respective purposes named; of all lands, money, or other property given by individuals for like purposes, unless the terms of such gift shall otherwise specifically provide; and of the sale of timber, mineral, gravel, or other natural products or property from lands granted or given for such purposes. Said funds shall be and remain perpetual funds for the benefit and support of the agricultural and mechanical colleges and the school of mines at the University of Arizona heretofore established at Tucson, and the interest only of such funds together with the moneys derived from the rental of said lands and property shall be used.

Sec. 100. **Public Buildings, Penitentiary, Asylum for the Insane, Charitable, Penal and Reformatory Institutions, School and Asylum for the Deaf, Dumb and Blind; Miners' Hospitals and Military Institutes Land Fund:** The legislative, executive and judicial public buildings land fund; the penitentiary land fund; the asylum for the insane land fund; the state charitable, penal and reformatory institu-

tions land fund; the schools and asylum for the deaf, dumb and blind land fund; the miners' hospital for disabled miners land fund, and the military institutes land fund, shall separately consist of the proceeds of all lands that have been or may hereafter be granted to this State by the United States for the respective purposes named; of all lands, money, or other property given by individuals for like purposes, unless the terms of such gift shall otherwise specifically provide, and of the sale of timber, mineral, gravel, or other natural products or property from lands granted or given for such purposes. Said funds shall be and remain perpetual funds for the benefit and support of the institutions heretofore or hereafter to be established corresponding to the purposes of the said funds, except as otherwise provided in the Enabling Act, and the interest only of such funds together with the moneys derived from the rental of said lands and property, shall be used.

Sec. 101. **County Bonds Land Fund:** The county bonds land fund shall consist of the proceeds of the land granted by the United States for the payment of the bonds and accrued interest thereon issued by Maricopa, Pima, Yavapai and Coconino counties, which said bonds were validated, approved and confirmed by the Act of Congress of June sixth, eighteen hundred and ninety-six, (Twenty-nine United States Statutes, page two hundred sixty-two), and which said bonds are known as the railroad bonds, which said bonds have been refunded by the State. The moneys in said fund shall be devoted first, to the payment of the current interest on said bonds; second, to the reimbursement of the several counties for all interest accrued and paid thereon since date of issuance; third, to retire the said bonds when due. The remainder, if any, of said fund, whether of money or of lands, after the payment of said bonds and accrued interest thereon, shall be added to and become a part of the permanent common school fund.

Sec. 102. **Interest on County Bonds:** If it shall appear, when the interest on said bonds or any part thereof becomes due, that there is sufficient money in the said fund, the State Auditor is authorized and directed to draw his warrant thereon for the amount of said interest, or if

there be not sufficient money in the said fund to pay the interest due he shall draw his warrant or warrants for such sum as there is, and the State Treasurer is hereby authorized and directed to pay the same; and that the boards of supervisors of the several counties obligated to pay said bonds shall annually levy sufficient taxes to pay such interest when due until such time as the receipts of the said county bond fund becomes sufficient for said purpose.

Sec. 103. **Claim of and Reimbursement for Interest:** Immediately after the passage of this Act the County Treasurer of each of the counties obligated to pay said bonds shall make a claim upon the State, setting forth in itemized form, under oath, the sums paid for interest on said bonds, and shall attach to said claim proper evidence of such payments of interest and present the same to the State Auditor. If found to be correct, the said claim shall be approved by the State Auditor and the State Treasurer, and the amount shall thereupon, in the books of the State Auditor, be credited to the county presenting such claim but shall not draw interest, and whenever any of the said counties shall hereafter pay any of said interest the County Treasurer of such county shall in like manner make a claim against the state for the interest so paid. Whenever it shall appear that there is more money in the county bonds land fund that is necessary to discharge the next annual interest payment of said bonds, such surplus may be devoted to the reimbursement of the several counties for the interest so paid by them, and the State Auditor is authorized and directed to draw his warrants for such purpose, in favor of the several counties in the proportion that the amount due each shall bear to the amount in the county bonds land fund available for the purpose of such reimbursement. When the said counties shall have been fully reimbursed for all interest accrued and paid, such sums as may not be required for the payment of the interest on said bonds shall be placed in the county bonds redemption fund, and shall be invested as the moneys of the permanent funds are invested, and the principal and interest thereof shall be permitted to accumulate until the same is sufficient to retire the said bonds when due. When the said debt shall have been entirely discharged the residue, whether of the county bonds land fund or the county bond

redemption fund, and whether of money, land or other property, shall be transferred to the permanent common school fund.

Sec. 104. **Transfer from Permanent Funds:** It shall be the duty of the State Treasurer, on or before the first day of January in each year, to transfer from the permanent funds by this Act created and established, all moneys received as interest therefrom and as rentals for said lands and property up to and including June thirtieth of the preceding year, and to place the same in the maintenance fund of the institution or institutions for the support of which the several grants of land, money or other property were made, to be appropriated, apportioned, distributed or disbursed as provided by law; provided, that where there are two or more institutions other than normal schools entitled to the benefits of any fund, the income and rentals therefrom shall be by the Board of Control apportioned among such institutions as equitably as may be according to their several requirements for maintenance only; and provided, further, that where there is no institution corresponding to the purpose of any such fund, or the purpose for which any such grant or gift was made, the said interest and rentals shall be added, at the close of each fiscal year, to the permanent fund, and become a part thereof. The semi-annual report of the commissioner shall set forth a complete record of the income and rentals from the several funds, and the apportionment thereof for the information and guidance of the Legislature in making appropriations for the several institutions benefited by such funds.

Sec. 105 **State Land Administration Fund:** The state land administration fund shall consist of all fees charged and collected by the commissioner, other than classification and appraisement fees, which shall be paid over to the State Treasurer, who shall carry the same under a fund to be known as the state land administration fund; said fund shall also be credited with any moneys appropriated by the Legislature thereto; the receipts of such funds shall be used to pay the necessary expenses of the commissioner in the administration of state lands and the maintenance of the State Land Department. Any unexpended receipts of the said fund remaining at the close of

any fiscal year shall remain in said fund; provided, that, if it shall appear at the close of any fiscal year, that there is more than twenty thousand dollars ($20,000.00) in said fund, the excess over such amount shall be transferred to the general fund of the State; all charges or expenses payable out of the state land administration fund shall be itemized and approved as correct by the commissioner, then presented to the State Auditor, **who shall audit the same and draw warrants therefor.** The State Treasurer shall pay all such warrants out of said fund.

Sec. 106. For the purpose of initiating the said state land administration fund there is hereby appropriated out of the general fund of the State, not otherwise appropriated, the sum of twenty thousand dollars ($20,000.00) during each of the years ending June 30, 1916, and June 30, 1917.

Sec. 107. **State Land Classification and Appraisement Fund:** The State land classification and appraisement fund shall consist of all classification and appraisement fees collected by the commissioner and of such moneys as the Legislature may appropriate for said fund. The receipts of such fund shall be used solely for the classification, appraisement, investigation and demonstration of lands owned by the State. Any receipts of said fund remaining unexpended at the close of any fiscal year, shall remain in the said fund and may in addition to such sums as may be added thereto, be used for the purpose in this section named.

INVESTMENT OF FUNDS.

Sec. 108. **State Treasurer to Invest:** The State Treasurer, with the approval of the Governor and the Secretary of State shall have the power, and it shall be his duty from time to time to invest any moneys belonging to the permanent funds by this Act created and established.

Sec. 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.

Sec. 110. **Rate of Interest:** None of said moneys shall be loaned for a lower rate of interest than four per cent

per annum and no loans on farm lands shall be made at a lower rate of interest than six per cent per annum.

Sec. 111. **Mortgages Authorized:** Loans on first mortgages on farm land lands shall not exceed in amount one third of the actual value of any tract of land the loan may cover, which value shall be determinel by appraisal by the commissioner, and without such appraisal and the recommendation of the commissioner the loan shall not be made. Such loans shall only be made upon cultivated lands within the State, and in no case on lands of which the appraised value is less than ten dollars per acre, and there shall not be loaned on one parcel of property, or to any person, association or corporation more than five-thousand dollars.

Sec. 112. **Terms and Conditions of Mortgages:** Said mortgages shall run for a period of not less than five years nor exceeding fifteen years; provided, that any such loan may be paid in full and discharged at any time by the payment of three months' interest in advance, in addition to the interest due at the time of said payment. In case of a loan extending over a period longer than five years, the payments for the first five years shall consist only of interest, to be paid annually, but commencing with the sixth year there shall be paid in addition to said interest, a sum which, when paid annually during the remainder of the life of the loan, will at the expiration thereof fully satisfy and discharge the debt.

Sec. 113. **State Laws to Apply to Mortgages:** All proceedings relating to the investment of state money in real estate mortgages shall conform to and be governed by the laws of the State of Arizona in such case made and provided. They may be foreclosed in the same manner and upon the same notice as required in other real estate foreclosures, and when foreclosure is made by action, said action shall be brought and prosecuted in the name of the State. When any such foreclosure shall be made, the farm land so becoming the property of the State shall be administered by the commissioner for the benefit of the fund from which the moneys loaned on said land were derived, as provided by law for the administration of other lands of similar character.

Sec. 114. **Assignment of Mortgages:** The State Treasurer, by and with the approval of the Governor and Sec-

retary of State and commissioner is hereby authorized and empowered to assign any or all of said mortgages, whenever in their judgment it will be for the best interests of the State so to do; provided, however, that they shall not accept as a consideration for said assignment any amount less than the principal and interest due upon said mortgage or mortgages. Such assignments when made shall be executed by the Governor and attested by the Secretary of State with the great seal of the State of Arizona attached.

Sec. 115. **Warrants on Permanent Funds:** In the investment of the permanent funds as herein provided, the State Auditor is authorized to draw his warrant on the State Treasurer, payable out of the proper fund, for the purchase of the bonds or mortgages or for a loan, as the case may be, which warrant, previous to delivery to the person entitled thereto, shall be registered by the State Treasurer in a book provided for the purpose.

Sec. 116. **Record of Investments:** The State Treasurer in a book provided for that purpose shall keep an accurate account of all investments of permanent funds, and of all payments of principal and interest thereon. He shall collect all moneys due and owing on any and all of the securities held by him for permanent funds and shall semi-annually, on the first day of June and the first day of December of each year, and at such other times as the Governor may direct, make a statement showing in detail the status and condition of all such investments, and when any such moneys shall remain unpaid for thirty days after the same shall become due and payable, he shall report the same in detail at once, and whenever it shall seem to be for the best interests of the State so to do, the Governor and Secretary of State shall place the claim in the hands of the Attorney General for appropriate action, and it shall be the duty of the Attorney General to proceed to collect the sum owing and due the State, in a civil action to be brought and prosecuted in the name of the State.

FEES

Sec. 117. **Amount:** The commissioner shall charge the following fees: For filing application for selection of public lands $3.00; for filing bonds $1.00; filing application for lease or purchase $1.00; issuing lease $1.50; issuing cer-

tificate of purchase $3.00; issuing patent $5.00; filing application for reimbursement $2.00; filing application for transfer or assignment of lease, or certificate of purchase $1.50; transferring lease $1.50; transferring certificate of purchase $3.00; filing application for right of way $5.00; filing application to cut timber or wood, or use any product of state lands $2.00; issuing permit or contract to cut timber or wood, or use any product of state lands $2.00; filing and approving bond $2.00; making certified copy of proceedings or other records of the commissioner 20c per folio; classification and appraisement fee, one per cent of the purchase price for all improvements and land sold. All fees shall be paid in advance; provided, that the classification and appraisement fee shall be paid in installments of twenty per cent of such fee annually for five years, at the same time and in the same manner as the annual payments on the land are made, except that all such fees, not exceeding ten dollars, shall be paid in full, at the date of sale. In case any application filed with the commissioner is rejected, the fee therefor shall be refunded to the applicant. The commissioner shall pay all fees collected by him to the State Treasurer, taking his receipts therefor, and the State Treasurer, shall deposit them in the appropriate funds.

Sec. 118. 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. All said claims shall be verified and the form of said claim, and the verification thereof, shall be prescribed by the State Auditor, and upon the auditing of said claim, the State Auditor is hereby authorized and directed to draw his warrant upon the proper fund for the amounts audited by him, and the State Treasurer is hereby authorized and directed to pay said warrant out of the fund upon which it is drawn.

Sec. 119. **Repealing Clause:** All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 120. **Emergency Clause:** Whereas, there is at the present time no means of properly and adequately administering the lands belonging to the State of Arizona, with the result that great loss is suffered by the State thereby; and,

Whereas, the immediate operation of this Act is necessary for the public safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the Governor and is hereby exempted from the referendum provisions of the State Constitution.

Approved June 26, 1915.

CHAPTER 6.

(House Bill 10.)

AN ACT

Appropriating Two Thousand Seven Hundred Thirty-Three Dollars and Ninety Cents ($2,733.90), to Pay Mulford Winsor the Sum of Nine Hundred Eleven Dollars and Thirty Cents ($911.00); To Pay W. A. Moody the Sum of Nine Hundred Eleven Dollars and Thirty Cents ($911.30); and to Pay Cy Byrne the Sum of Nine Hundred Eleven Dollars and Thirty Cents ($911.30); for Services Rendered by said Persons, During the Period Beginning March 12th, 1915, and Ending June 30th, 1915, Inclusive, Directing the State Auditor to Issue Warrants in the Amounts of said Salaries; Authorizing the State Treasurer to Make Payment from the General Fund Upon Such Warrants and Repealing All Acts or Parts of Acts in Conflict Herewith, With an Emergency Clause.

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 of Arizona the sum of two thousand seven hundred thirty-three dollars and ninety cents ($2,733.90), to pay Mulford Winsor the sum of nine hundred eleven dollars and thirty cents ($911.30) to pay W. A. Moody the sum of nine hundred eleven dollars and thirty cents ($911.30); and to pay Cy Byrne the sum of nine hundred eleven dollars and thirty cents ($911.30); for services rendered during the period beginning March 12th, 1915, and ending June 30th, 1915, inclusive, at the rate of two hundred and fifty dollars ($250.00) a month each.

Sec. 2. It is hereby directed that the State auditor upon presentation of duly verified claims approved by the governor, for the salaries provided for in this act shall draw and issue his warrant or warrants for the amount or amounts of such salaries whereupon the state treasurer shall make payment from the general fund upon all such warrants in the same manner in which other warrants drawn on said general fund are honored and paid.

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

Sec. 4. 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 June 28, 1915.

LETTER ACCOMPANYING THE FILING OF CHAPTER 7, (SENATE BILL 6.)

Executive Office, State House,
Phoenix, Arizona,
July 1st, 1915.

Sir:

I have the honor to hand you herewith a document bearing upon its cover the inscription:

"S. B. No. 6

AN ACT

To Amend Section 3236, Civil Code, Revised Statutes, 1913, Relating to the Compensation of County Officers in Counties of the Ninth Class."

With reference to the document above mentioned I would respectfully advise you that, in my opinion, no legal enactment has, in this instance, been made, for the reason, primarily, that no legislation of the character evidently contemplated in this so-called bill was authorized by the Governor's call convening the Second State Legislature in a second special session.

Assuming the foregoing contention to be correct, it follows that there is no occasion requiring an expression of either my approval or disapproval of the document herewith transmitted. It is, accordingly, evident that any official taking cognizance of the provisions of the writing designated in this instance as Senate Bill, No. 6, will do so at his own risk and upon his own responsibility.

Very Respectfully,
(Signed) GEO. W. P. HUNT,
Governor of Arizona.

The Honorable,
The Secretary of State,
State House.

CHAPTER 7.

(Senate Bill 6.)

AN ACT

To Amend Section 3236, Civil Code, Revised Statutes, 1913, Relating to the Compensation of County Officers in Counties of the Ninth Class.

Be It Enacted By the Legislature of the State of Arizona:

Section 1. That section 3236, Civil Code, Revised Statutes of 1913, be, and the same is hereby amended so as to read as follows:

(Sec. 3236). In counties of the ninth class, the county officers shall receive, as full compensation for the services required of them by law, or by virtue of their office, the following salaries:

The Clerk of the Superior Court, $1500.00 per annum; provided, that the clerk of the Superior Court may be allowed, with the consent of the Board of Supervisors, one deputy, to be appointed by the clerk of the Superior Court, during such times as the Board of Supervisors may deem the assistance of such deputy clerk of the Superior Court necessary. The salary of said deputy clerk of the Superior Court shall not exceed the aggregate sum of $500.00 per annum.

The sheriff, twenty-four hundred dollars per annum; provided that in counties of this class there shall be and there is hereby allowed to the sheriff one deputy, at a salary of twelve hundred dollars per annum; and by and with the consent of the board of supervisors such other deputies and jail guards as may be necessary to properly perform the business of his office, at a salary of not exceeding one hundred dollars each per month.

The recorder, eighteen hundred dollars per annum; provided, that in counties of this class there shall be and there is hereby allowed the recorder, one chief deputy at a salary of nine hundred dollars per annum.

The treasurer and ex-officio tax collector, eighteen hundred dollars per annum; provided, that the treasurer and ex-

officio tax collector shall be, and is hereby allowed one assistant to be appointed by the treasurer by and with the consent of the board of supervisors, and who shall be paid a salary not to execeed in the aggregate six hundred dollars per annum.

The county attorney, fifteen hundred dollars per annum, and necessary traveling expenses; provided, that the county attorney is hereby allowed such assistance as shall be deemed necessary by the board of Supervisors to properly conduct and perform the business of the office of the county attorney, the expense of which, shall not exceed in the aggregate, the sum of four hundred dollars per annum.

The assessor, twelve hundred dollars per annum, and expenses, such expenses not to exceed one hundred and fifty dollars per annum; provided, that in counties of this class there shall be allowed, and there is hereby allowed to the assessor one assistant for four months in each year, at a salary not exceeding one hundred dollars per month.

The superintendent of schools, nine hundred dollars per annum, which shall be in full for all services, including the conduct of teachers' examinations; also actual and necessary traveling expenses, not to exceed two hundred and fifty dollars per annum.

The members of the Board of Supervisors, five hundred dollars per annum and their necessary traveling expenses, not to exceed thirty dollars each, in any one calendar month; provided, the board of supervisors shall appoint one clerk of the board of supervisors, who shall receive a salary of twelve hundred dollars per annum, and may appoint an assistant clerk of the board of supervisors, who shall receive a salary not to exceed in the aggregate, two hundred dollars per annum.

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

Sec. 3. WHEREAS, an urgent necessity exsists for the speedy remedy for the uniform adjustment of the salaries of the officers of the counties in the ninth class, and for a permanent system regulating the same, and in order to preserve the public peace and safety, an emergncy is here-

by declared to exist, and this act shall be in force and effect from and after its passage and approval by the Governor.

Passed the House June 22, 1915.

WM. E. BROOKS,
Speaker of the House.

Passed by the Senate June 21, 1915.

W. P. SIMS,
President of the Senate.

Filed July 2, 1915.

CHAPTER 8.

(Senate Bill 5.)

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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 and to Repeal all of Chapter IV. Title 55, Revised Statutes of Arizona, 1913, Civil Code, And all Acts and Parts of Acts Inconsistent with the Provisions of This Act.

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, included within the proposed irrigation district shall have constructed ditches, canals, reservoirs, pumping plants and under ground 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 waterwarks, so constructed, and the extensions and enlargemnets 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.

Sec. 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 he holds 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 an 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 petition 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 water

works 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 writng 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 of any such district shall be ten thousand acres or less, the said board of su-

pervisors 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 is 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 the 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 at 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 electeion, 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.

(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.

Sec. 3. Wherever the words "Qualified Electors for bond issues and special assessments" are used in this act, said words shall mean and designate persons who are real property taxpayers owning land and residing on lands included within said district for district purposes, and who shall in all respects be qualified electors of the State and of the political subdivision thereof, in which such district or any part thereof may be situated, and each qualified elector shall be entitled to one vote on each question submitted and one vote for each office to be filled at all elections.

Sec. 3½ Whenever the words "general electors" are used in this act, said words shall mean and designate persons possessing all the qualifications required of electors under the general laws of the State who are holders of land in the proposed district and reside in any county in which said district or a part thereof may lie.

Sec. 4. The officers of such irrigation district shall consist of an elected board of three directors and a sec-

retary 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.

Sec. 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 necessay for the use of the district, and power to acquire the right to enlarge any ditch, canal or reservoir, already constructed or partially constructed. 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 some 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. Contracts involving a consideration exceeding ten thousand dollars and not exceeding twenty-five thousand dollars shall not be made, unless such contract shall first be auth-

orized and ratified in writing by not less than one-third of the qualified electors of said district, according to the number of votes cast at the last election; nor shall any contract in excess of twenty-five thousand dollars be made until such contract shall have been authorized and ratified at an election, held in the same manner as is provided for the elections for the issue of bonds.

(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.

Sec. 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.

Sec. 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 pur-

pose, as if full title had been held by said land owner at the time of the organization of said irrigation district.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 11. (a) For the purpose of procuring necessary reclamation works, water and water rights, 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 estimate 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 said board of directors shall proceed to determine the amount of money necessary to be raised and the character and extent of contract obligations to be undertaken to give effect to such adopted plans and purposes including the payment of interest for the first two years after the issue of the first series of bonds, and shall immediately thereafter 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 the manner, in the amount and to the extent of such estimate determined as herein provided, 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," or "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 in money of the United States and due as follows, to-wit: At the expiration of twenty-one years from date of such series five per cent of the whole number of bonds of such series shall become due; at the expiration of twenty-two years, six per cent; at the expiration of twenty-three years, seven per cent; at the expiration of twenty-four years eight per cent; at the expiration of twenty-five years; nine per cent;

at the expiration of twenty-six years ten per cent; at the expiration of twenty-seven years, eleven per cent; at the expiration of twenty-eight years, thirteen per cent; at the expiration of twenty-nine years, fifteen per cent; at the expiration of thirty years not less than a percentage sufficient to pay off the remainder of said bonds provided, that such percentages may be changed sufficiently so that every bond shall be in an amount of one hundred dollars or a multiple thereof, and the above provisions shall not require any single bond to fall due in partial payments.

Each bond shall be payable at a given time, and shall contain a provision for call and payment before maturity as in this act provided; said bonds shall bear interest at the rate of not to exceed six per cent per annum, payable semi-annually on the first day of July and January of each year. The principal and interest shall be payable at the office of the County Treasurer of the county in which the organization of the district was perfected, or at such other place as designated in such bond. Said bonds shall be each of the denomination of not less than one hundred dollars ($100.00) nor more than five hundred dollars, ($500.00) 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 shall be attached to each bond bearing the lithographed signature of the secretary. Said bonds shall express on their face that they are issued by authority of this act, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received and the name of the purchaser; provided, any such district may by a majority vote of the qualified electors of said district provided for the issuance of bonds, the first per centage of which may be payable in any number of years less than twenty-one, in which case the bonds shall mature each successive year thereafter upon the same yearly basis of percentages as is above provided for bonds commencing to mature on the twenty-first year; provided, further that when 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 to a special election to the qualified electors of said district, and otherwise complying

with the provisions of this section in respect to the issue of bonds; provided each series of bonds shall have a priority of lien on and payment from tax monies and collected over the lien of any subsequent series; and each series of bonds shall have priority in the respective order in which the series are authorized. In case the money raised by the sale of all the bonds be insufficient for the completion of the plans and works adopted, and additional bonds are not voted, it shall be the duty of the board to provide for the completion of said plan by levy of taxes therefor, in the manner in this act provided.

(d) 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.

Sec. 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 deter-

mine 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. Said board in no event shall sell any or said bonds for less than eighty-five per cent of the face value thereof. In case no bid is made nor any bid accepted, the board of directors is hereby authorized to sell any or all of said bonds at private sale or to use all or any thereof, for any of the purposes for which they were voted, provided such bonds shall not be sold or disposed of at less than eighty-five per cent of the face value thereof, and any sale or attempted sale for less than 85 per cent of the face value shall be absolutely void and of no effect either at law or in equity.

Sec. 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.

Sec. 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.

Sec. 15. (a) It shall be the duty of the board of directors on or before February 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, corporations 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 poard, 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.

Sec. 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. Mon-

eys received on account of interest on the bonded indebtedness of a district shall be kept in an interest fund or account; money received on account of principal, on account of bonded indebtedness of district shall be kept in a bond account or fund; money 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; money received on account of maintenance, operation and current expenses for the district shall be kept in a maintenance operation and current expense account or fund; money 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. Provided however that he shall not pay out of said bond or interest fund, the principal or interest due upon any subsequent issue of bonds until all matured bonds and interest of all prior issues have been paid or a fund has been created for their payment. The district treasurer shall use said call and prepayment fund for the payment of the highest numbered outstanding bond or bonds, paying the highest numbered bond first, and then the next highest numbered bond and so on in said order; whenever there shall be one thousand ($1000.00) dollars or more in said fund the district treasurer shall call in the highest numbered of the outstanding bonds to the amount on hand, which said call shall designate the numbers of the bonds so called and shall be given 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 weeks, or in a newspaper published in the place where said bonds may be

payable, for a period of ten days, and said district treasurer shall call said bonds but once, and shall after such call hold the money to pay said bonds until they are presented for payment and the interest on bonds so called shall cease sixty days after the date of the first publication of said 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.

Sec. 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 powers as individuals; and the board of directors of the district shall have full powed 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 direcors may then sell said lands upon such terms and conditions adopted at such election.

Sec. 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. 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 from 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 occurring 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 postponments 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 affected, and shall at the same time execute an official bond in the sum of three thousand dollars ($3,000.00) with sufficient surety or surities 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.

18½. 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 division which such director may represent. The proceedings of such recall election shall be in all respects as may be provided by the constitution of the state of Arizona, or any act of the legislature, which may be passed for the purpose of carrying out the provisions of the constitution.

Sec. 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 by the board of directors, and ratified by the electors in those cases where the probable amount involved requires such ratification, 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 is 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 bids 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 from 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 ten 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.

Sec. 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 counter-signed 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 warant, 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.

Sec. 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 owing 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 injuy 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.

Sec. 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, petitioners 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 heraing 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 an 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 effect, 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.

Sec. 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 session 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 ef-

fect 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.

Sec. 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 effecting 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 the 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 in 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 person 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 of 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 proceedings shall not be taxed as against any party thereto. 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.

Sec. 29. The provisions of this act shall apply to such district heretofore organized as may elect to come under the provisions of this act by a majority vote of the general electors of such district at an election held under the provisions of the act under which such district was incorporated.

Sec. 30. That all of chapter IV, title 55, revised statutes of Arizona, civil code, 1913, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

"This bill having remained with the Governor ten days Sundays excepted, and the Legislature not being in session it has become a law this tenth day of July, A. D. 1915."

R. E. McGILLEN,
Acting Secretary of State.

CHAPTER 9.

(Senate Bill 4.)

AN ACT

Amending Sections 1, 2, 3, 4, 5, 6, 7, and 8 of an Act Passed by the **Regualr** Session of the Second State Legislature of Arizona, 1915, Entitled, "An Act amending Paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914, and 4917, Title 49, Revised Statutes of Arizona, 1913, Civil Code, so as to Provide for the Semi-Annual Payment of Taxes, Assessment of Taxes, Time of Entering Delinquent Taxes on 'Back Tax Book,' " Known as House Bill No. 12, Chapter 22, Acts of the Second Legislature, Regular Session, 1915, Approved March 9, 1915.

Be It Enacted By the Legislature of the State of Arizona:

Section 1. That Section 1 of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book," known as House Bill No. 12, chapter 22, acts of the second legislature, regular session, 1915, approved March 9, 1915; be and the same is hereby amended to read as follows:

"Par. 4892. As soon as the board of supervisors shall finally have determined the estimate provided for herein, they shall proceed to assess taxes for the amount estimated upon the taxable property of the county, according and in proportion to the individual and particular valuation as specified in the assessment and tax roll for the year; they shall compute and carry out in separate money columns the real and personal taxes and totals of taxes of each person, or name, and shall carefully foot up the several taxes therein levied, and the same shall constitute the assessment and tax roll for the year; and no informality in complying with the requirements of this act shall render any proceeding for the collection of taxes illegal. Upon completion of the assessment and tax roll, the chairman of the board of supervisors shall immediately annex thereto, under his

had a warrant, commanding the county treasurer to collect from the several persons named in said roll, one-half of the taxes set opposite their respective names, on or before the first Monday in November then next, and the other one-half of the taxes set opposite their respective names, on or before the first Monday in May next following. The board shall immediately charge to the county treasurer, in a book kept for that purpose, the totals of all taxes levied on said roll. The said assessment and tax roll and also the cross index, provided in Section 39 (Par. 4877) hereof, shall be delivered to the county treasurer on or before the first Monday in September. Hereafter the term "roll" whenever used herein, except when otherwise specifically provided, shall mean the assessment and tax roll as constituted in this section."

Sec. 2. That section 2, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book" approved March 9, 1915, be and the same is hereby amended to read as follows:

Par. 4895. The county treasurer, who shall be ex-officio tax collector immediately upon receipt of the roll must publish an official notice, specifying; First: That the assessment and tax roll of the county for the year 19..... is now in his possession for the collection of the taxes levied.

Second: That one-half of the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on the first Monday in September and will be delinquent on the first Monday in November next thereafter at 5 o'clock p. m. and unless paid prior thereto four per cent will be added thereto as penalty, and interest from the time of the delinquency at the rate of ten per cent per annum until paid.

That the remaining one-half of the taxes on all personal property secured by real property, and one-half of the taxes on all real property, will be due and payable on and after the first Monday in March next and will be delinquent on the first Monday in May next, thereafter at 5 o'clock p.

m. unless paid prior thereto, four per cent will be added thereto as penalty, and interest from the time of the delinquency at the rate of ten per cent per annum until paid.

Third: That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

Fourth: The time and place at which payment of taxes may be made.

Sec 3. That section 3, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book," approved March 9, 1915; be and the same is hereby amended to read as follows:

Par. 4908. On the first Monday in November then next, and the first Monday of May, the following year, hereafter, the county treasurer shall, at the close of his official business on those days, enter upon the roll a statement that he has made a levy upon all property therein assessed, the taxes upon which are delinquent, and shall immediately ascertain the several amounts of taxes then delinquent, carry out the same on the roll in a separate column, add up the column, enter the total on the roll, and verify the same by the oath of himself or deputy, all of which shall be completed by the last day of December of each year for the first installment of taxes due and on the last day of June the following year hereafter for the second installment of taxes due and the same shall be known as the 'Delinquent List'."

Sec. 4. That section 4, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book," approved March 9, 1915, be and the same is hereby amended to read as follows:

"Par. 4911. On the first Monday in January and the first Monday in July of each year, it shall be the duty of

the clerk of the board of supervisors in each county to transmit to the state treasurer and state tax commission a written statement showing the amount of the delinquent tax roll.

Sec. 5. That section 5, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes and correction of "Back Tax Book," approved March 9, 1915; be and the same is hereby amended to read as follows:

"Par. 4912. On the last day of December and the last day of June of each year, the board of supervisors shall examine and compare the delinquent list; and if any property be incorrectly described the said board shall correct such error by the best means in their power and cause the delinquent list so corrected to be certified to by the chairman of the board.

Sec. 6. That section 6, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book" and correction of "Back Tax Book," approved March 9, 1915, be and the same is hereby amended to read as follows:

"Par. 4913. All real estate upon which the taxes remain unpaid on the first Monday of November and the first Monday of May of each year as provided in Par. 4895, shall be deemed delinquent, and the county treasurer shall proceed to enforce the lien of the state thereon, as required herein, and any failure properly to return the delinquent list, as required herein, shall in no way affect the validity of the assessment and levy of taxes, nor of the judgment and sale by which the collection of the same may be enforced, nor in any manner effect the lien of the state on such delinquent real estate for the taxes unpaid thereon."

Sec. 7. That section 7, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to pro-

vide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book," approved March 9, 1915, be and the same is hereby amended to read as follows:

"Par. 4914. The county treasurer, shall within ten days after the last day of June make a 'Back Tax Book' from the delinquent list as contemplated by section 79 hereof (Par. 4916) and it shall be his duty to proceed to collect the taxes set out in the same, and to that end he shall have the power, and it is hereby made his duty to proceed to collect the taxes set out in the same, and he shall also have the power and it is hereby made his duty, to levy upon, seize and distrain personal property and sell the same for such taxes, and if it appears that any board of supervisors, or clerk of such board, has, within five years next before the taking effect of this section, failed in the discharge of the duties prescribed by Act 92, session laws 1903, Territory of Arizona, or if any board of supervisors or county treasurer shall fail at any time hereafter in the discharge of the duties prescribed in Section 79 and 75 hereof (Par. 4916 and 4912) to such an extent that the collection of said taxes cannot be enforced by law, it shall be the duty of the said board of supervisors, or their successors in office, immediately after such omission or defect is discovered, to proceed at once to correct the same and supply the ommission or defect and return such corrected "Back Tax Book" to the county treasurer, whose duty it shall be to collect the taxes set out in the same, as hereinafter and hereinbefore set out."

Sec. 8. That section 8, of an act amending paragraphs 4892, 4895, 4908, 4911, 4912, 4913, 4914 and 4917, title 49, revised statutes of Arizona, 1913, civil code, so as to provide for the semi-annual payment of taxes, assessment of taxes, time of entering delinquent taxes on "Back Tax Book," collection of delinquent taxes, and correction of "Back Tax Book," approved March 9, 1915; be and the same is hereby amended to read as follows:

"Par. 4917. Not earlier than sixty days nor later than six months after the second payment of such taxes become delinquent suit shall be filed by the county treasurer, as ex-officio tax collector, to enforce the payment of such

delinquent taxes in the superior court of the county where taxes are due, which same court shall have jurisdiction, without regard to the amount sued for, to enforce the lien of the state. It shall be the duty of the county attorney, or his assistant in each county to prepare all pleadings, papers, and notices in all suits for the collection of delinquent taxes and to prosecute the same to final determination, and he shall receive no compensation therefor other than his official salary. It shall be the duty of the county treasurer when suit shall have been commenced against any tract of land or town lot in said "Back Tax Book" to note opposite said tract of land or town lot such fact, also against whom suit has been commenced."

Sec. 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 10. WHEREAS, 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.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this 10th day of July, A. D., 1915."

R. E. McGILLEN,
Acting Secretary of State.

CHAPTER 10

(House Bill 7.)

AN ACT

Providing for the Creation, Establishment, and Organization of New Counties, and the Separation of Parts of Counties and Annexation of Same to Other Counties and for a Repeal of All Laws and Parts of Laws in Conflict Herewith.

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

Section 1. (Par. 2660, Civil Code. R. S. 1913) That new counties may be created, named, and organized, and

the county seats thereof established, the same being proposed, initiated, and done as herein provided.

Sec. 2. (Par. 2661.) No new county shall be created by the division of an existing county unless said division shall be such as to leave in each of said counties taxable property to the value of not less than five million dollars, to be ascertained from the tax roll of the last preceding assessment of county and state taxes, and electors to the number of not less than one thousand, and unless such new county shall have a common boundary with at least two other counties or one other county and the State boundary in addition to the county from which its territory is taken. Provided, no new county shall be created by the division of an existing county unless at least 60 per cent of the total assessed valuation of such county shall remain in the county from which such division is proposed. Provided further, that the provisions of this act shall not apply to counties having an assessed valuation of less than twelve million dollars ($12,000,000.00).

Sec. 3. (Par. 2662.) That to initiate a measure for the creation of a new county, a petition therefor shall be signed by twenty per centum or more of the qualified electors of the county from which the territory is proposed to be taken for the formation of such new county; and if such territory is to be taken from more than one county such petition shall be signed by twenty per centum or more of the electors of each county from which any part thereof is to be taken.

Sec. 4. (Par. 2663.) Said petition shall be addressed to and filed with the board of supervisors of the county wherein the petitioners reside, and shall contain the declaration of each petitioner for himself that he is a qualified elector of the state and of such county, give his postoffice address, with the street and number, if any, of his residence, and the date whereon he signs the petition.

Sec. 5. (Par. 2664.) Any number of such petitions, written or printed on different sheets, may be circulated, each being deemed an original; but each sheet containing signatures shall be attached to the measure proposed, and every such sheet shall be verified by the affidavit of the person who circulated the petition, setting forth that each

of the names of such sheet, was signed in his presence, and that in his belief each signer is a qualified elector of the state and such county.

Sec. 6. (Par. 2665.) It shall be sufficient to address such petition to "The Board of Supervisors" o fthe county named in such petition, entitling it a "Proposition to organize a new county," and to recite therein that "The undersigned petitioners, each for himself and not for others, thereby declaring that he is a qualified elector of the State of Arizona, and of said county, hereby proposes the creation of a new county as follows:" adding a description of the territory out of which such proposed new county is to be established, the petitioners adding their respective postoffice addresses, with street and number of their residence, if any, with or after their signatures; and no petition, wherein this section has been substantially complied with, shall be deemed invalid.

Sec. 7. (Par. 2666.) The supervisors shall meet on the second Tuesday after such petition has been filed with the clerk of the board, and shall proceed at once to the consideration of the same; and, if said supervisors find such petition is sufficient in substance and signed by the requisite number of electors, as provided in the preceding section thereof, they shall cause a finding and the petition and proposal, exclusive of the signatures, addresses, and residences, of the petitioners, to be entered of record by the clerk; and shall make and cause to be likewise entered an order calling a special election in the county to determine whether such proposed new county shall be established and shall cause notice of such election to be given as hereinafter provided.

Sec. 8. (Par. 2667.) If such petition has been filed in more than one county, as soon as the sufficiency thereof, as provided in preceding sections, hereof, has been ascertained in any county, the chairman of the board of supervisors shall certify the fact to the supervisors of the other counties concerned, which certificate may be in any form; and no order calling such election shall be entered in the records of any county, until the sufficiency of the petition shall have been ascertained in the several counties concerned.

Sec. 9. (Par. 2668.) The notice of the election shall be sufficient if it sets forth that it is proposed to establish a new county, reciting the boundaries of the county proposed to be established, designating the day whereon the election will be held to vote on such proposition, specifying the places where the election will be held, and naming the officers and persons to conduct such election in the several precincts and wards.

Sec. 10. (Par. 2669.) The notice of such election shall be published at least twice in each of the newspapers published and of general circulation in each of the counties concerned; and the election shall be held on the seventh Tuesday following the day on which it is hereinbefore provided that the supervisors shall meet to consider the petition, and shall be conducted in the same manner as is provided for holding general elections as far as practicable. No registration shall be had especially for such election; but all persons shall be entitled to vote who would be entitled to vote at a general election if held at the same time; and unlawful voting thereat shall be punished as unlawful voting at a general election may be punished. The returns shall be made to, and canvassed, and the result declared by the board of supervisors; and, when the election is held in more than one county, the chairman of the board shall certify the result to the supervisors of the other counties concerned, which certificate shall be sufficient in any form if intelligently reciting such vote.

Sec. 11. (Par. 2670.) When the boundary line of a proposed new county traverses and divides a precinct or voting district, no poling place shall be named or election held in such precinct; but for the purpose of such election, that part of such divided precinct lying within the proposed new county shall be attached to an adjoining precinct lying wholly within such proposed new county, and the remainder of such divided precinct shall be attached to an adjoining precinct lying wholly outside of such proposed new county, to the end that the votes of the persons residing within the proposed new county shall be cast and counted separate and apart from the votes of persons residing outside of such proposed new county.

Sec. 12. (Par. 2671.) If seventy-five per centum or more of the votes cast at such election by persons residing

within the proposed new county, and twenty percentum or more of the votes cast by persons residing within the county or counties which it is proposed to divide, but residing outside of the proposed new county, shall be in favor of the organization of such proposed new county, such proposition shall be deemed carried, and such new county shall be organized as hereinafter provided; and, if a majority of all the votes cast at such election shall be in favor of the proposition, the same shall be deemed carried, and such new county shall be so organized, regardless of the place of residence of the voters or any of them; provided, however, that no new county shall be created unless sixty per centum or more of the electors of the proposed new county shall cast their votes in favor of the creation of such proposed new county.

Sec. 13. (Par. 2673.) No other question shall be submitted at such election than the proposition to establish such proposed new county; and the ballot to be voted thereat shall contain and recite the proposition to establish such county, with the boundaries, and submit the question, to be answered yes or no, "Shall such new county be organized?" and the answer shall be indicated by the elector by marking or stamping a cross after the word "Yes" or "No"; and no ballot shall be invalid which plainly indicates the will of the voter.

Sec. 14. (Par. 2674.) Said board of supervisors shall meet on the eleventh day after the holding of said election for the purpose of canvassing the returns of said election, and if the proposition is carried as provided herein, said board of supervisors shall immediately make an order declaring the result of said election, and shall within ten days thereafter file a copy of said order together with a copy of the initiative petition and a copy of the said proposition with the secretary of state of the State of Arizona.

Sec. 15. (Par. 2675.) If such proposition shall carry as provided in Sec. 12 hereof, an election commission shall be appointed to organize the new county thus created, consisting of three members residing within the proposed new county; and, if the territory of such new county is taken from a single county,all the commissioners shall be appointed by the supervisors of such county; and, if such territory is taken from two counties, two of such commissioners shall

be appointed by the supervisors of the county from which the major part of such territory is taken, and the third by the supervisors of the other county; and if the territory is taken from three counties, the supervisors of each of such counties shall appoint one of such commissioners; and, if the territory is taken from more than three counties, the supervisors of the three counties from which the larger portions are taken shall each appoint one such commissioner.

Sec. 16. (Par. 2676.) Before entering upon their duties such commissioners shall take and subscribe the official oath prescribed by law which shall be taken and filed within the county wherein the respective commissioners reside; and, thereafter, such commissioners shall have all the powers and perform all the duties with reference to such new county, as the supervisors of a county have or may perform until the officers of such new county shall have been elected, except that such proposed new county shall not be deemed to have any existence for any purpose other than for the completion of its organization, until the officers thereof shall be elected and qualified; and after the appointment of such commissioners, the supervisors of the county or counties from which the territory for such new county is to be taken shall have no further duty to perform in connection with the organization thereof.

Sec. 17. (Par. 2677.) Such election commissioners shall divide the proposed new county into precincts and voting districts, appoint election officers, provide ballot boxes, and do all things whatsoever that any public officer might do to prepare for the election of county, precinct and other officers, and members of the legislature, in and for such county at the next general election and see to it that such officers are elected at an election called by them as soon as practicable, which shall be held at such time; and, until otherwise provided by law, such county shall be represented in the legislature by one senator and one representative.

Sec. 18. (Par. 2678.) All county and other officers in such new county, except municipal and school district officers shall be chosen at the said election so called, and shall hold office until the next election of similar officers in other counties, and until their successors are chosen and

qualified; and municipal and school district officers shall hold as if originally chosen within such county, being subject to the same duties as originally chosen; and, when the supervisors have been chosen for such new county, and have entered upon their duties, all authority of such commissioners shall cease.

Sec. 19. (Par. 2679.) Such election commissioners shall be paid by such new county, upon the allowance of the first board of supervisors thereof, a reasonable compensation to be fixed by such supervisors, not exceeding five dollars each per day for the time actually engaged in the performance of such duties, together with their actual and necessary expenses, which allowances shall be made only upon the itemized accounts of the commissioners respectively verified by their several affidavits.

Sec. 20. (Par. 2680.) The property and revenue rights of the new county and the county or counties from which its territory is taken, or of any counties whose boundaries shall be changed, according to the provisions of this act, shall be ascertained upon the basis of the valuation of the property therein for the last assessment of county taxes previous to the receipt of the initiative petition herein provided. Upon such basis, the new county shall be entitled to an interest in all the public property of every character, and in all moneys on hand at the time of its organization, and in all revenues to be derived from taxes assessed previous to such organization, and shall be chargeable with and liable for its due proportion of all debts of every character contracted prior to its organization, including current expenses up to the time of such organization, remaining unpaid.

Sec. 21. (Par. 2681.) That boards of supervisors of such new and other county or counties the boundaries of which have been changed according to the provisions of this act shall have full power and authority to settle and adjust all questions arising because of the organization of such new county or such changing of county boundaries, and involving the respective rights and obligations because of the property, or any property, moneys, or revenues, in which they may have such joint interest, or the debts and obligations for which they are, or either is liable; and such settlement so made and every promissory note or other

promise given in writing and every contract entered into in connection therewith, made, given, or entered into, in good faith and without fraud, shall be absolutely valid and binding as between such counties, and the terms, conditions and provisions thereof may be inforced by action in the supreme court.

Sec. 22. (Par. 2682.) In any settlement or controversy between such counties, all county indebtedness, including the bonds and accrued interest thereon, issued by Maricopa, Pima, Yavapai and Coconino counties, which are validated, approved, and confirmed by the acts of congress of June sixth, eighteen hundred and ninety six (twenty-ninth Statutes, page 262) and for which one million acres of land were granted by H. R. 18166 of the Senate and House of Representatives of the United States shall be considered and taken into account, so that if thereafter for any reason the state shall fail to pay, each of such counties shall be obligated for, and bound to contribute and pay, its just proportion thereof, estimated on the basis hereinbefore provided, and the county supervisors may settle and adjust the same as hereinbefore provided for the adjustment of other accounts.

Sec. 23. (Par. 2683.) If any matter or thing herein mentioned relating to such settlement is not adjusted as herein provided, either of such counties shall be entitled to maintain an action in the Supreme Court against any county, or all other counties to such controversy, for the purpose of having the same adjusted and settled; and the Supreme Court shall have exclusive original jurisdiction in every such controversy; and no such proceeding shall be dismissed, nor shall any right be lost, because of any informality in the pleadings or proceedings, or by reason of the delay in bringing such proceedings, and if in the determination of any such proceedings any point or question shall arise, not mentioned or provided for herein, or by other law, the court shall decide the same in accordance with the principles of equity, and in such manner as to do substantial justice between the parties to such controversy.

Sec. 24. (Par. 2684.) All causes and proceedings, civil and criminal, being commenced after the organization of a new county or a county with changed boundaries as

herein provided, shall be begun and proceeded with therein, if it would have been the proper county wherein to institute such cause or proceeding had it been organized before the cause for such proceedings arose.

Sec. 25. (Par. 2685.) All causes and proceedings, civil and criminal, pending at the time of the organization of any new county, or the changing of county boundaries, as herein provided, if the same should have been instituted in such new or changed county had it been organized before the institution thereof, shall be transferred to such new or changed county, and filed, docketed and proceeded with, in the courts or tribunals, or before the officers, of such new or changed county correspending to the courts, tribunals, and officers in and before whom the same are so pending.

Sec. 26. (Par. 2686.) The original papers in all such causes and proceedings shall be sent and transferred to such new or changed county, together with authenticated transcripts of the proceedings had therein up to the time of the transfer, and the courts, tribunals, and officers of the new or changed county shall have the same jurisdiction in, and power over, such causes and proceedings as they would have, had the same been originally begun in or before them; and no proceeding or cause so transferred shall be dismissed or any right in reference thereto lost by reason of any failure or defect in any transcript or the authentication thereof, or in any matter or thing connected with such transfer; and all ommissions, errors, and defects in making such transfer, or in any manner connected therewith, may be cured at any time after such transfer.

Sec. 27. (Par. 2687.) All public records, including the judgments of courts, which would or should have been made in the new or changed county as herein provided, had it been so organized at the time of making such records, may be transcribed, at the expense of the new or changed county or persons desiring such transcript, and the transcript thereof deposited in the office of the new or changed county corresponding to the office wherein the original is found; and every such transcript when properly verified and so deposited shall be deemed and treated as, and have all the force and effect of, the original, to the same extent as if such original bill had been lawfully and originally made

or deposited in the office where such transcript is so deposited.

Sec. 28. (Par. 2688.) The officers, agents and employees of every such new or changed county shall have the lawful right, at all seasonable hours and times, to inspect and transcribe the records and files of any and all of the public offices of the county or counties from which the territory composing such new county, or portion of a county, was taken according to the provisions of this act.

Sec. 29. (Par. 2689.) The election commissioners hereinbefore provided for shall cause to be prepared a separate ballot to be voted at the time of the first election for officers of a new county, as herein provided, by which ballot shall be decided the name of such county, and the location of the county seat; no other question shall be decided by such ballot; only persons qualified to vote for county officers shall be entitled to vote on such questions; and, such ballot shall be prepared and provided by the election commissioners.

Sec. 30. (Par. 2690.) The election commissioners shall decide what the class of the new county shall be for the purpose of fixing salaries and the class so determined shall be in force until changed by law.

Sec. 31 (Par. 2691.) Five per centum of the qualified electors residing within such new county may suggest a name for such county, and a like number may suggest a location for the county seat; and the commissioners shall submit to the electors in such ballot every name and location so suggested; and if no name is so suggested the commissioners shall select and submit two or more names; and, if no location for the county seat is so suggested, the commissioners shall select and submit two or more such locations. Such suggestions shall be in writing in any form, and on one or any number of sheets, subscribed by the electors making the suggestions.

Sec. 32. (Par. 2692.) The name in favor of which the largest number of electors declare by such ballot shall be the name of such new county; and the county seat be established and maintained, until elsewhere located according to law, at the place favored by the largest number of electors at such election.

Sec. 33. (Par. 2693.) In all elections held under this Act the provisions of law governing general elections shall be applicable in all things not otherwise herein specifically provided for. All expenses of the Elections, if successful, provided for under and by virtue of the provisions of this Act shall be paid by the new county created by said Election.

Sec. 34. (Par. 2694.) 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 excepted, and the Legislature not being in session, it has become a law this tenth day of July, A. D. 1915.

R. E. McGILLEN,
Acting Secretary of State.

CHAPTER 11.

(Senate Bill 11.)

AN ACT

Authorizing the Creation of Imprest Funds in Connection With State Highway Construction Work.

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

Section 1. That the State Auditor is hereby authorized and directed to issue his warrants upon properly certified claims for the purpose of creating imprest funds to facilitate small expenditures in connection with State Road construction work.

Sec. 2. Imprest funds created under the provisions of this Act shall never in the aggregate exceed the sum of Five Thousand ($5,000.00) Dollars and shall be secured by surety bonds.

Sec. 3. WHEREAS, it is necessary that this Act should become immediately effective to enable those in charge of expenditures from the State Road Tax Fund to comply with the provisions of the semi-monthly pay law, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and its approval by the Governor, and is hereby exempt from the

operation of the Referendum provision of the State Constitution.

"This bill having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become a law this tenth day of July, A. D. 1915.

R. E. McGILLEN,
Acting Secretary of State.

RESOLUTIONS

House Resolution No. 2

WHEREAS, it has come to the knowledge of the members of this House, that one of its number, Honorable J. E. McClain, by the death of his mother, Mary McClain, on June 2nd, 1915, has suffered an irreparable loss and a bereavement beyond consolation; and

WHEREAS, the members of this House would do all in their power to express to their fellow member their deep and abiding sympathy for him in this sad hour of affliction.

NOW, THEREFOR, BE IT RESOLVED, that out of respect to the bereavement and sorrow which has come upon our fellow member and as an evidence of our sympathy for him, that this House do now stand adjourned until 11:00 o'clock A. M. Monday, June 7th, 1915, and

BE IT FURTHER RESOLVED, that these resolutions be spread upon the records of this House and that an engrossed copy be delivered to the Honorable J. E. McClain.

Passed the House June 5, 1915.

House Resolution No. 3

Whereas, inasmuch as we are honored by having in our State, our Representative in Congress, the Honorable Carl Hayden, who has rendered inestimable service to the people whom he represents; and

Whereas, in recognition of the zeal and statesmanship which he has shown during his incumbency; be it therefore

Resolved, that the House of Representatives do extend to the Honorable Carl Hayden, a cordial invitation to address this House at a date that may suit his convenience.

Passed the House June 12, 1915.

JOINT RESOLUTIONS

Senate Joint Resolution No. 1

IN THE STATE SENATE

Introduced by Mr. Martin.

Construing Section 5123, Title 50, Chapter VII, of the Revised Statutes of Arizona, 1913, Relating to the Levy and Collection of the State Road Tax Fund.

Be it resolved, by the Senate and House of Representatives of the Second Legislature of the State of Arizona, that the officials charged with the direction of expenditures from the State Road Fund, the State Auditor and State Treasurer, are authorized and directed to construe that portion of Section 5123, Title 50, Chapter VII of the Revised Statutes of Arizona, 1913, relating to the levy and collection of the State Road Tax Fund, to make said fund available for the "Construction, Maintenance and Improvement of the State Roads and Bridges" from and after July 1st of each fiscal year for which appropriation is made, as are other State appropriations.

Passed the Senate June 18, 1915.

Passed the House June 19, 1915.

"This resolution having remained with the Acting Governor five days, Sundays excepted, and the Legislature being in session, it became effective June 26, 1915."

R. E. McGILLEN,
Acting Secretary of State.

House Joint Resolution No. 1

AN ACT

Construing Sections 1 and 2, of House Bill No. 171, (Chapter 50) Laws of the Regular Session of the Second State Legislature, Entitled "An Act to Make an Appropriation of Two Hundred Dollars for the Purpose of Securing the Painting of Portraits of Certain Legislative Officials."

BE IT RESOLVED, by the Second Legislature of the State of Arizona that the officials charged with the direction of expenditures from the appropriation made in H. B. No. 171, of the Regular Session of the Second State Legislature, the State Board of Control, the State Auditor and the State Treasurer, are authorized and directed to construe such appropriation to be paid out of any moneys in the General Fund not otherwise appropriated.

Passed the House June 26, 1915.

Passed the Senate June 26, 1915.

"This resolution having remained with the Governor ten days, Sundays excepted, and the Legislature not being in session, it has become effective July 10, 1915."

R. E. McGILLEN,
Acting Secretary of State.

CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION NO. 2.

Be It Resolved by the Senate the House Concurring:

That out of the sum appropriated by Senate Bill No. 7, approved June 12th, 1915, to defray the necessary and ordinary current contingent expenses of this Special Session, there is hereby set aside, the sum of three hundred and fifty dollars ($350.00) to pay the necessary expenses of completing the records of the Legislature, indexing the journals of both Houses, and for doing all things necessary and proper to complete the official records of both Houses of the Legislature, two hundred dollars ($200.00) to be expended for the work in the House of Representatives, and one hundred fifty dollars ($150.00) to be expended for the work in the Senate.

The work shall be done under the direction and supervision of the presiding officers of the respective Houses.

On the filing of accounts for services rendered, properly certified by the presiding officer thereon, together with certificate from the Secretary of State, that the journal of each House has been filed in his office, the Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for all claims so approved, and the State Treasurer is hereby authorized and directed to pay the said warrants from the fund above named.

Passed the House June 28, 1915.

Passed the Senate June 28, 1915.

HOUSE CONCURRENT RESOLUTION NO. 2.

WHEREAS, The new and growing State of Arizona offers within her borders a climate which is particularly helpful to those who are suffering from the dreaded White Plague, the great scourge of mankind, and

WHEREAS, we desire to bring to the favorable attention of the fraternal organization of Loyal Order of Moose, the desirability of locating its contemplated Sanitorium within the State of Arizona;

NOW THEREFORE BE IT RESOLVED, by the Senate and House of Representatives of the Legislature of the State of Arizona, that we do commend the laudable efforts of the Loyal Order of Moose in their splendid work of allevating the sufferings of their afflicted brothers, and urge upon the governing body of the Order the desirability of the location of their proposed Sanitorium within Arizona, assuring them that no better climatic conditions can be found upon the globe than exist within our State; and

BE IT FURTHER RESOLVED, that a properly certified copy of these resolutions be forwarded to the proper executive officers of the Order.

Passed the House June 17, 1915.

Passed the Senate June 17, 1915.

HOUSE CONCURRENT RESOLUTION NO. 3.

Be It Resolved, by the House of Representatives of the Second Special Session of the Second State Legislature, the Senate Concurring, that there be and there is hereby transferred from the contingent fund of the First Special Session of the Second State Legislature to the House attaches salary fund the sum of eighty-four dollars ($84.00).

Be It Further Resolved, that the State Auditor is hereby authorized and directed to draw his warrants against the said fund so transferred upon the proper presentation of said claims and the State Treasurer is hereby authorized and directed to pay said warrants.

Passed the House June 18, 1915.

Passed the Senate June 18, 1915.

MEMORIALS

SENATE MEMORIAL NO. 1.

Phoenix, Arizona,
June 26th, 1915.

TO THE CONGRESS OF THE UNITED STATES:

Your memorialists, the Senate of the Second Legislature of the State of Arizona in regular session assembled respectfully represent:

That it appears from the records, that prior to the passage of the enabling act admitting Arizona into the sisterhood of states; a number of citizens had located on school and university lands, before the same had been surveyed and that they have continually resided upon the same and greatly improved the lands, and some of these sections are now within the Coconino National Forest Reserve created by law.

AND WHEREAS, the enabling act prohibits the sale of school lands on Forest Reserves, and by so doing, imposes an injustice upon these settlers, therefore, your memorialists pray that such action be taken, as will allow these settlers to prove up on their lands and purchase the same.

RESOLVED, That a copy of this Memorial be sent to the Speaker of the House of Representatives, the President of the Senate, and our representatives in Congress, and that the latter are urged to use every honorable means to secure the relief asked for in this Memorial.

Passed the Senate June 26, 1915.

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AMENDMENTS TO THE CONSTITUTION

Proposed by Initiative Petition of the People.

REFERENDUM

Ordered by Petition of the People,
and

INITIATIVE MEASURES

Proposed by Initiative Petition of the Peiple,
Which received a majority of the votes cast at the
GENERAL ELECTION, NOVEMBER THIRD, 1914,
and became laws on the
GOVERNOR'S PROCLAMATION
ISSUED DECEMBER FOURTEEN, 1914.

Publication authorized by Par.
3325, Chapter 1, Title 22, Revised Statutes
of Arizona, 1913, Civil Code.

AMENDMENTS TO THE CONSTITUTION

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Amending Constitution by adding another Article to be numbered XXIII, providing that ardent spirits, ale, beer, wine or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona, under any pretense 1

Amending Section 6, of Article IV, providing that the veto power of the Governor and power of the Legislature to repeal or amend, shall not extend to Initiative or Referendum measures approved by a majority of the qualified electors 2

REFERENDUM

An Act to Establish a Penal Code, Title....., Pardons and Reprieves, Sections 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289 and 1290 3

An Act to Provide for and to Regulate Transportation of Passengers by Common Carriers on Railroads within the State of Arizona, between points in the State of Arizona, and to prescribe a Maximum Passenger Rate to be Charged by Common Carriers on Railroads within the State of Arizona in Transporting Passengers in intrastate Business, and to Provide for the Manner of Exempting Railroads from the Operation of this Act under Certain Conditions, and to Provide for the Suspension of the Operation of this Act Pending Certain Investigations before the Corporation Commission of the State of Arizona and Prescribing Penalties for Violations of any of the Provisions of this Act 6

INITIATIVE MEASURES

An Act Defining and Prohibiting Blacklisting and Unlawful Interference with Laborers, and Providing for the

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AMENDMENTS

CONSTITUTIONAL AMENDMENTS

AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA.

That the Constitution of the State of Arizona be and is hereby amended by adding thereto another Article the same to be numbered XXIII and to read as follows, to-wit:

Section 1. Ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona under any pretense. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquor of any kind to any person in the State of Arizona, or who manufactures, or introduces into, or attempts to introduce into the State of Arizona any ardent spirits, ale, beer, wine, or intoxicating liquor of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than ten days nor more than two years and fined not less than twenty-five dollars and costs nor more than three hundred dollars and costs for each offense; provided, that nothing in this amendment contained shall apply to the manufacture or sale of denatured alcohol.

Sec. 2. The legislature shall by appropriate legislation provide for the carrying into effect of this amendment.

Sec. 3. This amendment shall take effect on, and be in force on and after the first day of January, 1915.

NOTE:—The foregoing amendment was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon, at the general election held on the 3rd day of November, 1914. There were 25,887 votes cast for said amendment and 22,743 against, and under the provisions of law by a proclamation of the Governor dated December 14th, became a law on said date.

SECRETARY OF STATE.

AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

That Section 6, of Article IV, of the Constitution of the State of Arizona shall be and the same is hereby amended to read as follows:

ARTICLE IV.

Sec. 6. The veto power of the Governor, or the power of the Legislature, to repeal or amend, shall not extend to initiative or referendum measures approved by a majority vote of the qualified electors.

NOTE:—The foregoing amendment was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914 and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 16,567 votes cast for said amendment and 16,484 against, and under the provisions of law by a proclamation of the Governor dated December 14, 1914, took effect on said date.

SECRETARY OF STATE.

REFERENDUM

HOUSE BILL NO. 1 (Third Special Session.)

AN ACT

TO ESTABLISH A PENAL CODE, TITLE....., PARDONS AND REPRIEVES,

Sections 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289 and 1290.

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

Sec. 1280. (Par. 1297, Penal Code, R. S. 1913.) The Governor has power to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to the regulations provided in this chapter.

Sec. 1281. (Par. 1298 P. C.) He may suspend the execution of the sentence, upon a conviction for treason, until the case can be reported to the Legislature at its next session, when the Legislature may either pardon, direct the execution of the sentence, or grant a further reprieve; provided, that neither the Governor nor the Legislature shall have power to grant pardons or commutations of sentence in any case where the convict has been twice convicted of felony, unless upon a written recommendation of a majority of the judges of the Supreme Court.

Sec. 1282. (Par. 1299 P. C.) He must, at the beginning of every session, communicate to the Legislature each case of reprieve, commutation or pardon, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, and the reasons for granting the same.

Sec. 1283. (Par. 1300 P. C.) Whenever the Governor shall grant a reprieve or stay or suspend execution in any case where sentence of death has been imposed, he shall, within ten days after the granting of such reprieve or stay or suspension of execution, cause to be published in bold type, in a newspaper of general circulation, published in the

county where the conviction was had, a statement setting forth his reasons for granting such reprieve or for staying or suspending such execution; and a further reprieve shall not be granted except upon proceedings as herein provided.

Sec. 1284. (Par. 1301 P. C.) There is hereby created a board of pardons and paroles, to consist of the state superintendent of public instruction, the attorney general, and a third member to be selected by those two. Such third member shall be known as the citizen member of said board and shall be the chairman thereof. The citizen member of said board shall receive as compensation for his services the sum of seven dollars per day while in attendance at the meetings of the board and each of said members of said board shall receive his necessary and actual traveling and hotel expenses while engaged in the performance of his duties. Said board shall organize by electing the citizen member as chairman, and the parole clerk of the state prison shall act as secretary of said board; said board shall meet quarterly at the state prison, and at such other times as they may deem necessary.

Sec. 1285. (Par. 1302 P. C.) Said board shall have exclusive power to pass upon and recommend reprieves, commutations, paroles and pardons, and no reprieve, commutation, parole or pardon shall be granted by the Governor unless the same has first been recommended by said board. All applications made for reprieves, commutations, paroles and pardons made to the Governor shall be at once transmitted by the Governor to the chairman of the said board, and the said board shall return the same with their recommendation to the Governor.

Sec. 1286. (Par. 1303 P. C.) When an application is made for a pardon, the said board may require the judge of the court before whom the conviction was had, or the county attorney by whom the action was prosecuted, to furnish said board without delay, a statement of facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing the pardon.

Sec. 1287. (Par. 1304 P. C.) At least ten days before the said board acts upon an application for a pardon, written notice of the intention to apply therefor, signed by the person applying must be served on the county attorney of

the county where the conviction was had, and proof, by affidavit, of the service must be presented to the said board.

Sec. 1288 (Par. 1305 P. C.) Unless dispensed with by the Governor, a copy of the notice must also be published for thirty days from the first publication, in a paper in the county in which the conviction was had.

Sec. 1289. (Par. 1306 P. C.) The provisions of the two preceding sections are not applicable:

1. When there is imminent danger of the death of the person convicted or imprisoned.

2. When the term of imprisonment of the applicant is within ten days of its expiration.

Sec. 1290. (Par. 1307 P. C.) The said board shall have power to make such rules and regulations for the conduct of its business not inconsistent with law as it may deem proper, and to amend and change the same from time to time, and to cause the same to be published and distributed as it may see fit.

May 16, 1913—Passed by the Senate and the House, notwithstanding the disapproval of the Governor.

NOTE:—The foregoing measure was submitted to the people by Referendum Petition, filed in the office of the Secretary of State May 17th, 1913, and approved by a majority of the votes cast thereon at the general election, held on the 3rd day of November, 1914. There were 15,425 votes cast for said measure and 13,554 against, and under the provisions of law by a proclamation of the Governor dated December 14, 1914, took effect on said date.

SECRETARY OF STATE.

REFERENDUM

SENATE BILL NO. 19, (Third Special Session.)

AN ACT

To provide for and to Regulate Transportation of Passengers by Common Carriers on Railroads within the State of Arizona, between points in the State of Arizona, and to prescribe a Maximum Passenger rate to be charged by Common Carriers on Railroads within the State of Arizona in Transporting Passengers in intrastate business, and to provide for the manner of exempting railroads from the operation of this act under certain conditions, and to provide for the suspension of the operation of this act pending certain investigations before the Corporation Commission of the State of Arizona and prescribing penalties for violations of any of the provisions of this act.

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

Section 1. (Par. 2152 Civil Code, R. S. 1913) No company, or corporation, operating a railroad, other than a street or electric railroad, in whole or in part, within this State, shall ask, demand, or receive, for first class transportation, for each passenger between points within this State, on the portion of its railroad operated within this State, more than three cents per mile, until otherwise provided by law; Provided, however, that the Corporation Commission shall have the power to exempt any railroad from the operation of this section, upon satisfactory proof that such railroad cannot earn a just and reasonable compensation for the services rendered by it to the public, if not permitted to charge more than three cents per mile for the transportation of passengers within this State.

And be it further provided, that upon any railroad operating within the State of Arizona, making application to the Arizona Corporation Commission under the provisions of this Section to be exempt from the operation of this Section, if said application shall be accompanied by an affidavit showing facts that said railroad cannot earn a just and reasonable compensation for services rendered by

it to the public, if not permitted to charge more than three cents per mile for the transportation of passengers within this State, then, and in such case, the operation of this section shall be suspended pending said hearing upon said application and until final judgment rendered by the Arizona Corporation Commission upon the same.

And be it further provided, that if any such company or corporation shall require time to prepare tariffs or schedules, or do any act or thing made necessary by this Act, the Arizona Corporation Commission may, upon application of such company or corporation, for good cause shown, suspend the operation of this Act as to such company or corporation for a reasonable time, not exceeding sixty days after the passage of this Act.

Sec. 2. (Par. 2153) Any company, or corporation, operating a railroad, as provided in the preceding section, that shall violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Fifty Dollars and not more than Three Hundred Dollars for each offense. Each and every violation shall constitute a separate offense.

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

NOTE:—The foregoing measure was submitted to the people by Referendum Petition, filed in the office of the Secretary of State July 2, 1913, and approved by a majority of the votes cast thereon at the general election, held on the 3rd day of November, 1914. There were 20,968 votes cast for said measure and 12,210 against, and under the provisions of law by a proclamation of the Governor dated December 14, 1914, took effect on said date.

SECRETARY OF STATE.

INITIATIVE MEASURE

AN ACT

Defining and prohibiting Blacklisting and Unlawful Interference with Laborers, and providing for the punishment thereof and the recovery of damages therefor, and defining what shall be accepted as evidence in Blacklist cases.

Be It Enacted by the People of the State of Arizona:

Section 1. A blacklist is hereby defined and declared to be any understanding or agreement whereby the names of any person or persons, lists of names, descriptions or other means of identification shall be spoken, written, printed or implied for the purpose of being communicated or transmitted between two or more employers of labor, their bosses, foremen, superintendents, managers, officers or other agents, whereby the laborer is prevented or prohibited from engaging in a useful occupation. Any understanding or agreement between employers, their bosses, foremen, superintendents, managers, officers or other agents, whether written or verbal; and it will make no difference whether the employers, their bosses, foremen, superintendents, managers, officers or other agents act individually or for some company, corporation, syndicate, partnership or society; and it will make no difference whether they are employed or acting as agents for one and the same or different companies, corporations, syndicates, partnerships or societies, it shall come within the meaning of this Act.

Sec. 2. Any employer, boss, superintendent, manager, officer or other agent of any company, corporation, syndicate, partnership or society who shall command or persuade any person to give a photograph, or to fill out any written or printed form, or to make any verbal statements, or any other method or means of identification as to whom his or her former employer was; or any employer, boss, superintendent, manager, officer or other agent who shall discharge any person or persons on account of his or her affiliation with or membership in any corporation, organization or society, or because of former discharge of, or be-

cause of any blacklist of, any former employer, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned not less than one (1) year nor more than five (5) years, and shall be liable in damages to any person or persons injured by such violation to the amount of not less than one thousand ($1,000) dollars, to be recovered by civil action.

Sec. 3. The violation of any of the provisions of this Act shall be taken as PRIMA FACIE evidence of a blacklist.

Sec. 4. Each individual violation of the provisions of this Act shall constitute a separate offense; that is, this section shall be taken to mean that any individual, company, corporation, syndicate, partnership or society who shall blacklist more than one person is guilty of a separate and distinct violation of the provisions of this Act for each and every person so blacklisted.

Sec. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

NOTE:—The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election, held on the 3rd day of November, 1914. There were 18,207 votes cast for said amendment and 17,444 against, and under the provisions of law by a proclamation of the Governor dated December 14th, 1914, took effect on said date.

SECRETARY OF STATE.

INITIATIVE MEASURE

AN ACT

Providing for an Old-age and Mothers' Pension and making appropriation therefor.

Be It Enacted by the People of the State of Arizona:

Section 1. All almshouses within the State shall be abolished, their grounds and buildings shall be sold for the best obtainable price, and the proceeds shall be devoted for the purpose hereafter set forth in this Act.

Sec. 2. In the absence of almshouses, and in order to care for aged people and people incapable of earning a livlihood by reason of physical infirmities, and widows or wives whose husbands are in penal institutions or insane asylums, they being mothers of children who are under the age of sixteen (16) years, a system of pensioning is hereby established.

(a) The Arizona State Board of Control shall have entire charge of all funds provided for the purpose mentioned, and shall order the same paid by the State Treasurer to persons entitled, upon warrants issued by the Boards of Supervisors of the various counties in the State of Arizona. These boards shall also act as examining boards on the fitness and eligibility of applicants for pensions.

Sec. 3. The state shall pay to each man and woman sixty (60) years of age and upward the sum of fifteen ($15.00) dollars per month, as long as such pensioners shall continue to live within this State; provided, always, that said recipients shall be citizens of the United States and residents of Arizona for five (5) years last preceding application; to be entitled to this pension they must also be without visible means of support.

Sec. 4. All widows who are mothers of dependent children; also wives whose husbands have been consigned to penal institutions or insane asylums and who have children under the age of sixteen (16) years looking to them for support, shall each be entitled to fifteen ($15.00) dollars per month, and an additional six ($6.00) dollars per month

for each child in their keeping under the age above mentioned, irrespective of the mother's age, provided they are citizens of the United States and residents of Arizona five (5) years last preceding application.

Sec. 5. There is hereby appropriated out of the General Fund of the State Treasury a sufficient amount each year to carry out and put into effect the provisions of this Act.

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

NOTE:—The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 25,827 votes for said amendment and 12,394 against, and under the provisions of law by a proclamation of the Governor dated December 14th, 1914, took effect on said date.

SECRETARY OF STATE.

L. H. BUCKSTEGGE

vs.

BOARD OF CONTROL OF THE STATE OF ARIZONA, AND CHAS. R. OSBURN AS SECRETARY OF THE BOARD OF CONTROL OF THE STATE OR ARIZONA.

The Superior Court of Maricopa County held the Act unconstitutional, from which an appeal was taken to the Supreme Court of the State. The appeal is now pending and undecided.

INITIATIVE MEASURE

AN ACT

To protect the citizens of the United States in their employment against non-citizens of the United States, in Arizona, and to provide penalties and punishment for the violation thereof,

Be It Enacted by the People of the State of Arizona:

Section 1. Any company, corporation, partnership, association or individual who is, or may hereafter become an employer of more than five (5) workers at any one time, in the State of Arizona, regardless of kind or class of work, or sex of workers, shall employ not less than eighty (80) per cent qualified electors or native born citizens of the United States or some sub-division thereof.

Sec. 2. Any company, corporation, partnership, association or individual, their agent or agents, found guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than one hundred ($100.00) dollars, and imprisoned for not less than thirty (30) days.

Sec. 3. Any employe who shall misrepresent, or make false statement, as to his or her nativity or citizenship, shall, upon conviction thereof, be subject to a fine of not less than one hundred ($100.00) dollars, and imprisoned for not less than thirty (30) days.

NOTE:—The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 25,017 votes for said amendment and 14,323 against, and under the provisions of law by a proclamation of the Governor dated December 14th, 1914, took effect on said date.

SECRETARY OF STATE.

RAICH vs. TRUAX, ET AL
219 FEDERAL REPORTS 273.

In passing upon the above act held the same unconstitutional.

INITIATIVE MEASURE

AN ACT

Regulating the placing, erection, use and maintenance of Electric Poles, Wires, Cables and Appliances, and providing the punishment for the violation thereof.

Be It Enacted by the People of the State of Arizona:

Section 1. No commission, officer, agent or employe of the State of Arizona, or of any city and county, or city or county, or other political sub-division thereof, and no other person, firm or corporation shall

(a) Run, place, erect or maintain any wire or cable used to conduct or carry electricity, on any pole, or any cross-arm, bracket or other appliance attached to such pole, within a distance of thirteen (13) inches from the center line of said pole; provided that the foregoing provisions of this paragraph (a) shall be held not to apply to telephone, telegraph or other "signal" wires or cables which are attached to a pole to which is attached no wire or cable, except within the corporate limits of any city or town which shall have been incorporated as a municipality; nor shall the foregoing provisions be held to apply to such wires or cables in cases where the same are run from underground and placed vertically on poles; nor to "bridle" or "jumper" wires on any poles which are attached to telephone, telegraph or other "signal" wires on the same pole; nor to any "aerial" cable as between such cable and any pole on which it originates or terminates; nor to wire run from "lead" wires to arc lamps, or to transformers placed upon poles; nor to any wire or cable where the same is attached to the top of a pole, as between it and the said pole; nor to any "aerial" cable containing telephone, telegraph, or other "signal" wires where the same is attached to a pole on which no other wires or cables than wires continuing from said cable are maintained; provided, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said "aerial" cable is placed.

(b) Run, place, erect or maintain in the vicinity of any pole (attached or unattached thereto) within the distance of thirteen (13) inches from the center line of said pole, any wire or cable used to conduct or carry electricity; or place, erect or maintain any pole (to which is attached any wire or cable used to conduct or carry electricity) within the distance of thirteen (13) inches (measured from the center of such pole) from any wire or cable used to conduct or carry electricity; provided, that, as between any wire or cable and any pole, as in this paragraph (b) named, only the wire, cable or pole last in point of time run, placed or erected, shall be held to be run, placed, erected or maintained in violation of the provisions of this paragraph; and further provided, that the provisions of this paragraph (b) shall not be held to apply to telephone, telegraph or other "signal" wires or cables on poles to which are attached no other wires, as between such wires and poles to which are attached no other wires or cables than telephone, telegraph or other "signal" wires, provided such wires, cables and poles are not within the corporate limits of any town or city which shall have been incorporated as a municipality.

(c) Run, place, erect or maintain, above ground, within the distance of four (4) feet from any wire or cable conducting or carrying less than six hundred (600) volts of electricity, any wire or cable which shall conduct or carry at any one time more than six hundred (600) volts of electricity; or run, place, erect or maintain within the distance of four (4) feet from any wire or cable which shall conduct or carry at any one time more than six hundred (600) volts of electricity any wire or cable conducting or carrying less than six hundred (600) volts of electricity; provided, that the foregoing provisions of this paragraph (c) shall be held not to apply to any wires or cables attached to a transformer, within a distance of four (4) feet (measured along the line of said wire or cable from the point where such wire or cable is attached to such transformer); nor to wires or cables within buildings or other structures; nor to wires or cables where the same are run from underground and placed vertically on poles; nor to any "lead" wires or cables between the point where the same are made to leave any pole for the purpose of entering any building or other structure and the point at which they

are made to enter such building or structure; and provided further, that, as between any two wires or cables, or any wire or any cable, run, placed, erected or maintained in violation of the provisions of this paragraph (c), only the wire or cable last in point of time run, placed or erected shall be held to be run, placed, erected or maintained thus in violation of such provision; and further provided, that where no more than one cross-arm is maintained on a pole, all the wires or cables conducting or carrying at any one time more than six hundred (600) volts of electricity shall be placed on the cross-arm on one side of a pole, and all the wires or cables conducting or carrying less than six hundred (600) volts of electricity shall be placed on the cross-arm on the other side of the pole; and further provided, that the space between any wire or cable carrying or conducting at any one time more than six hundred (600) volts of electricity and any wire or cable carrying less than said voltage shall be at least thirty-six (36) inches clear measurement in a horizontal line, and further provided, that where two or more systems for the distribution of electric light or power occupy the same poles with wires or cables, all wires or cables conducting or carrying at any one time more than six hundred (600) volts of electricity shall be placed on the cross-arms on one side of the pole, and all wires or cables conducting or carrying less than said voltage shall in such case be placed on the cross-arms on the other side of the pole; and further provided that the space between any wire or cable conducting or carrying at any one time more than six hundred (600) volts of electricity and any wire or cable conducting or carrying less than said voltage shall be at least thirty-six (36) inches in measurement in a horizontal line; and further provided, that in such construction all cross-arms shall be at least thirty-six (36) inches apart in a vertical line.

(d) Run, place, erect, or maintain any wire or cable which shall conduct or carry at any one time more than six hundred (600) volts of electricity, without causing each cross-arm, or such other appliance as may be used in lieu thereof, to which such wire or cable is attached, to be kept at all times painted a bright yellow color; or, on such cross-arm, or other appliance used in lieu thereof, shall be placed enameled iron signs, providing, in white letters on a green background, the words "High Voltage," and the

letters shall be not less than three (3) inches in height; and signs shall be securely fastened on the face and back of each cross-arm. The provisions of this paragraph (d) shall not be held to apply to cross-arms to which are attached wires or cables carrying or conducting more than ten thousand (10,000) volts of electricity, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(e) Run, place, erect or maintain any "guy" cable attached to any pole or appliance to which is attached any wire or cable used to conduct or carry electricity, without causing said "guy" wire or "guy" cable to be effectively insulated at all times at a distance of not less than four (4) feet nor more than eight (8) feet (measured along the line of said wire or cable) from the upper end thereof, and at a point not less than eight (8) feet vertically above the ground from the lower end thereof; and further provided, that, wherever two or more "guy" wires or "guy" cables are attached to a pole, there shall be at least one foot, vertical space, between the points of attachment; and further provided, that no insulation shall be required at the lower end of a "guy" wire or "guy" cable where the same is attached to a grounded anchor; none of the provisions of this paragraph (e) shall be held to apply to "guy" wires or "guy" cables attached to poles carrying no wire or cable other than telephone, telegraph or other "signal" wire or cable, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(f) Run, place, erect or maintain, vertically on any pole, any wire or cable used to conduct or carry electricity, without causing such wire or cable to be at all times wholly encased in casing equal in durability and insulating efficiency to a wooded casing not less than one and one-half (1½) inches thick. The provisions of this paragraph (f) shall not be held to apply to vertical telephone, telegraph or other "signal" wires or cables on poles where no other than such wires or cables are maintained, and which are outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(g) Place, erect or maintain on any pole, or on any cross-arm or other appliance on said pole, which carries

or upon which is placed an electric arc lamp, any transformer for transforming electric currents.

(h) Run, place, erect or maintain any wire or cable carrying more than fifteen thousand (15,000) volts of electricity across any wire or cable carrying less than said voltage, or across any public highway, except on poles of such height and so placed at each crossing that under no circumstances can said wire or cable of said voltage higher than fifteen thousand (15,000) volts, in case of breakage thereof or otherwise, come in contact with any wire or cable of less than said voltage, or fall within a distance of ten (10) feet from the surface of any public highway; or, in lieu thereof, double-strength construction may be installed, in which case the wires carrying a voltage higher than fifteen thousand (15,000) volts shall, between the points of crossing, be of a cross-section area equal to at least twice that used in the line outside of such crossing, except where the conductor used is equal to four naught (0000) Brown and Sharpe gauge or greater, in which case the wires or cables will be considered as complying with the law.

(i) Run, place, erect or maintain any suspension wire to which is attached any "aerial" cable of "75 pair number nineteen Brown and Sharpe gauge" or over, or of "100 pair number twenty-two Brown and Sharpe gauge" or over, suspended from a cross-arm (or from any other structure or appliance from which said suspension wire is hung) by a single bolt and clamp, without at the same time attaching said suspension wire to said cross-arm, structure or appliance by an additional "safety" bolt and clamp (or other "safety" appliance for thus attaching said suspension wire) of tensile strength equal to the first herein said bolt and clamp.

Sec. 2. None of the provisions of the preceding section shall be held to apply to "direct current" electric wires or cables having the same polarity, nor to "Signal" wires when no more than two (2) of such "signal" wires are attached to any one pole; provided, that none of such "direct current" or "signal" wires shall in any case be run, placed, erected or maintained within the distance of thirteen (13) inches from the center line of any pole (other than the pole or poles on which said wires or cables are carried) carrying

electric wires or cables; and provided further, that, as between any two wires or cables, or any wire or cable run, placed, erected or maintained in violation of the provisions of this section 2, only the wire or cable last in point of time run, placed erected or maintained shall be held to be run, placed, erected or maintained thus in violation of said provisions.

Sec. 3. No commission, officer, agent or employe of the State of Arizona or of any city and county, or city or county, or other political subdivision thereof, and no other person, firm or corporation, shall run, place, erect or maintain any "span" wire attached to any wire or cable used to conduct or carry electricity, without causing said "span" wire to be at all times effectively insulated between the outer point at which it is in any case fastened to the pole or other structure by which it is hung or supported, and at the point at which it is in any case thus attached; provided, that such insulation shall not in any case be placed less than two (2) feet nor more than four (4) feet from said point at which said "span" wire is so attached and that when in any case such "span" wire is attached along its length to any two (2) such wires or cables conducting or carrying electricity and extending parallel to each other, not more than ten (10) feet apart, such insulation shall not be required therein at any point between such parallel wires or cables. None of the provisions of this section (3) shall be held to apply where "feeder" wires are used in place of "span" wires.

Sec. 4. Any violation of any provision of this Act shall be deemed to be a misdemeanor, and shall be punishable upon conviction by a fine of not exceeding five hundred ($500.00) dollars, or by imprisonment in a county jail not exceeding six (6) months, or by both such fine and imprisonment.

Sec. 5. All Acts or parts of Acts which are in conflict with this Act, or with any of the provisions of this Act, are hereby repealed.

Sec. 6. This Act shall take effect six (6) months from the date of its passage, in so far as it relates to reconstruction and new work, and a period of five (5) years shall be

allowed in which to reconstruct all existing work and construction to comply with the provisions of this Act.

NOTE:—The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 18,871 votes cast for said amendment and 15,853 against, and under the provisions of law by a proclamation of the Governor dated December 14th, 1914, took effect on said date.

SECRETARY OF STATE.

INITIATIVE MEASURE

AN ACT

To promote the welfare of the people of the State of Arizona, and to provide for the development of the resources of the State, and to abolish the contract system of all State construction, and to establish a State Printing Plant, and to establish a State Banking System, and to make appropriation therefor.

Be It Enacted by the People of the State of Arizona:

Section 1. Whenever, in the judgment of the Board of Control it shall be for the best interest of the State to establish, maintain or operate any manufacturing establishment or institution, for the purpose of manufacturing, marketing or distributing any natural product existing, or to exist, in or upon any public lands of this State, said Board of Control is hereby authorized to erect, construct, maintenance or operate such establishment.

Sec. 2. The Board of Control is further authorized and empowered to construct, establish and maintain buildings, dams, reservoirs, flumes, water plants, gas plants, printing plants and all other plants necessary for the operation and development of the resources of this State.

Sec. 3. Whenever, in the judgment of the Board of Control, it shall be for the best interest of the state, said

board is hereby authorized and empowered to establish, operate, conduct and maintain a State banking system for the use and benefit of the people of the State, in conformity with the National Banking Act, and to establish, operate and maintain a State printing plant, to print school books and to do all State printing.

Sec. 4. All work on all State buildings, dams, reservoirs, flumes, water plants, gas plants, and all other State construction, shall be done by days' pay, by the State, and the system of letting contracts by the State is hereby abolished.

Sec. 5. There is hereby appropriated out of the General Fund of the State treasury a sufficient amount to carry out and put into effect the provisions of this Act. Should the General Fund be impoverished, then the people may vote State bonds to carry out the provisions of this Act.

NOTE:—The foregoing measure was submitted to the people by Initiative Petition, filed in the office of the Secretary of State July 2nd, 1914, and approved by a majority of the votes cast thereon at the general election held on the 3rd day of November, 1914. There were 16,754 votes cast for said amendment and 15,853 against, and under the provisions of law by a proclamation of the Governor dated December 14th, 1914, took effect on said date.

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