

## ADMISSION OF ARIZONA INTO THE UNION.

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MARCH 16, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. SMITH, of Arizona, from the Committee on the Territories, submitted the following

### REPORT:

[To accompany H. R. 7204.]

The Committee on the Territories, to whom was referred the bill (H. R. 7204) to provide for the admission into the Union of the State of Arizona, beg leave to report:

Arizona lies along the northern boundary of Sonora, and is the extreme southwestern political division of the United States. It is 378 miles in length by 339 in width and contains an area 113, 929 square miles, or 73,000,000 acres, a large part of which is capable of producing every variety of fruit, vegetable, and cereal known to the temperate zones; mines of gold, silver, copper, iron, and coal inexhaustible in extent; lakes of salt, springs of petroleum, and forests of pine, cedar, spruce, juniper, ash, and oak of as great extent as any State or Territory of the Union. That part of Arizona lying north of the thirty-fourth parallel, embracing only four counties, is greater in area, and in everything else except population, than the six New England States combined. The part lying south of that parallel is destined to become the most famously productive portion of the globe. Within that area the date, olive, fig, grape, lime, lemon, and orange grows, under proper husbandry, in prodigal profusion. Ascending from the lower valleys every fruit of the temperate zones is produced in perfection.

Arizona carries within itself more of all the resources of a great commonwealth than any State or other Territory of our Union.

### POPULATION.

The last census places the population of Arizona at 60,000, exclusive of Indians and others living on reservations. The governor's report, 1891, admits the inaccuracy of this statement. It is very wide of the mark. When our vast distances are considered in conjunction with the meager rate paid enumerators it is no wonder that such inaccuracy exists. It was impossible that a proper enumeration could be made. The population of Arizona is now much larger than in 1888, yet even then the registered vote of the Territory was only a few short of 17,000. Taking 1888 as a basis, and counting one voter to each five of the population, and we had even then in round numbers over 100,000 people.

And it is the very best population. Every corner of our Republic is represented by its young, intelligent, courageous, self-reliant, and progressive manhood. The pioneers—many of them—are still there, enjoying in the peaceful sunset of life the fruition of their early hopes.

## TAXABLE PROPERTY.

The board of equalization for the current year (1891) gives the property as assessed in the various counties; from which assessment the governor's report makes the following summary:

3,364,668 acres of taxable land	\$4,602,121.00
Improvements thereon	2,302,214.20
City and town lots	1,972,252.00
Improvements thereon	2,347,424.50
720,940 cattle	5,970,597.35
288,727 sheep	320,597.28
47,912 horses	1,188,168.45
1,757 mules	58,973.00
1,498 asses	12,025.30
3,460 goats	3,579.50
5,460 hogs	16,829.32
1,083 miles of railroad	6,145,008.02
All other property	3,330,676.36
	28,270,466.28

The governor of Arizona in his last official report give the following:

The average valuation is:

Land per acre	\$1.37
Cattle per head	8.28
Horses per head	24.79
Sheep per head	1.11
Mules per head	33.36
Asses per head	8.03
Goats per head	1.03
Hogs per head	3.82
Railroads per mile	5,674.06

The valuation of improvements and other property is correspondingly low. The rate of taxation varies in the different counties, but the average rate in the Territory for all purposes is \$3.28+ on \$100. The total assessed valuation of the taxable property in the Territory as given above is \$28,270,466.28. There is unquestionably \$70,000,000 of taxable property in Arizona, and fully that amount would be stated if proper assessments and valuations were had. The present system of low valuations and high rates is injurious and misleading and calculated to create false impressions with intending immigrants and investors. Notwithstanding the heavy debt of the Territory, our financial condition would be good if our property were properly assessed and valued, and we would not be continually required to explain why the rate of taxation in Arizona is higher than the rate of interest required for money on call loans in some parts of the East. The truth is, not over one-third of our property is assessed, and very little property except real estate is rated at over one-half its actual value.

It is conceded by all who are acquainted with the facts that if all the property of Arizona were assessed, and at its full value, the rate of taxation would be as low here as in many of the most prosperous States.

It is very necessary for the Territorial welfare that these facts be understood and appreciated throughout the country.

The total assessed valuation of the Territory has increased nearly a quarter of a million of dollars since last year, notwithstanding a reduction of over \$470,000 in railroad valuations.

The report largely understates the real valuation of property, from a desire on the part of the acting governor to fall below rather than rise above the actual value of taxable property in Arizona. I firmly believe that the county of Maricopa alone has property equal to the whole assessment roll of the Territory as shown in the table which I have just read. I may overstate the wealth of that county, but I am honest in my belief as expressed.

## INDEBTEDNESS.

The bonded and floating debts of the Territory and the bonded and floating debts of the counties therein amounts in round numbers to

\$3,000,000. This seems a large percentage on the property valuation, but if the real wealth of the Territory is considered the debt becomes an easy burden. The constitution adopted has provided a tax to meet these obligations. Arizona has never yet and never will default on her obligations.

## SETTLEMENT OF LANDS.

On September 12 last the Prescott land office, and shortly thereafter the Tucson land office, made the following reports to Hon. N. O. Murphy:

The pre-emption and timber-culture acts, as you are aware, were repealed in March last, consequently there was but little done under either of these laws. There were, however, a few sundries or filings under each, leaving the record about as follows:

	Acres.
27 coal-land filings, about.....	4,000.00
97 pre-emption filings, embracing about.....	15,000.00
4 original timber-culture entries.....	480.00
80 homestead entries.....	12,261.97
35 final homestead entries.....	5,479.99
21 cash entries.....	2,120.01
2 original desert-land entries.....	120.00
1 final desert-land entry.....	420.00
1,650 quarter sections, railroad selections.....	263,923.46
16 final mineral-land entries.....	306.00
Total.....	303,931.43

Respectfully submitted.

T. J. BUTLER,  
*Receiver.*

UNITED STATES LAND OFFICE,  
*Tucson, Ariz., September 18, 1891.*

Hon. N. O. MURPHY,  
*Acting Governor, Phoenix, Ariz.:*

DEAR SIR: I have the honor to transmit herewith, as per your request, 7th instant, a full and complete record of the agricultural and mineral entries made in this office for the year ending June 30, 1891.

Original entries.	No.	Acres.	Final entries.	No.	Acres.
Homestead.....	162	22,619.03	Homestead.....	96	14,106.54
Desert land.....	139	36,734.93	Desert land.....	80	28,880.86
Pre-emptions.....	93	12,224.50	Cash.....	103	12,651.39
Timber culture.....	51	7,224.50	Timber culture.....	2	240.57
Mining applications.....	21	342.35	Mineral.....	16	267.57
Total.....	466	79,120.81	Total.....	259	56,146.93

## RECAPITULATION.

	No.	Acres.
Original entries.....	466	79,120.81
Final entries.....	279	56,146.93
Total.....	745	135,267.74

The foregoing does not include some 10,600 acres of land passed under special letter of the Department, because of ex-Receiver Smith's defalcations.

Very respectfully,

HERBERT BROWN,  
*Register.*

Commenting on this, the acting governor says, referring to the Gila land district:

The area of this district comprises 45,318 square miles, or nearly 30,000,000 of acres, exceeding in size the great State of Pennsylvania 318 square miles, or 203,520 acres; but notwithstanding the enormous size of the Gila district, it is less than the Prescott district by 23,000 square miles, or 14,720,000 acres.

A casual glance at the foregoing shows Arizona to be not an estate, but an empire, capable of great and unlimited possibilities when its vast resources, now practically untouched, shall have been developed. Inclusive of the lands contained in the Indian and military reservations the approximate amount of land entered at the office in this district amounts to but one-thirtieth of the whole area. The room for profitable investment in Arizona is equaled by no other State or Territory in the Union. The little that has been done is indicative of what can be done, and sooner or later will be done. The deserts of Arizona will disappear under the rosebush and the dread of the Apache under the sod. The world will yet marvel at the greatness of Arizona. Let the following figures be carefully considered:

Approximate quantity of public land unsurveyed, exclusive of military and Indian reservations, subject to settlement under existing laws, July 1, 1891, in each county in the Gila land district, Arizona:

County.	Acres.	County.	Acres.
Apache	27,760	Gila	410,020
Graham	2,230,440	Maricopa	3,600,900
Cochise	2,501,280	Yuma	4,165,730
Pima	5,065,119		
Pinal	2,220,466	Total	20,221,775

Lands subject to entry in the Gila district as follows:

County.	Acres.	County.	Acres.
Apache	13,440	Gila	40,780
Graham	620,630	Maricopa	377,680
Cochise	1,327,416	Yuma	526,810
Pima	1,204,000		
Pinal	762,494	Total	4,873,250

#### RAILROADS.

The following railroads are now being operated in the Territory:

	Miles
Southern Pacific of Arizona	383
Atlantic and Pacific	393
New Mexico and Arizona	87
Prescott and Arizona Central	73
Arizona and New Mexico	41
Arizona and Southeastern	36
Central Arizona	35
Maricopa and Phoenix	34
Total	1,082

The Southern Pacific passes along the southern part of the Territory from Yuma, on the Colorado River, to the eastern boundary of Cochise County, passing through the counties of Yuma, Maricopa, Pinal, Pima, and Cochise.

The Atlantic and Pacific crosses north of the center of the Territory near the thirty-fifth parallel and passes through the counties of Apache, Yavapai, and Mohave.

The New Mexico and Arizona runs from Benson on the Southern Pacific, in Cochise County, to Nogales, in the same county, at the Mexican line.

The Prescott and Arizona Central runs from Prescott Junction on the Atlantic and Pacific to Prescott and is all in Yavapai County.

The Arizona and New Mexico runs from Clifton, in Graham County, to the Southern Pacific at Lordsburg, N. Mex.

The Arizona and Southeastern runs from Bisbee, Cochise County, to Fairbanks, on the New Mexico and Arizona, in the same county.

The Maricopa and Phoenix runs from Maricopa, Pinal County, on the Southern Pacific, to Phoenix, Maricopa County.

The Central Arizona runs from Flagstaff on the Atlantic and Pacific, southward for 35 miles in the pine forest, and is projected to extend to Globe, in Gila County, and possibly to Phoenix, Florence, Tucson, and Calabasas, in southern Arizona. This road was formerly known as the Mineral Belt, and is not now being operated except for logging purposes by the Arizona Lumber Company. The extension of the road as projected would be of the utmost advantage to the Territory. Railway communication from north to south is absolutely necessary to the proper welfare and progress of Arizona. Several north and south roads are being projected, and the people of the Territory are very desirous for their success.

#### TIMBER LANDS.

Within Arizona is a vast tract of timber land, including the famous Mogollon forest, which covers an area of 10,000 square miles, or 6,400,000 acres, being, with probably one or two exceptions, the most extensive body of timber in the known world, and it has never yet felt the stroke of an ax. The timber belt of northern Arizona alone covers an area of 20,000 square miles, or 12,800,000 acres. In 1886 ties were sawed at Flagstaff for 1,500 miles of railroad in Old Mexico, and from this point great quantities of sawed lumber are yearly shipped into California and New Mexico, yet the fringe of this forest's mantle has not been torn. The pine grows to the height of 150 feet, with a diameter of 5, 6, and 8 feet. It grows as straight as a die, and the first branches are from 50 to 75 feet above the ground. The ash, black walnut, and scrub oak, are found in the lower valleys and ravines. Besides these are the cottonwood, alder, cedar, manzanita, maple, mesquite, wild cherry, and ironwood, the last a tree peculiar to Arizona and Sonora. It is hard and brittle and takes a beautiful polish. When dry it can scarcely be cut with an ax, and has a specific gravity greater than water. It creates a furnace heat equal, it is said, to the best coke.

The acting governor of Arizona in the report heretofore referred to says:

The principal kinds of timber used for fuel are pine, oak, juniper, and mesquite, and the supply is usually bountiful in all populated parts of the Territory. The principal shipping point for lumber is Flagstaff, on the Atlantic and Pacific Railroad, in northern Arizona. In this connection I submit the following communication from Hon. D. M. Riordan, president of the Arizona Lumber Company at Flagstaff, whose information and reliability on this subject can not be questioned:

"In response to yours of the 17th, which is just at hand, I beg leave to say (without having before me all the data necessary to complete accuracy), my belief is that the pine-timber resources of this Territory will be quite sufficient for any population we will have, near or remote, even with wasteful and improvident methods, for at least one hundred and fifty years, but if properly conserved, they can be made to furnish all the timber needed for wise use by all the people this Territory can support, for all time to come.

"I base this upon my knowledge of the timber to this particular forest. The increase by growth is to-day vastly in excess of the quantity being removed.

"Conservative judges and estimators of timber who have had greater experience than I, place the quantity of timber on the Colorado plateau at about 8,000 million feet. This includes the Coconino forest, but does not include the forests of the White Mountains nor the timber in the Santa Catalinas, Santa Ritas, nor in any other of the timber-covered regions of the Territory."

Yet, with this wonderful wealth of trees, Arizona is by many educated people considered a vast arid plain, supporting no growth greater than sagebrush and cacti. The Mogollon forests have been described (see report of governor, 1887) as equal in extent to the combined area of New Jersey and Delaware, larger than Massachusetts, and double the size of Connecticut.

In concluding this subject it is enough to say that her timber alone will produce wealth enough to support a prosperous State. But we are not forced to rely on this. We wish to see the timber preserved under wise legislation, at the same time granting the settlers and miners reasonable and free use of the same. This can be done without injury to the forests.

#### IRRIGATION.

Agriculture is rapidly becoming the principal industry of Arizona. It can be profitably maintained only by irrigation in the southern counties. Maricopa County has on the Salt River about 185 miles of canals, reclaiming a quarter million acres of the most fertile land in the world. On the Gila River, in the same county, there are some 90 miles of irrigating canals, reclaiming 50,000 acres. When the water shall be economically used and the canals extended, these rivers will give 1,000,000 acres to the productive area of the State.

Yuma County has 125 miles of canals, reclaiming 90,000 acres, and has in course of construction one of the largest irrigating canals in the Territory. There is a proposition on foot to take out an immense canal from the Colorado, south of Yuma, to reclaim vast bodies of fine lemon, orange, and fig lands.

Pinal County, from the Gila and San Pedro rivers, has over 125 miles of irrigating ditches. A storage reservoir has been constructed south of Florence, with a capacity of 8,000,000,000 gallons.

Graham County has fully 80 miles of irrigating ditches, Cochise 50, and Pinal probably as much. The two last-named counties, however, are chiefly devoted to mining and stock-raising. When we consider that these vast canals have been constructed and great deserts reclaimed within the last few years, we can, perhaps, form an appreciable idea of what the State of Arizona is destined to be. As to the agricultural products, reference is made to the annual reports of the governors of Arizona.

In the presentation of Arizona's claim to statehood before this committee in the Fiftieth Congress, in March, 1891, speaking in this connection, the Delegate from Arizona said:

South of the thirty-fourth parallel all semitropical fruits grow to perfection. It is the natural home of the olive, the fig, the orange, apricot, and pomegranate. The vine nowhere so flourishes. The fruits are from two to four weeks earlier in the market than the California product. Fruit-culture has passed the experimental stage and is already a source of rich revenues. Twenty-two thousand orange trees were this year planted in the Salt River Valley. Think of it—southern Arizona produces to perfection oranges, almonds, quinces, pears, peaches, figs, pomegranates, apricots, olives, nectarines, peanuts, plums, dates, prunes, pecan nuts, apples, grapes, strawberries, raspberries, and every kind of melon.

All of these can be seen growing on one farm and growing in a luxuriance that is absolutely amazing. Watermelons, for instance, and cantaloupes are of the finest and grow larger than in other countries. We certainly have watermelons larger than the watermelons raised in Georgia. I have frequently found them from 50 to 60 pounds in weight.

#### STOCK-RAISING.

The assessment rolls give no appreciable idea of the live stock in the various counties of Arizona. As land is assessed at less than one-third of its value it is fair to presume that the large herds of cattle and sheep are equally favored. Even under these conditions the last assessment roll placed the value of live stock at nearly \$8,000,000. This broad land holds no place more favorable to stock-raising than Arizona. The percentage of increase is greater and loss less than in any other Territory or State. It is estimated that 300,000 cattle and 2,000 horses have been exported during the year.

Taking Yavapai County alone—as it happens to be the most convenient to get the assessment roll—as a basis to estimate the herd increase, and we find the following results:

Total number of cattle in county: 1882, 34,243; 1883, 49,132; 1884, 64,008; 1885, 99,688; 1886, 116,286. This year (1888) there was assessed in that county, which of course only shows about two-thirds of the actual number, 12,447 horses, 86,262 sheep, 145,058 cattle.

Since 1888 these cattle have increased largely. I have not the assessment roll of the last year before me.

From data then before me I said Arizona has more sheep than Rhode Island and Connecticut combined and more than the great States of Kansas and Nebraska, and nearly twice as many as Idaho. She has four times as many hogs as Wyoming and more than Wyoming and Nevada together. She has more horses than Rhode Island and Delaware, and her herds are rapidly increasing.

#### MINING.

Arizona is beyond question the richest mineral country in America. Not a mountain range yet prospected that does not contain veins of the precious metals. Ore is found everywhere. Gold, silver, and copper mining is successfully pursued. Wells, Fargo & Co., the express company of the Western States, report the yield of gold and silver the last year at \$5,771,555. Of course, this is far below the actual product. That company's estimate is based on its shipments and makes no note of the immense amount of silver ore freighted from Arizona to El Paso, Pueblo, and other reduction works without the boundaries of Arizona.

In addition to this is the great copper output, which, as far back as 1888, amounted to over 30,000,000 pounds a year. There is no limit to Arizona's power to produce copper. The gold and silver output for the year 1891 falls only a little short of \$8,000,000, which, added to the copper, estimated at only 10 cents per pound, and the total reaches the magnificent sum of \$11,000,000 annually.

#### EDUCATION.

Arizona has the most liberal school system in the United States, and bears without complaint, but with cheerfulness, a heavier tax for school

purposes than any other people. They have 12,882 children of school age; 220 schools; average school months in the year, 7; 240 teachers, with average salary of \$77 per month. Total receipts for school purposes, \$201,288.71. Cost per child, over \$5 per month.

While the increase in population in the last decade has been 50 per cent the increase in enrollment of school children has been 85.85, as per United States Census. The governor's report, 1891, says:

The proportion of enrollment is, boys 100 and girls 65, marking the extreme in the United States, and is evidence of character of population as well as general desire for common-school education.

Text-books and course of study are well up with the times, and in the larger towns a high-school course is provided.

The grammar-school course is so graded that its completion meets the requirements of admission to the Territorial normal school, which, with the university, provides a complete system of public-school education within the Territory.

#### TERRITORIAL NORMAL SCHOOL.

The normal school, established six years ago and maintained at Territorial expense, continues to grow in usefulness, and is an important factor in the educational system of the Territory.

The course of study embraces the subjects usually taught in similar schools in the States, and requires a period of three years for its completion.

There has been a steady increase in attendance since its organization.

In 1889 the legislature of Arizona passed a bill appropriating three-fourths of a mill on each \$1 of the assessed value of all property in the Territory for the support and maintenance of the university. This act was amended by the last legislature, making the annual appropriation one-half a mill. From this source the university has had placed to its credit to June 30, 1890, the sum of \$33,395.89. The Territorial appropriation is being expended in the completion of the university and other buildings.

The university has received to date:

From the General Government for the agricultural experiment station .....	\$25, 000.00
From the General Government for the equipment and support of university .....	31, 000.00
From the Territory for the equipment and support of university .....	59. 245.89
From all sources a total of .....	\$115, 245.89

They have also a school of mines and an experimental agricultural station.

Congress never has, and it seems never will, give proper protection to Territorial school lands. Unless a survey shall soon be made and the school lands segregated and put under Territorial control, the schools will receive little or no benefit from them. If Arizona is admitted as a State, the survey will be none the less necessary.

#### PUBLIC BUILDINGS.

Arizona has never received one cent in aid of any public building.

The public buildings of Arizona consist of the Territorial prison, situated at Yuma; the Territorial university, at Tucson; the insane asylum, at Phoenix, and the normal school, at Tempe. All have been erected at Territorial expense, and are creditable structures.

## CUSTOMS.

Arizona, by act of Congress, was recently made a customs district. The chief port of entry is Nogales, a railroad town on the International line. The total value of importations for eleven and one-half months of the fiscal year ending June 30, 1891, was \$3,194,209.

## PRODUCTIONS.

It was shown before the committee of the Fifty-first Congress that Arizona the year before produced agricultural and horticultural products which were worth \$9,207,000; live stock, \$6,600,000; gold and silver, \$4,431,500; copper, \$2,000,000; lumber, wool, etc., \$1,500,000, making a total of over \$23,000,000 worth of products, of which \$13,000,000 were exported.

In a very short time Arizona will be the largest fruit-producing State in the Union.

## STATEHOOD.

In the light of the facts presented your committee can not conceive any valid objection to Arizona's early admission to statehood. She is fully as well equipped for the burdens and duties incident to sovereignty as was either Wyoming or Idaho.

Congress did right in admitting them, and did wrong in failing to admit Arizona. Idaho is fully equal to Wyoming in population and wealth, and, for the purpose of showing that Arizona equals either, your committee here reproduce a comparative table showing the resources of Arizona and Idaho at the time both were clamoring for statehood in the Fifty-first Congress.

The table is as follows:

	Arizona.	Idaho.
Population, 1880 .....	40,440	32,619
Registered votes, 1888 .....	16,930	.....
Delegate vote, 1888 .....	.....	16,013
Area .....	sq. miles .....	.....
Forest .....	acres .....	86,294
Assessed property in 1889 .....	20,030,000	10,000,000
Estimated values .....	\$30,000,000	\$24,00,000
Bullion output .....	\$95,000,000	\$68,000,000
1887 .....	\$10,751,555	\$9,000,000
1889 .....	(*)	\$17,000,000
Cattle .....	1,815,000	1,120,000
Sheep: .....		
Estimated .....	1,390,000	960,000
Report of the Department of Agriculture .....	698,000	480,000
Railroad .....	miles .....	.....
	1,097	888

\* Have not Arizona for 1889.

In this connection we give the following extract from the argument of the Delegate to Congress from Arizona before this committee on the present bill.

I am informed by the Senator from Idaho (Mr. Dubois) that statehood gave a wonderful impetus to every branch of trade, and a marked increase of production was everywhere apparent. This is true of all the new States and will be true with Arizona.

Gentlemen of the committee: I have already trespassed too long on your time, but there is another fact worthy of the consideration of this committee, and that is, the character of the population of the Territory of Arizona. I believe some of the other

Territories may have a citizenship equal to it in all that goes to make up manhood, but certainly no political division of this country has a better educated constituency than I have the honor here to speak for. Gentlemen, it has been often said that it takes the bravest and strongest to break loose from the ties of home, and kindred, and friends, and seek a fortune amid the dangers which surround a frontier existence. If there were no other proof of that fact, a knowledge of the people of this frontier, their character, their strength, their self-reliance, their integrity were enough to demonstrate the truth of the proposition.

It is rare that you ever see a man in Arizona who can not read and write. The uneducated do not go there. They are as capable of self-government as any people in the United States.

My constituency are largely young men, educated, progressive, pushing, energetic, self-reliant. They are not an ignorant people. They are not a people reckless of their lives and reckless of the Government. They are careful legislators, good men, and as good a body of people, taken as a whole, as exists anywhere.

The day of blood has passed away. Good order is kept in Arizona; better, in fact, than in most of the Eastern States. Title is no longer defended or maintained by Winchester rifles. The courts settle our questions of property. You rarely hear of petty larceny. People sleep with open doors, confident of awakening with their household goods intact. The murderer has quit his occupation there. Peace and good will have taken the place of strife and disorder.

Tombstone, which was once synonymous of everything bad, now boasts as peaceful a community as lives on the earth. The old times have passed away. A new day has come, and our people are justified in their prayer to be released from the degradation of Territorial bondage.

Peace and quiet are everywhere supreme. The cattle are herded on the plains; the miner prospects the mountains for hidden treasure; the farmer pursues his daily avocation with no deadly arms at his side and with no fear in his heart. Arizona's future is assured. Life and property are as safe there as in this city. Law is supreme. Her population, by every rule of virtue, education, property, patriotism, and industry, fills to the fullest measure every requirement of citizenship.

#### LANDS GRANTED THE STATE.

It will be observed that in both New Mexico and Arizona the committee has recommended that for common school purposes the United States grant the second, sixteenth, thirty-second, and thirty-sixth sections to the State. This, of course, is double what has heretofore been given in acreage, but the committee is of opinion that when the fact of the arid condition of the lands and the large amount of rugged non-productive mountains included in these sections is taken into consideration the grant will not more than equal in value the land aid Congress has given the other States.

The unoccupied land in Arizona is strictly arid. It can not be made productive without artificial irrigation, and this can not be had except at great cost of time and money. So it will be found that with the donation of land as recommended by the committee, the schools will receive no more aid than has heretofore been granted to other States. These strictly arid lands are absolutely worthless to the Government, unless it intends to assume the great expense of reclaiming them. This it is not apt to do. The State can best control them, especially when the profit shall be held a secure fund for the education of the children of a people who have shown their devotion to the common-school system by expending more money per capita for its support than any State or other Territory in the Union.

A bill to grant all the arid lands to the States and Territories in which such land is found has been favorably reported by a committee to this present Congress, and a careful perusal of that report will throw further light on the question here considered.

This question is also fully discussed in the report of this committee on the New Mexico admission bill, to which the attention of the House is called.

The physical condition of the land itself when well understood will reveal sufficient reason for the increased grant of acreage in Arizona.

Your committee therefore recommend the passage of the bill, being unable to discover any valid reason to keep this prosperous people longer under the burdensome and anomalous conditions incident to a Territorial government. She is, besides, being discriminated against, as there are States of the Union with less resources, population, and wealth.

The constitution of Arizona herewith presented, marked Exhibit A, was duly framed and adopted. By act of the last Territorial general assembly a law was passed under which delegates to a constitutional convention were elected on the 6th day of May, 1891. The convention assembled, with every member-elect save one present, on the 6th day of September, 1891. The constitution framed by the convention was submitted, as required by the act aforesaid, to the qualified electors of the Territory on the first Tuesday in December, and was ratified by over a two-thirds vote of the people. The constitution we find republican in form and not averse to the Constitution of the United States.

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### EXHIBIT A.

#### CONSTITUTION FOR THE STATE OF ARIZONA, AS ADOPTED BY THE CONSTITUTIONAL CONVENTION FRIDAY OCTOBER 2, 1891.

##### PREAMBLE.

We, the people of Arizona, grateful to the Supreme Being for our liberties, in order to form a more independent and perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Arizona.

##### ARTICLE I.

The powers of government of the State are divided into three distinct departments, the executive, the legislative, and judicial; and no person or collection of persons, belonging to one of these departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

##### ARTICLE II.

##### BILL OF RIGHTS.

SECTION 1. Governments are instituted among men for the security of life, liberty, and property, and derive their just powers from the consent of the governed; and to secure these ends, the right to alter or reform is inherent in the people.

SEC. 2. The union of the States of the United States of America is a bond of government supreme and indissoluble; the power of the General Government over any State or people to enforce obedience to the Constitution and laws, and to punish any violation of the same, is supreme and indisputable.

SEC. 3. The military shall at all times be in strict subordination to the civil power. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in the manner prescribed by law.

SEC. 4. The right of the people to keep or bear arms for their own defense, and that of the Government, shall not be infringed. The legislature shall have the power to regulate the wearing of arms to prevent crime.

SEC. 5. The civil rights of the people shall not be abridged except on conviction for crime.

SEC. 6. The right of the people to be secure in their persons, houses, papers, and effects shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person, or things to be seized.

SEC. 7. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, or by information based upon an affidavit as may be prescribed by law; except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any one be subject, for the same offense, to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property without due process of law.

SEC. 8. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county wherein the crime shall have been committed; to be informed of the nature and cause of the accusation by copy of the same; to be confronted with the witnesses against him; depositions of non-residents of the State, or invalid witnesses may be taken in the presence of himself and counsel as the law may prescribe; to have compulsory process for obtaining witnesses, in his favor, free, and to have the assistance of counsel for his defense.

SEC. 9. A person arrested shall immediately be taken before a magistrate having jurisdiction, to be dealt with according to law; before conviction he shall not suffer punishment or indignity beyond the necessary precautions to prevent escape or rescue; he shall be permitted to converse with counsel at all times, and with other persons at seasonable hours and under safe conditions.

SEC. 10. In suits at common law and in the trial of crimes, not felonies, the legislature may provide that a verdict be by concurrence of three-fourths of the jury.

SEC. 11. In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.

SEC. 12. All persons shall be bailable, by sufficient sureties unless for capital offenses when the proof is evident. This provision shall not be so construed as to prevent bail after indictment found, or information filed, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 13. The writ of habeas corpus is a writ of right and shall never be suspended. The legislature shall enact laws to render the remedy speedy and effectual.

SEC. 14. Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted.

SEC. 15. All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law.

SEC. 16. No bill of attainder or *ex post facto* law or law impairing the obligation of contracts shall be made. No conviction shall work corruption of blood or forfeiture of estate. The gold and silver coin of the United States shall be equally a legal tender for all debts and obligations contracted in this State, any contract to the contrary notwithstanding.

SEC. 17. No person shall ever be imprisoned for debt except in case of fraud.

SEC. 18. No person shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

SEC. 19. Perpetuities and monopolies are contrary to the genius of free government, and shall never be allowed. All grants of corporate or other franchises shall be subject to legislative control, repeal, or amendment.

SEC. 20. The people shall have the right in a peaceable manner to assemble together for their common good, and apply to those invested with the powers of government for redress of grievance or other purposes, by petition, address, or remonstrance.

SEC. 21. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be guaranteed in this State, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror because of his opinion on any matter of religious belief whatever; but the liberty of conscience herein secured shall not be construed so as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State.

SEC. 22. Bigamy and the practice of polygamy are felonies and persons found guilty of either shall be punished as those convicted of other felonies.

SEC. 23. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty.

SEC. 24. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an untrammeled exercise of the right of suffrage.

SEC. 25. No property qualifications shall ever be required for any person to vote or hold office.

SEC. 26. Private property shall never be taken or damaged, except for public use; and not then without due compensation therefor.

SEC. 27. The following are declared to be public uses: Private ways of necessity, and for reservoirs, drains, flumes, ditches, roads, railroads, tramways, telephone and telegraph lines, pipe lines, sewers, electric lines, and bucket lines, on or across the lands of others for the purpose of agriculture, mining, milling, domestic, live stock, or sanitary purposes.

SEC. 28. No lottery shall ever be permitted in this State.

SEC. 29. The right of way over mountain passes, and through cañons is granted to all upon such terms and regulations as may be prescribed by law.

SEC. 30. The railroads of this State are declared to be public highways.

SEC. 31. No person shall be imprisoned for the purpose of securing his testimony longer than may be necessary to take his deposition, and then only when he fails to give bail to attend the taking of said deposition. Depositions so taken, if in presence of a defendant and his counsel, may be used in evidence.

SEC. 32. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

SECTION 1. The executive department of this State shall consist of a governor, secretary of state, State auditor, State treasurer, attorney-general, and superintendent of public instruction, all of whom shall hold their offices for a term of four years, and until their successors shall be elected and qualified, each of whom shall, during his term of office, reside and keep his office and the public records and papers belonging thereto, at the seat of government.

SEC. 2. The chief executive power of the State shall be vested in the governor.

SEC. 3. No person shall be eligible to the office of governor who has not been a citizen of the United States for a period of ten years, and of this State or Territory for a period of four years prior to his election, and who has not attained the age of thirty years, prior thereto.

SEC. 4. The governor, secretary of state, State auditor, State treasurer, attorney-general, and superintendent of public instruction shall be elected by the qualified electors of the State at large at the time and place of choosing members of the legislature.

SEC. 5. The returns of each election therefor shall be made in such manner as is, or may be, prescribed by law. The person having the highest number of votes for each of the respective offices shall be declared duly elected thereto: but if two or more shall be equal and highest in votes for the same office, one of them shall be elected by the joint vote of both houses of the legislature, at its next session after the election at which such tie vote occurred, and a majority of the votes of all the members elected to both houses shall be necessary to a choice.

SEC. 6. The governor shall be commander-in-chief of the military forces of the State, except when they are called into service of the United States, and he may call out such forces to execute the laws, suppress insurrection, and repel invasion. He shall have power to convene the legislature on extraordinary occasions, and shall state the purposes for which the legislature is convened, and the legislature shall be limited in its actions, when so convened, to the purposes so stated. He shall, at the commencement of each session of the legislature, communicate to the same, by message, information of the condition of the State, and recommend such measures as he shall deem expedient.

SEC. 7. The governor may at any time require information or reports in writing, from the officers of the executive department, on any subject pertaining to the duties of their respective offices, and he may, also, at any time require information or reports in writing from all officers and managers of State institutions upon any subject, relating to the duties of their respective offices, the condition, management, and expenses of their respective offices and institutions, and all such reports or information in writing, hereinbefore named, shall be under oath. And the governor may, at any time he deems it necessary, investigate and report upon the condition of any executive office or State institution. And the governor shall

have power to require any of the officers above named, for good cause, to execute and file in the proper office, additional bonds, in such amount and in such manner as may be provided by law.

SEC. 8. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed.

SEC. 9. He shall have power to remit fines and forfeitures, and to grant reprieves, commutations, and pardons after conviction, except in cases of impeachment and treason, in such manner as may be prescribed by law, but he shall set forth in writing, fully, the grounds of all such remissions, reprieves, commutations, and pardons, and report the same to the legislature at its next session after the same are made.

SEC. 10. He shall transact all necessary business with the officers of the Government, civil and military, appertaining to business concerning the State.

SEC. 11. Every bill which has been passed by the legislature shall, before it becomes a law, be presented to the governor. If he approves it, he shall sign it; but if not, he shall return it to the house in which it originated, with his objections thereto, which house shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall be likewise reconsidered, and if it be approved by two-thirds of the members elected to that house, it shall become a law, but in all such cases the vote of the two houses shall be determined by the yeas and nays, and the names of the members of each house voting for and against the bill, shall be entered upon the journals of each house respectively. If any bills be not returned by the governor within ten days after its presentation to him, the same shall become a law, unless the legislature prevents its return by adjournment, in which case it shall become a law, unless he shall, within ten days after such adjournment, file the same, with his objections, in the office of secretary of state.

SEC. 12. The governor shall, by and with the advice and consent of the senate, appoint and commission all State officers whose election is not provided for herein or by law, and he may remove any officer appointed by him, or by him with the advice and consent of the senate. When any office from any cause becomes vacant, and no mode is provided by this constitution or by law for filling such vacancy, the governor shall have power to fill the same by appointment.

SEC. 13. If the governor be impeached, displaced, resign, or die, or from any other cause whatever shall become incapable, disqualified, or incompetent to perform the duties of his office, the secretary of state shall act as governor until such vacancy be filled, or the disability removed; and in case the secretary of state shall also be disqualified from performing such duties, then the president of the senate shall assume them and act as governor until the disability be removed, or the vacancy filled.

SEC. 14. Any governor of this State who asks, receives, or agrees to receive any bribe, upon any understanding that his official opinion, judgment, or action shall be influenced thereby, or who gives, or offers to give, or promises his official influence in any manner whatever, in consideration that any member of the legislature shall give his official vote or influence on any particular side of any subject or matter upon which he is required to act in his official capacity, or who menaces, or attempts to menace any such member by the threatened use of his veto power, or with the threatened use of his official power in any manner whatever, with the intent to influence the official action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and in addition thereto, upon conviction, shall forfeit all right to hold or exercise any office of trust or honor in this State.

SEC. 15. A seal of State shall be kept by the secretary of state, used by him officially or under his official sanction, and called the great seal of Arizona.

SEC. 16. All grants and commissions shall be issued "in the name and by the authority of the State of Arizona," signed by the governor and attested by the secretary of state, and sealed with the great seal of the State.

SEC. 17. The powers and duties of the secretary of state, State auditor, State treasurer, attorney-general, and superintendent of public instruction shall be such as are or may be prescribed by law.

SEC. 18. Until otherwise provided by law, the governor shall receive an annual salary of twenty-five hundred dollars; the secretary of state, two thousand dollars; the State auditor, one thousand dollars; the State treasurer, one thousand dollars; the attorney-general, one thousand dollars; and the superintendent of

public instruction, one thousand dollars; and the salaries of said officers or of any State or county officer shall not be increased or diminished during their term of office, and any and all fees and profits arising from any of said State offices shall be covered into the State treasury as may be provided by law.

#### ARTICLE IV.

##### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of representatives, which shall be designated the legislature of the State of Arizona.

SEC. 2. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this State, and who has not resided in this State at least two years and in the county or district six months next preceding his election.

SEC. 3. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of their counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of the inhabitants thereof. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice, nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution, shall consist of twelve and twenty-four members respectively.

SEC. 4. When vacancies occur in either house by death, resignation, or otherwise such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

SEC. 5. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of Congress, and their term of office shall begin on the first Monday of January thereafter.

SEC. 6. Each member of the first Legislature, as a compensation for his services shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite, or allowance whatever. No session of the Legislature after the first, which may be ninety days, shall exceed sixty days' duration, Sundays and holidays included, except in trials by impeachment. After the first session, the compensation of the members of the Legislature shall be as provided by law; but no Legislature shall fix its own compensation.

SEC. 7. The Legislature shall meet at the seat of government at 12 o'clock, noon, on the second Tuesday of January, next succeeding the general election provided by law, and at 12 o'clock noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

SEC. 8. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the State, and no member of Congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this State shall be a member of either house during his continuance in office.

SEC. 9. No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

SEC. 10. The senate shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members president. The house of representatives shall elect one of its members speaker. Each house shall choose its other officers and shall judge of the election returns and qualifications of its members.

SEC. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. Each house shall have the power to determine its rules of procedure and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member; and shall have all other powers necessary and usual in the Legislature of a free State; but no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 13. Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such part as requires secrecy, and the yeas and nays on any question shall, at the request of two members, be entered on the journal.

SEC. 14. The sessions of each house and of the committee of the whole shall be open, unless the business is such as requires secrecy.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. The members of the Legislature shall, in all cases except treason, felony, violation of their oaths of office, and breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 17. The sole power of impeachment shall rest in the house of representatives: the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the Senate, sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 18. The governor and other State and judicial officers, except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust, or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

SEC. 19. All officers, not liable to impeachment, shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 20. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either house, as to change its original purpose.

SEC. 21. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Arizona."

SEC. 22. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members; nor shall any bill have the force of a law until it has been read at length on three several days in each house; but in case of imperative public necessity, which necessity must be stated in a preamble, or in the body of the bill, two-thirds of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 24. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which subject shall be clearly expressed in its title, but if any subject is embraced in any act which is not expressed in its title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 25. No bill shall become a law, except by a vote of a majority of all the members elected to each House, nor, unless on its final passage, the vote be taken by ayes and nays and the names of those voting be entered on the journal.

SEC. 26. No law shall be revised or amended or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended, or extended shall be re-enacted and published at length.

SEC. 27. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, open-

ing, altering, or working roads or highways; vacating roads, town plats, streets, alleys, or public grounds; locating or changing county seats, regulating county or township affairs; the incorporation of cities, towns, or villages, or changing or amending the charters of any cities, towns, or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates, or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; the limitation of civil actions giving effect to any informal or invalid deed; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies, and loan and trust companies; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, per centages, or allowances of public officers; changing the law of descent; granting to any corporation, association, or individual the right to lay down railroad track or any special or exclusive privilege, immunity, or franchise whatever, or amending existing charter for such purpose; the punishment of crimes; changing names of persons or places; the assessment or collection of taxes; or law affecting estates of deceased persons, minors, or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State Treasury; relinquishing or extinguishing in whole or in part the indebtedness, liabilities, or obligations of any person or corporation to this State, or to any municipal corporation therein; legalizing, except as against the State, the unauthorized or invalid act of any officer; exempting property from taxation; restoring to citizenship persons convicted of infamous crime; authorizing the creation, extension, or impairing of liens; creating offices or prescribing the powers or duties of officers in counties, cities, townships, or school districts; or law authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature immediately after their titles have been publicly read and the fact of signing shall be at once entered upon the journal.

SEC. 29. The first legislature convened under this constitution shall have no more than seven clerks, two sergeants-at-arms, two pages, and two doorkeepers, whose compensation shall not exceed five dollars each per day. Said legislature shall prescribe by law the number and compensation of the officers and employés of each house, and no payment shall be made from the State treasury, or be in any way authorized to any such person except to an acting officer or employé elected or appointed in pursuance of law. No law passed increasing the number or compensation of employés shall take effect during the session in which it was passed.

SEC. 30. No bill shall be passed giving an extra compensation to any public officer, servant, or employé, agent or contractor after services have been rendered or contract made.

SEC. 31. All stationery, printing, paper, fuel, and lights used in the legislative and other departments of government shall be furnished and the printing and binding of the laws, journals, and department reports and other printing and binding and the repairing and furnishing of the halls and rooms used for the meeting of the legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract, and all such contracts shall be subject to the approval of the governor and State treasurer.

SEC. 32. Except as otherwise provided in this constitution no law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment, but this shall not be construed to forbid the legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

SEC. 33. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in case of other bills.

SEC. 34. The general appropriation bill shall embrace nothing but appropriations.

tions for the ordinary expenses of the legislative, executive, and judicial departments of the State, interest on public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 35. Except for interest on public debt money shall be paid out of the treasury only on appropriations by the legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

SEC. 36. No appropriation shall be made for charitable, industrial, educational, or benevolent purposes, to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 37. The legislature shall not delegate to any special commissioner, private corporation, or association any power to make, supervise, or interfere with any municipal improvements, moneys, property, or effect, whether held in trust or otherwise, nor to levy taxes, nor to perform any municipal functions whatever.

SEC. 38. No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians, or trustees in the bonds or stock of any private corporation.

SEC. 39. The legislature shall have no power to pass any law authorizing the State, or any county in the State or municipal corporation, to contract any debt or obligation in aid of any private enterprise, nor to give or loan its credit to or in aid of the same; but neither the State nor any political subdivision thereof shall be prohibited from loaning its credit or giving aid to the construction and maintenance of railroad, toll roads, street railways, canals, reservoirs, water works, sewers, or bridges; provided that the proposition to lend such aid shall first be submitted to a vote of the qualified electors of the political subdivision affected thereby, and two-thirds of those voting shall vote in favor thereof.

SEC. 40. Every order, resolution, or vote in which the concurrence of both houses may be necessary, except on the question of adjournment or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him or, on being disapproved, be repassed by two-thirds of both houses, as prescribed in the case of a bill.

SEC. 41. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

#### APPORTIONMENT.

SECTION 1. One Representative in the Congress of the United States shall be elected from the State at large, at the first general election under this constitution, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the legislature shall divide the State into Congressional districts accordingly.

SEC. 2. Until an apportionment of senators and representatives is otherwise provided by law, they shall be divided among the several counties of the State in the following manner: Apache County, one member of the senate and two members of the house of representatives; Coconino, one senator and one representative; Cochise, one senator and three representatives; Gila, one senator and one representative; Graham, one senator and two representatives; Maricopa, one senator and four representatives; Mohave, one senator and one representative; Pima, one senator and four representatives; Pinal, one senator and two representatives; Yavapai, one senator and three representatives; Yuma, one senator and one representative. And the several counties of the State shall elect one senator at large.

#### ARTICLE V.

##### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State of Arizona shall be vested in one supreme court, district courts, probate courts, justices of the peace, and such inferior courts for incorporated cities, towns, and villages as may be provided by law.

##### SUPREME COURT.

SEC. 2. The supreme court shall consist of three judges, and shall have original jurisdiction in quo warranto, in mandamus and habeas corpus, and appellate

jurisdiction in all other cases. One of said judges shall be chief justice; two shall constitute a quorum, and the concurrence of the two shall be necessary to every decision.

SEC. 3. The judges of the supreme court shall be elected by the qualified electors of the State at large, and, except the first election for judges under this constitution, said judges shall be elected at general elections.

SEC. 4. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.

SEC. 5. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years from the first Monday in January after the constitution takes effect. The lots shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the Territory and filed in his office, unless the secretary of the State of Arizona shall have entered upon the duties of his office, in which event said certification shall be filed therein. The judge having the shortest time to serve, not holding his office by election or appointment to fill a vacancy, shall be chief justice, and shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

SEC. 6. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof, and who shall hold their offices during the pleasure of the judges, and whose duties and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The legislature shall make provisions for the publication and distribution of the decisions of the supreme court and for the sale of the published volumes thereof.

SEC. 7. No person shall be eligible to the office of judge of the supreme or district courts unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Arizona three years next preceding his election and in the district one year.

SEC. 8. No duties shall be imposed by law upon the supreme court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

SEC. 9. The style of process shall be: "The State of Arizona." All prosecutions shall be carried on in the name and by the authority of the State of Arizona, and conclude: "against the peace and dignity of the State of Arizona." There shall be at least three terms of the supreme court in each year, as may be provided by law. Until the law does so provide, the court may, by an order entered of record, fix the time and places of such terms of court.

SEC. 10. Any vacancy happening, by death, resignation, or otherwise, in the office of judge of the supreme court, shall be filled by appointment by the governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.

SEC. 11. In case a judge of the supreme court shall be in any way interested in a cause brought before said court, the remaining judges of said court shall call one of the district judges not interested to sit with them on the hearing of said cause.

#### DISTRICT COURTS.

SEC. 12. Until otherwise provided by law, the State shall be divided into three judicial districts. The counties of Graham, Cochise, and Pima shall constitute the first district; the counties of Yuma, Maricopa, Gila, and Pinal shall constitute the second district, and the counties of Mohave, Yavapai, Coconino, and Apache shall constitute the third district.

SEC. 13. One judge shall be elected from each district, who shall hold his office for a term of four years. The term of the first district judges elected under this constitution shall terminate four years after the first day of January after this constitution takes effect.

SEC. 14. The district courts shall have original general jurisdiction of all causes in law and equity, and such appellate jurisdiction as may be provided by law, and shall hold at least two terms each year in each county.

SEC. 15. Appeals and writs of error shall be allowed from the district courts to the supreme court from all final determinations and from all determinations affecting substantial rights.

SEC. 16. Any judge of the supreme court may, in case of emergency, sit as a district judge. A judge of the district court shall be designated by the supreme court to sit in the supreme court, to hear and determine appeals from causes heard before a judge of the supreme court sitting as a district judge.

SEC. 17. The compensation of the supreme judges shall be \$4,000, and district judges \$3,500 per annum.

SEC. 18. The legislature may provide that at the end of the first term of office of district judges herein provided the number of judicial districts may be increased by one. An increase may be made thereafter, but not before four years have elapsed since the last increase and by not more than one district at the time. Each increase shall be only when two-thirds of each house shall concur therein. Such increase of districts shall not affect the official term of any judge. Elections for judges of such new districts shall be only when the judges of the other districts are elected.

SEC. 19. A judge of the supreme or district court shall not practice law in any court.

#### PROBATE COURTS.

SEC. 20. There shall be established in each county a probate court, which shall be a court of record, open at all times, and holden by one judge elected by the electors of the county, and whose term of office shall be two years.

SEC. 21. The probate court shall have original jurisdiction in all probate and testamentary matters, the appointment of administrators and guardians, the settlement of accounts of executors, administrators, and guardians, and such other probate jurisdiction as is now or may be conferred upon it, and in proceedings for the collection of taxes and assessments: *Provided*, That the legislature may, by local or general law, increase the jurisdiction of probate courts as follows, to wit: By giving said court in any county concurrent jurisdiction with the district court in all actions at law where the amount in controversy does not exceed \$1,000, and where the title to real estate is not in question, and in all criminal actions below the grade of felony.

SEC. 22. Appeals from all matters of probate shall be to the district court, where the trial shall be *de novo*.

SEC. 23. The qualifications of the judges of probate courts in counties where the jurisdiction of said courts shall have been increased, shall be the same as those of a district judge, except that he shall be a resident of the county at the time of his election.

#### JUSTICES OF THE PEACE.

SEC. 24. The legislature shall provide for the election of justices of the peace in each county in this State. They shall have jurisdiction in all actions at law where the amount in controversy, exclusive of costs, does not exceed \$300, and where the title to real estate is not in issue, and shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law.

SEC. 25. Appeals may be taken to either the district court or the probate court, as may be provided by law. Such actions on appeals shall be tried *de novo*.

SEC. 26. Until otherwise provided by law, the judges of the district court by an order entered of record in each county, may fix the time of holding court in each county. The district court shall always be open for business when the judge is present in court.

SEC. 27. There shall be elected in each county a district attorney, who shall be learned in the law, and who shall hold his office for a term of two years, the first term ending two years after the first day of January after this constitution takes effect, and who shall perform such duties and receive such compensation as may be prescribed by law.

#### ARTICLE VI.

##### TAXATION AND REVENUE.

SECTION 1. The fiscal year shall commence on the first Monday in June in each year, unless otherwise provided by law.

SEC. 2. All lands and improvements thereon shall be listed for assessment, valued for taxation, and assessed separately, except as hereinafter provided.

SEC. 3. For State revenue there shall be levied annually a tax not to exceed three (3) mills on the dollar of the assessed valuation of the property in the State, except for the support of State, educational, and charitable institutions, the payment of the State debt, and the interest thereon.

SEC. 4. For county revenue there shall be levied annually a tax not to exceed two per centum on the dollar for all purposes, including general school tax, except for the payment of its public debt and the interest thereon and exclusive of State revenue. An additional tax of \$2 for each male person between the ages of 21 years and 60 years, inclusive, shall annually be levied for county school purposes, unless otherwise provided by law.

SEC. 5. No incorporated city or town shall levy tax to exceed 8 mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

SEC. 6. There shall be annually assessed and collected in the same manner as other State revenue may be assessed and collected, and returned to the State treasurer, a tax of one mill upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, viz: The fund so created shall be kept separate and shall, annually, on the first day of January, be apportioned and paid over pro rata upon all such State indebtedness as may for that purpose be presented by the holders of the same, to be entered as a credit upon, and to that extent, in extinguishment of the principal of said indebtedness. If no indebtedness be presented the fund shall be a sinking fund to be devoted to the extinguishment of the principal of the State debt. When sufficient money has been accumulated in the sinking funds to liquidate outstanding indebtedness this section shall cease to be operative. And there shall be annually assessed and collected in each county whose debt exceeds in the aggregate fifty thousand (\$50,000) dollars, in like manner, a tax of one-half mill, as aforesaid, the fund to be applied in the same way in extinguishment of county debts. The legislature may provide by law for the investment of any balances of the sinking funds in the State and county securities until the funds can be devoted to extinguishment of the indebtedness.

SEC. 7. The State treasurer shall keep a separate account of each fund in his hands, and shall, at the end of each quarter of the fiscal year, report to the governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Willfully swearing falsely to any such report shall be deemed perjury. The governor shall cause every such report to be immediately published in at least one newspaper, printed at the seat of government, and otherwise as the legislature may require. The legislature may provide by law for further regulations for the safe keeping and management of the public funds in the hands of the treasurer. But notwithstanding any such regulations the treasurer and his sureties, in all cases, shall be held responsible therefor.

SEC. 8. The making of profit, directly or indirectly, out of State, county, city, town, school district, or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 9. There shall be a State board of equalization, composed of the secretary of state, State auditor, and treasurer. The duties of the State board of equalization shall be to assess and equalize, at their actual value, the franchises, roadways, roadbeds, rails and rolling stock, and all other property used in the operation of all railroads and other common carriers, except machine shops, rolling mills, hotels, and station houses in this State, which shall be assessed by the local assessor in the several counties where situated. Such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property: *Provided*, That the assessment so made shall not apply to incorporated towns and cities. Said board shall perform such other duties as may be prescribed by law.

SEC. 10. There shall be a county board of equalization in each county of this State, composed of the board of supervisors of the respective counties. The duty of the county board of equalization shall be to adjust and equalize valuations of property made, listed, and reported by the assessor of the respective counties, and such other duties as may be prescribed by law.

SEC. 11. All property except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal. License taxes shall be as hereafter provided by law.

SEC. 12. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations, public libraries, lots with the buildings thereon used exclusively for religious worship, and public cemeteries, shall be exempt from taxation, and such other property as the legislature by a two-thirds vote of each house may by general law provide.

SEC. 13. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 14. The power of taxation shall never be surrendered or suspended, by any grant or contract to which the State or any county or other municipal corporation shall be a party.

## ARTICLE VII.

### PUBLIC INDEBTEDNESS.

SECTION 1. The State of Arizona shall not in any manner create any indebtedness, excluding debts existing at the adoption of this constitution, exceeding one per centum on the assessed value of the taxable property in the State, as shown by the last general assessment for taxation preceding, except to suppress insurrection or to provide for the public defense.

SEC. 2. No debt in excess of the taxes for the current year shall in any manner be created in the State of Arizona, unless the proposition to create such debt shall have been submitted to a vote of the people, and by them approved, except to suppress insurrection or to provide for the public defense.

SEC. 3. No county in the State of Arizona shall in any manner create any indebtedness, excluding debts existing at the adoption of this constitution, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment preceding: *Provided, however,* That any county, city, town, village, or other subdivision of the State of Arizona, may bond its public debt existing at the time of the adoption of this constitution.

SEC. 4. No debt in excess of the taxes for the current year shall in any manner be created by any county or subdivision thereof, or any city, town or village, or any subdivision thereof, in the State of Arizona, unless the proposition to create such debt shall have been submitted to a vote of the people thereof, and by them approved.

SEC. 5. No city, town or village, or any subdivision thereof, or any subdivision of any county of the State of Arizona, shall in any manner create any indebtedness exceeding two per centum on the assessed value of the taxable property therein: *Provided, however,* That any city, town or village may be authorized to create an additional indebtedness not exceeding four per centum on the assessed value of the taxable property therein, as shown by the last preceding general assessment for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town, and the debt existing at the time of the adoption of this constitution, are excepted from the operation of this section.

SEC. 6. No money shall be paid out of the State treasury except upon appropriation by law and a warrant drawn by the proper officer, and no bills, claims, accounts, or demands against the State, or any county or political subdivision thereof shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

SEC. 7. No bond or evidence of indebtedness of the State shall be valid unless the same shall have indorsed thereon a certificate signed by the auditor and secretary of state, that the bond or evidence of debt is issued pursuant to law, and is within the debt limit. No bond of any county, or bond of any township, or other political subdivision, shall be valid unless the same shall have indorsed thereon a certificate signed by the chairman of the board of supervisors, or other officer authorized by law to sign such certificate, stating that said bond is issued pursuant to law, and is within the debt limit.

## ARTICLE VIII.

### EDUCATION.

SECTION 1. The legislature at its first session after the adoption of this constitution, shall establish and maintain a uniform system of free common schools.

SEC. 2. The schools shall be open to all children of the State of Arizona, excepting the children of Indians not taxed.

SEC. 3. All common schools, universities, and other educational institutions, for the support of which lands have been granted to the State, or which are supported by a public tax, shall remain under the absolute and exclusive control of the State, and no money raised for the support of the public schools of the State shall be appropriated or used for the support of any educational institution, wholly, or in part, under sectarian or ecclesiastical control. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student. No sectarian or religious tenets or doctrines shall ever be taught in the public schools, nor shall any books, papers, tracts, or documents of a political, sectarian, or denominational character be used or introduced in any school established under the provisions of this article. All public school exercises in the State shall be conducted in the English language, and all teachers employed in the educational institutions under the control of the State shall be citizens of the United States.

SEC. 4. The general supervision of the common schools of the State shall be vested in a board of education, consisting of the governor, the superintendent of public instruction, and the State treasurer, the powers and duties of which shall be prescribed by law, and who shall serve as such board without compensation.

SEC. 5. A superintendent of public instruction shall be elected, whose term of office, powers, duties, and compensation shall be prescribed by law.

## ARTICLE IX.

### COMMON SCHOOL FUNDS AND LANDS.

SECTION 1. All proceeds of the public lands that have heretofore been, or may be hereafter, granted by the United States for the support of the school system in this State; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the State by escheat; the proceeds of any gifts and donations to the State for the common schools, not otherwise appropriated by the terms of the gift; all moneys which shall be paid by persons as an equivalent for exemption from military duty; together with such other means as the legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of the common schools: *Provided*, That the proceeds of all lands that have heretofore, or may hereafter be appropriated or granted for the maintenance of the University of Arizona, shall be inviolably applied to the specific use of the original grant: *Provided*, That the proceeds of all lands that have been heretofore, or may hereafter be appropriated or granted for the maintenance of Territorial normal schools, shall be inviolably applied to the specific use of the original grant.

SEC. 2. The legislature shall provide for the disposal of the lands heretofore granted or which may hereafter be granted to the State for educational purposes, by lease and sale, the proceeds of which shall constitute a permanent and inviolate fund, the interest of which, only, shall be used, and for the equitable distribution of such interest within the counties of the State, in proportion to the children of school age thereof. Said proceeds, with any unexpended interest, or rental, shall be invested in bonds of the United States, bonds of the State of Arizona, bonds of school corporations, or in first mortgage on farm lands within the State, not exceeding in amount one-third the actual value of any subdivision on which the same may be loaned.

SEC. 3. The custodians of said funds shall be the same as provided by law for State and county funds, and any losses shall be made good by the State, principal and interest.

SEC. 4. The State board of education shall cause all the lands to be appraised by sworn appraisers, part of whom at least shall be residents of the county wherein the lands to be appraised are situate, and after all such lands shall have been appraised, said board shall designate for sale such lands as they may think most advantageous for the public interest to be sold, and classify the same by the uses to which they may be applied. But not more than one-fourth of the lands belonging to any one of the said classes shall be sold during any period of five years, commencing with the date on which this constitution goes into effect.

SEC. 5. The legislature shall prescribe by law the limit to the quantity of land which may be leased or sold to any one individual, company, or corporation, and no laws shall ever be passed granting to any person, corporation, or association any privilege, by reason of occupation or cultivation of any school lands by said person, corporation, or association, subsequent to the survey thereof of the

General Government. No claim for the occupation or cultivation of any school lands shall ever be recognized, nor shall such occupation or cultivation of any school lands ever be used to diminish, either directly or indirectly, the sale or rental value of said lands. But the said board shall cause to be appraised the permanent improvement made on any school lands, and the value of the land separately. When such land is sold the purchaser thereof, in addition to the value of the land paid to the State, shall pay to the owner of such permanent improvements the amount of their appraised value. The owner of such permanent improvements shall have the option to become the purchaser of said lands at the highest offered price and on such terms as the legislature may by general law provide.

SEC. 6. No land shall be leased for a period longer than ten years, nor shall any land be sold for less than the appraised value, and in no case for less than \$10 per acre, unless otherwise provided in the enabling act admitting Arizona as a State, nor shall any land be sold or leased in any other manner than at public auction, and in accordance with such rules and regulations as may be prescribed by law.

## ARTICLE X.

### SUFFRAGE.

SECTION 1. Every male citizen of the United States of the age 21 years and upwards (except idiots, lunatics, soldiers, seamen, or mariners in the Army or Navy of the United States, Indians not taxed, and persons convicted of any infamous or capital crime), who has resided in the State or Territory one year and in the county wherein such residence is located ninety days next preceding any election, shall be entitled to vote at such election: *Provided*, That in school elections there shall be no denial of the elective franchise on account of sex.

SEC. 2. Nothing herein shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution.

SEC. 3. The legislature shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature and sound mind not convicted of any capital or infamous crime, without regard to sex. But no law extending or restricting the right of suffrage shall be enforced until adopted by a majority of the electors of the State voting at a general election.

SEC. 4. The mode and manner of holding elections and making returns thereof shall be as they now are, or may hereafter be prescribed by law.

## ARTICLE XI.

### SEAT OF GOVERNMENT.

The seat of government shall be and remain permanent at the city of Phoenix, in the county of Maricopa, until otherwise ordered by a two-thirds ( $\frac{2}{3}$ ) vote of the legislature and a majority vote of the people legally authorized to vote at any general election. Whenever the question of removal shall have been submitted to the people as herein provided, it shall not again be submitted until after the term of ten (10) years, and in the manner herein prescribed.

## ARTICLE XII.

### MILITIA.

SECTION 1. The militia of the State shall consist of all able-bodied male citizens of the State between the ages of 18 and 45 years, except such as are exempted by the laws of the United States or the State. But all citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature may provide by law for the enrollment, equipment, and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commission for such period of time as the legislature may provide.

SEC. 4. No military organization under the laws of the State shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

## ARTICLE XIII.

## NAME AND BOUNDARY.

SECTION 1. The name of this State shall be "Arizona."

SEC. 2. The boundaries of this State are, and shall remain as follows: Beginning at the southwest corner of the State of Colorado, the same being the northwest corner of the Territory of New Mexico as established by act of Congress February 24, 1863; thence west with the thirty-seventh parallel of north latitude to its intersection with the east boundary line of the State of Nevada; thence south with that boundary line to its intersection with the center of the Colorado River; thence following down the center of said river to a point on the boundary line established by treaty between the United States and the Republic of Mexico, dated December 30, 1853; thence easterly, following said treaty line to its intersection with 109 degrees 2 minutes 59 seconds 25-100 of longitude west of Greenwich; thence north with that degree to the place of beginning.

SEC. 3. There shall be a seal of the State, which shall be kept by the secretary of state, and shall be called the "Great seal of the State of Arizona," and the seal of the Territory of Arizona shall be the seal of the State until otherwise provided by law.

## ARTICLE XIV.

## COMPACT WITH THE UNITED STATES.

SECTION 1. The State of Arizona is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

SEC. 2. The legal debts and liabilities of the Territory shall be assumed and paid by this State.

SEC. 3. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and the said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands or other property belonging to citizens of the United States residing without this State, shall never be taxed at a higher rate than the lands or other property belonging to residents thereof; that no tax shall be imposed by the State on lands or property therein, belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein shall preclude the State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person or source, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted, from taxation; but all such lands shall be exempt from taxation by this State so long and to such extent as such act of Congress may prescribe.

## ARTICLE XV.

## COUNTY GOVERNMENT.

SECTION 1. The several counties in the Territory of Arizona as they shall exist at the time of the admission of said Territory as a State, are hereby declared to be the counties of the State of Arizona.

SEC. 2. The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily, and changing county lines; but no new county shall be formed that does not contain at least one thousand square miles, and shall leave the county or counties from which it is formed to contain not less than one thousand square miles each, and that shall also contain within the limits of said new county property of the value of one million dollars as shown by the last preceding tax returns; and not then unless the old county or counties from which it is formed shall each be left to contain at least one and one-half million dollars of taxable property as shown by said last tax returns. And no new county shall be organized nor shall any old county be so reduced as to contain a population of less than fifteen hundred actual and bona fide inhabitants.

SEC. 3. Every new county shall assume and be holden for its pro rata of the indebtedness of the county or counties from which it may be formed.

SEC. 4. The legislature shall establish, subject to this article, a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township and precinct organizations and government.

SEC. 5. The legislature shall provide by general and uniform laws for the election, biennially, in each of the several counties of this State, of a board of supervisors, a sheriff, who shall be *ex officio* tax assessor until otherwise provided by law.

A county treasurer, who shall be *ex officio* tax collector until otherwise provided by law.

A probate judge, who shall be *ex officio* county superintendent of public schools.

A county clerk, who shall be clerk of the district court and county recorder until otherwise provided by law, and a district attorney.

The legislature shall provide for the strict accountability of county, township, precinct, and municipal officers for all money and fees which may be collected by them or shall officially come into their hands.

SEC. 6. The sheriff, clerk, and *ex officio* recorder may be empowered by the county board of supervisors to appoint such deputies and clerical assistance as the business of their offices may require; and said deputies and clerical assistance shall receive such compensation as may be fixed by the board of supervisors.

SEC. 7. The officers provided for herein shall receive such compensation for their annual services as may be provided by law.

SEC. 8. The legislature shall provide by general law for such regulation of county government and the election and compensation of such county officers as may become necessary.

## ARTICLE XVI.

### STATE INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other public institutions as the public good may require, may be established, and shall be maintained and controlled by the State, in such manner, and under such regulations, as may be prescribed by law.

SEC. 2. All property and institutions of the Territory of Arizona shall, upon the adoption of this constitution, become the property and institutions of the State of Arizona.

## ARTICLE XVII.

### CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity, except such corporations or grantees whose time to organize under their charter or grant has not expired at the time of the adoption of this constitution.

SEC. 2. No charter of incorporation shall be granted, extended, changed, or amended by special laws; but the legislature shall prescribe by general law for the organization of all corporations, private, public, and municipal, hereafter to be created.

SEC. 3. The legislature, in addition to the powers granted in this constitution, shall provide by law the method whereby the court may revoke or annul any charter or incorporation existing and revokable at the time this constitution goes into effect, or that may thereafter be created, whenever it may be injurious to the citizens of the State, and in such manner that no injustice be done to the corporators or creditors.

SEC. 4. Any association or corporation organized for the purpose, shall have the right to construct and operate railroads, telegraph lines, or canals for carrying water, between any designated points within this State.

SEC. 5. All individuals, associations, or corporations shall be given equal rights of transportation by common carriers, and no undue or unreasonable discrimination shall be made in charges or facilities of said transportation by such common carrier.

SEC. 6. The right of eminent domain shall never be abridged or construed so as to prevent the legislature from taking the property and franchise of incor-

porations and subjecting them to public use the same as the property of the individual citizen.

SEC. 7. All fictitious increase of capital stock or indebtedness of corporations shall be void.

SEC. 8. Any corporation existing under the laws of the Territory prior to the adoption of this constitution may, by resolution of its directors, authenticated by the signatures of its officers and seal, elect to come under and enjoy the conditions and advantages of this article by filing said resolution in the office of the secretary of state.

SEC. 9. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits of money after he shall have knowledge of the fact that such banking institution is insolvent shall be individually responsible for such deposits so received and shall be punished criminally.

SEC. 10. All corporations shall always be subject to the power of the State.

#### ARTICLE XVIII.

##### WATER AND WATER RIGHTS.

SECTION 1. All natural streams and lakes within the boundaries of this State capable of being used for the purposes of navigation or irrigation are hereby declared to be the property of the State.

SEC. 2. The common-law doctrine of riparian water rights shall never be applied in this State, nor shall the right to use water heretofore lawfully appropriated to beneficial uses ever be denied.

SEC. 3. The right of the people to appropriate and use the unappropriated waters of this State for beneficial purposes shall never be denied; priority of appropriation shall give the better right always.

SEC. 4. The right of individuals or corporations to construct reservoirs and impound and appropriate the surplus and flood waters in this State, for sale, rental, domestic, stock, or any beneficial purpose, shall never be denied. The first locator of a reservoir right shall have priority. A failure to construct reservoirs and canals within a reasonable time after location, and a failure to use reasonable diligence to maintain the same so as to supply water, shall be held to work a forfeiture of such right.

SEC. 5. Every appropriator of water shall use the same reasonably and economically.

SEC. 6. The mode and manner of acquiring and exercising all of said rights shall be subject to legislative control.

SEC. 7. The legislature shall have power to authorize the organization of districts and the creation of a debt for the construction or purchasing of dams, canals, and ditches and other appliances required to supply water to land in said districts; but such debt, principal and interest, shall subject only the lands benefited or reclaimed to taxation to pay the same.

SEC. 8. The legislature shall pass laws requiring the owner or owners of every ditch or canal from which water is rented or sold to other parties, to use reasonable diligence in keeping such ditch or canal in such good condition and repair as to supply the water required.

#### ARTICLE XIX.

##### FORESTRY.

The legislature shall enact laws to prevent the destruction of and to preserve the forests on the lands of the State, and upon any part of the public domain, the control of which may be conferred by Congress upon this State.

#### ARTICLE XX.

##### LABOR.

Eight hours shall constitute a day's labor on all State works.

#### ARTICLE XXI.

##### AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if same shall be agreed to by a majority of the members of each of the two houses, voting separately, such pro-

posed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least six consecutive weeks prior to said election in not less than one newspaper of general circulation published in each county; and if a majority of the electors shall ratify the same, such amendment or amendments shall become part of this constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

SEC. 3. Whenever a majority of the members elected to each branch of the legislature shall deem it necessary to call a convention to amend or revise this constitution, they shall submit the proposition to the next succeeding legislature, and if a majority elected to each branch of that legislature shall concur therein, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members not less than double the number of the most numerous branch of the legislature.

SEC. 4. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

## ARTICLE XXII.

### SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities, and obligations against the Territory of Arizona, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government.

And all process which may, before the organization of the judiciary department under this constitution, be issued under the authority of the Territory of Arizona, shall be as valid as if issued in the name of the State.

SEC. 2. All property, real and personal, and all moneys, credits, claims and choses in action belonging to the Territory of Arizona at the time of the adoption of this constitution shall be vested in and become the property of the State of Arizona.

SEC. 3. All laws now in force in the Territory of Arizona, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or shall be altered or repealed by the legislature.

SEC. 4. All fines, penalties, forfeitures, and escheats accruing to the Territory of Arizona, shall accrue to the use of the State.

SEC. 5. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department, under this constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds obligations, or other undertakings executed to this Territory, or by any officer in his official capacity, shall pass over to the proper State authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 6. All officers, civil and military, holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until the State government becomes operative under this constitution.

SEC. 7. This constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this Territory, at an election to be held on the first Tuesday in December, A. D. 1891. Said election, as nearly as may be, shall be ordered and conducted in all respects in the same manner as provided by the laws of the Territory, except that persons entitled to vote for or against the adoption of this constitution, shall be as follows, to-wit: All male persons over twenty-one years of age, excluding Indians not taxed, who shall not have been convicted

of any capital or infamous crime, and who shall be citizens of the United States, and who shall have actually resided in the Territory for sixty days, and in the county for ten days next preceding the election. No registration of electors shall be required for the purpose of voting at the election herein provided for. The governor of the Territory shall make proclamation of the time of the submission of this constitution to the electors of the Territory at least thirty (30) days before the time fixed for submission, and he shall cause said proclamation to be published in at least one newspaper published in each county of the Territory. At the said election the ballots shall be in the following form: "For the Constitution, 'Yes,' 'No.'" Any person may have printed or written on his ballot only the words "For the Constitution" or "Against the Constitution," and such ballots shall be counted for or against the constitution accordingly. All votes cast at such election for or against said constitution shall be counted and returned to the Secretary of the Territory in the same manner as votes for delegates to Congress, and he shall canvass and make known the result within forty days after said election, and the governor is required to declare the result of the vote cast and returned, on the adoption or rejection of the constitution, by proclamation, when the same is certified to him by the secretary of the Territory.

SEC. 8. This constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

SEC. 9. Immediately upon the admission of the Territory as a State, the governor of the Territory, or, in case of his absence or failure to act, the secretary of the Territory, or, in his absence or failure to act, the president of this convention shall issue a proclamation which shall be published and a copy thereof mailed to the chairman of the board of supervisors of each county, calling an election by the people for all State, district, and other officers, created and made elective by this constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than ninety days after the admission of the Territory as a State.

SEC. 10. The boards of supervisors of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given in the manner and for the length of time provided by the laws of the Territory in cases of general elections for Delegates to Congress, and county and other officers. Every qualified elector of the Territory who shall have been registered at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

SEC. 11. The governor, secretary of the Territory, and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for members of Congress, judges of the Supreme Court, all State and district officers and members of the legislature. The said board shall assemble at the seat of government of the Territory on the thirtieth (30) day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all State and district offices, judges of the supreme court and members of the legislature, in the manner provided by the laws of the Territory for canvassing the vote for Delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the secretary of the Territory an abstract certificate by them, of the number of votes cast for each person for each of said offices and of the total number of votes cast in each county.

SEC. 12. All officers elected at such election, except members of the legislature, shall, within thirty days after they have been declared elected, take the oath required by law, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory or district, and shall thereupon enter upon the duties of their respective offices, except as otherwise provided in this constitution, but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. The governor-elect of the State immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of said proclamation. Within ten days after the organization of the legislature, both houses of the legislature shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Arizona. At said election the two persons who shall receive the majority of

all votes cast by said senators and representatives shall be elected as such United States Senators, and shall be so declared by the presiding officers of both houses.

The presiding officers of the senate and house shall issue a certificate to each of said Senators certifying his election, which certificates shall also be signed by the governor and attested by the secretary of state.

SEC. 14. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

SEC. 15. Whenever any two of the judges of the supreme court of the State, elected under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory on appeal or writ of error from the district court of any county or subdivision within the limits of this State, and the papers, records, and proceedings of said court, shall pass into the jurisdiction and possession of the supreme court of the State, except as otherwise provided in the enabling act of Congress, and until so suspended, the supreme court of the Territory, and the judges thereof, shall continue with like power and jurisdiction, as if this constitution had not been adopted.

Whenever the judge of the district court of any district, elected under the provisions of this constitution, shall have qualified in his office, the several causes then pending in the district court of the Territory within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county, except as provided in the enabling act of Congress; until so suspended the district court and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

SEC. 16. The first regular election that would otherwise occur following the first session of the first legislature, shall be omitted, and all county and precinct officers elected at the first election held under this constitution, shall hold their offices for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

SEC. 17. If the first session of the legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

SEC. 18. Members of the legislature and all State officers, district and supreme judges elected at the first election held under this constitution, shall hold their respective offices for the full term next ensuing such election in addition to the period intervening between the date of their qualifications and the commencement of said full term.

SEC. 19. All county and precinct officers who may be in office at the adoption of this constitution shall hold their respective offices for the full term for which they may have been elected and until such time as their successors may be elected and qualified as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though the constitution had not been adopted.

SEC. 20. In behalf of the people of Arizona, we, in convention assembled, have framed this constitution, and hereby submit the same to the qualified electors of the Territory.

Done in open convention, at the city of Phoenix, in the Territory of Arizona, this 2d day October, A. D. 1891.

W. A. ROWE, *President*,  
 H. N. ALEXANDER,  
 J. W. ANDERSON,  
 ALONZO BAILEY,  
 WILLIAM HENRY BARNES,  
 BEN M. CRAWFORD.  
 GEORGE W. CHEYNEY,  
 THOMAS DAVIS,  
 FOSTER S. DENNIS,  
 THOMAS GATES,  
 W. A. HARTT,

JOHN HUNT,  
 WILLIAM HERRING,  
 FRANK H. HEREFORD,  
 T. C. JORDAN,  
 ART McDONALD,  
 THOMAS G. NORRIS,  
 A. M. PATTERSON,  
 MARCUS A. SMITH,  
 MARSHALL H. WILLIAMS,  
 J. F. WILSON,

Attest: ALLEN C. BERNARD, *Secretary*.