

Arizona Constitutional Convention (1910) [2023  
Edition]

Quill Project

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**Part I**

**Introduction**



## 0.1 Editor's Introduction

The Constitution of Arizona (1910) was written from October to December of 1910. Following the Arizona-New Mexico Enabling Act of 1910, 52 delegates from twelve counties met in Phoenix to draft the state's foundational text.

Rather than starting with single, coherent set of propositions (such as the Virginia Plan in the 1787 Federal Constitutional Convention), the Arizona Convention approached constitution-writing with a more open proposition format. Individual delegates presented propositions on specific subjects, which were numbered and referred to standing committees established to consider the propositions relevant to their subject of expertise. These committees prepared reports on the propositions in which they recommended indefinite postponement, adoption, amendment, or a substitute proposition on the same subject. These reports were then referred to the Convention to be taken up in the Committee of the Whole. The Committee of the Whole considered the standing committee reports and drafted its own reports to either adopt the recommendation of the standing committee report or to offer its own recommendation. The Convention then voted to adopt or reject the Committee of the Whole recommendation. If the proposition was not indefinitely postponed at this stage, it was referred to the Committee on Style to be amended and/or engrossed. If the Convention approved these changes, the proposition returned to the Committee on Style for incorporation into the draft Constitution.

To construct the Quill timeline, the editors consulted a number of primary sources, including the *Records of the Constitutional Convention*, the *Minutes of the Arizona Constitutional Convention*, and the *Arizona Republican*. A full list of source materials can be found on the "Full Record" view. Where relevant, multiple sources have been used to corroborate the events in a timeline. Future iterations of this project could incorporate the accounts of the proceedings published in other contemporary newspapers as well.

From these sources, the editors have reconstructed a robust view of the daily proceedings of the Convention and the Committee of the Whole. As is common of state constitutional conventions, the standing and select committee records do not survive. In many cases, the only evidence of a committee's proceedings is the text of its final report as it was entered onto the journal of the Convention. In these instances, the committee sessions have been recreated based on reports and debates that were delivered in the Convention. In order to avoid implying that sittings occurred on days where there is no evidence to suggest that was the case, the standing committee sessions have been created to align with the days on which they reported to the Convention.

Much to the particular disappointment of modern scholars on the Arizona Constitution, the records of the Committee on Style are missing. Based on the debate in the *Records of the Arizona Constitutional Convention*, it is clear that the committee made a number of substantive changes to several propositions after their final reading. However, the substance of these changes does not survive.

The lack of reports as well as intermediary copies of propositions and the draft Constitution necessitated some difficult editorial choices. For example, the editors chose not to represent the engrossment of propositions. Rather, the text is shown as engrossed as the articles of the draft Constitution are adopted. These editorial decisions are indicated by editors' notes within the timeline.

To create the draft of the Constitution, the editors compared the text of the agreed propositions with the text of the version of the Constitution that was signed by the delegates and the amendments described in the Records and the Minutes. The amendments agreed by the Convention were subtracted from the text of the final version and supplemented with the texts of the propositions as modelled in Quill in order to arrive at an iteration of a draft. Upon close reading of the Records, it is clear that the individual articles of the draft came up for consideration as they returned from the printer. The editors have attempted to re-create the order and groupings in which the articles were presented to the Convention by proposing the Constitution in a four-part draft.

An interesting finding that resulted from this exercise is that the Committee on Style did not include the entire texts of the agreed propositions in the draft. Certain provisions, such as Section 29 of Substitute Proposition Number 94 on the right of workers to organize, were excluded from the draft by the committee. This proposition was eventually incorporated into the Constitution as Article II.

The Arizona Constitutional Convention was uniquely fragmentary in its proposition format and utilized an exceptionally complicated committee approach. Over 150 propositions and pieces of proposed constitutional text filtered through the various committees of the Convention. This procedure is captured in a document event's "Related Events" tab. A more general overview of documents' journeys throughout the Convention is provided by the "Calendar View". LD Senior Documentary Editor Quill Project Pembroke College, Oxford. February 2023.

## 0.2 How to use this work

This text is a companion to the digital editions published by the *Quill Project* ([www.quillproject.net](http://www.quillproject.net)). This PDF contains the various source materials used to construct the digital editions, laid out by committee and committee session.

Throughout the work, quick-jump codes are included (e.g. 'e948421'). When typed into the web interface for the project, these provide a quick way to locate the relevant resource.

The online interface provides visualizations of the texts under discussion, search tools to find the origin of particular phrases, and tools to evaluate the relative contribution of particular individuals, amongst other resources.



## Part II

### Sources used for this edition



- *Statutes at Large, Volume 36*
- *The Records of the Arizona Constitutional Convention of 1910*
- *The Minutes of the Arizona Constitutional Convention*
- *Editorial*
- *The Arizona Republican*



## Part III

# Delegations and Members



- Apache County
  - Colter, Fred
- Cochise County
  - Cunningham, D.L.
  - Bradner, S.B.
  - Roberts, C.M.
  - Ellinwood, E.E.
  - Bolan, John
  - Sims, R.B.
  - Feeney, Thomas
  - Connelly, P.F.
  - Tovrea, E.A.
  - Parsons, A.F.
- Coconino County
  - Hutchinson, C.C.
  - Doe, Edward M.
- Gila County
  - Hunt, George W.P.
  - Kinney, Alfred
  - Langdon, John
  - Keegan, J.J.
  - Weinberger, Jacob
- Graham County
  - Tuthill, A.M.
  - Lynch, A.R.
  - Webb, W.T.
  - Cobb, Lamar
  - Simms, Mit
- Greenlee County
- Maricopa County
  - Jones, F.A.
  - Cassidy, Lysander
  - Osborn, Sidney P.
  - Standage, Orrin
  - Moeur, B.B.

- Baker, A.C.
- Orme, John P.
- Crutchfield, James E.
- Franklin, Alfred
- Mohave County
  - Lovin, Henry
- Navajo County
  - Morgan, William
  - Scott, James
- Pima County
  - Cooper, William F.
  - Kingan, Samuel L.
  - Pusch, George
  - Jacome, Carlos C.
  - White, James C.
- Pinal County
  - Wills, Thomas N.
  - Coker, E.W.
- Santa Cruz County
  - Curtis, Bracey
- Yavapai County
  - Jones, Albert M.
  - Moore, A.A.
  - Goldwater, Morris
  - Wells, Edward W.
  - Wood, H.R.
  - Cunniff, M.G.
- Yuma County
  - Winsor, Mulford
  - Short, E.L.
  - Ingraham, Fred L.
- Officers of the Convention
  - Cole, A.W.

**Part IV**

**Committee Records**



# Chapter 1

## Convention

### 1.1 Monday, 10 October 1910, at 12:00 (s15766)

*[e933009]* In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

The delegates to the Constitutional Convention of the Territory of Arizona, held in accordance with an Act of Congress, entitled "An Act to Enable the People of New Mexico to Form a Constitution and State Government, and to be Admitted Into the Union on an Equal Footing with the Original States; and to Enable the People of Arizona to Form a Constitution and State Government, and be Admitted into the Union on an Equal Footing with the Original States," approved June 20, 1910, met in the convention chambers at Phoenix, Arizona, on Monday the 10th day of October, 1910, it being the fourth Monday after the election of said delegates, at the hour of 12 o'clock noon.

(The Minutes of the Arizona Constitutional Convention, Page 5)

*[e933010]* In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol

Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933011*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933012*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933013*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933014*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and

be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933015] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933016] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933017] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933018] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933019] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933020] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933021] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933022] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933023] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933024] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933025] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional

Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933026*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933027*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933028*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933029*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to

Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933030] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933031] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933032] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933033] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933034] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933035] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933036] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933037] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933038] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933039] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933040] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional

Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933041*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933042*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933043*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933044*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to

Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933045] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933046] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933047] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933048] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933049] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933050] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933051] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(Editorial, Page 1)

[e933052] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933053] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933054] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933055] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional

Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933056*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933057*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933058*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933059*] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to

Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933060] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933061] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933062] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933063] In accordance with an Act of Congress entitled "An Act to Enable the People of New Mexico to form a Constitution and State Government and to be admitted into the Union on an equal footing with the Original States, and to Enable the People of Arizona to form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States," at the hour of twelve o'clock on this 10th day of October, 1910, same being the hour and day fixed by said Enabling Act, the members-elect of the Constitutional Convention of Arizona assembled in the House of Representatives in the Capitol Building of said Territory for the purpose of forming a constitution for the Territory of Arizona, and were called to order by Hon. A. C. Baker, member-elect of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933064] "An Act To enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States."

[Editor's Note: Only sections 19-35 of the act cover Arizona, therefore these are the ones included here.]

(Statutes at Large, Volume 36, Chapter 310, Pages 557-579)

[e933065] [Editor's Note: No vote was taken on the Enabling Act. Rather, it is simply represented here in order to demonstrate the Convention's justification in gathering.]

(Editorial)

[e933066] On motion of Hon. E. E. Ellinwood, member-elect of Cochise County, [Minutes, page 5, indicate Goldwater of Yavapai], Mr. Baker was unanimously elected temporary president.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933067] A. C. Baker, of Maricopa County, was elected temporary chairman.

(The Minutes of the Arizona Constitutional Convention, Page 5)

[e933068] On motion of Hon. E. E. Ellinwood, member-elect of Cochise County [...] Mr. Baker was unanimously elected temporary president.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933069] On motion of Hon. Geo. W. P. Hunt, member-elect of Gila County, Mr. A. W. Cole, resident of Douglas, Arizona, was unanimously elected temporary secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933070] On motion of Hon. Geo. W. P. Hunt, member-elect of Gila County, Mr. A. W. Cole, resident of Douglas, Arizona, was unanimously elected temporary secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933071] Temporary secretary called roll of delegates-elect and all were present as follows:

Fred T. Colter, Apache county.

C. C. Hutchinson, Edward M. Doe, Coconino county.

E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. F. Connelly, E. A. Tovrea, D. L. Cunningham, C. M. Roberts, S. B. Bradner, Cochise county.

Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinburger, John Langdon, Gila county.

Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb, Graham county.

A. C. Baker, B. B. Moeur, Orrin Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin. John P. Orme, Lysander Cassidy, James E. Crutchfield, Maricopa county.

Henry Lovin, Mohave county.

William Morgan, James Scott, Navajo county.

E. W. Coker, Thomas N. Wills, Pinal county.

Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White, Pima county.

Bracey Curtis, Santa cruz county.

Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, Morris Goldwater, A. A. Moore, Yavapi county.

Mulford Winsor, Fred L. Ingraham, E. L. Short, Yuma county.

(The Minutes of the Arizona Constitutional Convention, Page 6)

[e933072] Prayer offered by Reverend Seaborn Crutchfield, resident of Tempe. [Words missing but Arizona Republican, (Phoenix), October 11, 1910, reported it included: "As King Solomon prayed for guidance to wisely rule a great people, so we ask Thee to direct us in the adoption of a wise and just constitution." Also included was the Lord's Prayer. The portion which the Arizona Gazette, October 10, 1910, reported was: "Thank God for the circumstances surrounding us today. We pray for guidance that our hearts, hands and tongues may glorify Thy name. We thank Thee for this grand body of sedate men. We trust they are patriots and believe they will frame such a constitution as will bless the teeming thousands that will flow into the state in coming years. We pray for divine guidance for the man who will have the gavel in his hands during this convention."]

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933073] Prayer offered by Reverend Seaborn Crutchfield, resident of Tempe. [Words missing but Arizona Republican, (Phoenix), October 11, 1910, reported it included: "As King Solomon prayed for guidance to wisely rule a great people, so we ask Thee to direct us in the adoption of a wise and just constitution." Also included was the Lord's Prayer. The portion which the Arizona Gazette, October 10, 1910, reported was: "Thank God for the circumstances surrounding us today. We pray for guidance that our hearts, hands and tongues may glorify Thy name. We thank Thee for this grand body of sedate men. We trust they

are patriots and believe they will frame such a constitution as will bless the teeming thousands that will flow into the state in coming years. We pray for divine guidance for the man who will have the gavel in his hands during this convention.”]

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933074*] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933075*] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933076*] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[*e933077*] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933078] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933079] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933080] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933081] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933082] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933083] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933084] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933085] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933086] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933087] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W.T. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933107] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933109] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933110] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933112] The chairman appointed the following committee, Goldwater of Yavapai, Doe of Coconino, Franklin of Maricopa, Ellinwood of Cochise, Kingan of Pima.

(The Minutes of the Arizona Constitutional Convention, Pages 6-7)

[e933113] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933114] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933115] On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933123] On motion of Mr. Webb the secretary was empowered to employ a temporary stenographer. [M. Alice Berry was the individual thus employed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933124] On motion of Mr. Webb the secretary was empowered to employ a temporary stenographer. [M. Alice Berry was the individual thus employed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933125] On motion of Mr. Webb [Minutes, page 7, seconded by Mr. Cunniff], a recess of ten minutes was taken to allow the committee on credentials and an oath of office to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933126] On motion of Mr. Webb [Minutes, page 7, seconded by Mr. Cunniff], a recess of ten minutes was taken to allow the committee on credentials and an oath of office to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933128] [Editor's Note: The Convention took a ten minute recess.]

(Editorial)

[e933129] Convention called to order by the temporary president.

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933130] Convention called to order by the temporary president.

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933131] The committee on credentials reported as follows:

Phoenix, Arizona, October 10, 1910, To the Chairman:

We your committee on credentials, have the honor to report the following named delegates entitled to seats in this convention, to-wit: Apache County, Fred T. Colter; Coconino County, C. C. Hutchinson, Edward M. Doe; Cochise County, E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. F. Connelly, E. A. Tovrea, D. L. Cunningham, C. M. Roberts, S.B. Bradner; Gila County, Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinberger, John Langdon; Graham County, Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb; Maricopa County, A. C. Baker, B. B. Moeur, Orrin Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin, John P. Orme,

Lysander Cassidy, James E. Crutchfield; Mohave County, Henry Lovin; Navajo County, William Morgan, James Scott; Pinal County, E. W. Coker, Thomas N. Wills; Pima County, Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White; Santa Cruz County, Bracey Curtis; Yavapai County, Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, M. Goldwater, A. A. Moore; Yuma County, Mulford Winsor, Fred L. Ingraham, E. L. Short.

Respectfully submitted, Albert M. Jones, Chairman; William F. Cooper, Secretary

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933132] Moved, seconded and carried that report of committee on credentials be adopted.

(The Minutes of the Arizona Constitutional Convention, Page 7)

[e933133] Moved, seconded and carried that report of committee on credentials be adopted.

(The Minutes of the Arizona Constitutional Convention, Page 7)

[e933134] Mr. Cassidy: Since we have no recognized form of the oath of office to administer to the members of this Convention I desire to present a form which the secretary may read.

Temporary President: The secretary will please read the form suggested by Mr. Cassidy.

Secretary: (reading) I hereby solemnly swear to support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.

Temporary President: You have heard the form of oath, gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933135] Mr. Webb: I believe that it is hardly necessary to adopt any form as I believe that Judge Kent will probably come with a form of oath in his inside pocket.

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933139] Mr. Cassidy: Since it is doubtful as to the judge coming prepared with a form, and there being no form available for the purpose of this Convention, I move that the form read by the Secretary be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 2-3)

[e933140] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933141] Moved by Mulford Winsor, delegate-elect of Yuma, that selection of seats be decided by placing slips in box and boy or girl draw same, and as they are drawn choice of seats awarded to counties as called.

(The Minutes of the Arizona Constitutional Convention, Page 8)

[e933142] Amended by E.E. Ellinwood, delegate-elect of Cochise, and accepted by Winsor that slips with names of various counties thereon be placed in hat and that secretary draw same, and that selection of seats be according to names of counties as drawn. Seconded by Morris Goldwater, delegate-elect of Yavapai, and carried.

(The Minutes of the Arizona Constitutional Convention, Page 8)

[e933143] Amended by E.E. Ellinwood, delegate-elect of Cochise, and accepted by Winsor that slips with names of various counties thereon be placed in hat and that secretary draw same, and that selection of seats be according to names of counties as drawn. Seconded by Morris Goldwater, delegate-elect of Yavapai, and carried.

(The Minutes of the Arizona Constitutional Convention, Page 8)

[e933145] Amended by E.E. Ellinwood, delegate-elect of Cochise, and accepted by Winsor that slips with names of various counties thereon be placed in hat and that secretary draw same, and that selection of seats be according to names of counties as drawn. Seconded by Morris Goldwater, delegate-elect of Yavapai, and carried.

(The Minutes of the Arizona Constitutional Convention, Page 8)

[e933146] Mr. Winsor: It will be so arranged that the Republican members may be seated by themselves, if they so desire, in order that they may be free from association with the unwashed democratic majority.

Mr. Orme: I suggest that they be given a choice in the selecting of the seats.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933147] Temporary President: The committee on oath has announced that it is now ready to report to the convention.

Mr. Ellinwood: I have the honor to present to you Hon. Edward Kent, who has kindly consented to administer the oath of office to the members of this convention.

Chief Justice: Will the members of the constitutional convention please rise? You, each and all of you, do solemnly swear that you will support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.

The Delegates: We do.

Chief Justice: I congratulate you upon this occasion, for the opportunity you now have to do a great and grand work, that will be a credit to you and to your children after you, and to this nation. I hope that you will be guided by wisdom in your acts and in your works and that peace may abide with you in your convention and that all your acts may be prudent.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933148] Temporary President: The committee on oath has announced that it is now ready to report to the convention.

Mr. Ellinwood: I have the honor to present to you Hon. Edward Kent, who has kindly consented to administer the oath of office to the members of this convention.

Chief Justice: Will the members of the constitutional convention please rise? You, each and all of you, do solemnly swear that you will support the Constitution of the United States and faithfully to perform the duties of delegate to the Constitutional Convention of Arizona.

The Delegates: We do.

Chief Justice: I congratulate you upon this occasion, for the opportunity you now have to do a great and grand work, that will be a credit to you and to your children after you, and to this nation. I hope that you will be guided by wisdom in your acts and in your works and that peace may abide with you in your convention and that all your acts may be prudent.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933149] Mr. Cunniff: I move that we proceed to the election of the president of the convention.

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933150] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933151] Mr. Cunningham: I desire to place in nomination for president of this convention a man who is very capable and worthy, and who is the choice of a great number of the members of this convention. I nominate George W. P. Hunt of Gila County for president.

Mr. Goldwater: I second this nomination.

(The Records of the Arizona Constitutional Convention of 1910, Page 3)

[e933152] Mr. Doe: I desire to nominate for president of this convention, Hon. Judge Edmund W. Wells of Yavapai county.

Mr. Kingan: I second the nomination of Judge Wells.

Temporary President: Gentleman, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933154] Mr. Cunniff: I move that the nominations close.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933155] Temporary President: Gentlemen, you have the nominations of Mr. Hunt of Gila County and Judge Wells of Yavapai County for President.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933156] Mr. Cunniff: I move the secretary call the roll, and that each member express his choice as his name is called.

Mr. Webb: Mr. Chairman, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933157] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933158] The roll call showed forty-one votes for Mr. Hunt and eleven for Judge Wells.

Temporary President: Gentlemen, Mr. Hunt has received forty-one votes and Mr. Wells has eleven. The chair announces that Mr. Geo. W.P. Hunt has been elected president of the Constitutional Convention. Will the gentleman from Cochise, Mr. Cunningham and the gentleman from Yavapai, Mr. Goldwater, escort the elected president to the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933160] The roll call showed forty-one votes for Mr. Hunt and eleven for Judge Wells.

Temporary President: Gentlemen, Mr. Hunt has received forty-one votes and Mr. Wells has eleven. The chair announces that Mr. Geo. W.P. Hunt has been elected president of the Constitutional Convention. Will the gentleman from Cochise, Mr. Cunningham and the gentleman from Yavapai, Mr. Goldwater, escort the elected president to the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933161] Mr. Cunningham: We have the honor to present Mr. Hunt of Gila county as the elected president of the convention.

Temporary President: Members of this convention, I respectfully present to you Mr. Geo. W. P. Hunt, who is your duly elected president.

Mr. Hunt: To the members of this convention I sincerely return my heartfelt thanks for the selection of myself as president of this convention, the elevation to which office I have not been seeking. Gentlemen, what we do must be done for the good of the people of Arizona, and it must be done wisely. By the authority in me vested as the presiding officer, the permanent organization is perfected hereby for the framing of a constitution and a form of government for Arizona under the Act of Congress approved June 20, 1910. What is the further pleasure of the convention?

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933162] Mr. Parsons: Mr. President, the Enabling Act provides for the election of a permanent secretary. Representing the united delegation from Cochise County, and between of 300 and 400 employees the smelters and railroad shops at Douglas who would receive with gladness the news of the elevation of Mr. A. W. Cole to the office of permanent secretary, I now present the name of A. W. Cole as secretary of this convention.

Mr. Keegan: I rise to second that

(The Records of the Arizona Constitutional Convention of 1910, Page 4)

[e933163] Mr. Winsor: I move that nominations be closed.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 4-5)

[e933164] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933165] Mr. President: It has been moved and seconded that Mr. A.W. Cole be elected to the position of permanent secretary of this convention. All those in favor say "aye," those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933166] Mr. President: [...] It is unanimous.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933167] Mr. President: It has been moved and seconded that Mr. A.W. Cole be elected to the position of permanent secretary of this convention. All those in favor say "aye," those opposed "no." It is unanimous.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933168] Upon motion of Mr. Franklin the convention was opened with prayer by Rev. Seaborn Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933169] Upon motion of Mr. Franklin the convention was opened with prayer by Rev. Seaborn Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933170] Mr. Cunniff: Mr. President. I move that the Secretary read the resolution that I now present.

Mr. President: The secretary will please read the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933171] Mr. President: The secretary will please read the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[e933172] Secretary: (reading) "Resolved that we the delegates of the people of Arizona, assembled in this constitutional convention on October 10, 1910, under the authority of an Act of Congress, approved June 20, 1910, entitled "An Act to Enable the People of New Mexico to Form a Constitution and State Government , and be Admitted into the Union on an equal Footing with the Original States, and to Enable the People of Arizona to For a Constitution and State Government, and be Admitted into the Footing with the Original States,' hereby on behalf of the people of Arizona adopt the Constitution of the United States of America."

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933173*] Mr. Cunniff moved the adoption of the resolution, which was duly seconded.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[*e933174*] Mr. Wells: Mr. President, I move to amend by adding the words "and the amendments thereto."

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933175*] Mr. Cunniff: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933176*] Mr. Baker: Mr. President, why should it be necessary to mention the amendments. When we say the Constitution of the United States, any sane person will understand that it means the Constitution and the amendments thereto. It is not necessary to add the amendments to the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933177*] Mr. Cunniff: Mr. President, I admit that I was hasty in consenting that the words "and the amendments thereto" be added to the original resolution. I now move that the resolution be adopted as offered.

Mr. Webb: In other state constitutions and similar conventions it has not been necessary to add the word "Amendments" to the resolution. I second the motion of the gentleman from Yavapai County.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933178*] [Editor's Note: In moving that the resolution be adopted as offered, Cunniff withdrew his acceptance of Wells' amendment and brought it up for a vote.]

(Editorial)

[*e933179*] Amendment offered by Mr. Wells lost by vote of 14 to 38.

(The Records of the Arizona Constitutional Convention of 1910, Page 5)

[*e933180*] Mr. President: It has been moved and seconded that the Resolution as originally placed before the convention be adopted, those in favor say "aye," those opposed "no." I believe the "ayes" have it. Will the Secretary please read the Resolution.

Secretary: (reading) "Resolved: that we, the delegates of the people of Arizona, assembled in this Constitutional Convention, at Phoenix, Arizona, on October 10, 1910, under authority of an Act of Congress entitled 'An Act to Enable the People of New Mexico to Form a Constitution and State Government and be admitted into the Union on an Equal Footing with the Original States, and to Enable the People of Arizona to Form a Constitution and State Government and to be Admitted into the Union on an Equal Footing with the Original

States,' hereby on behalf of the people of Arizona adopt the Constitution of the United States of America."

Roll call showed 52 votes for the resolution and none against.

Mr. President: I announce that the vote cast has resulted in fifty-two votes for the original resolution, and no votes against it. The resolution is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 5-6)

[e933181] Mr. Winsor: Mr. President, I move that a committee of thirteen be appointed, one member from each county, whose duty it shall be to investigate the matter of finances and available funds for this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933182] Mr. Webb: Mr. President, I arise to a point of order, I believe the gentleman from Yuma is premature in his motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933183] Mr. Winsor: Mr. President, I withdraw the motion to await the pleasure of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933184] Mr. Baker: Mr. President, as we now stand we have no fixed rule or method of procedure, and without such this convention cannot proceed with the business to be transacted tomorrow, therefore, I move that a committee of seven members be appointed on rules and procedures.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933185] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933186] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933187] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933188] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933189] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933190] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933191] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933192] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933204] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933205] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933206] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933207] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933208] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933209] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933210] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933212] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933213] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933214] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933215] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933216] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933217] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933218] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933219] The President appointed the following committee: Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933235] Mr. Ellinwood: I move that one delegate from each county be appointed to serve on the committee on rules and procedure.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933236] Mr. Webb: I arise to a point of order. I believe the gentleman from Cochise does not understand that the motion has carried.

(Statutes at Large, Volume 36, Page 6)

[e933237] Point of order sustained.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[e933238] Mr. Cunniff: Mr. President, I move a committee be appointed on finance to look into and investigate and have an understanding as to the expenses to be incurred and the moneys needed by this constitutional convention; also to secure information so that the committees may be guided in their expenses. We will then know what we can figure on.

Mr. Webb: I arise to second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 6-7)

[e933239] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 6-7)

[e933240] Mr. Winsor: Mr. President, I suggest that the chairman of this committee call upon the Secretary of Arizona and obtain from him information regarding the moneys to be allowed this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933241] [Editor's Note: The Convention does not appear to have acted upon this motion.]

(Editorial)

[e933242] Mr. Cunniff: I suggest the name of a man who is capable and an expert businessman, one who is well able to handle this business. I suggest that Homer Wood of Yavapai County be made a member of this committee on finance, and that the president appoint the other members.

Mr. Webb: I second the nomination of Mr. Wood.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933243] Mr. President: Gentlemen, it has been moved and seconded that Mr. Wood of Yavapai County act upon the committee on finances. All those in favor say "aye," those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933244] Mr. President: Gentlemen, it has been moved and seconded that Mr. Wood of Yavapai County act upon the committee on finances. All those in favor say "aye," those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933245] President appointed following committee on finances: Wood of Yavapai, Curtis of Santa Cruz and Feeney of Cochise.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933246] President appointed following committee on finances: Wood of Yavapai, Curtis of Santa Cruz and Feeney of Cochise.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933256] Mr. Cobb: Mr. President, I move that we take a recess of fifteen minutes to caucus on the matter before the house.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933257] Mr. President: There being no objection a recess of fifteen minutes is declared.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933258] [Editor's Note: The Convention took a fifteen-minute recess.]

(Editorial)

[e933259] Mr. President: Gentlemen of the convention, in the matter of the committee on rules and procedure, Mr. Baker of Maricopa County wishes to be excused from this committee as he is not well, so I appoint Mr. Franklin of Maricopa to take his place on this committee.

The secretary will read the names of this committee.

Secretary: (reading) Mr. Winsor of Yuma, Mr. Bolan of Cochise, Mr. Franklin of Maricopa, Mr. Goldwater of Yavapai, Mr. Doe of Coconino.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933260] Mr. President: Gentlemen of the convention, in the matter of the committee on rules and procedure, Mr. Baker of Maricopa County wishes to be excused from this committee as he is not well, so I appoint Mr. Franklin of Maricopa to take his place on this committee.

The secretary will read the names of this committee.

Secretary: (reading) Mr. Winsor of Yuma, Mr. Bolan of Cochise, Mr. Franklin of Maricopa, Mr. Goldwater of Yavapai, Mr. Doe of Coconino.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933261] Secretary: (reading) Mr. Winsor of Yuma, Mr. Bolan of Cochise, Mr. Franklin of Maricopa, Mr. Goldwater of Yavapai, Mr. Doe of Coconino.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933262] Mr. Winsor: Mr. President, I have a resolution to present; will the secretary please read it.

Mr. President: The secretary will read the resolution.

Secretary: (reading) "Resolved: That no one except members of the constitutional convention and attaches shall have the privilege of the convention chamber without the unanimous consent of the members of the constitutional convention."

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933263] Mr. Winsor moved the adoption of resolution, which was seconded and carried.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933264] Mr. Winsor moved the adoption of resolution, which was seconded and carried.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933265] Mr. President: Gentlemen, what is your further pleasure?

Mr. Wood: Mr. President, the committee on finances is ready to report. We desire to report as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933266] Mr. Baker: I think that this committee should be continued and requested to make a definite report as soon as possible. I move that the committee be continued.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933267] Mr. Cunniff: I move that the partial report of the committee be accepted.

Mr. Goldwater: I second the latter motion.  
The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933268] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933269] Mr. Winsor: Mr. President, I move a committee of five be appointed upon employees.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933270] Mr. Cunniff: Mr. President, I move to amend that a committee of ten be appointed.

Mr. Jones (Yavapai): I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933271] Mr. Winsor: Mr. President, I move that the number of this committee be five as I think that number sufficient.

Mr. Webb: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933272] Mr. Winsor: Mr. president, which motion was seconded? The original motion for a committee of five, or the amendment for a committee of ten?

Mr. Webb: I seconded the original motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933273] The amendment prevailed.

Roll called by secretary.

Mr. President: The votes according to the roll call show thirty-eight in favor and fourteen against. The motion is carried.

[Editor's Note: The Minutes record the vote as 28 ayes and 24 noes.]

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933274] [Editor's Note: As the amendment was accepted Winsor's motion was implicitly dropped.]

(Editorial)

[e933275] Mr. Webb: I move that the convention take a recess of ten minutes since these committee members desire to caucus.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933276] Mr. President: If there is no objection the convention will stand at recess for ten minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933277] [Editor's Note: The Convention took a ten-minute recess.]

(Editorial)

[e933278] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933279] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933280] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933281] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933282] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933283] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933284] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933285] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933286] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933287] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933288] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933289] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933290] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933291] Mr. Winsor: Mr. President, I desire to say that it is the wish of the Yuma delegation that Mr. Short be a member of that committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933292] Mr. President: I name Mr. Short as a member of that committee in lieu of Mr. Winsor of Yuma County.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933293] Mr. Ellinwood: Mr. President, I move that the members of this committee as they now read be accepted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933296] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933295] Mr. Baker: Mr. President, I move that we adjourn until 10 A.M., October 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[e933297] On motion of Mr. Baker, convention adjourned to 10 a.m. October 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 11)

## **1.2 Tuesday, 11 October 1910, at 10:00 (s15773)**

[e933310] Mr. President: The Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933311] Mr. President: The Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933312] Mr. President: Convention will come to order. The secretary will call the roll.

Quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933313] Mr. President: Gentleman of the convention, will you please rise, and Rev. Seaborn Crutchfield will pronounce the invocation.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933314] Reverend Crutchfield: Oh, Lord! We come before Thee, the members of this convention, in the attitude of prayer, and we ask Thy blessings upon each and every member of this convention. Inspire their minds with the love of their state and the love of Holy Spirit. Be mindful of each member of this convention that he may have peace and joy in his great labors, and bless each with wisdom and prudence that he may have only the desire to serve his people in this convention. We pray the blessings upon the President that he may be guided by the Holy Spirit and be granted wisdom as the leading officer of the convention. We pray Thee, Oh Lord, that this body of men, the representatives of the people of Arizona, may frame such a constitution as will meet the approval of every citizen and that it may grant unto Arizona statehood, and place it among the grand galaxy of states in these United States, and that Arizona may be the brightest star in the Union. Grant us peace and love of country and love of mankind in our hearts and guide us through this day of work. These blessings we would ask of Thee, in the name of Jesus Christ, Thy Son, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933315] Mr. President: Will the secretary read the minutes?

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933316] Secretary: Because of the lack of typewriters, and the building having closed at any early hour the stenographer was unable to transcribe her notes, but I have a part of them which I will read if it is your wish.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933317] Mr. President: We will omit the reading of the minutes for the present, as the secretary has not been able to get them transcribed.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933318] Mr. Webb: Mr. President, I move that we now adjourn for thirty minutes, or at the call of the gavel.

Mr. Sims: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933319] The motion prevailed.

Mr. President: You stand adjourned subject to the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 9)

[e933320] [Editor's Note: The Convention took a thirty-minute recess.]

(Editorial)

[e933321] Call to Order at 11:07 by the President.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933322] Call to Order at 11:07 by the President.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933329] Mr. Cunniff: Mr. President, the committee on Standing Committees is ready to submit its report [...] I will now read the report of the committee. The committee on standing committees reports as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933330] Mr. Cunniff: Mr. President, the committee on Standing Committees is ready to submit its report, but as a member of that committee, there is a little preliminary explanation that should be made before reading the report. The committee has looked over the proceedings of the conventions of several other great states, and the constitutions that have been made in the last forty years, in order that we might have them for our guidance. We find that efficiency has been the first consideration, and that representation has been the second consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933331] Mr. Orme: Mr. President, I rise to a point of order, the gentleman from Yavapai has no right to report as he is not the chairman of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933332] Mr. Crutchfield: Mr. President, the gentleman from Yavapai is all right. I was not present at the opening of this convention. I yield to Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933333] Mr. Cunniff: Where efficiency has been the first consideration we have assigned the smaller memberships and where representation is paramount we have assigned a larger membership on committees, and in doing so we have followed the work of other conventions.

(The Records of the Arizona Constitutional Convention of 1910, Page 10)

[e933334] Mr. Cunniff: Mr. President, I move that this report be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 11)

[e933335] Mr. Webb: Mr. President, I do not care to accept this report without further consideration. I think that the report should be carefully studied by every member before it is accepted, and I move that the committee have 100 copies of the report printed and one copy placed on each desk for the benefit of the members.

[...]

Mr. Crutchfield: [...] I second the motion of the Gentleman from Graham.

(The Records of the Arizona Constitutional Convention of 1910, Page 11)

[e933336] Mr. President: Before the motion to accept the report is seconded I wish to suggest that this convention give all such matters due consideration and that every member have a full and complete knowledge and understanding of the reports of the various committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 11)

[e933337] Mr. Webb: Mr. President, there was no second made to the motion that 100 copies of the original report be printed and one placed upon each desk.

Mr. Crutchfield: Mr. President, I am sure that every member of the convention closely scrutinized the report. It is the wish of this committee that the convention have a perfect knowledge of the work of the committee and we will have the copies printed. I second the motion of the Gentleman from Graham.

(The Records of the Arizona Constitutional Convention of 1910, Page 11)

[e933338] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 11)

[e933343] Mr. Winsor: Mr. President, the committee on rules has a partial report to make, the reason we have not a complete report at this time is because we have failed to secure a full attendance of the members of the committee. I would add that it is the duty of every member of the committee to be present and if the members do not attend their names should be handed to the president of this Convention. Our partial report is as follows:

(The Records of the Arizona Constitutional Convention of 1910, Pages 11-12)

[e933344] Mr. Winsor: Mr. President, I move that the report be adopted.

Mr. Webb: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933351] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933346] Mr. President: I have a suggestion to make, to the effect that the resolution of the convention, with regard to the use of the convention chamber for members and attaches only, be waived in order to allow the cartoonists to have space in the convention chamber, as I am informed that the cartoonists cannot make cartoons of the members of the convention from the back view, therefore, I suggest that they may be granted space in the convention chamber.

Mr. Winsor: Mr. President, do you not think it would be better if the cartoonists would make cartoons of some of the members from a back view? (laughter)

Mr. Crutchfield: Mr. President, I move that the cartoonists be given a corner in the convention chamber.

Mr. Webb: I second the motion of the gentleman from Maricopa.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933347] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933349] Mr. President: Is the Committee on Attaches ready to report?

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933350] Mr. Webb: Mr. President, that committee is now in session, but will not be ready to report for some time I believe.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933352] Recess was taken to await the action of the committee in session.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933353] [Editor's Note: The Convention took a recess.]

(Editorial)

[e933354] Convention called to order by the President.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933355] Convention called to order by the President.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933356] Mr. Cunniff: Mr. President, I move that the convention adjourn until 2 p.m., as it is impossible to continue the work of the convention until the work of the committee is more complete.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933357] The motion prevailed. Convention adjourned to 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

### **1.3 Tuesday, 11 October 1910, at 14:00 (s15776)**

[e933358] Mr. President: The convention will please come to order. I declare a quorum present. Gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933359] Mr. President: The convention will please come to order. I declare a quorum present. Gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933360] Mr. Webb: Mr. President, your Committee on Attaches is not yet ready to report, but we expect to be able to report tomorrow morning and ask for further time.

(The Records of the Arizona Constitutional Convention of 1910, Page 12)

[e933361] Mr. President: If there is no objection the committee will be granted further time in which to prepare this report.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933362] Mr. President: [...] I desire to inform the members of this convention that it must at once make provision for stenographers to report the daily proceedings, and I would urge that no time be lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933363] Mr. President: [...] I desire to inform the members of this convention that it must at once make provision for stenographers to report the daily proceedings, and I would urge that no time be lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933364] On the motion of Mr. Webb, the convention adjourned until 10 a.m., October 12, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933365] On the motion of Mr. Webb, the convention adjourned until 10 a.m., October 12, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

## 1.4 Wednesday, 12 October 1910, at 10:00 (s15777)

[e933366] Mr. President: Will the convention come to order, please?

(The Arizona Republican, Page 13)

[e933367] Mr. President: Will the convention come to order, please?

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933368] Mr. President: [...] The secretary will call the roll. Quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933369] Mr. President: [...] Please arise and we will have the invocation pronounced by Reverend Seaborn Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933370] Reverend Crutchfield: Kind and heavenly Father, we are truly thankful that not one of these men are ill or any accident has happened to them; that they have been permitted to come to the chamber this morning in health and peace prepared for the great duties of another day in the Constitutional Convention. Oh Lord, it has been said that we should not attempt the work until we have sought Thine aid and Thy Blessings. We do invoke Thy mercies and blessings upon the members of this Convention, that they may be guided in all the work which they undertake this day. Bless each and every member that he may be inspired with a love of the labor and of the people which he represents, and now, Oh Lord, help us and help the members of this convention to so live, and act that they may be worthy of Thy choicest blessings and all of this we ask in the name of Jesus Christ, Thy Son. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933371] Secretary reads the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933372] Mr. Winsor: I should like to know in the reading of this record if it is the verbatim report of the minutes.

Mr. President: The secretary is reading the journal which is made up of the minutes.

Mr. Winsor: Mr. President, the secretary reads the amendment to the resolution to read "thereof," and it should read "thereto."

Mr. President: I believe he read it thereto.

Secretary: If I read it "thereof," it was my mistake in reading it as the word of the stenographer is "thereto."

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933373] Mr. Winsor: The motion to create a Committee on Finance was made by Mr. Cunniff of Yavapai and not by Mr. Winsor. I move that the minutes be corrected to read Cunniff and not Winsor.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933374] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 13)

[e933375] Mr. Webb: Mr. President, I would suggest that in behalf of the secretary and stenographer that they are not yet familiar with the names and faces of the members of this convention and necessarily there will be mistakes.

(The Records of the Arizona Constitutional Convention of 1910, Pages 13-14)

[e933376] Mr. Winsor: Mr. President, the minutes read that the committee was allowed to stand as approved by the president. It seems to me that this is a superfluous motion, since the president was to select the committee. I move that the minutes be corrected, or that the clause be stricken out.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 14)

[e933377] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 14)

[e933378] Mr. President: Gentlemen of the convention, are there any other alternations or corrections in the minutes as read? If not, the minutes will stand approved as read. Gentlemen of the convention, the secretary will continue the reading of the minutes of the journal of Tuesday.

Mr Winsor: Mr. President, I believe that the wording should be minutes of the convention rather than journal, as the stenographer keeps the verbatim

record, which is the journal and the minutes will not be made a part of the journal record. I move that the word minutes be used in place of journal in proceedings of the convention for daily acceptance. The journal, I understand, when completed, will make a document known as the original document.

[...]

Mr. Webb: I second that motion.

[Editor's Note: This motion is recorded in the Minutes as having been made on the 15th of October.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 14-15)

[e933379] Mr. Ellinwood: There may be several documents when the verbatim report is completed, but the minutes are the proceedings to be read.

Mr. Winsor: Mr. President, in looking up the reports of other conventions, I find that the minutes are a different record than that of the journal.

Mr. Webb: The rules of the convention may be more clearly understood after a report of the Committee on Rules, but I have here the records of the conventions of Utah and Wyoming, both of which are verbatim and known as the journal, and for this reason, I take it that this convention desires a full and complete verbatim journal, which should be given to the public every morning and read for adoption to this convention.

Mr. Parsons: Mr. President, I would like information on this matter. If a verbatim report is to be read every day, we had better petition for a greater length of time, as it will require no little time to read these records for the adoption. For this reason I think that...

(The Records of the Arizona Constitutional Convention of 1910, Page 14)

[e933380] Mr. Webb: Mr. President, I arise to a point of order. The gentleman from Cochise is not speaking to the question. The question before the house is that the minutes are not the journal record, and that a verbatim report of the proceedings will be found upon the desks every morning, but the minutes as are now being read shall not go by the name of journal report.

(The Records of the Arizona Constitutional Convention of 1910, Page 14)

[e933381] [Editor's Note: Webb's point of order was not mentioned again.]

(Editorial)

[e933382] Mr. Winsor: I move that the word minutes be used in place of journal.

Mr. Webb: I second that motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 14-15)

[e933383] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933384] Mr. Winsor: I move that we dispense with the reading of the report of the Committee on Committees as we have it before us.

Mr. Cunniff: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933385] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933386] Mr. President: Gentlemen of the convention, are there any other alterations, if not, the minutes will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933387] Communication from B. J. Tiernan suggesting State Seal read and ordered referred to Committee later.

(The Minutes of the Arizona Constitutional Convention, Page 15)

[e933388] [Editor's Note: This communication is not mentioned in the Minutes or Journal again, and it is therefore unclear whether or not it was referred to a Committee. For accuracy, the editors have represented it being referred, though it is not copied into any Committee afterward.]

(Editorial)

[e933395] Mr. President: [...] Gentlemen, we will now hear the report of the Committee on Attaches. Will the secretary please read the report?

Secretary: (reading) Resolution introduced by Mr. Webb of Graham.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933396] Mr. Cunniff: Mr. President, I would suggest to the convention that the Chief Clerk be known as the Secretary and the Assistant Chief Clerk as the Assistant Secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933397] [Editor's Note: Although there is no record of a formal vote on Cunniff's amendment, the President subsequently refers to the Chief Clerk and Assistant Chief Clerk as the Secretary and Assistant Secretary, respectively, suggesting that Cunniff's amendment was adopted.]

(Editorial)

[e933398] Mr. President: Will the Secretary and Assistant Secretary arise and be sworn in[?]

[Editor's Note: The Minutes notes this moment as occurring later in the session, after the Report on Attaches is adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 15-16)

[e933399] "I hereby solemnly swear to support the Constitution of the United States, and faithfully to perform the duties of Secretary and Assistant Secretary of the Constitutional Convention of Arizona."

A.W. Cole and Frank DeSouza: I do.

(The Records of the Arizona Constitutional Convention of 1910, Pages 15-16)

[e933400] Mr. Webb: Mr. President, I have been waiting for the chairman of the Committee on Attaches to move the adoption of the report of the committee, but he seems to be absent.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933401] Mr Keegan: Mr. President, I move that the report of the Committee on Attaches be adopted.

Mr. Webb: I second that motion.

Mr. President: It has been moved and seconded that the report of the Committee on Attaches be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933402] Mr. Webb: Mr. President, would the secretary please read the report?

Mr. President: The secretary will please read the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933403] Mr. Cobb: I request that the initials of Mr. Murphy be changed to J. B.

[Editor's Note: It is unclear from the Record what these initials were prior to the amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933404] [Editor's Note: The editors assume the correction was made, as no objections were raised.]

(Editorial)

[e933405] Mr. Winsor: I move that the words "five dollars" be changed to "two dollars" with reference to the pay allowed the chaplain.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933406] Mr. Webb: I arise to a point of order. There is a motion pending.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933407] [Editor's Note: Though there is no explicit record of the outcome of Webb's point of order, Winsor moved his motion to reduce the salary of the chaplain again, implying that the point of order was carried.]

(Editorial)

[e933408] Mr. Winsor: I move that the secretary strike out the words "five dollars" and insert the words "two dollars" as per my first motion.

Mr. Morgan: I second that motion.

Mr. President: It has been moved and seconded that the words "five dollars" per diem be stricken out and the words "two dollars" inserted with regard to the pay of the chaplain.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[*e933409*] Mr. Baker: Mr. President, the labourer is worthy of his hire. The best service to the convention comes through the chaplain who pronounces the invocation upon this convention. Why should we desire to place a lower estimate on his valuable services?

Mr. Webb: I do not see why any attache should not have full pay for his or her services.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[*e933410*] The motion was lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[*e933411*] Mr. Winsor: Mr. President, I am aware that it is very unpopular to try to reduce the salary of any attache, but in this case I feel that it is a wise move, as the gentleman is only employed for the short while in which he gives his invocation, and is free for the rest of the day. It is not like the clerk or the stenographer who works all day and therefore I feel that the services of such clerks and stenographers should not be on the same scale as the workman who is employed for only a few hours. For this reason I suggest the reduction of the salary of the chaplain, that the expenses of the convention may be lessened in every way possible.

Mr. Baker: Mr. President, I do not believe in cutting down the expenses of this convention at the expense of Heaven.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[*e933412*] Mr. Webb: Mr. President, are we to have the report of the Committee on Committees?

Mr. Cunniff: The matter of the committee on standing committees is before the convention. I move that this report be adopted.

Mr. Webb: I second the motion.

[Editor's Note: The Minutes name Weinberger as the seconder. Furthermore, the Minutes notes this motion as being moved later in the session, after the Report on Attaches is adopted and the attaches sworn in.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 16-17)

[*e933413*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[*e933414*] Mr. Winsor: I arise to a point of order. The question before the convention is to strike out the amendment for the adoption of the report. My motion was not acted upon.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[*e933415*] Mr. President: The motion was put to the convention but lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933416] Mr. Webb: I move to indefinitely postpone the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933417] Mr. Winsor: Mr. President, no action was taken upon my motion to amend the report.

Mr. Webb: Mr. President, the amendment was lost and I move that the question be indefinitely postponed. I was not familiar with the original question. I will acknowledge the motion was not in order for the reason that it could not be applied.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933418] Mr. Winsor: Roll call.

The roll was called showing 21 "ayes" and 30 "nays."

Mr. President: The vote stands 21 "ayes" and 30 "nays," on the amendment to change the words "five dollars" to "two dollars." The motion has been lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 16)

[e933419] Mr. President: [...] Gentlemen, those in favor of adopting the report as read answer aye, those opposed nay. The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933420] Mr. President: [...] For the information of the convention, I would like to ask the chairman of the committee on rules what arrangements have been made to get more stenographers.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933421] Mr. Winsor: It seems necessary to await the report of the Committee on Attaches.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933422] Mr. President: I wish to say that it will be necessary to have other stenographers before the work of the convention can proceed. If there are no objections a recess will be taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933423] Mr. President: [...] If there are no objections a recess will be taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 17)

[e933424] Mr. Baker: Mr. President, before the recess is taken I move that the convention get up a form of congratulations or any form suggested by the President and send to the constitutional convention of New Mexico, which has been in session two weeks.

Mr. Cunniff: What is the question, please?

Mr. President: Mr. Baker will please state the question.

Mr. Baker: Since the convention of New Mexico is in session and we are fully organized, I move that we get up a form of congratulations and send it to the convention of New Mexico.

(The Records of the Arizona Constitutional Convention of 1910, Pages 17-18)

[e933425] Mr. President: Since the convention of New Mexico has been in session for two weeks and has not sent us any congratulations, why is it necessary that we honor them?

Mr. Baker: Of course, I have little native pride, but as they are not aware that we are fully organized, they would not know where to send congratulations; therefore I move that congratulations be dispatched from the members of the constitutional convention of Arizona to the constitutional convention of New Mexico.

Mr. Coker: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 17-18)

[e933426] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933427] Mr. President: It is necessary that the attaches be sworn before their names can go upon the payroll or work assigned them. If they will come forward, I will administer the oath.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933428] Attaches present with uplifted hands.

Mr. President: "I hereby solemnly swear to support the Constitution of the United States and faithfully to perform the duties of attaches in the Constitutional Convention of Arizona."

Attaches: I do.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933435] Mr. Jones of Yavapai, submitted the Certificate of the Members of this Convention as follows:

[Editor's Note: Because A.M. Jones was the chairman of the Committee on Credentials and this report pertains to membership of the Convention, the editors have inferred that the certificate originated in the Committee on Credentials.]

(The Minutes of the Arizona Constitutional Convention, Pages 17-19)

[e933430] Mr. Jones moved, seconded by Mr. Jacome, adoption of Report; carried.

(The Minutes of the Arizona Constitutional Convention, Page 18)

[e933436] Mr. Jones moved, seconded by Mr. Jacome, adoption of Report; carried.

(The Minutes of the Arizona Constitutional Convention, Page 18)

[e933437] Mr. President: If there is no further business before the convention we will stand adjourned until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

## 1.5 Wednesday, 12 October 1910, at 14:00 (s15780)

[e933447] Mr. President: The convention will come to order. Quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933448] Mr. President: The convention will come to order. Quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933449] Mr. President: [...] Gentlemen of the convention, the secretary of the territory has allowed \ \$170.00 for stamps. I do not know whether this is sufficient, but I will state that I have signed the requisition. If this is not quite enough we must put in the actual amount required in the requisition. As I stated I have signed the requisition and if this is satisfactory it will stand as it is now. I would also state for the information of the convention that I am not yet ready to announce the selection of standing committees. I want more time. If the gentlemen of the convention have anything to do I call for the same.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933450] Mr. President: [...] Gentlemen of the convention, the secretary of the territory has allowed \ \$170.00 for stamps. I do not know whether this is sufficient, but I will state that I have signed the requisition. If this is not quite enough we must put in the actual amount required in the requisition. As I stated I have signed the requisition and if this is satisfactory it will stand as it is now. I would also state for the information of the convention that I am not yet ready to announce the selection of standing committees. I want more time. If the gentlemen of the convention have anything to do I call for the same.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933451] Mr. Webb: Mr. President, we have discovered a few mistakes of the Committee on Attaches and I desire to bring this before the convention. The committee has overlooked the name of Miss M. Alice Berry in assigning clerkships, and I am sure that it was unintentional on the part of the committee members. As you remember, Miss M. Alice Berry was called from the gallery on Monday to act as temporary stenographer and this work she has been doing since that time and will continue until the committee secures expert and official stenographers, but it is the wish of the members of this convention that she be retained in the convention and that she be included in the list of clerks and stenographers. I now move that Miss N. Alice Berry be granted a permanent position in the convention as a stenographer, and to act as temporary stenographer until some one is secured to take her place, and that she be granted remuneration from the time of her services on Monday, October 11, 1910, and that as a clerk she is granted a salary of five dollars per day.

Mr. Moeur: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933452] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933454] Mr. Cunniff: The committee on standing rules has completed its work.

Mr. Crutchfield: Mr. President, since reporting, it has been suggested by other members of the committee that there might be other matters come up that would need to be acted upon by this committee, but I am certain that the members of the committee would be willing to be discharged.

Mr. Cunniff: I would like an understanding of the matter.

Mr. Winsor: The motion under which the Committee on Committees was selected seems to me to provide that it be automatically dismissed, and that if any other matters come up there should be a special committee appointed for that particular purpose.

Mr. Crutchfield: Mr. President, I think that it is understood that this committee should be automatically discharged.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933455] Mr. Cunniff: I move that the committee on standing committees be discharged.

Mr. Coker: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933456] Mr. Webb: Mr. President, I rise to a point of order. That the committee was automatically discharged when the report was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933457] Mr. President: The point of order is sustained.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933458] Mr. Webb: Mr. President, I now offer the following resolution:

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933459] Mr. Cunniff: Mr. President, there are to be twenty-four standing committees; the report so states.

(The Records of the Arizona Constitutional Convention of 1910, Page 19)

[e933460] Mr. Webb: (reading) I find twenty-one committees.

Mr. Cunniff: Mr. President, the gentleman has omitted the first three names.

(The Records of the Arizona Constitutional Convention of 1910, Page 18)

[e933461] Mr. Webb: This is my mistake, the three other committees I did not see. Resolved that the convention shall have twenty-four committees. The committees to be those named in the report of the Committee on Committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages 19-20)

[e933462] Mr. Webb: [...] Mr. President, I move that this resolution be adopted.

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933463] Mr. President: Gentlemen you have heard the motion, are you ready for the question?

Mr. Cunniff: Roll call.

Mr. President: The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933464] On roll call the motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933466] Mr. Webb: I have the following resolution to offer:

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933467] Mr. Webb: [...] I move that the resolution be adopted.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933469] Mr. Goldwater: Mr. President, I would like to have the secretary read that report again, as to the salary of the attaches.

Mr. President: Secretary will please read the report.

Secretary read the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933470] Mr. Goldwater: Mr. President, the pages will receive five dollars per day, I move that I resign from this convention as a member serving for four dollars per day, and be hired as a page. (laughter)

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933471] Mr. President: The gentleman's motion is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933473] Mr. Winsor: Mr. President, I move that the report be amended to read three dollars in place of five dollars for pages.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933474] Mr. Moeur: Mr. President, I object to cutting the salary of any employee of this convention. Their services are worthy of the salary allowed them.

Mr. Webb: Mr. President, those pages are already employed; their services now engaged, and I object to cutting their salaries.

Mr. Cunniff: Roll call.

Mr. President: The secretary will call the roll.

Mr. Baker: (upon his name being called,) No. Mr. President, please explain what the vote is about.

Mr. President: Those who vote "nay," vote against the motion to amend the report as to the salary of the pages; those who vote "aye," vote in favor of the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933475] On roll call the motion was lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933476] Resolution adopted.

(The Minutes of the Arizona Constitutional Convention, Page 21)

[e933477] Mr. Winsor: I move that the convention adjourn until 10 o'clock tomorrow morning.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

[e933478] The motion prevailed.

Convention adjourned until 10 a.m., October 13, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 20)

## **1.6 Thursday, 13 October 1910, at 10:00 (s15781)**

[e933479] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Pages 20-21)

[e933482] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Pages 20-21)

[e933483] Mr. President: [...] Quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Pages 20-21)

[e933484] Mr. President: [...] The convention arise for the invocation.

(The Records of the Arizona Constitutional Convention of 1910, Pages 20-21)

[e933485] Reverend Crutchfield: Kind and Merciful Heavenly Father, our God, again we come before Thee to ask Thy blessings upon this convention. We thank Thee that they have been permitted to meet again in health and in peace and we ask Thee to pronounce a blessing upon their heads this day. Bless the leading officer with wisdom and understanding of his duties that he may guide the work in a prudent and judicious manner. And now, Oh Lord, there are likely to be contentions and disagreeances [sic] arise among the members will Thou temper the minds of these men to wisdom and grant that they may be guided in all their words and acts both in convention matters and in their acts to each other. Let love and peace abound in all hearts and charity abide there too. Forgive us of our sins and remember us in all the ways of life and save us in Thy Kingdom is the supplication of all our hearts today, and these blessings we ask of Thee in the name of Thine only Begotten Son, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 21)

[e933486] Mr. President: Attaches will please take notice and meet in the large committee room for roll call. I suggest that you be present regularly and at an early hour. You cannot draw pay if you are not, as this is government work, you know.

(The Records of the Arizona Constitutional Convention of 1910, Page 21)

[e933487] Mr. President: Attaches will please take notice and meet in the large committee room for roll call. I suggest that you be present regularly and at an early hour. You cannot draw pay if you are not, as this is government work, you know.

(The Records of the Arizona Constitutional Convention of 1910, Page 21)

[e933488] Mr. President: [...] The secretary will read the minutes.  
Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 21)

[e933489] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 21)

[e933490] Sergeant at Arms announced by Mr. Curtis had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933493] Mr. President: The secretary will read the assignments of the standing committees for conducting the work of the convention. Gentlemen of the convention I wish to say that I have used my very best judgment in the selection of these committees. I have tried to secure the best members for each committee, and I trust this selection will meet with your approval. The secretary will read the following assignments:

[Editor's Note: The description text is taken from the Records. However, the document as found in the Records is missing some names, so the document text is taken from the Minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 22-23)

[e933496] Mr. Cunniff: Mr. President, I move that 100 copies of the Standing Committee Assignments be printed.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 22)

[e933497] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 22)

[e933504] Mr. Winsor: Mr. President, the committee on rules and procedure has a report to make.

Mr. President: We will hear that report.

Mr. Winsor: Mr. President, your Committee on Rules, and order of business, to which was referred the matter of the employment of official stenographers for the constitutional convention, with authority to contract for such work, begs leave to report as follows

(The Records of the Arizona Constitutional Convention of 1910, Pages 22-23)

[e933505] Mr. Winsor: Mr. President, we have been asked to state as near as can be stated, the total cost of the work. That is impossible, owing to the fact that we do not know how long the convention will continue, but it is estimated at about \ \$3,500.00 or \ \$4,000.00. This is about the cost of other convention reporting, figuring on the Utah basis, which, of course, was a longer session than any other convention with which I have compared the cost of reporting. Mr. Tiffany's bid was \ \$12,000 and Mr. O'Neal's was almost the same. For this reason I believe that Mr. Larrabee's offer is the very best we can do. Mr. Larrabee has the reputation of being the most proficient reporter in the southwest and he will do this work at one-half the cost of either of the others.

Mr. Baker: Mr. President, I know Mr. Larrabee quite well, and I have had work done by him, and I can state that he is a proficient reporter.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933506] Mr. Winsor: I again move that this report be adopted and that Mr. Larrabee is employed as stenographer for this convention.

Mr. Webb: Mr. President, I second the motion of Mr. Winsor.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933507] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933508] Pamphlet on Commission Form of Government for Cities, offered by Mr. Crutchfield was referred by the President to Committee Number Six, on Counties and Municipalities.

(The Minutes of the Arizona Constitutional Convention, Page 24)

[e933509] Pamphlet on Commission Form of Government for Cities, offered by Mr. Crutchfield was referred by the President to Committee Number Six, on Counties and Municipalities.

(The Minutes of the Arizona Constitutional Convention, Page 24)

[e933510] Mr. Winsor: Unless some member of the house has some business to be done, I will move that this convention adjourn until tomorrow morning at 10 o'clock. The committees have enough to do to keep them busy until that time.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933511] Mr. Moeur: I move that we wait until these copies of the assignment of standing committees are printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933512] Mr. Ellinwood: I move that we stand adjourned until 2 p.m.  
Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933513] The motion prevailed. Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

## 1.7 Thursday, 13 October 1910, at 14:00 (s15789)

[e933585] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933586] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933587] Mr. President: The convention will please come to order. If there is no business at this time the convention desires to take up, the convention will take a short recess while a conference will be held with the assistant secretary to learn the assignments of the different committee rooms. The convention will take the recess.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933588] Mr. President: The convention will please come to order. If there is no business at this time the convention desires to take up, the convention will take a short recess while a conference will be held with the assistant secretary to learn the assignments of the different committee rooms. The convention will take the recess.

Committee room assignments made.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933591] [Editor's Note: The Convention took a recess.]

(Editorial)

[e933595] Mr. President: Will the convention give their attention[?]

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933597] Mr. President: Will the convention give their attention[?]

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933603] Mr. Coker: Mr. President, I move that the convention adjourn until tomorrow morning at 10 o'clock.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933605] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933609] Mr. Wills: Mr. President, my partner here, Mr. Coker, has made a motion, but I would like to make a motion that the convention adjourn until Monday morning at 10 o'clock, if it is not out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933612] Mr. President: Your motion is out of order. The convention has adjourned.

Convention adjourned to 10 a.m., October 14, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

## 1.8 Friday, 14 October 1910, at 10:00 (s15793)

[e933607] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933615] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933622] Roll call as follows:

Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orma, Osborn, Parsons, Pusch, Roberts, Scott, Sims, Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Connelly, Morgan, Short, Simms Mit, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933627] Mr. President: The convention will please come to order. The secretary will call the roll. Quorum present. The convention will please rise for the prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933630] Reverend Crutchfield: Our Great and merciful heavenly Father, we again present ourselves before Thee in Constitutional Convention assembled, and before taking up the duties of the convention would ask of Thee a blessing. Oh Lord hear our petition this day. We ask Thee for wisdom and prudence in all works and measures that may come before the convention this day. Help us to be good men and great men, and bless us with that love and charity for each other that we may say and do good things to each other, and cause that no strife or contentions may arise among these men to hinder them in the great work which is to [be] perform[ed.] Bless the absent families of these men and comfort and cheer their hearts and grant them your protection.

Now, Oh Lord we dedicate ourselves unto Thee for we know that Thou art all merciful and Thou are all love.

Forgive us our sins and save us in Thy kingdom is our supplication and our prayer, all blessings we ask Thee in the name of the Redeemer, ever so Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933633] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933643] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 24)

[e933649] The sergeant at arms announced that Mr. Tovrea, Mr. Connelly and Mr. Short had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933652] Mr. President: Gentleman of the convention, are there any committee reports?

(The Records of the Arizona Constitutional Convention of 1910, Pages 25)

[e933655] Mr. Winsor: The Committee on Rules and Procedure has its report ready to present.

Mr. Crutchfield: The Committee on Preamble and Declaration of rights will be ready to report a preamble to the constitution of the State of Arizona tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Pages 24-25)

[e933658] Mr. Winsor: Mr. President, I have a resolution to offer:

”Resolved that propositions for incorporation in the Constitution of Arizona may be introduced under the appropriate order of business on, and after Saturday October 15, 1910.” I move that the resolution be adopted by the convention.

Mr. Cunniff: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933666] Mr. Winsor: [...] I move that the resolution be adopted by the convention.

Mr. Cunniff: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933669] Mr. Baker: Mr. President, I would like to hear the resolution read again.

Mr. President: The secretary will please re-read the resolution.  
Resolution re-read.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933671] Resolution adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933701] Mr. Winsor: The Committee on Rules and Procedure is ready to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933703] Mr. President: I suggest that the chairman of the committee read the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933707] Mr. Winsor: Inasmuch as there may be several questions raised during the reading of the report and more or less discussion on those questions, it was thought best that the chairman read the report.

Mr. Cunniff: Mr. President, I think it would be more satisfactory to the convention if copies of this report were printed and placed on the desks for study by the members, as the reading will consume much time and it is absolutely necessary that the convention understand these rules before we can adopt them.

Mr. Webb: Mr. President, if there are to be printed copies of the report supplied the members of the convention it seems to me useless to have the report read.

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933710] Mr. Cunniff: Mr. President, I move that copies of the rules be printed.

Mr. Webb: Mr. President, I second that motion.

[Editor's Note: The Minutes, page 25, record that this motion was seconded by Ellinwood]

(The Records of the Arizona Constitutional Convention of 1910, Page 25)

[e933722] Mr. Winsor: Mr. President, it seems to me that to wait for printed copies of the rules is a waste of time. I do not think that legislation should be delayed to wait for the printing of the various reports, and since there will probably be but very few of the rules in the report, which will be discussed, I do not think that the reading will be as great a loss of time as to await the printing before taking up the matter again, but if the convention prefers not to have the report read I have no objection to delaying the reading.

Mr. Cunniff: As to the element of time, we have already wasted sufficient time for the reading of the report, but I feel that it is a matter that should

be given much study and I would feel that it was wisdom and prudence on the part of the convention to defer the matter until the rules have been submitted to the members in print and given due deliberation, therefore, I move that printed copies of the rules be furnished the members of the convention for their consideration.

Mr. Webb: I second the motion of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Pages 25-26)

[e933727] Mr. President: Gentlemen, you have heard the motion. Those in favor please rise. [37 rise for and 15 against.] The motion was carried. I would like to ask for the information of the chair, can we have the rules printed for tomorrow?

Mr. Jones (Maricopa): Mr. President, I am on the printing committee, and will state that these rules can be ready for tomorrow morning at 9 o'clock.

(The Records of the Arizona Constitutional Convention of 1910, Page 26)

[e933735] The sergeant at arms announced by Mr. Morgan had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933740] Mr. Standage: Mr. President, is there any reason why these rules cannot be read this morning? There are a number of members of the convention, as well as myself, who would like to hear the rules read. I move that they be read.

Mr. Osborn: Mr. President, I second the motion of Mr. Standage.

(The Records of the Arizona Constitutional Convention of 1910, Page 26)

[e933767] The motion prevailed.

(The Minutes of the Arizona Constitutional Convention, Page 26)

[e933771] Mr. Jones of Maricopa, moved, Mr. Cunniff seconded, to reconsider motion ordering one hundred copies of report of committee on Rules and Procedure printed

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933780] Mr. Jones of Maricopa, moved, Mr. Cunniff seconded, to reconsider motion ordering one hundred copies of report of committee on Rules and Procedure printed; withdrawn.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933792] Mr. Winsor moved, Mr. Feeney seconded, to reconsider [the] resolution fixing October 15, 1910, as date for receiving propositions for incorporation in the constitution

(The Minutes of the Arizona Constitutional Convention, Page 26)

[e933793] Mr. Winsor moved, Mr. Feeney seconded, to reconsider resolution fixing October 15, 1910, as date for receiving propositions for incorporation in the Constitution; carried.

(The Minutes of the Arizona Constitutional Convention, Page 26)

[e933794] Mr. Winsor moved to lay the resolution on the table

(The Minutes of the Arizona Constitutional Convention, Page 26)

[e933796] Mr. Winsor moved to lay the resolution on the table; carried.

(The Minutes of the Arizona Constitutional Convention, Page 26)

[e933814] Mr. President: Mr Winsor, will you please read the rules?

(The Records of the Arizona Constitutional Convention of 1910, Page 26)

[e933822] Mr. Winsor: Mr. President, I will read for a while and then call on some other member.

"Mr. President:

Your special Committee on Rules and order of Business beg leave to recommend the following as the standing rules of this Convention.

Respectfully submitted, Mulford Winsor, Chairman

#### CONSTITUTIONAL CONVENTION OF ARIZONA STANDING RULES

Rule 1. Unless otherwise ordered, the Convention shall convene at 9 o'clock a.m., take recess from 12 o'clock noon until 2 o'clock p.m. and adjourn at 5 o'clock p.m.

Rule 2. The President shall take the chair exactly at the hour first named in Rule 1, or in the event of a special order, the hour to which the Convention shall have adjourned, call the members to order, and cause the roll to be called.

If a quorum be present, the business of the Convention shall be disposed of in the following order:

- (a) Prayer by the Chaplain.
- (b) Reading of the Minutes.
- (c) Petitions, Memorials and Remonstrations.
- (d) Reports of standing committees.
- (e) Reports of selecting committees.
- (f) Introduction of Propositions.
- (g) The Order of the Day.
- (h) The Committee of the Whole.
- (i) Second reading of the Propositions.
- (j) Third reading of the Propositions.
- (k) Business lying on the President's desk.
- (l) Other business of the Convention.

Rule 3. A majority of the delegates elected to the Convention shall constitute a quorum. In all cases of absent members during the session, the members present make [sic] take such measures as they may deem necessary to secure the presence of absentees, and may inflict such penalty as they may deem just upon those who, on being called on for that purpose, shall not render sufficient excuse for their absence.

Rule 4. Members and officers of the Convention are required to be constantly in attendance upon the duties of their position, and leave of absence to such will only be granted by a vote of the Convention.

Rule 5. The President shall, upon each day, announce to the Convention the business in order, agreeably to the order of business contained in Rule 2; and

no business shall be taken up on considered until the class to which it belongs shall be declared to be in order, nor after the order to which it belongs is closed.

Rule 6. The unfinished business in which the Convention was engaged at the time of the last adjournment or recess, shall have preference in orders of the day, and shall continue to be among the orders of the day for each succeeding day until disposed of in any other manner by a majority vote.

Rule 7. Communications from the Governor or Secretary of the Territory may be received, read and disposed of at any time except when the President is putting the question or while the ayes and naves are being called.

Rule 8. In case the President shall be absent at the hour to which the Convention was adjourned, the Convention shall choose one of its members as President pro tem.

Rule 9. The President shall have the right to name a member to perform the duties of the Chair temporarily, but such substitution shall not extend beyond an adjournment.

Rule 10. The President shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all points of order, subject to an appeal to the Convention, and may vote in all cases except to determine his own rulings.

Rule 11. The President shall declare all votes, but when a vote, having been declared by him, is doubted, the members for or against the question, when called on by the President, shall rise and stand until they are counted, and the vote made certain without any further debate, but a call for the ayes and nays shall be in order at any time before such vote is made certain and declared.

Rule 12. Any petition, memorial, or other paper addressed to the Convention shall be presented by the President, or a member in his place, and shall be endorsed with the name of the person present in it, and the subject matter of the same. It shall be read by the President, Secretary or such other person as the President may request, and shall be taken up in the order in which it was first presented, unless the Convention shall otherwise direct.

Rule 13. It shall be the duty of the Secretary to keep the Minutes of each days' proceedings and to provide a typewritten copy of the same for the use of the President. He shall each day prepare a calendar of the orders and business of the day, and a like calendar for the committee of the whole, and shall cause to be placed on the desk of each member, at or before the hour of convening, a typewritten copy of the same. He shall perform such other duties as may be required of him by the Convention or by the President.

Rule 14. It shall be the duty of the Sergeant at Arms to attend the Convention during its sitting, preserve order in the corridor and gallery, execute all processes issued by authority of the Convention and directed to him by the President; give notice of all messages the Convention may require. When requested to call a member of the Convention, he shall do so by name.

Rule 15. It shall be the duty of all employees of the Convention to attend all sittings thereof, and to attend at the Convention Chamber at other hours if required to do so, and to perform such duties as may be assigned them. They shall be under direct supervision and direction of the Committee on Printing and Clerks, and subject to reprimand or discharge for incompetence, misconduct or insubordination.

Rule 16. When any member desires to speak, debate, deliver any matter to the Convention, make or second a motion, he shall arise from his seat and

respectfully address himself to "Mr. President," who shall recognize him as "The Gentleman from ...County, Mr. ..." He shall confine himself to the question, or to subject matter properly in order, avoid personalities, and shall not impeach the motives of any other member's vote or argument.

Rule 17. In all cases the member who shall first arise and address the chair shall speak first, but when two or more members rise at the same time, the President shall name the person to speak.

Rule 18. No member shall interrupt another while speaking, except to call to order or to correct a mistake.

Rule 19. No member shall be permitted to stand up to the interruption of another while any member is speaking, or pass unnecessarily between the President of the Convention and the person speaking; nor shall any member, employee or other person be permitted to stand in the aisles during the sessions of the Convention.

Rule 20. Any motion shall be reduced to writing, if required by the President or any other member.

Rule 21. Any member may ask for the statement of the question which the President shall give standing.

Rule 22. No member shall speak more than twice to the same question, until every member choosing to speak shall have spoken.

Rule 23. After a motion is stated by the President, or read by the Secretary, it shall be deemed in the possession of the Convention, but it may be withdrawn by leave of the Convention at any time before a decision is announced or amendment is made.

Rule 24. The President shall propound all questions in the order in which they shall be moved, unless the subsequent motion be previous in its nature, except that in filing blanks, and in assigning times for the consideration of business, the smallest sum or percentage and the longest time shall be preferred.

Rule 25. A motion to adjourn and a motion to lay on the table shall be always in order, except when a motion for the previous question is pending at which time neither can be repeated until the motion for the previous question is disposed of, without the unanimous consent of the Convention. And these motions shall be decided without debates.

Rule 26. The President shall put the previous question in the following form: "Shall the main question now be put?" and all amendments or further debate of the main question shall be suspended until the previous question shall be decided; and the previous question shall not be put unless seconded by three members. And a call for the ayes and nays shall be in order after the main question has been ordered to be put. After the adoption of the previous question, the vote shall forthwith be taken upon amendments in the order presented and then upon the main question.

Rule 27. When a motion or question has been once put and a decision rendered by the chair, it shall be in order for any member who voted in the majority, or when the Convention is equally divided, for a member who voted in the negative, to move for a reconsideration thereof, on the same or succeeding day, and such motion shall take precedence over all questions, except a motion to lay on the table, a motion for reconsideration, or a motion to adjourn. A motion for reconsideration being put and lost it shall not be renewed on the same day, but such motion for reconsideration may be renewed on the succeeding day, and not thereafter.

Rule 28. A member may call for a division of a question which shall be divided if it comprehends proportions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendments nor motion to strike out and insert.

Rule 29. Every member who shall be within the bar of the Convention when question is put, shall give his vote, unless the Convention, for special reasons, shall excuse him, and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared.

Rule 30. A member who is not within the bar of the Convention when a vote is taken upon any question, shall not be allowed to vote on that question, except by consent of the Convention.

Rule 31. The yeas and nays shall be ordered upon the request of any member, but a call of the Convention shall not be made without the consent of eight members.

Rule 32. No new motion or proposition shall be admitted under the color of an amendment, as a substitute for the motion or question under debate.

Rule 33. When a question is under debate, no motion shall be received but:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To commit to the committee of the whole.
- (e) To commit to standing committee.
- (f) To commit to select committee.
- (g) To amend.
- (h) To postpone to a certain day.
- (i) To postpone indefinitely

Which several motions shall have precedence in the order in which they are arranged.

Rule 34. The following questions shall be undebatable:

- (a) Motion to adjourn.
- (b) Motion to lay on the table.
- (c) Motion for the previous question.
- (d) Motion to suspend a rule, or the rules.
- (e) An appeal from the decision of the chair, when it relates to violations of the rules, or to disorder or the priority of business, or when the previous question was pending at the time the appeal was taken.
- (f) Questions of order arising after an order is made for the previous question or upon debatable business.
- (g) Questions pertaining to priority of business.

Rule 35. If any member in speaking or otherwise, shall transgress the Rules of the Convention, the President shall, or any of the Convention may, call him to order, and the member called to order shall take his seat, if required to do so by the President, until a question of order is decided.

Rule 36. The President shall decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the Convention, except the member appealing who may speak twice.

Rule 37. Every question of order which shall be decided on appeal shall be entered on the minutes with the division thereon.

Rule 38. If any member be called to order for words spoken in the debate, the member calling him to order shall repeat the words expected to, and they shall be taken down in writing at the Secretary's table, and no member shall be held to answer or be subject to the censure of the Convention for words spoken in debate, if any other member has spoken or other business intervened after words are spoken, and before exception to them be taken.

Rule 39. When any member shall be guilty of a breach of any of the rules or order of the Convention and the Convention determine that he has so transgressed, he shall not be allowed to vote or speak, except by way of excuse for the same, until he shall have made satisfaction.

Rule 40. Any member having obtained leave of absence, and having in his possession any papers relative to the business before the Convention, shall leave the same with the Secretary.

Rule 41. An interim between any two sessions of the Convention on the same day shall be called a recess; and on reassembling at the appointed hour any question pending at the time of taking such recess shall be resumed without motion to that effect.

Rule 42. All committees, except such as the Convention shall from time to time determine to select shall be named by the President.

Rule 43. Reports of Committees shall be considered in the order in which they have been presented to the Convention.

Rule 44. All reports of the Committees shall be signed by the members thereof who concur therein, except if the report be unanimous, it may be signed by the chairman alone.

Rule 45. All committee reports shall be presented by the chairman of the respective committees or by a member thereof properly authorized.

Rule 46. Propositions, resolutions or other matters referred to any committee, may, at the discretion of the Convention be withdrawn therefrom and placed before the Convention for its consideration at any time.

Rule 47. When the Convention shall go into Committee of the Whole, the President shall appoint the member who shall take the chair.

Rule 48. The same rules shall be observed in Committee of the Whole as in the Convention, so far as the same are applicable, except that the previous question shall not apply, nor the yeas and nays be taken, nor a limit be made as to the number of times a member may speak.

Rule 49. In Committee of the Whole [a] proposition shall be read by the chairman and considered item by item, unless otherwise directed by the committee, leaving the preambles, if any, last to be considered. The body of the propositions shall not be defaced or interlined, but amendments shall be noted by the chairman or secretary upon a separate piece of paper, and so reported to the Convention.

Rule 50. There shall be a special calendar for the Committee of the Whole, on which shall be placed all propositions matters which by order of the Convention or under and other these rules are referred to such committee. Every proposition shall be considered and acted upon in the Committee of the Whole in its order upon the calendar.

Rule 51. A motion for the Committee of the Whole to rise and report progress shall be in order at any stage and shall be decided without debate.

Rule 52. All matters intended to become a part of the Constitution shall be presented by a member of the Convention or one of the standing committees thereof, in the form of a proposition, and shall be in writing and in the following form:

A PROPOSITION

No...

Introduced by Mr. ..., of ...County.

A Proposition relative to ...

It is hereby proposed:

Rule 53. The regular order to be taken by Propositions introduced in the Convention shall be as follows:

(a) Upon introduction a Proposition shall be read first time in full, whereupon the President shall announce, "First Reading of the Proposition."

(b) Unless otherwise ordered the Proposition shall be referred to the Committee on Printing and Clerks. in the absence of a contrary motion, there shall be printed five hundred copies of each Proposition. Within two days, exclusive of the day of reference, the Proposition shall be reported back to the Convention, together with the printed copies thereof.

(c) The proposition shall be read a second time in full, whereupon the President shall announce, "Second reading of the Proposition," and shall refer it to an appropriate standing committee. The committee to which the Proposition shall be so referred shall examine the same, and within eight days, exclusive of the day of reference, unless otherwise ordered by the Convention, the chairman of the committee or a member thereof authorized to do so, shall return the Proposition and present the committee's recommendations. All the amendments proposed by the committee shall be clearly set out in the committee's report by specific reference to the Proposition or section or sections to be amended together with the words proposed to be stricken out, inserted or substituted, and said report shall be accompanied by a copy of the proposition, section or sections, as it or they would read if amended as recommended.

(d) The Proposition shall be placed upon the calendar of the Committee of the Whole in the order in which it shall have been reported to the Convention, which position it shall continue to occupy on the calendars of the Committee of the Whole and of the Convention, until finally disposed of; except, that a proposition may be recommended to the same or a different committee at any time previous to its final disposition, in which event, if any amendment be reported, the Proposition shall be subject to the same procedure as when reported by the committee to which it was originally committed.

(e) When a Proposition shall have been examined and reported by the Committee of the Whole it shall be placed on the Calendar of the Convention under the head of Order of the Day in the order in which reported by the Committee of the Whole. The question shall be, first, upon the adoption of the reports, respectively, of the Committee of the Whole and the standing committee which examined the proposition; second, if the Proposition be not amended, "Shall the Proposition have a third reading?" or if there shall be amendments, "Shall the Proposition be engrossed and have a third reading," and if decided in the affirmative, it shall be placed upon the calendar in its proper order. A proposition ordered engrossed shall be referred to the Committee on Style, Revision and Compilation for engrossment.

(f) So soon as any entire Proposition shall have been adopted, such Proposition shall be referred to the Committee on Style, Revision and Compilation. The committee shall have power to revise the language used in the interest of grammatical excellence, uniformity, and consistency, but must not in any way destroy the sense of the Convention.

(g) The Committee on Style, Revision and Compilation having completed its revision shall report the Proposition to the Convention, within two days, exclusive of the day of reference, when the revised proposition shall be read in full and the question shall be on the adoption of the Proposition so revised. If the same shall be decided in the affirmative the Proposition shall be again reported to the Committee on Style, Revision and Compilation to be by that Committee embodied in the Constitution.

(h) At a reasonable time, to be determined by the Convention, at least eight days before final adjournment, the Committee on Style, Revision and Compilation shall report to the Convention all Propositions adopted and submitted to it as heretofore provided, carefully revised and compiled into a complete Constitution for the State of Arizona, and the same shall be printed and referred to the Committee of the Whole.

(i) The report of the Committee of the Whole on the completed Constitution shall be acted upon by the Convention and the Constitution considered section by section and no Proposition shall be embodied in the Constitution or become a part thereof without it receives the approval by an aye and nay vote of the majority of the members elected to the Constitutional Convention.

(j) After being so adopted section by section, and as a whole, the compiled Constitution shall be again referred to the Committee on Style, Revision and Compilation to be accurately engrossed and enrolled and the same shall be reported by said committee to the Convention at a date determined two days before final adjournment.

When reported by the by the Committee on Style, Revision and Compilation [the Constitution] shall be read in full, and prior to final adjournment of the Convention shall be submitted to a vote. Upon such reading no amendment shall be permitted.

(k) After such final passage the Constitution shall be signed by the President and all the members of the Convention.

Rule 54. All proposed action touching the rules and order of business shall be referred, as of course, to the Committee on Rules. Such Committee may sit during the session of the Convention without special leave, and report at any time upon rules, or order of business, so referred to it. It will be in order to call up for consideration at any time a report from the Committee on Rules. No other committee shall sit during a session of the Convention without special leave.

Rule 55. No Rule or order of the Convention shall be suspended, altered or repealed unless two-thirds of the members present shall consent thereto.

Rule 56. No rule or order of the Convention shall be altered or repealed, nor shall any new standing rule or order be adopted unless one day's previous notice thereof be given in each case, and such notice shall be entered on the minutes.

Rule 57. The rules of parliamentary practice comprised in Robert's Rules shall govern the convention in all cases in which they are not inconsistent with the standing rules of the Convention.

Rule 58. The Convention shall have twenty-four standing Committees as follows: [as listed supra]"

(The Records of the Arizona Constitutional Convention of 1910, Pages 26-34)

[e933825] Mr. Winsor: Will Mr. Bolan please conclude the reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933831] Mr. Bolan continues reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933840] Mr. Cunniff: Mr. Bolan will you please re-read that portion just before Rule Number 32.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933848] Mr. Bolan re-read portion requested.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933852] Mr. Feeney: Mr. Bolan, please re-read Rule Number 47.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933856] Mr. Bolan re-read portion requested.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933751] Mr. President: Gentlemen, is there anything else to come before the convention this morning? I suggest that the chairman of the committee on rules make the corrections in the rules that are necessary so that they can go to the printer immediately.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933752] [Editor's Note: The report was sent to the Committee on Printing.]

(Editorial)

[e933866] Mr. Crutchfield: Mr. President, I would like to suggest that I would not care to be limited to twenty-four hours for reconsideration of a motion, I think we should not be limited as it may require more time for reconsideration than twenty-four hours.

Mr. Webb: Mr. President, the rule here proposed is the broadest I have ever seen written upon the subject. A motion to reconsider is often abused by one who favors measures moving a reconsideration immediately after its passage, then voting against his own motion, thus preventing a future motion for the reconsideration by a member opposed to him. The rule here proposed will prevent sharp practice of this kind as it will permit a second motion to reconsider on the following day, and the objection made by the gentleman from Maricopa will probably be removed when he recalls the fact that any proposition may be amended at any time up to the final passage of the constitution as a whole and in a complete form.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[*e933879*] Mr. Jones (Maricopa): Mr. President, it seems to me that these rules should be adopted, and that we are making a mistake in not adopting the rules. I move a reconsideration of the motion to lay the rules upon the table until the printed copies are submitted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 34-35)

[*e933886*] Mr. Cunniff: Mr President, I have before me a typewritten copy of the rules, which I have followed in the reading. I do not think that the present consideration of the rules is satisfactory. I am not in favor of adopting these rules until I have given them more study. As I stated before, it would be an act of wisdom and prudence to consider them carefully before taking any further action on them. Every matter before this convention should have ample consideration to the satisfaction of the members, and I shall oppose any step to hasten any matters before we have given them due consideration. I cannot vote to take any hasty step, and to do so now would certainly be a mistake in my opinion.

Mr. Ellinwood: Mr. President, it seems to me that it will be a mistake to make a speedy decision in the matter of the adoption of these rules. A clear and thorough understanding should be had by each member on all matters proposed before their adoption.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[*e933890*] Mr. Winsor: Mr President, I arise to a point of order, the gentleman from Cochise is not speaking to the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[*e933892*] Mr. Webb: Mr President, amendments to the rules must be made before the measures can be adopted, but the motion is that of adoption.

Mr. Ellinwood: Mr. President, I understand, but I think that we should have a printed copy of the rules before we adopt the rules, in order that amendments may be made before adoption.

Mr. Webb: The gentleman will withdraw his motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[*e933898*] Mr. Winsor: Mr. President, I move that tomorrow be set aside as the day for consideration and adoption of the rules.

Mr. Cobb: I second the motion of Mr. Winsor.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[*e933902*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[*e933904*] Mr. Cassidy: Since Monday is court day in Maricopa County, and there are three or four members of the convention who will wish to be in attendance at court, I would ask that they be excused.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[e933907] Mr. President: If there are no objections those members may be excused.

(The Records of the Arizona Constitutional Convention of 1910, Page 35)

[e933909] Mr. Webb: Mr. President, I understand that there are several members here who have urgent business at home and who could make that trip between now and Monday. If there is nothing to come before the convention between now and Monday, I move that the convention adjourn until Monday morning.

Mr. Cooper: So far we have no report of the convention proceedings and it will take from now until Monday to get this work out. If there is no further business to come before the convention, I would second the motion to adjourn until Monday morning, which will allow ample time for the business now before the convention to be done.

(The Records of the Arizona Constitutional Convention of 1910, Pages 35-36)

[e933915] Mr. Baker: Mr. President, there is work that we could probably take up tomorrow if we were in session, and I do not see any need of wasting our time outside, therefore, I move that we adjourn until tomorrow morning at 10 o'clock.

Mr. Osborn: I second the motion.

(Editorial, Page 36)

[e933921] Mr. President: I would suggest that the Committee have copies of the report of the Committee on Rules and Procedure on the desks tomorrow morning.

Convention adjourned to 10 a.m., October 15, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

## 1.9 Saturday, 15 October 1910, at 10:00 (s15790)

[e933589] Mr. President: The convention will come to order please.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933635] Mr. President: The convention will come to order please.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933613] Roll call as follows:

Present — Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, A.M. Jones, F.A. Jones, Keegan, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orma, Osborn, Parsons, Roberts, Scott, Short, Sims, R.B. Simms, Mit, Standage, Tovrea, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Excused—Cooper, Jacome, Kingan, Pusch, Tuthill.

(The Minutes of the Arizona Constitutional Convention, Page 38)

[e933616] Mr. President: [...] Quorum present. We will now rise for the invocation.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933647] Reverend Crutchfield: Kind and Gracious God, the Father of the Universe, we again come before Thee invoking Thy Holy Spirit upon us for another day of work in this convention and before we commence the labors of the day we desire to call upon Thy mercies for a blessing and the guidance of our every thought and action this day. We realize that we are weak and sinful in many of our ways and we desire to become righteous and that it is through Thy grace that we are permitted to meet again[;] therefore we approach Thy Throne of Grace in humility asking Thy forgiveness and Thine approval and with hearts filled with gratitude for all Thy blessing we do beseech Thee to continue the Blessings unto us. Bless these men with wisdom and prudence, and with a knowledge of the great work of constitution building, that whatever they may do, or say, or measures they may submit, that these measures will be acts of prudence and wisdom, having the love of liberty in their hearts, when they adopt them into the Constitution of the State. Be mindful of us Oh Lord in all that Thou seest that we need, and accept the gratitude of our hearts this day for life, health and happiness and the privilege of meeting together again in peace for the labors of the Convention. All blessings we ask of Thee through the worthy name of Thine only Begotten Son. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933650] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933653] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 36)

[e933660] Mr. President: We have a communication to read. The secretary will please read the message.

Secretary: (reading)

(The Records of the Arizona Constitutional Convention of 1910, Page 37)

[e933667] Mr. President: I did not send the message ordered by this convention the other day as I felt confident that one would be forthcoming from Santa Fe.

(The Records of the Arizona Constitutional Convention of 1910, Page 37)

[e933670] [Editor's Note: The Convention received the communication from the Constitutional Convention of New Mexico, and it was considered resolved.]

(Editorial)

[e933674] Mr. President: [...] I have here the copy of a message, which I have just dispatched, and which the secretary will please read.

(The Records of the Arizona Constitutional Convention of 1910, Page 37)

[e933681] [Editor's Note: Per the Convention's decision on October 12, Hunt's communication was sent to the New Mexico constitutional convention.]

(Editorial)

[e933686] The following communication was read:

[Editor's Note: This communication is not described in the Journals.]

(The Minutes of the Arizona Constitutional Convention, Page 39)

[e933697] Mr. Winsor moved and Mr. Keegan seconded, that Secretary be instructed to make request for copies as offered sent by express.

(The Minutes of the Arizona Constitutional Convention, Page 39)

[e933712] Motion carried.

Mr. Doe asked that he be entered on the record as voting in the negative.

[Editor's Note: Because Mr Doe was the only one to have his vote recorded, his is the only vote represented in the voting records.]

(The Minutes of the Arizona Constitutional Convention, Page 39)

[e933726] The following reply was sent to Mr. Murray:

(The Minutes of the Arizona Constitutional Convention, Pages 39-40)

[e933728] The following reply was sent to Mr. Murray:

(The Minutes of the Arizona Constitutional Convention, Pages 39-40)

[e933761] Mr. Winsor: Mr. President, the Committee on Rules is ready to report.

[Editor's Note: The Report of the Committee on Rules and Procedure was returned from the Committee on Printing.]

(The Records of the Arizona Constitutional Convention of 1910, Page 38)

[e933769] Mr. Winsor submitted the report of the Committee on Rules and Procedure, which was taken up section by section, as follows:

[Editor's Note: To mimic the process of severally considering the rules submitted by the Committee on Rules and Procedure – or debating them one by one – the editors have introduced a blank document that serves as a working draft. Rules are then proposed one at a time onto the working draft as they are taken up.]

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933786] [Editor's Note: The Convention considered Rule 1.]

(Editorial)

[e933789] Rule 1. Mr Ellinwood moved, seconded by Mr. Weinberger that figure 9 be stricken out and figures 10 be inserted at the end of line one;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933790] Rule 1. Mr. Ellinwood moved, seconded by Mr. Weinberger that figure 9 be stricken out and figures 10 be inserted at the end of line one; amendment lost by standing vote.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933791] Rule 1 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933795] [Editor's Note: The Convention considered Rule 2.

The version of Rule 2 of the report submitted by the Committee on Rules and Procedure recorded in the Minutes and the Records reads: "If a quorum be present, the business of the Convention shall be disposed in the following order:" This is incorrect, as the words "a quorum be" are inserted in an amendment made in the Convention. This section has been corrected in the document text.]

(Editorial)

[e933806] Rule 2. Mr. Baker moved that words "a quorum be" be inserted after the word "if" and before the word "present" in the second paragraph;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933808] Rule 2. Mr. Baker moved that words "a quorum be" be inserted after the word "if" and before the word "present" in the second paragraph; carried.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933811] Rule 2 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933818] [Editor's Note: The Convention considered Rule 3.]

(Editorial)

[e933820] Rule 3 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933821] [Editor's Note: The Convention considered Rule 4.]

(Editorial)

[e933828] Rule 4. Mr. Doe moved that in line three after the word "such" the words "will only" be stricken out and the word "shall" inserted and that after the word "granted" and before the word "by" the word "only" be inserted, and that the word "vote" be stricken out and the words "the President" be inserted;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933834] Rule 4. Mr. Doe moved that in line three after the word "such" the words "will only" be stricken out and the word "shall" inserted and that after the word "granted" and before the word "by" the word "only" be inserted, and that the word "vote" be stricken out and the words "the President" be inserted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933835] Rule 4 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933841] [Editor's Note: The Convention considered Rule 5.]

(Editorial)

[e933849] Rules 5 and 6 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933851] [Editor's Note: The Convention considered Rule 6.]

(Editorial)

[e933857] Rules 5 and 6 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933871] [Editor's Note: The Convention considered Rule 7.

The version of Rule 7 of the report submitted by the Committee on Rules and Procedure recorded in the Minutes and the Records reads: "while the ayes and nays are being called." This is incorrect, as the word "upon" is stricken out from the end of Rule 7 in an amendment made in the Convention. This section has been corrected in the document text.]

(Editorial)

[e933876] Rule 7. On motion the word "upon" at the end of the paragraph was stricken out.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933881] Rule 7. On motion the word "upon" at the end of the paragraph was stricken out.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933885] Rule 7 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933891] [Editor's Note: The Convention considered Rule 8.]

(Editorial)

[e933896] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933903] [Editor's Note: The Convention considered Rule 9.]

(Editorial)

[e933906] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933908] [Editor's Note: The Convention considered Rule 10.]

(Editorial)

[e933911] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933913] [Editor's Note: The Convention considered Rule 11.]

(Editorial)

[e933918] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933919] [Editor's Note: The Convention considered Rule 12.]

(Editorial)

[e933923] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933926] [Editor's Note: The Convention considered Rule 13.]

(Editorial)

[e933929] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933930] [Editor's Note: The Convention considered Rule 14.]

(Editorial)

[e933931] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933933] [Editor's Note: The Convention considered Rule 15.]

(Editorial)

[e933935] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933941] [Editor's Note: The Convention considered Rule 16.]

(Editorial)

[e933943] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933945] [Editor's Note: The Convention considered Rule 17.]

(Editorial)

[e933947] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933949] [Editor's Note: The Convention considered Rule 18.]

(Editorial)

[e933953] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933959] [Editor's Note: The Convention considered Rule 19.]

(Editorial)

[e933961] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933965] [Editor's Note: The Convention considered Rule 20.]

(Editorial)

[e933969] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933972] [Editor's Note: The Convention considered Rule 21.]

(Editorial)

[e933974] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933976] [Editor's Note: The Convention considered Rule 22.]

(Editorial)

[e933977] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933985] [Editor's Note: The Convention considered Rule 23.]

(Editorial)

[e933993] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e933998] [Editor's Note: The Convention considered Rule 24.]

(Editorial)

[e934002] Rules 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934006] [Editor's Note: The Convention considered Rule 25.]

(Editorial)

[e934011] Rule 25. Mr. Crutchfield moved and Mr. Ingraham seconded, that the word "repeated" in the middle of line three be stricken out and the word "entertained" substituted;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934012] Rule 25. Mr. Crutchfield moved and Mr. Ingraham seconded, that the word "repeated" in the middle of line three be stricken out and the word "entertained" substituted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934016] Rule 25 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934020] [Editor's Note: The Convention considered Rule 26.]

(Editorial)

[e934021] Rule 26 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934025] [Editor's Note: The Convention considered Rule 27.]

(Editorial)

[e934029] Rule 27. Mr. Short moved and Mr. Lynch seconded that in line six the words "a motion for reconsideration" be stricken out;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934032] Rule 27. Mr. Short moved and Mr. Lynch seconded that in line six the words "a motion for reconsideration" be stricken out; carried.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934034] Rule 27 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934051] [Editor's Note: The Convention considered Rule 28.]

The version of Rule 28 of the report submitted by the Committee on Rules and Procedure recorded in the Minutes and the Records reads: "A motion to strike out and insert shall be deemed indivisible." This is a mistake, as the word "inadvisable" is corrected to "indivisible" in an amendment made in the Convention. This section has been corrected in the document text.]

(Editorial)

[e934061] Rule 28. In lines 4 and 5 the word "inadvisable" was corrected to read "indivisible".

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934063] Rule 28. In lines 4 and 5 the word "inadvisable" was corrected to read "indivisible".

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934064] Rule adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934068] [Editor's Note: The Convention considered Rule 29.]

(Editorial)

[e934076] Rule 29. Mr. Baker moved and Mr. Ellinwood seconded, that in line two after the word "vote" and before the word "unless" that the words "as his name appears upon the roll" be inserted;

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934080] Rule 29. Mr. Baker moved and Mr. Ellinwood seconded, that in line two after the word "vote" and before the word "unless" that the words "as his name appears upon the roll" be inserted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934083] Rule 29 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 40)

[e934102] [Editor's Note: The Convention considered Rule 30.]

(Editorial)

[e934107] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934112] [Editor's Note: The Convention considered Rule 31.]

(Editorial)

[e934116] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934122] [Editor's Note: The Committee considered Rule 32.]

(Editorial)

[e934126] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934130] [Editor's Note: The Convention considered Rule 33.]

(Editorial)

[e934131] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934136] [Editor's Note: The Convention considered Rule 34.]

(Editorial)

[e934137] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934139] [Editor's Note: The Convention considered Rule 35.]

(Editorial)

[e934143] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934149] [Editor's Note: The Convention considered Rule 36.]

(Editorial)

[e934151] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934155] [Editor's Note: The Convention considered Rule 37.]

(Editorial)

[e934156] Rules 30, 31, 32, 33, 34, 35, 36, and 37 adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934160] [Editor's Note: The Committee considered Rule 38.]

(Editorial)

[e934161] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934163] [Editor's Note: The Convention considered Rule 39.]

(Editorial)

[e934165] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934171] [Editor's Note: The Convention considered Rule 40.]

(Editorial)

[e934173] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934174] [Editor's Note: The Convention considered Rule 41.]

(Editorial)

[e934175] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934178] [Editor's Note: The Convention considered Rule 42.]

(Editorial)

[e934180] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934184] [Editor's Note: The Convention considered Rule 43.]

(Editorial)

[e934185] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934189] [Editor's Note: The Convention considered Rule 44.]

(Editorial)

[e934192] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934194] [Editor's Note: The Convention considered Rule 45.]

(Editorial)

[e934195] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934199] [Editor's Note: The Convention considered Rule 46.]

(Editorial)

[e934201] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934202] [Editor's Note: The Convention considered Rule 47.]

(Editorial)

[e934204] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934205] [Editor's Note: The Convention considered Rule 48.]

(Editorial)

[e934207] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934213] [Editor's Note: The Convention considered Rule 49.]

(Editorial)

[e934216] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934220] [Editor's Note: The Convention considered Rule 50.]

(Editorial)

[e934221] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934222] [Editor's Note: The Convention considered Rule 51.]

(Editorial)

[e934226] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934230] [Editor's Note: The Convention considered Rule 52.]

(Editorial)

[e934232] Rules 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934275] [Editor's Note: The Convention considered Rule 53.

In the Minutes, section (i) of Rule 53 mistakenly reads: "The report of the Committee of the Whole on the completed Constitution shall be acted upon by the Convention and the Constitution considered section by section, and no Proposition shall be embodied in the Constitution or become a part thereof without it receives the approval by an aye and nay vote of a majority of the majority of the members elected to the Constitutional Convention." This section has been corrected in the document text by substituting in the correct text from the Records of the Arizona Constitutional Convention.

Note also that the Records of the Arizona Constitutional Convention have mistakenly omitted the word 'arranged' in section (h).

Note thirdly that the Records and the Minutes disagree on the pluralisation of the word 'amendment' in section (j).]

(Editorial)

[e934283] Rule 53. Mr. Winsor moved and Mr. Ellinwood seconded that in section (h) line four after the word "revised" and before the word "arranged" the words "and logically" be inserted;

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934298] Rule 53. Mr. Winsor moved and Mr. Ellinwood seconded that in section (h) line four after the word "revised" and before the word "arranged" the words "and logically" be inserted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934301] Mr. Ellinwood moved that in section (j) line eight after the word "vote" that the following be inserted: "and if it receive the approval by an aye and nay vote of a majority of the members elected to the Convention it shall be declared to be adopted";

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934302] Mr. Ellinwood moved that in section (j) line eight after the word "vote" that the following be inserted: "and if it receive the approval by an aye and nay vote of a majority of the members elected to the Convention it shall be declared to be adopted"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934304] Rule 53 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934305] [Editor's Note: The Convention considered Rule 54.]

(Editorial)

[e934307] Rules 54, 55, 56, 57, and 58 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934312] [Editor's Note: The Convention considered Rule 55.]

(Editorial)

[e934313] Rules 54, 55, 56, 57, and 58 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934314] [Editor's Note: The Convention considered Rule 56.]

(Editorial)

[e934318] Rules 54, 55, 56, 57, and 58 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934323] [Editor's Note: The Convention considered Rule 57.

Editor's Note: The document text is taken from the Minutes, however the Records read "The rules of parliamentary practice comprised in Robert's Rules shall govern the Convention in all cases in which they are not inconsistent with the standing rules and orders of the Convention".]

(Editorial)

[e934326] Rules 54, 55, 56, 57, and 58 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934330] [Editor's Note: The Convention considered Rule 58.]

(Editorial)

[e934332] Rules 54, 55, 56, 57, and 58 were adopted as read.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934334] Mr. Winsor moved, seconded by Mr. Bolan that report of the Committee on Rules and Procedure be adopted as amended;

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934337] Mr. Winsor moved, seconded by Mr. Bolan that report of the Committee on Rules and Procedure be adopted as amended; carried.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934351] Mr. Winsor moved that the resolution relating to introduction of Propositions which was tabled October 14, 1910, be taken from the table;

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934355] Mr. Winsor moved that the resolution relating to introduction of Propositions which was tabled October 14, 1910, be taken from the table; carried.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934358] Mr. Winsor moved and Mr. Webb seconded, that resolution relating to introduction of Propositions be adopted;

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934370] Mr. Winsor moved and Mr. Webb seconded, that resolution relating to introduction of Propositions be adopted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934375] Mr. Cunniff: Mr. President, I move that the convention rescind the action, authorizing and empowering the Committee on Rules to contract with the reporters to make a verbatim report of the convention proceedings.

[...]

Mr. Wood: I second the motion of Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Page 39)

[*e934379*] Mr. Baker: Mr President, for information I would like to know why the convention should rescind their action on this question? As for myself I do not object to the matter either one way or another.

Mr. Cunniff: In the first place it might be nice to have a verbatim report, which no one will read, except for political purposes. It is the desire of the delegation from Yavapai County to rescind this action on the matter of reporting the proceedings for the reason that we can see no possible use for the material. It is a useless expense of the money. It also seems that there is an almost complete failure on the part of the committee to secure competent reporters. We would suggest that if there are any of the members who have prepared speeches or flights of eloquence, which they desire preserved in the journals that they have typewritten copies included in the journal and to let this suffice for that part of the report. The other matter will appear in print, or much of it as will be read, as will the constitution itself. For that reason we would be glad to dispense with the verbatim report.

Mr. Wood. I second the motion of Mr. Cunniff

Mr. President: I would like to ask the chairman of the committee on rules what prospect there is of securing competent stenographers, and at what price.

Mr. Winsor: The first offer of Mr. Larrabee was not carried out because he was unable to secure competent help, but we have another bid which amounts to the same as the first cost, that is \ \$3500. Every constitutional convention has a verbatim report of its proceedings and it seems to me that we would be preserving much valuable matter of historical interest. As for the political uses to which it might be put it would be to the advantage of every member to have a perfect record of these proceedings.

Mr. Mouer: Most of the members have come here pledged and there should be nothing said in this convention that we should be ashamed to have in print. I am in favor of having a verbatim report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 39-40)

[*e934381*] Mr. Coker: Mr. President, I move that this question be made a special order for this afternoon.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[*e934402*] Mr. Coker moved, and Mr. Webb seconded, that motion of Mr. Cunniff be made a special order for 2 p. m., October 15, 1910; lost.

[Editor's Note: The sources disagree on the outcome of this motion. Records of the Arizona Constitutional Convention record that this motion passed, yet the Minutes record that it lost. The editors have chosen to defer to the Minutes because to postpone the debate would be out of order.]

(The Minutes of the Arizona Constitutional Convention, Page 41)

[*e934415*] Mr. Baker moved, seconded by Mr. Webb, that motion of Mr. Cunniff be made special order for 2 p. m., October 17, 1910;

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934421] Mr. Baker moved, seconded by Mr. Webb, that motion of Mr. Cunniff be made special order for 2 p. m., October 17, 1910; lost.

(The Minutes of the Arizona Constitutional Convention, Page 41)

[e934430] Mr. Baker: Mr. President, I move that the convention adjourn until 2 p.m.

Mr. Osborn: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934435] The motion failed.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934443] Mr. President: Those in favor of the motion of the gentleman from Yavapai to dispense with the verbatim report say "aye," those opposed "nay." I am in doubt. The secretary will call the roll please.

Roll call showed 27 in favor and 19 against.

The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934463] Mr. Baker: Mr. President, I now move that the minutes be known as the journal.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934464] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934466] Mr. Wills: Mr. President, I move that the convention adjourn until 2 p.m.

Mr. Coker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e934469] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

## 1.10 Saturday, 15 October 1910, at 14:00 (s15813)

[e933864] Mr. President: Will the convention please come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933867] Mr. President: Will the convention please come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933869] Mr. Winsor: Mr. President, I move that the secretary's daily minutes be made the journal records of this convention.

Mr. Moeur: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933870] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933874] Mr. Osborn: Mr. President, I move that 250 copies of the rules be ordered printed.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933875] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933893] Communications from G. W. Hull of Jerome, Arizona, read and referred to the Committee on Legislative Department Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 42)

[e933895] Communications from G. W. Hull of Jerome, Arizona, read and referred to the Committee on Legislative Department Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 42)

[e933920] Mr. Goldwater: Mr. President, I have a resolution to offer, which I would like to have the secretary read.

Mr. President: The secretary will read the resolution.

Secretary: (reading)...

Mr. President: It is understood that if any member has any matter that he desires to be inserted in the journal that he may secure a typewritten copy of the same and file with the clerk.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933922] Mr. Ellinwood: Mr. President, I move that the resolution be referred to the committee on ordinance.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933924] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933888] Mr. Crutchfield: Mr. President, the committee on preamble has a report to offer. (reading)...

Mr. President: Proposition Number 1 first reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933938] Mr. Webb: I have a proposition to introduce. Will the secretary please read it?

Mr. President: The secretary will please read.

Mr. Secretary: Proposition Number 2, introduced by Mr. Webb of Graham County. Relative to state boundaries.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933939] Mr. President: First reading. If there are no objections the proposition will be referred to the Committee on Printing and Clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933951] Mr. Webb: Mr. President, I have a proposition to offer. Will the secretary please read it?

Mr. President: The secretary will read the proposition.

Mr. Secretary: Proposition Number 3, introduced by Mr. Webb of Graham County. Relative to religious toleration.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933952] Mr. President: First reading. If there are no objections the proposition will be referred to the Committee on Printing and Clerks and 500 copies ordered printed.

(Editorial)

[e933962] Mr. Winsor moved, seconded Mr. Webb, where the word "Minutes" appears in the daily proceedings the word "Journal" be inserted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 42)

[e933964] Mr. Winsor moved, seconded Mr. Webb, where the word "Minutes" appears in the daily proceedings the word "Journal" be inserted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 42)

[e933966] Mr. Cobb: Mr. President, inasmuch as Mr. J.B. Murphy is unable to continue his work as clerk of the convention, and has resigned his position, I move that Miss Clara Freestone be retained as a clerk in his place. Miss Freestone is a stenographer and typewriter and capable of holding the position.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933967] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933971] Mr. Webb: Mr. President, I move that the Committee on Rules and Procedure be authorized, empowered and instructed to enter into a contract to secure a verbatim report of the proceedings of the convention.

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933979] Mr. Wood: Roll call please.

Roll call showed 28 in favor and 19 against.

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933981] Mr. Webb moved to re-consider the motion that the Secretary's report be called the Journal; carried.

(The Minutes of the Arizona Constitutional Convention, Page 43)

[e933982] Mr. Webb moved to re-consider the motion that the Secretary's report be called the Journal; carried.

(The Minutes of the Arizona Constitutional Convention, Page 43)

[e933984] Mr. Crutchfield: I move that the convention take a thirty minute recess.

Mr. Moeur: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933986] Mr. President: If there are no objections the convention will now take a recess.

Convention stood at recess.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933988] [Editor's Note: The Convention took a recess.]

(Editorial)

[e933989] Mr. President: Will the convention please come to order. What is the further pleasure of the convention? We have gone through the order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933990] Mr. President: Will the convention please come to order. What is the further pleasure of the convention? We have gone through the order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933991] Mr. Cobb: I move that the convention adjourn until Monday morning at 9 o'clock. I understand that several committees desire to hold their meetings this afternoon.

Mr. White: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933992] The motion prevailed.

Convention adjourned to 9:00 a.m., October 17, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

## 1.11 Monday, 17 October 1910, at 09:00 (s15795)

[e933621] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933624] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933632] Convention called to order by President.

Roll call as follows:

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Moore, Parsons, Roberts, Scott, Short, Sims, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President

Absent—Doe, Goldwater, Moeur, Orme, Osborn, Simms, Mitt.

Excused—Morgan, Pusch, Lynch

(The Minutes of the Arizona Constitutional Convention, Page 44)

[e933634] Mr. President: The convention will rise for the invocation.

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933637] Reverend Crutchfield: Our Lord and God, we would call upon Thee again to ask of Thee a blessing upon this another new day and another week. Before we begin the task of this day we desire to petition Thee for Thy Spirit that whatsoever these men may undertake they may be guided by inspiration. Now O Lord we do not want to undertake this great work without Thy Holy Spirit being poured upon us[;] therefore we ask that we have it for guidance in all the labors of this day. There may be complications arise and discussions arise which may perplex the minds of these men, now heavenly Father we ask Thee to grant them wisdom and prudence to solve all such complications. Bless the president of this convention and to preside over these meetings and Bless also the members and especially the chairmen of the committees that their duties may be performed without friction or complications or if there are any that they may have the wisdom in solving them. Bless all Thy people of this State and this great nation and all those who have duties of office to perform. Help us O Lord to become a great and a good people, and we all hail in the Prayer of Thine only begotten Son, "Our Father who are in heaven hallowed by Thy name. Thy Kingdom come, Thy will be done on earth as it is in heaven, and give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Suffer us not to be lead into temptation but deliver us from evil for Thine is the kingdom and the Power and the Glory, forever, Amen."

(The Records of the Arizona Constitutional Convention of 1910, Page 42)

[e933641] Mr. President: We will now have the reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933645] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933651] The sergeant at arms announced that Mr. Moeur, Mr. Goldwater and Mr. Osborn had taken their seats.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e933659] Mr. President: I am requested to give notice that all Sir Knights will meet this evening in the Elks theatre.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933663] Mr. President: I am requested to give notice that all Sir Knights will meet this evening in the Elks theatre.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933672] Mr. Cunniff: Mr. President, I would like to introduce several propositions.

Mr. President: I would suggest that members introducing propositions label each proposition. There are two communications I would like to read.

Mr. Secretary: (reading)...

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933677] Mr. President: If there are no objections the letter will be referred to the committee on the judiciary. The secretary will read the other communication.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933689] Mr. President: If there are no objections the letter will be referred to the committee on the judiciary. The secretary will read the other communication.

Mr. Secretary (reading)...

(The Records of the Arizona Constitutional Convention of 1910, Pages 43-44)

[e933704] The sergeant at arms announced that Mr. Doe had taken his seat.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e933731] Mr. President: We will now have the reading of the propositions.

Mr. Secretary: (reading) Proposition Number 4, introduced by Baker of Maricopa County. Relative to initiative and referendum.

[Editor's Note: The description text is taken from the Records, page 44.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1020-1023)

[e933738] Mr. President: First reading of the proposition. It will go to the committee on printing and clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e933742] Secretary: (reading) Proposition Number 5, introduced by Mr. Baker of Maricopa County. Relative to preamble.

[Editor's Note: The description text is taken from the Records, page 44.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1033)

[e933745] Mr. President: First reading of proposition. It will go to the Committee on Printing and Clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e933803] Secretary: (reading) Proposition Number 6 introduced by Mr. Cassidy of Maricopa County. Relative to legislative department.

[Editor's Note: The description text is taken from the Records, page 44.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1034-1044)

[e933807] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e933829] Secretary: (reading) Proposition Number 7, introduced by Mr. Cunniff of Yavapai County. Relative to legislative powers.

[Editor's Note: The description text is taken from the Records, page 44.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1050-1052)

[e933833] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 44-45)

[e933839] Secretary: (reading) Proposition Number 8, introduced by Mr. Cunniff of Yavapai County. Relative to validating existing territorial laws.

[Editor's Note: The description text is taken from the Records, page 45.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1052)

[e933844] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933850] Secretary: (reading) Proposition Number 9, introduced by Mr. Cunniff of Yavapai County. Relative to a legal day in all state works.

[Editor's Note: The description text is taken from the Records, page 45.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1059)

[e933863] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933865] Secretary: (reading) Proposition Number 10, introduced by Mr. Cunniff of Yavapai County. Relative to loaning of the state credit.

[Editor's Note: The description text is taken from the Records, page 45.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1059-1060)

[e933868] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933872] Secretary: (reading) Proposition Number 11, introduced by Mr. Cunniff of Yavapai County. Relative to exemption from state taxation.

[Editor's Note: The description text is taken from the Records, page 45.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1060)

[e933873] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933894] Secretary: (reading) Proposition Number 1.

Mr. Ellinwood: Mr. President, I understood that before the second reading of the proposition, that we were to have the printed copies on our desks.

Mr. Winsor: Mr. President, this is the proposition on preamble and the preamble was not ordered printed.

Mr. President: I thought that the proposition on preamble was ordered printed and should now be here.

Mr. Crutchfield: I beg to disagree with the gentleman from Yuma. I think that the proposition on preamble was ordered to be referred to the printing committee and 500 copies ordered printed.

Mr. Webb: Mr. President, what does the Secretary's record say?

Secretary: There was no order for the printing of the proposition on the preamble.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933897] Mr. Winsor: Mr. President, I move that 500 copies of Proposition Number 1 be printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933899] Mr. President: If there are no objections it will be referred to the committee on printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933946] Secretary: (reading) Proposition Number 2 introduced by Mr. Webb of Graham County. Relative to state boundaries.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e933948] Mr. Cunniff: I move that the proposition be referred to the Committee on Federal Relations.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933950] Mr. President: It is so ordered. Gentlemen, what is the further business of the convention?

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933932] The following communication was read:

Lansing, Mich., Oct. 17, 1910.

Geo. W. P. Hunt,

Phoenix, Arizona.

We are expressing today three complete sets Constitutional Provision pamphlets, (signed)

LEGISLATIVE REFERENCE DEPARTMENT.

(The Minutes of the Arizona Constitutional Convention, Page 45)

[e933934] [Editor's Note: The Convention received the Communication and did not act on it further.]

(Editorial)

[e933936] Mr. Cassidy: Mr. President, in drafting the constitution there will probably arise the question of apportionment for members of the legislature and other matters. It is necessary to know the population of the different counties. I move that the president of the convention secure from the director of the census the population of the different counties for the use of the convention.

Mr. Feeney: Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933937] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934347] Mr. Short: Mr. President, I desire to submit an amendment to the rules of Subdivision (b), Rule 53, by inserting after the words "day of reference" the words "legal holidays and Sundays."

[...]

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934349] Mr. Crutchfield: Mr. President, I do not understand the motion.

Mr. President: The Secretary will read the proposed amendment.

Secretary: (reading) "I move to amendment [sic] Subdivision (b), Rule 53, by inserting after the words 'day of reference' the words 'legal holidays and Sundays.'"

Mr. President: I hear no second.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933960] Mr. Webb: Mr. President, if I understood Rule 39, Mr. Short's motion to amend is not in the regular order of business, but rather it is a breach of that rule, and this proposed amendment should come in the regular order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933963] Mr. President: The amendment will come tomorrow in the regular order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933968] Mr. Cunniff: As Mr. McGillen has resigned his position as clerk, I move that Miss Edith Whitaker be substituted in his place.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933970] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933973] Mr. Webb: Mr. President, I now ask unanimous consent to revert to the order of business, introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933975] Mr. President: If there is no objection we will revert to the order of business, introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933983] Mr. Cunniff: I would ask unanimous consent to submit another proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933987] Mr. President: If there are no objections, Mr. Cunniff of Yavapai will also be given permission to submit another proposition. The secretary will please read the propositions on the desk.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e933994] Secretary: (reading) Proposition Number 12, introduced by Mr. Webb of Graham County. Relative to labor.

[Editor's Note: The description text is taken from the Records, page 46.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1060-1061)

[e933995] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934000] Mr. Webb: Mr. President, I have a proposition to introduce.

Secretary: (reading) Proposition Number 13, introduced by Mr. Webb of Graham County. Relative to public lands.

[Editor's Note: The description text is taken from the Records, page 46.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1061)

[e934005] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934015] Secretary: (reading) Proposition Number 14, introduced by Mr. Cunniff of Yavapai County. Relative to constitutional amendments.

[Editor's Note: The description text is taken from the Records, page 47.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1062-1063)

[e934027] Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934030] Mr. Winsor: Mr. President, I ask unanimous consent to return to reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934031] Mr. President: If there are no objections we will hear reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934017] Mr. Winsor: Mr. President, the Committee on Rules begs leave to report that a second bid has been received from Mr. O'Neil of Phoenix. Mr. O'Neal's bid is as follows:

"Thirty Dollars (\\$30) per diem for thirty days. He will furnish four folios per day at twenty cents per folio. For a longer session than thirty days, Thirty Dollars (\\$30) per diem. This amounts to approximately Three Thousand Five Hundred Dollars (\\$3,500.00). This amount together with the printing of the report, which will be about Seven Thousand Dollars (\\$7,000), will make about Ten Thousand Dollars (\\$10,000) for the entire session, provided we hold a thirty day session."

Your committee on rules does not care to enter into any contract unless it is by order of the members of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934037] Mr. Franklin: Mr. President, I would like to say that there are some Phoenix reporters that would like to bid on this work, and I move that they be given an opportunity to bid.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934042] Mr. Sims: I would like to know what the additional cost would be if this convention remained in session forty or fifty days?

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934046] Mr. Moeur: Mr. President, I move that this question be made a special order of business for this afternoon.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934047] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934052] Mr. President: Gentlemen, we have cleared up the business on the table.

Mr. Baker: Mr. President, I move that we adjourn until 2 p.m.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e934053] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

## 1.12 Monday, 17 October 1910, at 14:00 (s15820)

[e933999] Convention called to order at 2:00 by the President.

Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934009] Convention called to order at 2:00 by the President.

Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934023] Report of Mr. Winsor taken up as special order.

Mr. Coker moved, seconded by Mr. Wood that the authority granted the Committee on Rules and Procedure to contract for a stenographic report of the proceedings be rescinded.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934035] Mr. Ellinwood moved to amend to give the Committee until 9:00 a.m., October 18, 1910, to prepare and submit further report

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934043] Mr. Ellinwood moved to amend to give the Committee until 9:00 a.m., October 18, 1910, to prepare and submit further report; amendment lost.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934049] Vote on motion of Mr. Coker was as follows:

Ayes—Baker, Bolan, Bradner, Cassidy, Coker, Colter, Cooper, Crutchfield, Cunniff, Cunningham, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Jacome, A.M. Jones, Keegan, Kingan, Kinney, Langdon, Lovin, Moore, Orme, Parsons, Roberts, Scott, Short, Sims, Weinberger, White, Wells, Wills, Wood, Mr. President. Total 35.

Nays—Cobb, Connelly, Curtis, Ingraham, Moeur, Osborn, Standage, Tuthill, Winsor, Total 9.

Excused—Pusch, Morgan.

Absent—Doe, F.A. Jones, Lynch, Simms, Mit, Webb, Tovrea.

Motion carried.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934090] On motion of Mr. Winsor the Daily Journal was made the Secretary's daily report of the proceedings.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934093] On motion of Mr. Winsor the Daily Journal was made the Secretary's daily report of the proceedings.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934118] Mr. Cobb gave notice that on October 18, 1910, he would move an amendment to the Rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 48)

[e934124] Mr. Cobb gave notice that on October 18, 1910, he would move an amendment to the Rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 48)

[e934148] Proposition No. 15, introduced by Mr. Moeur of Maricopa, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 46.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1064-1068)

[e934166] Proposition No. 15, introduced by Mr. Moeur of Maricopa, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[e934176] Proposition No. 16, introduced by Mr. Sims of Cochise, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, pages 46-47.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1073)

[e934177] Proposition No. 16, introduced by Mr. Sims of Cochise, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 46-47)

[e934203] Petition signed by laboring men of Globe, Arizona, read and referred to the Committee on Labor.

[Editor's Note: The Minutes records this petition as having been referred by the Convention twice on this day, once in the morning and once in the afternoon. The Journal records that it was referred in the afternoon, therefore the editors have chosen to represent the Journal's version of events.]

(The Minutes of the Arizona Constitutional Convention, Page 47)

[e934255] Permission granted Mr. Cunniff to make correction in Proposition 14, now in the hands of the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 47)

[e934258] Permission granted Mr. Cunniff to make correction in Proposition 14, now in the hands of the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 47)

[e934260] On motion of Mr. Cobb the Convention adjourned to 9:00 a.m., October 18, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 47)

[e934262] On motion of Mr. Cobb the Convention adjourned to 9:00 a.m., October 18, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 47)

### 1.13 Tuesday, 18 October 1910, at 09:00 (s15821)

[e933996] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e933997] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934001] Convention called to order by President.

Roll call as follows:

Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Wood, Mr. President

Absent—Franklin, Jones, F.A, Osborn, Simms, Mit, Winsor.

Excused—Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934003] Prayer by Chaplain.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934004] Prayer by Chaplain.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934007] Minutes for October 17, 1910 read and approved.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934008] Minutes for October 17, 1910 read and approved.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934010] The sergeant at arms announced that Mr. Franklin, Mr. Osborn, Mr. Winsor, Mr. Jones of Maricopa had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934013] Proposition No. 17, introduced by Mr. Winsor, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Records of the Arizona Constitutional Convention of 1910, Page 48)

[e934014] Proposition No. 17, introduced by Mr. Winsor, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934022] Proposition No. 18, introduced by Mr. Weinberger, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Records of the Arizona Constitutional Convention of 1910, Page 48)

[e934024] Proposition No. 18, introduced by Mr. Weinberger, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934033] Proposition No. 19, introduced by Mr. Parsons, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934036] Proposition No. 19, introduced by Mr. Parsons, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934044] Proposition No. 20, introduced by Mr. Bradner, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934045] Proposition No. 20, introduced by Mr. Bradner, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934054] Proposition No. 21, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934055] Proposition Number 21, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934062] Proposition No. 22, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934065] Proposition No. 22, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934069] Proposition No. 23, introduced by Mr. Moeur, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934070] Proposition No. 23, introduced by Mr. Moeur, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934073] Proposition No. 24, introduced by Mr. Osborn, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 48-49)

[e934074] Proposition No. 24, introduced by Mr. Osborn, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 48-49)

[e934084] Proposition No. 25, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934086] Proposition No. 25, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934096] Proposition No. 26, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934097] Proposition No. 26, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934110] Proposition No. 27, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934113] Proposition No. 27, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934128] Proposition No. 28, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934129] Proposition No. 28, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934134] The following resolution, introduced by Mr. Short, was adopted:

Resolution No. 2.

”Resolved, that subdivision (b) of Rule 53 be amended by inserting after the words ‘exclusive of the day of reference’ the words ‘legal holidays and Sundays.’”

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934135] The following resolution, introduced by Mr. Short, was adopted:

Resolution No. 2.

”Resolved, that subdivision (b) of Rule 53 be amended by inserting after the words ‘exclusive of the day of reference’ the words ‘legal holidays and Sundays.’”

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934350] [Editor’s Note: When Short’s resolution was adopted by the Convention, the amendment was also made to the rule document.]

(Editorial)

[e934140] Communication from F. B. Smith, of Globe, Arizona, read and referred to the Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934141] Communication from F. B. Smith, of Globe, Arizona, read and referred to the Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934150] Telegram from Wm. Burke read and referred to the Committee on Separate Submission.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934153] Telegram from Wm. Burke read and referred to the Committee on Separate Submission.

(The Minutes of the Arizona Constitutional Convention)

[e934162] Mr. Winsor introduced the following resolution:

Resolution No. 3.

”Resolved that Rule 48 of the standing rules of the Convention be amended to read as follows:

”Rule 48. The same rules shall be observed in Committee of the Whole as in the Convention, so far as the rules are applicable, except that the previous question shall not apply, nor a limit be made as to the number of times a member may speak. The Minutes of the Committee of the Whole shall be accurately kept and made a part of the report of such Committee, and spread upon the Journal of the Convention.”

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934164] On motion of Mr. Winsor, recess was taken until 2:00 p.m., October 18, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934167] On motion of Mr. Winsor, recess was taken until 2:00 p.m., October 18, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 49)

## 1.14 Tuesday, 18 October 1910, at 14:00 (s15825)

[e934142] Convention called to order at 2:00 p.m. by the President. Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934147] Convention called to order at 2:00 p.m. by the President. Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934152] Mr. Ingraham offered a communication from the Yuma County Bar Association which was read and referred to the Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934154] Mr. Ingraham offered a communication from the Yuma County Bar Association which was read and referred to the Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934197] Proposition No. 29, introduced by Mr. Ellinwood, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor’s Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1118-1122)

[*e934200*] Proposition No. 29, introduced by Mr. Ellinwood, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934209*] Proposition No. 30, introduced by Mr. Jones of Maricopa, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1123-1124)

[*e934211*] Proposition No. 30, introduced by Mr. Jones of Maricopa County, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934218*] Proposition No. 31, introduced by Mr. Jones of Maricopa County, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1124-1125)

[*e934219*] Proposition No. 31, introduced by Mr. Jones of Maricopa County, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934225*] Proposition No. 32, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1125)

[*e934227*] Proposition No. 32, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934234*] Proposition No. 33, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1126)

[*e934237*] Proposition No. 33, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934241] Proposition No. 34, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1132)

[e934244] Proposition No. 34, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934250] Proposition No. 35, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1132)

[e934251] Proposition No. 35, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934256] Proposition No. 36, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1133)

[e934259] Proposition No. 36, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934267] Proposition No. 37, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1133-1134)

[e934268] Proposition No. 37, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934270] Proposition No. 38, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1135)

[*e934272*] Proposition No. 38, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934276*] Proposition No. 39, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1135)

[*e934278*] Proposition No. 39, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934289*] Proposition No. 40, introduced by Mr. Webb, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1136-1137)

[*e934290*] Proposition No. 40, introduced by Mr. Webb, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934295*] Proposition No. 41, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1139)

[*e934296*] Proposition No. 41, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934310*] Proposition No. 42, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 50.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1140-1143)

[*e934320*] Proposition No. 42, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934325] Proposition No. 43, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, pages 50-51.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1143)

[e934327] Proposition No. 43, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 50-51)

[e934328] Proposition No. 44, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

[Editor's Note: The description text is taken from the Minutes, page 51.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1144)

[e934329] Proposition No. 44, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934353] Mr. Cobb offered the following proposed amendment to Rule 52: That after "A PROPOSITION" insert "copied from the Constitution or revised statutes of the State of ...Similar to like provision in the Constitution or revised statutes of the State of ...

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934357] Mr. Ellinwood moved to amend by adding the following:

"Members preparing proposition shall be required to note on the margin, opposite each section the state from which the section is taken if any."

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934368] Amendment accepted by Mr. Cobb.

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934371] Mr. Ingraham moved to amend by adding the following: "When the state is noted the section from which the matter is taken shall also be added."

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934373] Amendment accepted by Mr. Cobb.

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934380] Amended amendments of Mr. Cobb lost by the following vote:

Ayes—Baker, Cassidy, Cobb, Colter, Cooper, Cunniff, Cunningham, Curtis, Ellinwood, Ingraham, Jacome, Jones, F. A., Kingan, Langdon, Lynch, Osborn, Parsons, Pusch, Scott, Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Wood. Total 27.

Nays—Bolan, Bradner, Coker, Connelly, Crutchfield, Feeney, Franklin, Goldwater, Hutchinson, Jones, A. M., Keegan, Kinney, Lovin, Moeur, Orme, Roberts, Short, Sims, R. B., Tovrea, Winsor, Mr. President. Total 21.

Absent—Doe, Moore, Simms, Mit,

Excused—Morgan.

Lacking the necessary two-thirds vote the amendment was declared lost.

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934364] Mr. Cunniff introduced resolution No. 4 which was adopted as follows:

(The Minutes of the Arizona Constitutional Convention, Pages 51-52)

[e934367] Mr. Cunniff introduced resolution No. 4 which was adopted as follows:

(The Minutes of the Arizona Constitutional Convention, Pages 51-52)

[e934360] Mr. Cassidy presented resolution No. 5 as follows:

(The Minutes of the Arizona Constitutional Convention, Page 52)

[e934386] On motion of Mr. Cassidy convention adjourned to 9:00 a.m., October 19, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 52)

[e934387] On motion of Mr. Cassidy convention adjourned to 9:00 a.m., October 19, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 52)

## **1.15 Wednesday, 19 October 1910, at 09:00 (s15830)**

[e934179] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934182] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934186] Roll call as follows:

Present—Bolan, Cassidy. Cobb, Coker, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Osborn, Parsons, Roberts, Scott, Short, Sims, R.B. Simms, Mitt., Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President

Absent—Baker, Crutchfield, Goldwater, Pusch, Wills

Excused—Morgan

(Editorial)

[e934187] Prayer by chaplain.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934188] Prayer by chaplain.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934190] Minutes for October 18, 1919, read and approved.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934191] Minutes for October 18, 1919, read and approved.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934193] The sergeant at arms announced that Mr. Baker, Mr. Goldwater, Mr. Wills, and Mr. Crutchfield and Mr. Pusch had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934196] Mr. Short, Chairman of Committee on Printing and Clerks, reported Propositions Nos. 1 and 3 printed as ordered.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934198] Mr. Short, Chairman of Committee on Printing and Clerks, reported Propositions Nos. 1 and 3 printed as ordered.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934206] Proposition No. 45, relative to Legislative Departments, introduced by Mr. Connelly, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934208] Proposition No. 45, relative to Legislative Departments, introduced by Mr. Connelly, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934215] Mr. Short, Chairman of Committee on Printing and Clerks, reported that the Secretary of the Territory considers 500 printed copies excessive, and suggests that bids be asked for on a basis of from 150 to 250 copies. The Secretary of the Territory also said that the auditor at Washington, D.C., had informed him that any excessive printing bills would not be approved and paid.

Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934217] Mr. Winsor moved to amend by adding the following: "That it is the sense of this Convention that we desire 500 printed copies of each proposition except when otherwise ordered by the Convention."

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934223] Mr. Webb moved to amend by adding the following: "that this Committee be instructed to inform the Secretary of the Territory that it is the sense of this Convention that 500 copies is not excessive and will cost but little more than 250 copies; and that this Committee call on the Secretary of the Territory and try to arrive at an arrangement parties concerned."

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934224] Mr. Winsor accepted the amendment of Mr. Webb.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934228] Mr. Winsor's amendment was carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cobb, Coker, Colter, Connelly, Cunniff, Curtis, Feeney, Ingraham, Jones, A. M., Keegan, Lovin, Moore, Parsons, Roberts, Sims, R. B., Simms, mit, Tuthill, Webb, Weinberger, Wills, Winsor, Wood, Mr. President. Total 26.

Nays—Cassidy, Cooper, Crutchfield, Cunningham, Doe, Franklin, Goldwater, Hutchinson, Jacome, Jones, F. A., Kingan, Kinney, Langdon, Lynch, Moeur, Orme, Osborn, Pusch, Scott, Short, Standage, Tovrea, White, Wells. Total 24.

Excused—Morgan.

Absent—Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934229] Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934231] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934233] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934235] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934238] Mr. Osborn gave notice that on October 20, 1910 he would move to amend the rules.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934239] Mr. Osborn gave notice that on October 20, 1910 he would move to amend the rules.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934253] Proposition No. 46, relating to Educational Qualification for Voters, introduced by Mr. Bradner, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934254] Proposition No. 46, relating to Educational Qualification for Voters, introduced by Mr. Bradner, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934263] Proposition No. 47, relating to Labor Contracts, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934264] Proposition No. 47, relating to Labor Contracts, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934269*] Proposition No. 48, relating to Employees on Public Work, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934271*] Proposition No. 48, relating to Employees on Public Work, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934277*] Proposition No. 49, relating to police regulation, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934279*] Proposition No. 49, relating to police regulation, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934285*] Proposition No. 50, relating to Limitation of Damages for Personal Injury, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934286*] Proposition No. 50, relating to Limitation of Damages for Personal Injury, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934291*] Proposition No. 51, relating to Qualification of Voters, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 54-55)

[*e934292*] Proposition No. 51, relating to Qualification of Voters, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 54-55)

[*e934306*] Proposition No. 52, relating to Municipal Corporations, introduced by Mr. Sims, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934308] Proposition No. 52, relating to Municipal Corporations, introduced by Mr. Sims, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934319] Proposition No. 53, relating to Banking, introduced by Mr. Baker, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934321] Proposition No. 53, relating to Banking, introduced by Mr. Baker, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934331] Proposition No. 54, relating to Mode of Amending, introduced by Mr. Colter, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934333] Proposition No. 54, relating to Mode of Amending, introduced by Mr. Colter, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934335] Proposition No. 55, relating to the Powers of the Legislative Assembly, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934336] Proposition No. 55, relating to the Powers of the Legislative Assembly, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934346] Mr. Winsor moved the adoption of Resolution No. 3

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934348] Mr. Winsor moved the adoption of Resolution No. 3; motion carried by the following vote:

Ayes—Bolan, Bradner, Cassidy, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Ellinwood, Feeney, Franklin, Hutchinson, Ingrahatn, Jacome, Jones, A. M., Jones, F. A. , Keegan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Webb, Wells, Wills, Standage, Tovrea, Tuthill, Winsor, Wood, Mr. President. Total 45.

Nays—Cobb.

Excused—Doe, Kingan, Morgan.

Absent—Curtis, Goldwater, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934352] [Editor's Note: When Winsor's resolution is adopted by the Convention, the amendment is also made to the rule document.]

(Editorial)

[e934354] [Editor's Note: When Winsor's resolution is adopted by the Convention, the amendment is also made to the rule document.]

(Editorial)

[e934356] Mr. Cassidy moved the adoption of Resolution No. 5.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934372] Mr. Winsor offered the following amendment which was accepted by Mr. Cassidy: That after the word resolved, the following be stricken out: "that Rule 52 be changed by adding to the end thereof the following words."

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934374] Mr. Winsor offered the following amendment which was accepted by Mr. Cassidy: That after the word resolved, the following be stricken out: "that Rule 52 be changed by adding to the end thereof the following words."

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934376] The amended resolution of Mr. Cassidy was adopted as follows:  
"Resolved that no proposition shall be presented after October 31, 1910, except by one of the standing committees."

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934359] Second reading of Proposition Number 1...

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934361] Second reading of Proposition Number 1...

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934365] Second reading of Proposition Number 1; referred to Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934396] Second reading of Proposition No. 3...

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934398] Second reading of Proposition No. 3...

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934399] Second reading of Proposition No. 3; referred to Committee on Federal Relations.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934414] On motion of Mr. Webb, members of the Press were extended the privilege of the Convention Chamber and invited to enter during the recess and after the hour of adjournment.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934419] On motion of Mr. Webb, members of the Press were extended the privilege of the Convention Chamber and invited to enter during the recess and after the hour of adjournment.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934423] Mr. Kingan moved, seconded by Mr. Cooper, "that it is the sense of the Convention that a Journal, setting forth all the proceedings, be kept, and that the Printing Committee be and hereby is directed and authorized to make all necessary contracts to this end."

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934427] Mr. Cobb moved to amend to insert the words "a special committee consisting of Mr. Baker, Mr. Webb and Mr. Kingan," in place of "the Printing Committee."

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934428] The amendment accepted by Mr. Kingan.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934434] Amended motion of Mr. Kingan lost by the following vote.

Ayes—Cobb, Cooper, Crutchfield, Curtis, Doe, Ellinwood, Franklin, Jacome, Kingan, Lynch, Moeur, Orme, Osborn, Parsons, Pusch, Scott, Simms, Mit, Standage, Tuthill, Webb, White, Wells, Winsor. Total 23.

Nays—Baker, Bolan, Cassidy, Coker, Colter, Connelly, Cunniff, Cunningham, Feeney, Goldwater, Hutchinson, Ingraham, Jones, A. M., Jones, F. A., Keegan, Kinney, Langdon, Lovin, Moore, Roberts, Short, Sims, R. B., Tovrea, Weinberger, Wills, Wood, Mr. President. Total 27.

Absent—Bradner.

Excused—Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934448] On motion of Mr. Winsor, seconded by Mr. Kinney, the Secretary was instructed to change the daily proceedings to "Minutes" or "Journal" whenever necessary, the same to be done automatically.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934450] On motion of Mr. Winsor, seconded by Mr. Kinney, the Secretary was instructed to change the daily proceedings to "Minutes" or "Journal" whenever necessary, the same to be done automatically.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934453] Mr. Crutchfield moved, seconded by Mr. Cunniff, that the secretaries be instructed to use what aid they now have and to secure more to make as nearly as possible a verbatim report of the daily proceedings...

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934454] Mr. Crutchfield moved, seconded by Mr. Cunniff, that the secretaries be instructed to use what aid they now have and to secure more to make as nearly as possible a verbatim report of the daily proceedings; carried.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934455] Mr. Cobb moved, seconded by Mr. Webb, that the Convention adjourn to 9 a.m., October 20, 1910; lost.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934457] Mr. Cobb moved, seconded by Mr. Webb, that the Convention adjourn to 9 a.m., October 20, 1910; lost.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934459] On motion of Mr. Winsor convention stood at recess to 2 p.m.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934461] On motion of Mr. Winsor convention stood at recess to 2 p.m.

(The Minutes of the Arizona Constitutional Convention, Page 56)

## 1.16 Wednesday, 19 October 1910, at 14:00 (s15834)

[e934282] Mr. President: Convention will please come to order. A quorum present. Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934284] Mr. President: Convention will please come to order. A quorum present. Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934300] Mr. Jones (Yavapai): I have a proposition to introduce.

Secretary (reading): Proposition Number 56 introduced by Mr. Ellinwood of Cochise County. Relative to the prohibition of poll taxes for county or state road purposes.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934315] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934338] Secretary (reading): Proposition Number 57 introduced by Mr. Coker of Pinal County. Relative to official fees and salaries.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934340] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934362] Secretary (reading): Proposition Number 58 introduced by Mr. Coker of Pinal County. Relative to corporation commission.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934363] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934385] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934388] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934405] Secretary (reading): Proposition Number 60 introduced by Mr. Webb of Graham County. Relative to practice of medicine.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934408] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934432] Secretary (reading): Proposition Number 61 introduced by Mr. Jones of Yavapai County. Relative to qualifications of sheriffs, deputy sheriffs, and other police officers.

(The Records of the Arizona Constitutional Convention of 1910, Pages 54-55)

[e934437] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 54-55)

[e934462] Secretary (reading): Proposition Number 62 introduced by Mr. Keegan of Gila County. Relative to salaries of state and county officers.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934465] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934479] Mr. Short: Mr. President, if there is no objection I would like to know the sense of the convention as to the number of copies that are to be printed of each proposition introduced.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934492] Mr. Short, Chairman of the Committee on Printing and Clerks, reported the following propositions had been printed:

Nos. 5, 7, 8, 9, 10, 11, 12, 13, 14, and 16.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934494] Mr. Short, Chairman of the Committee on Printing and Clerks, reported the following propositions had been printed:

Nos. 5, 7, 8, 9, 10, 11, 12, 13, 14, and 16.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934502] Mr. President: If there is no objection the convention will stand adjourned subject to the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934506] Mr. President: If there is no objection the convention will stand adjourned subject to the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934510] [Editor's Note: The Convention took a recess.]

(Editorial)

[e934513] Mr. President: The Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e935850] Mr. President: The Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934528] Mr. Crutchfield offered a letter which was referred to the Committee on Judiciary.

[Editor's Note: This letter is not mentioned in the Records.]

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934533] Mr. Crutchfield offered a letter which was referred to the Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934538] Mr. Osborn offered a letter which was referred to the Committee on Suffrage and Election.

[Editor's Note: This letter is not mentioned in the Records.]

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934541] Mr. Osborn offered a letter which was referred to the Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934563] Mr. Crutchfield: I have a resolution to offer.

Secretary (reading) "Resolution Number 6,

Whereas, the Panama Canal now in process of construction will have been completed in the year 1915, uniting the waters of the Pacific and Atlantic Oceans, and

Whereas, there is a unanimous sentiment that the completion of this gigantic work should be celebrated in a most fitting and memorial manner, therefore be it

Resolved, that we most heartily endorse the proposed Panama Pacific International Exposition to be held in San Francisco, California, in 1915. We are confident that Arizona will heartily co-operate to make the exposition a success."

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934565] The resolution was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934573] Secretary (reading): Proposition Number 63 introduced by Mr. Cunniff of Yavapai County. Relative to violations of injunction powers of courts.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934575] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934582] Secretary (reading): Proposition Number 64 introduced by Mr. Bolan of Cochise County. Relative to inspection of mines.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934583] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934595] Mr. President: [...] Any other business to come before the convention?

Mr. Short: Mr. President, for the information of the convention I would like to say that the lowest bid the printing committee has received for the printing of 250 propositions is \ \$1.25 per page. The lowest reasonable bid we have received for printing 500 copies is \ \$3.00 per page. The difference between 250 copies and 500 copies is \ \$1.75 per page.

Mr. Webb: Mr. President, we beg to ask if the committee has a bid for the 250 and 500 copies from the same party, or from different parties?

Mr. Short: I think it is very probably that we can get figures on 500 copies since we have received the bid on 250. The reason we asked for a bid on 250 was on the suggestion of the Secretary of the Territory, who advises that he considers 500 rather an unusual number; more than we would probably need.

Mr. Cunningham: I suggest that a committee be appointed to enter into discussion with the Secretary of the Territory concerning the printing of 500 copies.

Mr. Baker: I cannot see the necessity of visiting the gentleman in question. If the report of the gentleman from Yuma is correct, he has already arrived at the conclusion that he will not approve bills for 500 copies for the use of our convention. All I can say is to leave him where he is. As a lawyer, I doubt his power, and I am not willing to accept it either.

(The Records of the Arizona Constitutional Convention of 1910, Pages 55-56)

[e934598] Mr. Webb: I move that 500 copies be ordered printed regardless of what Mr. Young thinks, and the printing committee make a contract with the lowest bidder for 500 copies.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934600] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934621] Mr. Baker: (as chairman of special committee on power [of the convention]) made the following report:

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934626] Mr. Tuthill moved, seconded by Mr. Wills, that the Committee on Printing and Clerks be authorized to make a contract with the lowest bidder on a basis of 500 copies of each proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934628] Carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934630] On motion of Mr. Osborn convention adjourned to 9 a.m., October 20, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934633] On motion of Mr. Osborn convention adjourned to 9 a.m., October 20, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

## 1.17 Thursday, 20 October 1910, at 09:00 (s15840)

[e934470] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934471] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934474] Convention called to order by the president.

Roll call as follows:

Present – Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Moeur, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B. Simms, Mitt., Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President

Absent—Lynch.

Excused — Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 59)

[e934476] Prayer by Chaplain.

(The Minutes of the Arizona Constitutional Convention, Page 59)

[e934478] Reverend Crutchfield: Almighty God, our Heavenly Father, we thank Thee for bringing us safely to this place, and we call upon our God for His blessings on this beautiful day. We thank Thee for the happy lives that Thou hast given us, and that we have been spared another day to undertake the duties assigned us. We ask that we may have Thy Spirit to abide with us, and attend us in all that we may have to undertake, and that there may not one step be taken that would not be for the best good of the people. We realize, Oh God, our weakness, and that we are considerably led into paths of temptation, and that we need Thy Holy Spirit as a guidance in all the walks of life. Deliver our minds from every evil thought and replace the evil with good. Cause that all the acts of these men may be for the good of this great country and for the good of the State. Bless the president of this convention that he may have an abundance of Thy Spirit to guide him in his many duties as the leader of these men and bless every member of this convention. Oh, Lord, we would dedicate ourselves, and all that we do unto Thee, knowing that Thou art all wise and Almighty. All these blessings, we ask in the name of Thine only Begotten Son, Jesus Christ our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 56-57)

[e934480] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934482] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934496] Mr. Parsons: Mr. President, I have a report to offer.

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934499] [Editor's Note: Proposition Number 2 was referred to the Convention alongside the committee's report.]

(Editorial)

[e934503] Mr. President: What will you do with this report?

Mr. Winsor: I move that the rules be suspended and that Proposition Number 2 be read a third time, and placed on final passage.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934505] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934509] Mr. President: If there are no objections Proposition Number 2 will be recommended to Committee on Federal Relations.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934517] Mr. Kingan: Mr. President, I understand that Congress has fixed the boundaries of this Territory and that there is no other authority except the Supreme Court that can alter or make any decision in the matter of boundaries or disputes between states. I think there is nothing else to do but accept the decisions of [the] Congress of the United States, and I can see no use of referring the matter to the Secretary of the Interior.

Mr. Parsons: I am informed that we have to regard the boundaries as they are now fixed by Congress as correct and final without any reference or consideration of any dispute that may have arisen, for this is a matter for the Supreme Court to decide.

Mr. Ingraham: As far as the Yuma delegation is concerned we are here by virtue of several hundred votes and despite the decisions of any state in the matter of this so-called dispute, we are averse to giving up the land that is under dispute, and we cannot do so.

Mr. Franklin: I do not now recall that the boundaries of any other states are under dispute, except those of California and Arizona, but I agree with the gentleman from Prima that it is a matter for the Supreme Court of the United States to decide, and the boundaries already fixed by Congress are the boundaries that will define the limits of the State of Arizona, and we can only accept those boundaries.

(The Records of the Arizona Constitutional Convention of 1910, Pages 57-58)

[e934519] Mr. President: The motion before the convention is to recommit Proposition Number 2.

Mr. Ingraham: Roll call.

Secretary: Mr. Baker.

Mr. Baker: Here, Mr. President, inasmuch as I am uncertain, I had better vote no.

Mr. Ellinwood: The motion to recommit is before the house, and the vote for the final passage is called for. It is very important, to my mind, that in cases where there are disputes over a boundary at the time of the making of a state constitution, we should have the boundary clearly defined.

Mr. Baker: It seems to me that the state boundaries should be set forth for the state as they are for the territory. I agree with the gentleman from Pima. I believe that any disputes that arise must be decided by the Supreme Court of the United States. I think that the boundaries set forth for the territory should also be defined in the State Constitution.

Mr. Winsor: Some of the members of the convention seem to be laboring under a misapprehension. This vote is not final and there is ample time to make such corrections after the proposition returns from the Committee on Style, Revision and Compilation.

Mr. Cunniff: What is the use of the members debating the matter of the boundaries when they are subject to the decisions of the Supreme Court. The only thing we can do is to take them as we have them defined for the present territory. The committee on style, revisions and compilation will not change the boundaries, as that should be done by the committee to whom the proposition is referred for such corrections.

Mr. Kingan: I do not know of any other means to determine this matter. If Congress has fixed the boundaries that is the end of it and it is useless to refer it to anyone.

Mr. Cunniff: I should say that it should be the state department instead of the interior department.

Mr. Baker: The boundaries of Arizona is a very important matter. There is no chance for dispute in this matter. I do not believe it necessary to be in haste in the matter as it can be decided as late as two weeks from this date, or longer, and since it seem uncertain I move that it be brought up again as it can do no harm to consider the matter fully. We should at least know the exact boundaries ourselves as defined in the State Constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 58-59)

[e934524] Mr. President: If there are no objections Proposition Number 2 will be referred to the Committee on Federal Relations.

So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934529] The sergeant at arms announced that Mr. Lynch had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 59)

[e934531] Mr. President: [...] Introduction of propositions.

Secretary (reading) Proposition Number 65, introduced by Mr. A. F. Parsons of Cochise County. Relative to exemption of certain property from taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934891] Mr. President: First reading of the proposition; referred to the printing committee and the usual number of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934902] Mr. Osborn: I would like to have the unanimous consent of the convention to withdraw the amendment which I proposed yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934904] Mr. President: If there are no objections it will be withdrawn.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934909] Mr. President: [...] Second reading of propositions.

Secretary (reading): Proposition Number 5, introduced by Mr. Baker. Relative to preamble.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934915] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934916] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934917] Mr. Cunniff: Mr. President, I move that it be referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934918] Mr. President. If there are no objections it will be referred to the Committee on Preamble and Declaration of rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934919] Secretary (reading): Proposition Number 7, introduced by Mr. Cunniff of Yavapai. Relative to legislative powers.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934920] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934921] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934922] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934924] Mr. Wells: Mr. President, I understood that on the second reading the propositions were not to be read in full, but just by title.

Mr. President: Under the rules, the proposition on the second reading must be read in full, although a vote of the members to dispense with it can be had if they so desire.

Mr. Winsor: If we are to dispense with the reading of any propositions I would suggest that it be the first reading rather than the second.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934925] Secretary (reading): Proposition Number 8, introduced by Mr. Cunniff, Relative to validating existing territorial Laws.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934927] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934928] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934929] Mr. President: Second reading of the proposition. It will be referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934930] Secretary (reading): Proposition Number 9, introduced by Mr. Cunniff, Relative to a legal day in all state works.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934932] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934934] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934935] Mr. President: Second reading of the proposition. If there are no objections it will be referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934937] Secretary (reading): Proposition Number 10, introduced by Mr. Cunniff, Relative to loaning the state's credit.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934939] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934941] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934943] Mr. President: Second reading of the proposition. It will be referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e934945] Secretary (reading): Proposition Number 11, introduced by Mr. Cunniff, Relative to exemption from taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934948] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934950] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934952] Mr. President: Second reading of the proposition. It will be referred to the Committee on Public Debt, Revenue and Taxation

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934954] Secretary (reading): Proposition Number 12, introduced by Mr. Webb, Relative to labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934956] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934957] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934959] Mr. President: Second reading of the proposition; to be referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934960] Secretary (reading): Proposition Number 13, introduced by Mr. Webb, Relative to public lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934961] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934963] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934967] Mr President: Second reading of the proposition; referred to Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934968] Secretary (reading): Proposition Number 14, introduced by Mr. Cunniff, Relative to constitutional amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934969] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934970] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934971] Mr. President: Second reading of the proposition. It will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934973] Secretary (reading): Proposition Number 16, introduced by Mr. Sims, Relative to school lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934974] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934976] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934977] Mr. President: Second reading of the proposition. It will be referred to Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934978] Mr. Baker: Mr. President, I would like to know where Proposition Number 4 is now on the calendar. It has not been printed and placed on the desk that I know of, or I have no record of it if it has come back, nor have I seen it on the calendar for the day.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934979] Mr. Short: Mr. President, the bills that are rather long were not yet printed on the first order and as the printing has been delayed Number 4 has not yet been returned.

Mr. Baker: Mr. President, I think that these bills should be kept in their proper order and read as nearly so as possible.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934980] Mr. President: I understand that they will all be back from the printer in the morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e934981] Mr. President: [...] Business lying on the President's desk. The secretary will please read this communication.

(The Records of the Arizona Constitutional Convention of 1910, Pages 60-61)

[e934982] Mr. Baker: I notice that the Secretary does not refer to the possibility of San Quentin prison. (laughter)

Mr. Short: Mr. President, I want to state that it was not the desire of the printing committee to go to the office of the Secretary, but he called us to his office and when he addressed us on this matter he backed off against the wall, and said that he would not sign checks against the government for the printing of such an excessive number of copies as we had ordered. Personally, I stated that I did not think it was necessary to have so many copies printed, but we were not acting on our own wishes but according to the wishes and desires of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 61)

[e934983] Communication from Henry C. White of Phoenix, Arizona, read and referred to Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e934984] Communication from Henry C. White of Phoenix, Arizona, read and referred to Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e934985] Communication from the Territorial Fair Association, read.

(Editorial, Page 60)

[e934986] Communication from John Doan of Douglas, Arizona, read and referred to Committee on Private Corporations and Banks.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e934987] Communication from John Doan of Douglas, Arizona, read and referred to Committee on Private Corporations and Banks.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e934988] Mr. President: Other business of the convention. Gentlemen, are there any committee meetings?

Mr. Winsor: Mr. President, I move that the convention take a recess until 2:00 p.m.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 61-62)

[e934989] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 62)

## 1.18 Thursday, 20 October 1910, at 14:00 (s15841)

[e934472] Mr. President: Convention will please come to order. There is a quorum present.

(Editorial, Page 62)

[e934473] Mr. President: Convention will please come to order. There is a quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 62)

[e934475] Mr. Jones (Maricopa): The Committee on Clerks finds that in order to have as correct a report of the convention as possible, it will be necessary to have three stenographers. This was the decision reached by the official reporters, who figured on the work. If the convention will authorize it the committee would like to appoint another stenographer, who has been recommended as efficient. I move that the committee be authorized to employ another stenographer.

Mr. Osborn: Mr President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 62)

[e934477] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 62)

[e934481] Mr. Ellinwood: Believing that this able body of men is entitled to the first information on the subject, I rise to say that Mr. Dunbar of "The Democrat" has handed me a special dispatch from Washington, D.C., to be read from the desk.

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 62)

[e934483] [Editor's Note: The Convention received the communication and did not act on it further.]

(Editorial)

[e934484] Mr. Baker: Mr. President, I desire to rise in my place to speak on a question of personal privilege. I have in my mind an issue, a paper known as the "Daily Globe" of date, Tuesday, October 18, 1910, in which I find the following language in an article published in that paper, pertaining to myself, individually as a member of this convention, and to other members of this honorable body, and the language to which I refer is as follows: "And talking about soreheads, there certainly are some in the convention; notably Webb of Graham, who aspired to the presidency and never got a chairmanship; Franklin of Maricopa, Baker of the same shire and a few others. President Hunt evidently took the view that they would be able to accomplish more good unhampered by a chairmanship."

Mr. President, had I noticed this language or communication in the press ordinarily, I should have paid no attention to it whatever, but I find that this communication, upon its face, apparently emanates from a gentleman who was given my vote and by the entire vote of this honorable body has been allowed great personal privileges upon this floor with us, and who is to draw a salary by virtue of the unanimous vote of this convention.

The gentleman whom I refer to is the private secretary to the president of this convention, and his name is A. A. Cohn. No, Mr. President, I regret such language, such a communication of that kind, coming from that source, and it is wholly unwarranted, is unseemly, ungracious and uncalled for. I wish to add to that the statement, that so far as I am personally, concerned is absolutely false and untrue.

I appeal to my brother members of this convention, if by my conduct as a member of this honorable body, if by a single vote, if by a single speech I have made, or act of mine, in attempting to serve the people's interests in this honorable body that I have exhibited the slightest spirit or disposition to be a sorehead; I am conscious of the fact that I have deliberately here attempted, coolly, dispassionately, and with a deliberate heart to act for the best interests of the people of this territory in this convention, without any hope of honors from this convention. I realize that I was sent to this convention, not to grow in personal aggrandizement at the hands of my brother members, but simply as a hard working member of the convention and I hope when the end of this convention shall come, I shall be able to bear away the good feelings of my fellow members in this convention.

I say "sorehead" is a political term. I had the honor of making the opening speech. But I want to say Mr. President, that if the president's private secretary sees fit to use this kind of language without any cause in any shape or form, that

man is a drawback to the Democratic party. I have been further informed that he was chief cook and high bottle washer to Hoval Smith in a recent campaign.

I accord the president, the privilege and right to appoint any one his private secretary, but I do deny and assert that when the private secretary of the president will use terms to members in this sort of a way without anything to support it, it is unseemly, uncalled for and unjustifiable.

(The Records of the Arizona Constitutional Convention of 1910, Pages 62-63)

[e934485] Mr. Franklin: I desire to rise also on the question of personal privilege and in doing this, I bow most humbly to this august body. I believe that the noble idea of the gentleman who has just preceded me will be subserved in this convention and will be honored by us. I believe when I say this that we have an honorable president, who will accord him the due honor whenever he merits it, and in every instance he will appreciate that honor, and will serve well the entire people of this territory, who have honored us with this distinction.

I am also mentioned in this article as a "sorehead" and I wish to repudiate it. It is an atrocious and unfounded insinuation and ought not to come from this hall, where we are called to do a great duty without favor, and I stand here to tell you gentlemen that I have not rushed in here with a proposition. I am willing when this constitution is finished and the conventional act is passed, to accord that to the people of Arizona and those who participate in it here. It is true that I was an aspirant to the presidency of this convention, but I do not believe that was cause for such statements from any source, but I wish to say, Mr. President, that you are placed in a compromising position, coming from the source it does; from a man elected by my vote and the votes of this convention. I would deeply deplore it on that account, as it reflects on the president and this convention. Whenever I propose a measure here, I propose it on its merits. No member will ever find me doing anything, but voting on all measures as I believe to be right and I shall do it with a free hand and without favor when the convention closes, the people will see that the pledge made has been fulfilled.

(The Minutes of the Arizona Constitutional Convention, Pages 63-64)

[e934486] Mr. President: I, too, deeply deplore this matter. Some of the Republican members of this territory (sic) have said that I have shown preferences in selecting the chairman of the committees, but each and every gentleman knows that I have asked each of them which committee they preferred to be on. Mr. Baker told me that he was physically unable to take care of a committee. I have not read the newspaper article, but because Mr. Cohn did valiant service in the recent political campaign, I considered him worthy, and I trust that the article emanating from the Globe paper will be retracted in a gracious manner. Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934497] Secretary (reading): Proposition Number 66 introduced by Mr. Orme of Maricopa County. Relative to water and water rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934500] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934514] Secretary (reading): Proposition Number 67 introduced by Mr. Roberts of Cochise County. Relative to banks and banking.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934515] Mr. President: First reading of the proposition; referred to the committee on printing and the usual numbers of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934521] Secretary (reading): Proposition Number 68 introduced by Mr. Lynch of Graham County. Relative to criminal prosecution.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934523] Mr. President: First reading of the proposition; referred to the Committee on Printing and the usual numbers of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934530] Secretary (reading): Proposition Number 69 introduced by Mr. Coker of Pinal County. Relative to the judiciary department.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934532] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 64)

[e934537] Mr. Ellinwood: Mr. President, I would like to ask by whom this was introduced?

Secretary (reading): Introduced by Mr. Coker.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934543] Secretary (reading): Proposition Number 70 introduced by Mr. Winsor of Yuma County. Relative to publicity of campaign contributions.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934545] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934559] Mr. Osborn: Mr. President, I move we adjourn until tomorrow morning.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934561] Motion prevailed.

Convention adjourned to 9:00 a.m., October 21, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

## 1.19 Friday, 21 October 1910, at 09:00 (s15842)

[e934487] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934489] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934495] Convention called to order by the President.

Roll call as follows:

Present—Baker, Bolan, Cassidy, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, F. A. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B. Simms, Mitt, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President .

Absent—Cobb, Osborn.

Excused—Doe, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 62)

[e934498] Mr. President: The convention will please rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934501] Reverend Crutchfield: Oh Lord, our Heavenly Father, we thank Thee that we have been preserved on this another beautiful day and we call upon our God for His blessings on this day. We thank Thee that we are happy and healthy and that our lives have been spared and that we are permitted to meet for the duties of another day. We ask that we may have Thy Spirit to abide with us and attend us in all that we may have to undertake and that there may not one step be taken that would not be for the best good of the people. We realize that we are weak and that we are lead into paths of temptation and that we need Thy Holy Spirit as a guidance in all the walks of life. Deliver our minds from every evil thought and replace the evil with good. Cause that all the acts of these men may before the good of this great country and for the good of the State. Bless the president of this convention that he may have an abundance of Thy Spirit to guide him in his many duties as the leader of these men and bless every member in his efforts to keep his pledges and to perform the work that he has been elected to do. Now Oh, Lord, we would dedicate ourselves and all that we do unto Thee, knowing that Thou art all wise and Thou art merciful, and will bless our petitions in as much as they seem unto You as our needs. All these Blessings we ask of Thee in the name of Thine only Begotten Son, Jesus Christ our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934504] The sergeant at arms announced that Mr. Osborn and Mr. Cobb had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 62)

[e934507] Mr. President: The secretary will please read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934512] Mr. President: The secretary will please read the minutes.  
Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934520] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 71 introduced by Mr. Feeney of Cochise County. Relative to bill of rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934527] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e934534] Secretary (reading): Proposition Number 72 introduced by Mr. Ellinwood of Cochise County. Relative to the enactment of a compulsory workmen's compensation law.

(The Records of the Arizona Constitutional Convention of 1910, Pages 65-66)

[e934540] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934547] Telegram received by the President was referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 62)

[e934551] Telegram received by the President was referred to the Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 62)

[e934552] Mr. Roberts: Committee Number 10 will meet in this room at 11 a.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934553] [Editor's Note: Roberts' announcement is accepted without further discussion.]

(Editorial)

[e934556] Mr. Winsor: Mr. President, inasmuch as we have been delayed in the reports of the various committees for a week, I move that we now have a report of the printing committee. I would like to know what is being done by the committee and the expense to be incurred, now that we have ordered the printing of the propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934558] Mr. Cunniff: Mr. President, I would like to have a report from the Committee on Finance and expense. I think that committees should work in harmony and hold frequent conferences with the printing committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934560] Mr. Jones (Maricopa): Mr. President, there has been some delay in the printing due to the uncertainty of the matter, as you will know. There has also been a delay in getting bids for the printing. The propositions that we introduced yesterday and some of those previous to that will all be in by noon or a little after noon, I believe. Several propositions were rather long and they were postponed for the shorter ones.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934562] Mr. Tuthill: Mr. President, if there is nothing more to be done, I move that we adjourn until tomorrow morning, as I believe there are several committee meetings to be held today.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934568] On roll call the motion lost 20 to 30.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934570] Mr. Jones (Yavapai): I move that the convention take a recess until 2:00 p.m.

Mr. Simms: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934571] The motion prevailed.

Convention stood at recess until 2:00 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

## 1.20 Friday, 21 October 1910, at 14:00 (s15847)

[e934564] Mr. President: Convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934566] Mr. President: Convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934567] Secretary (reading): Memorial Number 1 introduced by Mr. Webb of Graham County. Relative to school lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934569] Mr. Webb: As this is a matter of considerable importance, and one upon which there is a variety of opinion, I would suggest that the memorial be referred to the printing committee and 500 copies ordered printed.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934578] Secretary (reading): Proposition Number 73 introduced by Mr. Simms of Graham County. Relative to education.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Pages 66-67)

[e934579] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934584] Secretary (reading): Proposition Number 74 introduced by Mr. Colter of Apache County. Relative to suffrage.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934585] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934589] Secretary (reading): Proposition Number 75 introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934590] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934597] Secretary (reading): Proposition Number 76 introduced by Mr. Connelly of Cochise County. Relative to department of labor.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934599] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934603] Secretary (reading): Proposition Number 77 introduced by Mr. Feeney of Cochise County. Relative to militia and public defense.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934604] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934607] Mr. Winsor: I would like to inquire if we have had a report from the printing committee within the last one or two hours. We are now about to consider a proposition that was introduced some time ago, yet several propositions have been printed and were introduced after this one. One of mine has not yet been printed though I offered it some time before several that have been printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934608] Mr. Short: I would like to learn the number of the proposition in question. Is it Number 7? I notice that Numbers 17 and 18 have been returned. The delay in printing Number 7 may be on account of it being a longer proposition. Numbers 4 and 6 were each long propositions and could not be printed as early as the short ones, but they will probably be in this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934610] [Editor's Note: Winsor's point of order was not mentioned again.]

(Editorial)

[e934614] Secretary (reading): Proposition Number 4 introduced by Mr. Baker of Maricopa County, Relative to initiative and referendum.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934616] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934618] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934619] Mr. President: Second reading of the propositions; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934625] Secretary (reading): Proposition Number 6 introduced by Mr. Cassidy of Maricopa County, Relative to legislative department.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934627] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934629] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934631] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934638] Secretary (reading): Proposition Number 15 introduced by Mr. Moer of Maricopa County, Relative to education.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934639] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934640] Mr. President: Second reading of the proposition...

(The Minutes of the Arizona Constitutional Convention, Page 67)

[e934641] Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934645] Secretary (reading): Proposition Number 18 introduced by Mr. Weinberger of Gila County. Relative to recall of public officials.

(The Records of the Arizona Constitutional Convention of 1910, Pages 67-68)

[e934647] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934648] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934650] Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 38)

[e934656] Secretary (reading): Proposition Number 19 introduced by Mr. Parsons of Cochise County, Relative to federal relations.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934657] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934658] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934659] Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934663] Mr. President: If there are no objections we will revert to the first reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 38)

[e934664] Mr. President: If there are no objections we will revert to the first reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934665] Secretary (reading): Proposition Number 78 introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934666] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934673] Secretary (reading): Proposition Number 79 introduced by Mr. Lovin of Maricopa County. Relative to recall of public officials.

(The Records of the Arizona Constitutional Convention of 1910, Page 38)

[e934674] Mr. Baker: The proposition just read is a verbatim copy of Number 18 which has already been printed; I therefore do not see the necessity of going to the expense of printing it again.

Secretary: The percentage is different.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934675] Mr. Winsor: I move that the rules be suspended and Proposition Number 79 be referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934676] The motion prevailed.

Mr. President: It will be referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934680] Mr. Cunniff: I move that the secretary be instructed to send to the constitutional convention of New Mexico a copy of each of our propositions, and that the secretary be further instructed to write a letter to the secretary of the Constitutional Convention of New Mexico notifying him that we have taken this action.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934681] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934682] Mr. Jones (Maricopa): I see by the printed list of committees that the committee on railroads is to meet on Wednesday and Friday at 11 a.m. I would suggest that instead of 11 a.m. the meeting be at 3 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934683] [Editor's Note: Jones' suggestion was not mentioned again.]

(Editorial)

[e934684] Mr. Feeney: I move that the privileges extended the press the other day be rescinded.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934685] Mr. President: Are you ready for the question?

Mr. Feeney: I understand that some of the press representatives have been lobbying on the floor.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934686] Mr. Crutchfield: It seems to me that an offense by one representative is not sufficient to cause us to pass judgment on all the press representatives, and I should not prefer any change of this kind unless the offense is general. I move that this motion be tabled unless there are more than one or two offenses.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934687] Mr. Feeney: I believe that the majority of the city's press representatives feel that their privileges have been interfered with, and they are sustaining my position in the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934688] Mr. Winsor: It was my resolution that excluded all but representatives and attaches from this floor, and I am certainly in favor of the provision. We have accorded the press the privilege of the floor during recess, but if there has been any lobbying I shall say to exclude them all.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934689] Roll call showed "ayes" 29, "nays" 16.

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934690] [Editor's Note: In adopting Feeney's motion, the Convention effectively dropped Crutchfield's]

(Editorial)

[e934691] Mr. Baker: Mr. President, I move that the convention adjourn until tomorrow morning.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934692] The motion prevailed.

Convention adjourned to 9:00 a.m., October 22, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

## 1.21 Saturday, 22 October 1910, at 09:00 (s15851)

[e934609] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934611] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934620] Convention called to order by the President.

Roll call as follows:

Present—Bolan, Cassidy, Cobb, Colter, Connelly, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Hutchinson, Ingraham, Jacome, A. M. Jones, F. A. Jones, Keegan, Kinney, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Parsons, Pusch, Scott, Short, Sims, R. B. Simms, Mit, Standage, Tuthill, Webb, Weinberger, White, Wood, Mr. President.

Absent—Baker, Coker, Crutchfield, Goldwater, Osborn, Roberts, Winsor.

Excused—Bradner, Cooper, Doe, Morgan, Tovrea, Wells, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e934622] Mr. President: The convention will please rise for the prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934624] Reverend Crutchfield: Oh Lord and Gracious Heavenly Father, we thank Thee that we have been permitted to rise from our rest to life again and enjoy the blessing of health, and for these blessings we feel very grateful in our hearts. We pray that we may have guidance this day, and we would not have Thee take Thine hand from us, but we would [pray] that Thou should lead us in the paths of righteous and Holy life. These men need Thy blessings and guidance in the work they have before them, and we thank Thee that none of them have been sick or none of them called home to their families who might be ill, for Thou hast blessed them and their families with health, and privileged them to meet again on this day the last day of a week of diligent service, and Thy blessings have attended them in another week's labor. Now Oh Lord, we pray Thee that Thou will continue they blessings and Thy mercies and all these we ask Thee in the name of Thy Son Jesus Christ, our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e934634] Minutes of October 21, 1910, read and approved.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e934637] Minutes of October 21, 1910, read and approved.

(The Minutes of the Arizona Constitutional Convention)

[e934655] The sergeant at arms announced that Mr. Scott and Mr. Osborn had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935011] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935020] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935022] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935025] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935029] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935034] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935035] Mr. Short, chairman of the Committee on Printing and Clerks, reported that Propositions Nos. 4, 6, 15, 17, 18, 19, 20, 21, 23, 25, 27 and 28 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935059] The sergeant at arms announced that Mr. Goldwater, Mr. Franklin, Mr. Baker, Mr. Crutchfield, Mr. Roberts and Mr. Winsor had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 65)

[e935076] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 80 introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointed deputies.

(The Minutes of the Arizona Constitutional Convention, Page 69)

[e935080] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e935091] Secretary (reading): Proposition Number 81 introduced by Mr. Webb of Graham County. Relative to a railroad commission.

(The Records of the Arizona Constitutional Convention of 1910, Pages 69-70)

[e935097] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Second reading of the propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935103] Secretary (reading): Proposition Number 17 introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935111] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935116] Mr. President: Second reading of the proposition; referred to the Committee on Legislative department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935119] Secretary (reading): Proposition 20.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935121] Secretary (reading): Proposition 20.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935123] Secretary (reading): Proposition 20.

Mr. President: Second reading of the proposition; referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935127] Secretary (reading): Proposition 21.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935129] Secretary (reading): Proposition 21.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935131] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935134] Secretary (reading): Proposition 23.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935135] Secretary (reading): Proposition 23.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935136] Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935137] Secretary (reading): Proposition 25.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935139] Secretary (reading): Proposition 25.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935140] Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935141] Secretary (reading): Proposition 27.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935143] Secretary (reading): Proposition 27.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935144] Mr. President: Second reading of the proposition; referred to the Committee on Matters for Separate Submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935145] Secretary (reading): Proposition 28.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935146] Secretary (reading): Proposition 28.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935147] Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935151] Secretary: Mr. President, I have some new propositions.

Mr. President: If there are no objections we will go back to the introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935152] Secretary: Mr. President, I have some new propositions.

Mr. President: If there are no objections we will go back to the introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935388] Secretary (reading): Proposition Number 82 introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935431] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935459] The sergeant at arms announced that Mr. Coker had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 66)

[e935467] Mr. Cunniff: Mr. President, I have a resolution. Will the secretary please read it?

Secretary (reading): Resolution Number 7 by Mr. Cunniff of Yavapai County.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935472] Mr. Cunniff: Mr. President, I move that the resolution be adopted.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935473] The resolution was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935479] Mr. President: Other business of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935482] Mr. Orme: There will be a committee meeting of irrigation and water rights at 11 a.m.

Mr. Keegan: There will be a meeting of the Committee on Public Debt at 1 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 70-71)

[e935486] Mr. Webb: Mr. President, Mr. J.M. Foster, one of the clerks who was assigned from Graham County, was unexpectedly called away on business and cannot return, therefore, he has tendered his resignation. I move that we accept Mr. Foster's resignation and in his place appoint Mr. Mark Dunbar.

Mr. Simms: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935491] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935867] Mr. Winsor: There will be a meeting of the committee on legislation this morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935492] Secretary: There is one more proposition on the desk.

Mr. President: If there are no objections, we will revert to the reading of new propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935493] Secretary: There is one more proposition on the desk.

Mr. President: If there are no objections, we will revert to the reading of new propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935497] Secretary (reading): Proposition Number 83 introduced by Mr. James E. Crutchfield of Maricopa County. Relative to taxation and exemption.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935501] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed. We have cleaned up the business, gentlemen.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935506] Mr. Winsor: Mr. President, I move that the convention adjourn until 2:00 p.m.

Mr. Goldwater: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935509] Mr. Baker: Mr. President, I move to amend the motion of the gentleman from Yuma that the convention adjourn until Monday morning at 9 a.m.

Mr. Franklin: I second the amendment of the gentleman from Maricopa

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935511] Mr. President: Those in favor of the amendment to the original motion say "aye" and those opposed "nay." I am in doubt. The secretary will please call the roll.

Roll call showed a vote of 24 ayes and 20 nays.

Mr. President: The motion is carried. The convention stands adjourned until 9 a.m. Monday morning.

Convention stood adjourned to 9 a.m., October 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

## 1.22 Monday, 24 October 1910, at 09:00 (s15858)

[e934706] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e934707] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e934709] Mr. President: The convention will come to order. The secretary will call the roll. Roll call showed quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 71)

[e934710] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e934711] Reverend Crutchfield: Almighty God our Heavenly Father we thank Thee for the past sabbath day for which we have had relaxation from the busy bustle of the past week and that we are permitted to come back here refreshed in mind and body for work.

We pray Thee that we may have the guidance of Thy Holy Spirit in all we do. Some of the pages may not have had the opportunity of worship yesterday. Some of these men may not have the opportunity of going to their respective places of worship, but make our prayers responsive to the will of the Lord so we may accomplish that which we are sent into the world to do. We can all both Jew and Greek and Gentile, bond and free approach the Throne of Grace in time of need. First the president needs it, the secretary and the chairman of this convention and all the men who are at work to accomplish that for the good of our citizenship.

We pray Thee that every one may have grace to the end, and may we remember Lord that the man who ruleth his own spirit is greater than the one who ruleth a city and therefore we can pray all together the Lord's Prayer: "Our Father which art in heaven, hallowed be Thy name, Thy Kingdom come, Thy will be done on earth as it is in heaven. Give us this day or daily bread and forgive our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil for Thine is the Kingdom and the Power and the Glory forever Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 71-72)

[e934713] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934714] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934715] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

[Editor's Note: Proposition Number 28 is not copied into the Convention here, as it was considered in the previous session.]

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934716] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934717] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934718] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934720] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934721] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934722] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934723] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934724] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934725] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934848] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934727] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934728] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934729] Mr. Short: Mr. President, as chairman of the printing committee, I desire to report the following propositions printed and returned: Numbers 22, 24, 26, 28, 29, 30, 31, 33, 34, 36, 37, 39, 42, 49, 53, 56.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934730] Secretary (reading): Proposition Number 84 introduced by Mr. Simms of Graham County. Relative to homesteads and exemption.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934731] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934734] Secretary (reading): Proposition Number 85 introduced by Mr. Cunningham of Cochise County. Relative to collection of privilege license taxes.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934735] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934738] Secretary (reading): Proposition Number 86 introduced by Mr. Cunningham of Cochise County. Relative to privilege licenses.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934739] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934742] Secretary (reading): Proposition Number 87 introduced by Mr. Cunningham of Cochise County. Relative to homesteads and exemptions.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934743] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934747] Secretary (reading): Proposition Number 88 introduced by Mr. Cunniff of Yavapai County. Relative to employer's liability.

(The Records of the Arizona Constitutional Convention of 1910, Pages 72-73)

[e934748] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934752] Secretary (reading): Proposition Number 89 introduced by Mr. Cunniff of Yavapai County. Relative to alien contract labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934753] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934758] Secretary (reading): Proposition Number 90 introduced by Mr. Jones of Yavapai County. Relative to direct primary.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934759] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e934767] Mr. President: Second reading of the propositions.

Secretary (reading): Proposition Number 22, introduced by Mr. Baker of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934768] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934771] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934775] Secretary (reading): Proposition Number 24, introduced by Mr. Osborn of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934777] Secretary (reading): Proposition Number 24, introduced by Mr. Osborn of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934778] Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934782] Secretary (reading): Proposition Number 26, introduced by Mr. Franklin of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934783] Secretary (reading): Proposition Number 26, introduced by Mr. Franklin of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934784] Mr. President: Second reading of the proposition; referred to the committee on matters for separate submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934790] Secretary (reading): Proposition Number 29, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934791] Secretary (reading): Proposition Number 29, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934793] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934795] Secretary (reading): Proposition Number 30, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934796] Secretary (reading): Proposition Number 30, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934798] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934802] Secretary (reading): Proposition Number 31, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934804] Secretary (reading): Proposition Number 31, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934806] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934809] Secretary (reading): Proposition Number 32, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934810] Secretary (reading): Proposition Number 32, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934814] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 32)

[e934816] Secretary (reading): Proposition Number 33, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934818] Secretary (reading): Proposition Number 33, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934819] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934823] Secretary (reading): Proposition Number 34, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934824] Secretary (reading): Proposition Number 34, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934825] Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Pages 73-74)

[e934829] Secretary (reading): Proposition Number 36, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934830] Secretary (reading): Proposition Number 36, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934832] Mr. President: Second reading of the proposition; referred to the Committee on Public Service Corporations, other than Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934837] Secretary (reading): Proposition Number 37, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934838] Secretary (reading): Proposition Number 37, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934839] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934842] Secretary (reading): Proposition Number 39, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934843] Secretary (reading): Proposition Number 39, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934844] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934849] Secretary (reading): Proposition Number 42, introduced by Mr. Orme of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934850] Secretary (reading): Proposition Number 42, introduced by Mr. Orme of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934851] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934856] Mr. Orme: I desire to correct the reading of that proposition; one section seems to be left out and it makes a material change. It says, "anyone over the age of twenty-one" when it should read "any male citizen."

Secretary: It read "any person."

Mr. Winsor: I submit that Mr. Orme is on record here. It will take an amendment to make any change now.

Mr. Orme: Very well, I will make it later.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934858] Secretary (reading): Proposition Number 49, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934859] Secretary (reading): Proposition Number 49, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934860] Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934864] Secretary (reading): Proposition Number 53, introduced by Mr. Baker of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934865] Secretary (reading): Proposition Number 53, introduced by Mr. Baker of Maricopa County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934866] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934871] Secretary (reading): Proposition Number 56, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934873] Secretary (reading): Proposition Number 56, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934874] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation. If there is no objection it is so referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934879] Mr. President: [...] Any other propositions on the second reading? Third reading? Business lying on the desk?

Secretary: I have a communication to read. It is as follows:

(The Records of the Arizona Constitutional Convention of 1910, Pages 74-75)

[e934880] Mr. Ellinwood: I move that the letter be referred to the Committee on Rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 75)

[e934881] [Editor's Note: As no objection is recorded in the Records or the Minutes, the editors assume the letter was referred.]

(The Records of the Arizona Constitutional Convention of 1910)

[e934899] Mr. Wood: The Committee on Finance has its report ready and I suggest that it be read.

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 75)

[e934900] Mr. Wood: Mr President, I move the report be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 75)

[e934901] Mr. President: If there are no objections it is so adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 75)

[e934903] Mr. Simms: Mr. President, I move that the secretary make requisition on Mr. Young, Secretary of the Territory, for one hundred dollars worth of one cent stamps.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 75-76)

[e934905] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e934906] Mr. Winsor: I move that the convention take a recess until 2 p.m.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e934908] Motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e934911] Mr. Roberts: I move that the convention adjourn until 9 o'clock tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e934912] Mr. Winsor: I don't think we need to go to the circus as it would appear that we already had one here.

Mr. President: Any other business of the convention?

Mr. Cunniff: Do I understand that a motion is before the house?

Mr. President: Yes, the motion to adjourn to 9:00 a.m. tomorrow. Those in favor say "aye"

Mr. Winsor: Roll call.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e934913] Mr. Winsor: Roll call.

Roll call showed motion adopted 27 to 22.

Mr. President: The "ayes" have it. The convention stands adjourned until tomorrow morning at 9 a.m.

Convention adjourned to 9 a.m., October 25, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

### 1.23 Tuesday, 25 October 1910, at 09:00 (s15876)

[e935014] Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e935068] Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e935028] Roll call as follows: Present—Baker, Bolan, Cassidy, Cobb, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Short, Sims, R.B. Simms, Mitt., Tuthill, Webb, White, Wells, Wills, Winsor, Wood, Mr. President Absent—Coker, Scott, Standage, Weinberger Excused—Doe, Morgan, Moeur, Tovrea

(The Minutes of the Arizona Constitutional Convention, Page 72)

[e935039] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e935043] Reverend Crutchfield: Gracious and All Wise Heavenly Father we thank Thee this morning for this beautiful day and for the health and the blessings that Thou hast pronounced upon us this day and that we have been permitted to walk again in the light of a new and beautiful day and to meet again for the duties of another session of the convention. We ask Thee to continue

unto us all Thy mercies and blessings and take our hand in Thine for guidance and for safety in all the walks of life, and in all the acts of our lives. It has been said that in our getting, to get understanding and wisdom, [sic] now Oh Lord it is our desire to get wisdom and now Oh Lord it is our desire to get wisdom and to apply wisdom in all our acts but we need Thy spirit to guide us and to assist us and we pray that Thou wilt pour forth Thy spirit upon our heads and make us a great and good people, and when we have finished our world here on earth we would ask Thee to save us in Thy Kingdom above, is our wish and our supplication, in the name of Jesus Thine only Begotten Son, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e935049] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 76)

[e935053] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935174] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935216] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

[Editor's Note: Proposition Number 36 was returned to the Convention on the 24th so this is an error. The Minutes indicate it is actually Proposition Number 38 that is returned here.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935178] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935179] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935180] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935181] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935182] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935184] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935186] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks desires to report the printing and return of Propositions Numbers 35, 36, 44, 45, 46, 54, 55, 70, 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935073] Secretary (reading): Proposition Number 91 introduced by Mr. Kinney of Gila County. Relative to alien labor.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935075] Secretary (reading): Proposition Number 91 introduced by Mr. Kinney of Gila County. Relative to alien labor.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935078] Secretary (reading): Proposition Number 92 introduced by Mr. Kinney of Gila County. Relative to qualifications of United States Senators.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935082] Secretary (reading): Proposition Number 92 introduced by Mr. Kinney of Gila County. Relative to qualifications of United States Senators.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935092] Secretary (reading): Proposition Number 93 introduced by Mr. Wood of Yavapai County. Relative to lobbying.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935102] Secretary (reading): Proposition Number 93 introduced by Mr. Wood of Yavapai County. Relative to lobbying.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935155] Secretary (reading): Proposition Number 94 introduced by Mr. Cooper of Pima County. Relative to declaration of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935156] Secretary (reading): Proposition Number 94 introduced by Mr. Cooper of Pima County. Relative to declaration of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935157] Secretary (reading): Proposition Number 95 introduced by Mr. Cooper of Pima County. Relative to preamble.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935159] Secretary (reading): Proposition Number 95 introduced by Mr. Cooper of Pima County. Relative to preamble.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935162] Secretary (reading): Proposition Number 96 introduced by Mr. Kingan of Pima County. Relative to division of powers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935163] Secretary (reading): Proposition Number 96 introduced by Mr. Kingan of Pima County. Relative to division of powers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935167] Secretary (reading): Proposition Number 97 introduced by Mr. F.A. Jones of Maricopa County. Relative to amendments and direct legislation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935168] Secretary (reading): Proposition Number 97 introduced by Mr. F.A. Jones of Maricopa County. Relative to amendments and direct legislation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935095] Mr. President: Gentlemen, the order of the day.

Mr. Crutchfield: Mr. President, the Committee on Preamble and Declaration of Rights is ready to report, if it is the desire of the convention to receive the report.

Mr. President: What is the pleasure of the convention?

Mr. Crutchfield: The Committee is ready to report but since there has been another preamble submitted and it may be the wish of the committee of the whole to await the new proposition. I would state the the preambles are the same with the exception of the designation of the Deity. The convention could determine the matter of the designation of the Deity to be used in the preamble, without submitting this to the printing committee.

Mr. President: The matter will come up in the regular order of business in the committee of the whole. The secretary will read the report.

Secretary (reading): "Phoenix, Arizona, October 25, 1910. Mr President: Your Committee on preamble and Declaration of Rights, begs leave to report it has examined Proposition Number 1 and respectfully recommends that it be adopted. James E. Crutchfield, Chairman. I concur: P.F. Connelly." Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report that it has examined Proposition Number 5 and respectfully recommends that it be not adopted. James E. Crutchfield, Chairman. I concur, P.F. Connelly."

(The Records of the Arizona Constitutional Convention of 1910, Pages 77-78)

[e935100] Secretary (reading): "Phoenix, Arizona, October 25, 1910. Mr President: Your Committee on preamble and Declaration of Rights, begs leave to report it has examined Proposition Number 1 and respectfully recommends that it be adopted. James E. Crutchfield, Chairman. I concur: P.F. Connelly." Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report that it has examined Proposition Number 5 and respectfully recommends that it be not adopted. James E. Crutchfield, Chairman. I concur, P.F. Connelly."

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935101] Secretary (reading): "Phoenix, Arizona, October 25, 1910. Mr President: Your Committee on preamble and Declaration of Rights, begs leave to report it has examined Proposition Number 1 and respectfully recommends that it be adopted. James E. Crutchfield, Chairman. I concur: P.F. Connelly." Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report that it has examined Proposition Number 5 and respectfully recommends that it be not adopted. James E. Crutchfield, Chairman. I concur, P.F. Connelly."

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935191] Mr. President: Second reading of the propositions.  
Secretary (reading): Proposition Number 35.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935188] Mr. Baker: I move that the rules be suspended and that propositions be read a second time by title only and then referred to the proper committee.  
Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935189] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935193] Secretary (reading): Proposition Number 35.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935195] Secretary (reading): Proposition Number 35.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935218] Secretary (reading): Proposition Number 38.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935220] Mr. Baker: Mr. President, I move that the rules be suspended and the title only be read.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935224] Mr. President: On the second reading of propositions, I think it would be well to read the title only. What is the pleasure of the convention?

Mr. Winsor: Mr. President, if there is any time that the rules should be suspended it is on the first reading, when we have not the printed copies before us, but now that we have this matter on our desks and can carefully follow the reading, I think that we should have the propositions read in full.

Mr. Parsons: With reference to the remarks of the gentleman from Yuma, I do not think that his reason for having the propositions read in full on the second reading is as justifiable as the gentleman from Maricopa in not desiring the second reading, from the very fact that we have the printed copies and can read them ourselves. I am certain that the majority of members would prefer to suspend the rules in this instance.

Mr. Winsor: We had better make a motion to suspend the rules each day as that is what we seem to do any way. I think that it is very important that the propositions should be read and that every member have his copy before him and follow the reading. Mr. President, I would like to know the reason why the gentleman from Maricopa does not want the second reading of these propositions.

Mr. Baker: I moved that the rules be suspended on the reading of Proposition Number 38, but it was my intention to make the same motion on each proposition as they were taken up.

Mr. President: Gentlemen, you have heard the motion of the gentleman from Maricopa with regard to the suspension of the rules on the reading of propositions in full on the second reading. Those in favor of the motion say "aye," those opposed "nay." I am in doubt. Secretary will call the roll.

Mr. Cunniff: Mr. President, I feel that the statement made by the gentleman from Yuma is correct. It seems to me that the time for the suspension of the rules in the matter of the reading of propositions is the first reading and not the second, when we have them on our desks and can study them as we follow the reading. I would prefer to hear the second reading.

Mr. Baker: Mr. President, roll call on the motion.

Mr. President: The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Pages 78-79)

[e935241] Motion of Mr Baker to suspend rules and read Proposition No 38 by title, lost by the following vote: Ayes—Baker, Cobb, Coker, Cooper, Cunningham, Ellinwood Feeney, Keegan, Kingan, Lovin, Osborn Parsons, Simms, Mit., Tuthill, Weinberger, White, Wills. Total 19

Nays—Bolan, Bradner, Cassidy, Colter, Connelly, Crutchfield, Cunniff, Curtis, Franklin, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Langdon, Moore, Orme, Pusch, Roberts, Scott, Short, Sims, R B, Standage, Webb, Wells, Winsor, Wood, Mr. President. Total 28.

Absent—Goldwater.

Excused—Doe, Morgan, Moeur, Tovrea

(The Minutes of the Arizona Constitutional Convention, Pages 73-74)

[e935245] Secretary (reading): Proposition Number 38, introduced by Mr. Ingraham of Yuma County. Relative to labor and corporations.

Mr. Tuthill: I suggest that the secretary read that proposition again so we can understand it.

Mr. President: The secretary will please read that proposition again.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935247] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935250] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935255] Secretary (reading): Proposition Number 44, introduced by Mr. Orme of Maricopa County. Relative to charitable institutions.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935258] Secretary (reading): Proposition Number 44, introduced by Mr. Orme of Maricopa County. Relative to charitable institutions.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935260] Secretary (reading): Proposition Number 44, introduced by Mr. Orme of Maricopa County. Relative to charitable institutions.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935261] Secretary (reading): Proposition Number 45, introduced by Mr. Connelly of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935263] Secretary (reading): Proposition Number 45, introduced by Mr. Connelly of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935264] Secretary (reading): Proposition Number 45, introduced by Mr. Connelly of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935267] Secretary (reading): Proposition Number 46, introduced by Mr. Bradner of Cochise County. Relative to educational qualification of voters.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935269] Secretary (reading): Proposition Number 46, introduced by Mr. Bradner of Cochise County. Relative to educational qualification of voters.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935271] Secretary (reading): Proposition Number 46, introduced by Mr. Bradner of Cochise County. Relative to educational qualification of voters.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935276] Secretary (reading): Proposition Number 54, introduced by Mr. Colter of Apache County. Relative to mode of amending.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending, and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935277] Secretary (reading): Proposition Number 54, introduced by Mr. Colter of Apache County. Relative to mode of amending.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending, and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935278] Secretary (reading): Proposition Number 54, introduced by Mr. Colter of Apache County. Relative to mode of amending.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending, and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935284] Mr. Franklin: What was the word used there? "It will require," or "it shall require?"

Mr. Colter: The words "it shall require" are the words which should be used to be grammatically correct.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935286] Secretary (reading): Proposition Number 55, introduced by Mr. Ellinwood of Cochise County. Relative to the powers of the legislative assembly.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 79-80)

[e935290] Secretary (reading): Proposition Number 55, introduced by Mr. Ellinwood of Cochise County. Relative to the powers of the legislative assembly.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 79-80)

[e935292] Secretary (reading): Proposition Number 55, introduced by Mr. Ellinwood of Cochise County. Relative to the powers of the legislative assembly.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 79-80)

[e935301] Secretary (reading): Proposition Number 78, introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935304] Secretary (reading): Proposition Number 78, introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935305] Secretary (reading): Proposition Number 78, introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935306] Secretary (reading): Proposition Number 70, introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935309] Secretary (reading): Proposition Number 70, introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935310] Secretary (reading): Proposition Number 70, introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935313] Mr. President: Any other business of the convention?

Mr. Orme: Mr. President, it seems to me that there are a great many of these propositions that are not distributed carefully, and as a result there are some of the desks that have more than one copy of certain bills while other desks have no copies at all of the same bills. I would suggest that the clerks use more care in the distribution of the printed copies.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935315] Mr. President: Any other business of the convention?

Mr. Orme: Mr. President, it seems to me that there are a great many of these propositions that are not distributed carefully, and as a result there are some of the desks that have more than one copy of certain bills while other desks have no copies at all of the same bills. I would suggest that the clerks use more care in the distribution of the printed copies.

Mr. President: The matter will be referred to the Committee on Printing and Clerks.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935319] Mr. Cunniff: Mr. President, I move that the rules be suspended and that we extend to the members or representatives of the press the privilege of the convention chamber in order that they may give correct and accurate reports of the work of the convention.

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935324] Mr. Ellinwood: Mr. President, the former motion, which was later rescinded, granted the reporters the privilege of the convention floor only during recess or adjournment.

Mr. Cunniff: Mr. President, I thank the gentleman for the suggestion as I wish to include that in the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935327] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935332] Mr. President: Other business of the convention.

Mr. Crutchfield: Mr. President, I move that the convention go into the committee of the whole [to consider the report of Committee on Preamble and Declaration Rights on Propositions Numbers 1 and 5].

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935350] Mr. Crutchfield moved, seconded by Mr. Feeney, that the Convention go into a Committee of the Whole to consider the report of the Committee on Preamble and Declaration of Rights on Propositions Nos. 1 and 5. Motion lost by the following vote: Ayes—Bradner, Connelly, Crutchfield, Feeney, Goldwater, Ingraham, Moore Orme, Parsons, Roberts, Short, Sims, R. B., Standage,

Winsor, Mr. President. Total 15. Nays—Baker, Bolan, Cassidy, Coker, Colter, Cooper, Cunniff, Cunningham, Curtis, Franklin, Hutchinson, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Langdon, Lovin, Osborn, Pusch, Scott, Simms, Mit, Tuthill, Webb, White, Wells, Wood. Total 29. Absent—Cobb, Ellinwood, Lynch, Wills. Excused—Doe, Morgan, Moeur, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 74)

[e935356] Mr. Cunningham: I move the convention stand at recess until 2:00 p.m.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935359] The motion prevailed. Convention stood at recess until 2:00 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

## 1.24 Tuesday, 25 October 1910, at 14:00 (s15873)

[e934991] Mr. President: Convention will come to order. There is a quorum present. Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e934992] Mr. President: Convention will come to order. There is a quorum present. Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e934993] Mr. Cunniff: I move that the rules be suspended, and each proposition be read by title only.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e934994] Mr. Ellinwood: I object.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935000] Secretary (reading): Proposition Number 98, introduced by Mr. Crutchfield of Maricopa County. Relative to bill of rights.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935002] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935012] Secretary (reading): Proposition Number 99, introduced by Mr. Wills of Pinal County. Relative to livestock.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935015] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935021] Secretary (reading): Proposition Number 100, introduced by Mr. Sims of Cochise County. Relative to education.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935023] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935037] Secretary (reading): Proposition Number 101, introduced by Mr. Roberts of Cochise County. Relative to private banks and corporations.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935040] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935051] Secretary (reading): Proposition Number 102 introduced by Mr. Jones of Yavapai County. Relative to appropriations.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935052] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935060] Secretary (reading): Proposition Number 103, introduced by Mr. Cassidy of Maricopa County. Relative to establishment of the legislative bureau of research.

Mr. President: First reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935061] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935071] Mr. President: The convention will now go into committee of the whole. Mr. Franklin, the gentleman from Maricopa, will you take the chair?

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935104] Mr. President: The convention will now go into committee of the whole. Mr. Franklin, the gentleman from Maricopa, will you take the chair?

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935094] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e935096] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935099] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935128] Mr. Franklin: Mr. President, Your committee of the whole begs leave to report that it has examined Propositions Numbers 1 and 5 and respectfully recommends that Proposition Number 5 be substituted for Proposition Number 1, and that the preamble for the constitution of the State of Arizona, contained in the substituted proposition, be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[e935130] [Editor's Note: Proposition Number 1 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935132] [Editor's Note: Proposition Number 5 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935142] Mr. Franklin: Mr. President, Your committee of the whole begs leave to report that it has examined Propositions Numbers 1 and 5 and respectfully recommends that Proposition Number 5 be substituted for Proposition Number 1, and that the preamble for the constitution of the State of Arizona, contained in the substituted proposition, be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[e935148] Mr. Webb: I move the rules be suspended, and the report of the committee of the whole be adopted.

Mr. Ellinwood: I second the motion of Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[e935149] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[*e935150*] Mr. President: The question now comes up on the adoption of Proposition Number 1 as amended.

Mr. Cunniff: I move that the rules be suspended, substitute Proposition Number 1 as amended read a third time in full and placed on its final passage.

Mr. Jones (Yavapai): I second the motion.

(Editorial)

[*e935154*] The motion prevailed.

Mr. President: Third reading of Proposition Number 1 as substituted.

Secretary (reading): Number 1, Relating to Preamble.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[*e935160*] Mr. Ingraham: I move you that we amend substitute Proposition Number 1 by striking out the words "grateful to Almighty God for Liberty" and inserting "invoking the aid of Almighty God."

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 82-83)

[*e935161*] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[*e935171*] Mr. Baker: I move that the proposition in question be referred to the Committee on Style, Revision and Compilation.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[*e935173*] Proposition No. 5, referred to Committee on Style, Revision and Compilation.

[Editor's Note: There is some confusion in the sources surrounding which proposition relating to the preamble was amended and referred to the Committee on Style, Revision and Compilation in this session. The Records state that it is Proposition Number 1 which was referred, however the Minutes record that it was Proposition Number 5. In the next session, on 26 October, Winsor remarked: "In the report of the committee of the whole there is a technical error, which might be very confusing. The report states that the committee recommends that Proposition Number 5 be substituted for Number 1. The committee recommends that Proposition Number 5 be adopted and Proposition Number 1 be indefinitely postponed" (Records, Page 85). For clarity, the editors have chosen to follow the Records' account of the Convention's actions on the afternoon of 25 October, and then model Winsor's corrected version of events in the session on the morning of 26 October. However, the Records do not record the adoption of Baker's motion to refer the proposition in question to the Committee on Style, Revision and Compilation, so the description text of this event is drawn from the Minutes, and thus refers to Proposition Number 5.]

(The Minutes of the Arizona Constitutional Convention, Page 76)

[e935190] Mr. Cunniff: I would like to say that there will be a meeting of the Committee on Style, Revision and Compilation immediately after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935192] Mr. Cunniff: I would like to say that there will be a meeting of the Committee on Style, Revision and Compilation immediately after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935196] Mr. President: Second reading of propositions.

Secretary (reading): Proposition Number 40, introduced by Mr. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935197] Mr. President: Second reading of the propositions...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935198] Mr. President: Second reading of the propositions...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935199] Mr. President: Second reading of the propositions; referred to the Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935203] Secretary (reading): Proposition Number 41, introduced by Mr. Crutchfield of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935204] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935205] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935206] Mr. President: Second reading of the propositions; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935210] Secretary (reading): Proposition Number 43, introduced by Mr. Cassidy of Maricopa County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935212] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935214] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935215] Mr. President: Second reading of the propositions; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935219] Secretary (reading): Proposition Number 47, introduced by Mr. Parsons of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935221] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935222] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935223] Mr. President: Second reading of the propositions; referred to the committee on labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935228] Secretary (reading): Proposition Number 48, introduced by Mr. Parsons of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935229] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935230] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935231] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935238] Secretary (reading): Proposition Number 50, introduced by Mr. Parsons of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935240] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935244] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935246] Secretary (reading): Proposition Number 50, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935252] Secretary (reading): Proposition Number 51, introduced by Mr. Ellinwood of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935253] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935256] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935259] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935268] Secretary (reading): Proposition Number 52, introduced by Mr. Simms of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935272] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935273] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935274] Mr. President: Second reading of the proposition; referred to the committee on counties and municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935291] Secretary (reading): Proposition Number 57, introduced by Mr. Coker of Pinal County.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935293] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935295] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935297] Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935307] Secretary (reading): Proposition Number 58, introduced by Mr. Coker of Pinal County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935308] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935311] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935312] Mr. President: Second reading of the proposition; referred to the committee on Public Service Corporations other than Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935321] Secretary (reading): Proposition Number 59, introduced by Mr. Coker of Pinal County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935323] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935326] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935328] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935337] Secretary (reading): Proposition Number 60, introduced by Mr. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935339] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935341] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935342] Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935334] Proposition No. 61, read second time and referred to Committee on Suffrage and Elections.

(The Minutes of the Arizona Constitutional Convention, Page 77)

[e935352] Proposition No. 61, read second time...

(The Minutes of the Arizona Constitutional Convention, Page 77)

[e935355] Proposition No. 61, read second time...

(The Minutes of the Arizona Constitutional Convention, Page 77)

[e935358] Proposition No. 61, read second time and referred to Committee on Suffrage and Elections.

(The Minutes of the Arizona Constitutional Convention, Page 77)

[e935367] Secretary (reading): Proposition Number 63, introduced by Mr. Cunniff of Yavapai County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935369] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935371] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935372] Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935382] Secretary (reading): Proposition Number 64, introduced by Mr. Bolan of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935383] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935385] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935387] Mr. President: Second reading of the proposition; referred to the Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935401] Secretary (reading): Proposition Number 65, introduced by Mr. Parsons of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935404] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935406] Mr. President: Second reading of the proposition...

(Editorial)

[e935408] Mr. President: Second reading of the proposition; referred to the committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935422] Secretary (reading): Proposition Number 66, introduced by Mr. Orme of Maricopa County.

(Editorial)

[e935424] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935427] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935429] Mr. President: Second reading of the proposition; referred to the Committee on Irrigation and Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935441] Secretary (reading): Proposition Number 67, introduced by Mr. Roberts of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935443] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935445] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935447] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935462] Secretary (reading): Proposition Number 68, introduced by Mr. Lynch of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935466] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935468] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935470] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935483] Secretary (reading): Proposition Number 77, introduced by Mr. Feeney of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935485] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935488] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935490] Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense. Business lying on the desk. Other business of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935498] Mr. President: [...] Business lying on the desk. Other business of the convention.

Mr. Sims: A meeting of the Committee on Counties and Municipalities will be held after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935500] Mr. Sims: A meeting of the Committee on Counties and Municipalities will be held after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935503] Mr. Feeney: I move that we adjourn.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)  
[e935505] The motion prevailed.

Convention adjourned until 9 a.m., October 26, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

## 1.25 Wednesday, 26 October 1910, at 09:00 (s15886)

[e935085] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935087] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935088] Convention called to order by President.

Roll call as follows:

Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B. Simms, Mitt., Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Goldwater.

Excused—Crutchfield, Doe, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 78)

[e935089] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935093] Reverend Crutchfield: Oh Lord and and [sic] Gracious Heavenly Father, we again thank Thee for our past blessings, of health, peace and happppiness [sic], and the privilege of meeting again in convention assembled, and we ask that Thou wouldst continue Thy mercies and blessings upon our heads through this day. Take us by the hand and lead us safely through the labors and tasks of another day, for we would not undertake this work without Thine aid and assistance. In all the labors that are before us, we would that wisdom should be our guide and that our acts may be accounted unto us for good and for the good of this great country and this great State which these men are now building the foundations. Lead us ever in the straight and narrow way and when we have finished our building and our work here on earth save us we pray Thee in Thy Kingdom above, is our supplication in the Name of Thy Son Jesus Christ, our Savior, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935098] Mr. President: The secretary will read the minutes.

Minutes read.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935106] Mr. Winsor: In the report of the committee of the whole there is a technical error, which might be very confusing. The report states that the committee recommends that Proposition Number 5 be substituted for Number 1. The committee recommends that Proposition Number 5 be adopted and Proposition Number 1 be indefinitely postponed. I move that this consideration [sic, correction] be made in the secretary's minutes.

Mr. Cunniff: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935108] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935109] Minutes approved as corrected.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935112] Mr. Parsons: In view of the correction made, I would say that I think it should be stated that Proposition 5 was adopted in place of Number 1.

Mr. President: The minutes will stand approved with this correction. Report of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935115] The sergeant at arms announced that Mr. Goldwater had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 78)

[e935153] Mr. Cunniff: Committee on Style, Revision and Compilation has a report to make.

Secretary (reading): Phoenix, Arizona, October 26, 1910

Mr. President: Your Committee on Style, Revision and Compilation begs leave to report that it had examined Proposition Number 5 and respectfully recommends that it be adopted by the convention as it stands as the preamble of the constitution of the State of Arizona, subject to such further consideration as is provided by the rules.

M.G. Cunniff, Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935158] Mr. Webb: I believe there is a mistake in the matter of this proposition. As I recall it, the proposition was not submitted to the committee on style, revision and compilation, but was adopted as a separate proposition and given its proper place in the constitution. The rules were suspended, and it was not referred to the committee.

Mr. Cunniff: I made the original motion. It was not taken out of its proper order and referred to the committee.

Mr. Webb: I would like the record on the original motion.

Secretary (reading): "Mr. Cunniff moved, seconded by Mr. Jones that the rules be suspended on Proposition Number 1. Mr. Ingraham moved to amend Proposition Number 1. Proposition Number 5 read third time, and put on its final passage. On final passage, was adopted unanimously."

Mr. Cunniff: I suggest that the phrase "final passage" means that the proposition goes to the Committee on Style, Revision and Compilation.

Mr. Winsor: Under the rules that will have to return.

Mr. President: Read the proposition in full.

Secretary (reading): Proposition Number 5 by Mr. Baker of Maricopa County. A proposition relate to preamble.

Mr. Cunniff: The motion should be for the adoption of the proposition into the Constitution as provided for by the rules.

(The Records of the Arizona Constitutional Convention of 1910, Pages 85-86)

[e935164] Mr. Cunniff: The motion should be for the adoption of the proposition into the Constitution as provided for by the rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935165] Mr. President: Those in favor of adopting the proposition say "aye," those opposed "nay." I am in doubt.

The Secretary will call the roll. Roll call showed 48 "ayes", no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935166] Mr President: It will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935169] Mr. Short: Mr. President, I desire to report that Propositions Numbers 40, 41, 43, 45, 47, 50, 51, 52, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, have been printed and returned.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935170] Mr. President: Does this include the propositions returned this morning?

Mr. Short: I have not the list of those returned this morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935172] Mr. President: Introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935200] Secretary (reading): Proposition Number 104, introduced by Mr. Ingraham of Yuma County. Relative to bill of rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935201] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935211] Secretary (reading): Proposition Number 105, introduced by Mr. Wells of Yavapai County. Relative to corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935213] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935225] Secretary (reading): Proposition Number 106, introduced by Mr. Wells of Yavapai County. Relative to finance and taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935227] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935232] Secretary (reading): Proposition Number 107, introduced by Mr. Hutchinson of Coconino County. Relative to militia.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935233] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935237] Secretary (reading): Proposition Number 108, introduced by Mr. Bradner of Cochise County. Relative to elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935239] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935242] Proposition No. 109, relating to Railroads, introduced by Mr. Webb, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 79)

[e935243] Proposition No. 109, relating to Railroads, introduced by Mr. Webb, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 79)

[e935248] Mr. Orme: Mr. President, it seems that the supply of printed copies of Proposition Number 78 is exhausted, and there are not enough in the hands of the members of the convention. I move that 500 copies be ordered printed.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935251] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935254] Mr. President: Second reading of the propositions.

Secretary: We have a number of propositions for second reading, but it will take a few moments to get them in numerical order.

Mr. Coker: Mr. President, I move that the rules be suspended and that the second reading be by title only.

Mr. Baker: I second the motion of the gentleman from Pinal.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935257] Mr. President: It has been moved and seconded that the rules be suspended and that the second reading be by title only. Those in favor say "aye," those opposed "nay." Gentlemen, I am in doubt. The secretary will please call the roll.

Roll call showed 20 "ayes" and 28 "nays."

Mr. President: The motion is lost. the secretary will read the propositions in full.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935262] Secretary (reading): Memorial Number 1, introduced by Mr. Webb of Graham County.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935266] Mr. President: Second reading of Memorial Number 1. What is your pleasure, gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935270] Mr. President: Second reading of Memorial Number 1. What is your pleasure, gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935275] Mr. President: [...] What is your pleasure, gentlemen?

Mr. Webb: Mr. President, I do not think that it should be given the same place as a proposition, but that it should be submitted to our constituents before we take action on it.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935280] Mr. Cunniff: I move that it be referred to the Committee on State and Local Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935283] Mr. President: It is so ordered, without objection.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935285] Secretary (reading): Proposition Number 62, introduced by Mr. Keegan of Gila County. Relative to salaries of state and county officers.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935287] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935288] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935289] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935294] Secretary (reading): Proposition Number 69, introduced by Mr. Coker of Pinal County. Relative to judiciary department.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935296] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935298] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935299] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935333] Secretary (reading): Proposition Number 71, introduced by Mr. Feeney of Cochise County. Relative to bill of rights.

(The Records of the Arizona Constitutional Convention of 1910, Pages 87-88)

[e935335] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935336] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935338] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935340] Secretary (reading): Proposition Number 72, introduced by Mr. Ellinwood of Cochise County. Relative to workmen's compensation.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935343] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935344] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935345] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935348] Secretary (reading): Proposition Number 73, introduced by Mr. Simms of Graham County. Relative to education.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935351] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935353] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935354] Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935357] Secretary (reading): Proposition Number 74, introduced by Mr. Colter of Apache County. Relative to suffrage.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935361] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935363] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935365] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935366] Secretary (reading): Proposition Number 75, introduced by Mr. Colter of Apache County. Relative to public health.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935368] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935370] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935373] Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935374] Secretary (reading): Proposition Number 76, introduced by Mr. Connelly of Cochise County. Relative to department of labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935378] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935380] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935381] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935425] Secretary (reading): Proposition Number 81, introduced by Mr. Webb of Graham County. Relative to railroad commissions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935430] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935432] President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935435] Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935557] Secretary (reading): Proposition Number 83, introduced by Mr. Crutchfield of Maricopa County. Relative to taxation and exemptions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935559] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935561] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935563] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935386] Secretary (reading): Proposition Number 84, introduced by Mr. Simms of Graham County. Relative to homestead and exemptions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935390] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935393] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935395] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary, if there are no objections. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935400] Secretary (reading): Proposition Number 85, introduced by Mr. Cunningham of Cochise County. Relative to collection of privilege licenses taxes.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935403] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935405] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935409] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935417] Secretary (reading): Proposition Number 86, introduced by Mr. Cunningham of Cochise County. Relative to collection of privilege license.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935421] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935439] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935440] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935442] Secretary (reading): Proposition Number 87, introduced by Mr. Cunningham of Cochise County. Relative to homesteads and exemptions..

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935444] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935446] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935448] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935449] Secretary (reading): Proposition Number 88, introduced by Mr. Cunniff of Yavapai County. Relative to employer's liability.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935451] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935452] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935454] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935458] Secretary (reading): Proposition Number 89, introduced by Mr. Cunniff of Yavapai County. Relative to alien contract labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935461] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935464] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935469] Proposition No. 89, read second time and referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

[Editor's Note: The Records state that Proposition Number 89 is referred to the Committee on Labor. However, since it is the Legislative Committee that eventually reports on the proposition, the editors have followed the description given in the Minutes.]

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935471] Secretary (reading): Proposition Number 90, introduced by Mr. Jones of Yavapai County. Relative to direct primary.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935476] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935478] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935480] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935517] Mr. Weinberger: Mr. President, if I remember rightly, Proposition Number 63 was referred to the Committee on Executive, Impeachment and Removal from Office. It seems to me that it should have been referred to the Committee on Judiciary.

Mr. President: If there are no objections Proposition Number 63 will be referred to the Committee on Judiciary. It is so ordered. Third reading of propositions.

Mr. Winsor: Mr. President, may I have a record of the referring of that last proposition.

Mr. President: Proposition Number 63, introduced by Mr. Cunniff of Yavapai County on October 19, 1910. Referred to printing committee October 19,

1910; read second time October 25 and referred to Committee on Executive, Impeachment and Removal from Office.

Mr. Weinberger: Mr. President, should it not go to the Committee on Judiciary?

Mr. President: If there are no objections it will be referred to the Committee on Judiciary.

[Editor's Note: Although it seems to be agreed by all at this point that the proposition should be returned to the Convention and then referred to the Committee on the Judiciary instead, this is not formally done until the afternoon, when Mr Weinberger makes a committee report to that effect. There is no mention in the Minutes of Proposition Number 63 until the afternoon session.]

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935521] Mr. Lynch: Mr. President, I have a communication from Judge Lewis, and also a communication from another party, which I would like to have referred to the judiciary committee.

Mr. Franklin: I suggest that we have the communication from Judge Lewis read.

Mr. President: The secretary will read the communication from Judge Lewis.

Secretary (reading): "Globe, Arizona, October 7, 1910. Mr. John J. Birdno, Safford, Arizona.

I am returning you therewith the letter from Mr. Folson which I read with a great deal of interest. I heartily concur in the views he expresses and would deem it a greater advantage to Arizona if we can succeed in having the appropriate system for the selection of our judges of the Supreme Court. As an alternative, however, I deem it of the greatest importance that the judicial elections be held separately from the election of other officials. If you want to read the greatest argument that was ever made, to my knowledge, for the appointive system, get a copy of the Federalist and read what Alexander Hamilton had to say in his argument for the appointive system when the Federal Constitution was under construction.

Very truly yours, E. W. Lewis, Judge."

(The Records of the Arizona Constitutional Convention of 1910, Pages 89-90)

[e935526] Mr. Cunniff: That communication does not say anything about Jefferson and Madison. (Laughter.)

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935528] Communication from Associate Justice E.W. Lewis of Globe, Arizona, read and referred to Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935529] Communication from Henry H. Folson of Boston, Mass., referred to the judiciary committee.

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935534] Mr. Lynch: Mr. President, I would like to have the next communication read, as I have not been able to read it myself.

Mr. President: I think that it had better be typewritten first. I have no desire to burden the secretary. Gentlemen, there seems to be no further business.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935530] Communication from Henry H. Folsom of Boston, Mass., referred to the judiciary committee.

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935536] Mr. Feeney: Mr. President, I would like to explain a little matter with regard to our postman. It seems that he is being greatly imposed upon in the matter of the carrying of the mails from this hall to the post office. He has to pay the express from here to the post office and return. He is required to sort the mail at the post office and carry all the mail to and from this hall. Since we are sending out a great deal of matter and also receiving much mail, and the work is very hard, I move that the mail man be allowed his legitimate expenses in the matter of carrying the mails.

Mr. Simms: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935537] Mr. Short: Mr. President, I would like to know why the members of the convention cannot have their mail delivered here as well as to any other part of the city. That is the work of employees of the post office department in this city, and I do not think it is necessary for our mail carrier to take the mail farther than the box outside this building.

Mr. Feeney: I would say that the post office clerks should certainly sort the mail for this convention hall as well as any other part of the mail, but so far they have placed that work upon our mail carrier, and for his trouble and expense he should be properly paid.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935538] Mr. President: Gentlemen, are you ready for the question? Those in favor of the motion of the gentleman from Cochise say "aye" and those opposed "nay." The chair is in doubt. Those in favor of the motion rise. (24 in favor.) Those opposed rise. (16 against.) The motion is carried. Other business of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935541] Mr. Keegan: I move the convention take a recess until 2 p.m.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

[e935544] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 90)

## 1.26 Wednesday, 26 October 1910, at 14:00 (s15913)

[e935512] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935513] Mr. President: The convention will come to order. There is a quorum present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935531] Mr. Weinberger: Mr. President, the Committee on Executive, Impeachment and Removal from Office has a report to make.

Secretary (reading): "Phoenix, Arizona, October 26, 1910. Mr. President: Your committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 63, and respectfully recommends that said proposition be referred to Committee on Judiciary. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935532] [Editor's Note: Proposition Number 63 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935533] Mr. Winsor: Mr. President, I move the report be adopted.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935535] The motion prevailed.

Mr. President: Proposition Number 63 will be referred to the committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935542] Mr. President: [...] I thought that the legislative department had a report to make.

(Editorial)

[e935548] Mr. Winsor: The committee on legislative department is holding a series of intensely interesting meetings, and we are not yet ready to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935554] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 110, introduced by Mr. Bolan of Cochise County. Relative to legislative department.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935560] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935577] Mr. President: [...] Here is a letter addressed to the gentlemen of the convention and which I believe should be referred to the committee on legislation.

Mr. Ellinwood: read it.

Mr. President: The secretary will please read the letter.

Letter from O. Gibson, Tombstone, Arizona, read.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935579] Mr. President: The letter will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment. Other business of the convention. I presume there is a great deal of committee work to be done.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935595] Mr Cunningham: I move that the convention adjourn until tomorrow morning at 9 o'clock.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935599] The motion prevailed.

Convention stood adjourned to 9 a.m., October 27, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

## 1.27 Thursday, 27 October 1910, at 09:00 (s15917)

[e935545] Mr. President: The convention will come to order.  
The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935550] Mr. President: The convention will come to order.  
The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935556] Convention called to order by President. Roll call as follows: Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Cunniff, Cunningham, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacone, A.M. Jones, F.A. Jones, Keegan, Langdon, Lovin, Lynch, Moore, Orme, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B. Simms, Mitt., Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President. Absent—Curtis, Kingan, Osborn. Excused—Crutchfield, Doe, Moeur, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 82)

[e935558] Reverend Crutchfield: Oh Lord our kind and gracious Heavenly Father, we thank Thee again this morning that we are alright, and that we are happy and that we have the privilege of meeting in another session of this Convention. Now Oh Father we desire that Thou wouldst bless the members of the Convention in their duties this day that whatever are the labors and duties of the day that they be given wisdom in the performance of those duties. We need Thy blessings and Thy Guidance and we pray Thee Oh Lord to leave us not alone, but lead us in the straight and narrow pathways in all our lives and keep and preserve us from danger, illness or sin. We would thank Thee for the blessing of health and happiness, and the pursuit of pleasure and duties and that in our absence from our homes that our families are also granted that great blessing of health, so now Oh Lord we do commit ourselves and our lives into Thine Hand this day asking for Thy Holy Spirit to be with us always and to lead us in the narrow pathways of life to a home with Thee in Thy Kingdom above when we have finished our labors on earth. All these blessings we ask through the name of our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935562] Reverend Crutchfield: Oh Lord our kind and gracious Heavenly Father, we thank Thee again this morning that we are alright, and that we are happy and that we have the privilege of meeting in another session of this Convention. Now Oh Father we desire that Thou wouldst bless the members of the Convention in their duties this day that whatever are the labors and duties of the day that they be given wisdom in the performance of those duties. We need Thy blessings and Thy Guidance and we pray Thee Oh Lord to leave us not alone, but lead us in the straight and narrow pathways in all our lives and keep and preserve us from danger, illness or sin. We would thank Thee for the blessing of health and happiness, and the pursuit of pleasure and duties and that in our absence from our homes that our families are also granted that great blessing of health, so now Oh Lord we do commit ourselves and our lives into Thine Hand this day asking for Thy Holy Spirit to be with us always and to lead us in the narrow pathways of life to a home with Thee in Thy Kingdom above when we have finished our labors on earth. All these blessings we ask through the name of our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935565] Mr. President: Reading the Minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935568] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935594] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks begs leave to report the following propositions printed and returned: Numbers 62, 69, 71, 72, 73, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and Memorial 1.

[Editor's Note: Proposition Numbers 80 and 82 are the only Propositions from this list that have not already been copied in order to be read a second time.]

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935597] Mr. President: Reports of standing committees.

Mr. Short: Mr. President, the Committee on Printing and Clerks begs leave to report the following propositions printed and returned: Numbers 62, 69, 71, 72, 73, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, and Memorial 1.

[Editor's Note: Proposition Numbers 80 and 82 are the only Propositions from this list that have not already been copied in order to be read a second time.]

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935635] Mr. Cunningham: "Phoenix, Arizona October 27, 1910. Mr. President, Your Committee on Judiciary begs leave to report that it has examined Proposition Number 20, and respectfully recommend[s] that the said Proposition be referred to an appropriate committee other than judiciary. D.L. Cunningham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935639] [Editor's Note: Proposition Number 20 is referred back to the Convention alongside the report.]

(Editorial)

[e935642] Mr. President: If there are no objections the report will be referred.

Mr. Baker: Mr. President, I would like to know the subject matter of that proposition.

Secretary (reading): Proposition Number 20, introduced by Mr. Bradner of Cochise County. A proposition relative to the state engaging in industrial pursuits.

Mr. Cunniff: It should be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935651] Mr. President: If there are no objections Proposition 20 will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935654] Mr. President: If there are no objections Proposition 20 will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935660] Secretary (reading): Proposition Number 111, introduced by Mr. Short of Yuma County. Relative to elections.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935665] Secretary (reading): Proposition Number 111, introduced by Mr. Short of Yuma County. Relative to elections.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935674] Secretary (reading): Proposition Number 112, introduced by Mr. Scott of Navajo County. Relative to ordinance.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 92-93)

[e935676] Secretary (reading): Proposition Number 112, introduced by Mr. Scott of Navajo County. Relative to ordinance.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 92-93)

[e935684] Secretary (reading): Proposition Number 113, introduced by Mr. Jones of Maricopa County. Relative to railroad and common carriers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935686] Secretary (reading): Proposition Number 113, introduced by Mr. Jones of Maricopa County. Relative to railroad and common carriers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935693] Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935696] Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935705] Secretary (reading): Proposition Number 115, introduced by Mr. Kingan of Pima County. Relative to legislative [matters].

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935708] Secretary (reading): Proposition Number 115, introduced by Mr. Kingan of Pima County. Relative to legislative [matters].

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935713] Mr. President: Any other propositions? Gentlemen, I would like to say that the photographer is waiting outside, and if there are no objections, the convention will stand at recess until the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935715] Mr. President: Any other propositions? Gentlemen, I would like to say that the photographer is waiting outside, and if there are no objections, the convention will stand at recess until the call of the gavel.

So ordered. Convention will take a temporary recess.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935717] Mr. President: The convention will come to order. Second reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935719] Mr. President: The convention will come to order. Second reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935723] Secretary (reading): Proposition Number 80, introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointive.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935727] Secretary (reading): Proposition Number 80, introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointive.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935728] Secretary (reading): Proposition Number 80, introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointive.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935736] Secretary (reading): Proposition Number 82, introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935740] Secretary (reading): Proposition Number 82, introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935743] Secretary (reading): Proposition Number 82, introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935747] Mr. President: Business lying on the president's desk.

Secretary: There are two communications to be read.

Mr. President: The Secretary will read the communications.

Communication from Hon. George W. Armijo, secretary of the New Mexico Convention read.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935750] [Editor's Note: No further decisions were made concerning this communication.]

(Editorial)

[e935754] Communication from B.J. Tiernann, New York, New York, read and referred to the Committee on Style, Revision, and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935756] Communication from B.J. Tiernann, New York, New York, read and referred to the Committee on Style, Revision, and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935761] Mr. President: Is there anything else?

Secretary: There is another proposition for the first reading.

Mr. President: If there are no objections we will revert to the first reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935765] Mr. President: If there are no objections we will revert to the first reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[*e935771*] Secretary (reading): Proposition Number 116, introduced by Mr. Lovin on Mohave County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[*e935773*] Secretary (reading): Proposition Number 116, introduced by Mr. Lovin on Mohave County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[*e935782*] Mr. President: [...] Other business of the convention. Gentlemen, we have gone through the order of business for this morning, what is your further pleasure?

Mr. Cunniff: Mr. President, there is a matter on which I wish to speak. It is a matter of mailing the printed propositions. I think that a complete mailing list should be submitted to the mailing clerks with the specified number of copies each member may desire mailed. Yesterday when the Yavapai County delegation called for their usual number of copies, we were informed that copies could not be had as they were not available. I was informed, too, that some members have excessive mailing lists, and that one member has something like 250 names on his list, while others are of considerable length. I think this matter should be regulated by the printing committee. I would suggest that the members submit a mailing list and that the various delegations agree upon the number that should be sent by them. Let the committee on printing and clerks arrange for such copies as they desire within reason. No member should be given any special privilege in this matter over other members, who may fail to get their copies, or are somewhat late in submitting their particular mailing lists.

Mr. Kingan: Did the gentleman from Yavapai offer that as a motion? If so, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 94)

[*e935783*] Mr. Ellinwood: If each member is allotted an even number there will be less than ten copies to each member, with the one of each he retains on his desk there are but eight or nine for mailing. If each delegation could make a uniform list and agree on the matter of mailing the propositions, it would create less trouble and provide for each member securing his rightful number.

Mr. President: Gentlemen, you have heard the motion of the gentlemen from Yavapai.

Mr. Webb: I believe the mailing clerks have a complete list, but I think it will be necessary for them to arrange with the various delegations or the printing committee to make out a list that will be within the present limitations.

(The Records of the Arizona Constitutional Convention of 1910, Page 94)

[e935790] Mr. Parsons: I desire to amend the motion of the gentleman from Yavapai County, and make nine the number that may be sent out or allowed by printing committee to each member for mailing purposes.

Mr. Cunniff: I accepted the amendment of the gentleman from Cochise

Mr. Roberts: I desire to second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 94)

[e935796] Mr. Winsor: Mr. President, I think the amendment will work a hardship on some of the members who have very large mailing lists consisting of friends who may be very desirous of securing these propositions. There are members who do not care to mail any at all and would be quite willing that those who do wish to send a large number, should have their allowance. I would suggest that we leave it to the members to secure the copies of such as they desire without any reference to the printing committee. Or if the printing committee has the matter in charge I would suggest that they submit such copies as the lists call for to the various members.

Mr. Cunniff: I do not see how the printing committee is going to comply with this method as they will not know how many copies each member may demand unless they have a definitive number provided for each, and if there are some members who do not care to mail out any propositions those who do could no doubt make arrangements to secure the copies assigned to members who have no mailing list.

Mr. Parsons: Mr. President, it seems to me that the various delegations can arrange among themselves a list that will meet all their demands, and if each member is allowed so many copies each delegation can agree as to the mailing of them.

Mr. Standage: I desire to say that I believe there are a number of the members of the convention who do not care to mail any of these propositions, for instance the Maricopa County delegation. Their friends are mostly within the county and they read the papers daily and get reports without the copies of the propositions, for that reason I believe those who desire more than the allotted number can secure copies from the number assigned to the Maricopa County delegation by concurring [sic., conferring] with them.

Mr. Winsor: Mr. President, the committee on rules is very glad to say that we are not sorry we fixed the number of copies at 500.

Mr. President: Gentlemen of the convention, you have heard the motion of the gentleman from Yavapai County, are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Pages 94-95)

[e935801] Mr. President: Gentlemen of the convention, you have heard the motion of the gentleman from Yavapai County, are you ready for the question?

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935804] Mr. president: Gentlemen, we have received from the constitutional convention of New Mexico printed copies of the propositions introduced there. They can be had by the members of this convention for perusal. Gentlemen, we are through with the business, what is your pleasure?

Mr. Weinberger: Mr. President, I move that the convention take a recess until 2:00 p.m.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935806] Mr. Weinberger: Mr. President, I move that the convention take a recess until 2:00 p.m.

Mr. Osborn: I second the motion.

The motion prevailed.

Convention stood at recess until 2:00 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

## 1.28 Thursday, 27 October 1910, at 14:00 (s15925)

[e935605] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935606] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935609] Secretary (reading): Proposition Number 117, introduced by Mr. Curtis of Santa Cruz County. Relative to bribery and corruption.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935611] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 95-96)

[e935620] Secretary (reading): Proposition Number 118, introduced by Mr. Curtis of Santa Cruz County. Relative to corporations, banking and currency.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935622] Mr. Cobb: Mr. President, I move that the rules be suspended, and this proposition read by title only, in view of the fact that the members of the convention do not seem to be paying any attention to the reading.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935626] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935628] Secretary (reading): Proposition Number 118, introduced by Mr. Curtis of Santa Cruz County (reading by title only.)

Mr. President: First reading of Proposition Number 118; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935633] Any other propositions. Second reading of propositions.

Secretary: Nothing.

Mr. President: Third reading of propositions.

Secretary: Nothing.

Mr. Weinberger: There will be a meeting of the executive, impeachment and removal from office committee immediately after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935634] Mr. Weinberger: There will be a meeting of the executive, impeachment and removal from office committee immediately after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935636] Mr. Goldwater: If there is no objection, I move we revert to the order of business, reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935638] Mr. President: Is there any objection?

No answer.

Mr. President: Then it is so ordered, and the order of business stands at reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935673] Secretary (reading): "Phoenix, Arizona, October 27, 1910. Mr. President: Your Committee on Ordinance begs leave to report that it has examined Proposition Number 19, and respectfully returns same without any recommendation. Morris Goldwater, Chairman; I concur: C. C. Hutchinson."

Mr. President: Read the proposition, Mr. Secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935679] [Editor's Note: Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935680] Mr. Goldwater: Mr. President, I suggest that the secretary be allowed to read the other report of the committee on ordinance. It would obviate the reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[*e935681*] Secretary (reading): "Phoenix, Arizona, October 27, 1910. Mr. President: Your Committee on Ordinance begs leave to report the following Proposition Number 119, entitled Ordinance, and recommends that same be adopted. Morris Goldwater, Chairman, I concur: C. C. Hutchinson."

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[*e935683*] Mr. President: This is an amended Proposition Number 119 introduced by the ordinance committee, Morris Goldwater of Yavapai County, Chairman.

Secretary (reading): Proposition Number 119 introduced by the ordinance committee, relative to ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Pages 96-97)

[*e935687*] Mr. Cunniff: I move that the rules be suspended, and this proposition be read by title only, referred to the printing committee and 500 copies ordered printed.

Mr. Winsor: As I understand it, this is the introduction of a new proposition, and the report of a committee cannot be offered as a substitute; it can be offered in no other way than a proposition. It may be taken up by title only. I second the motion of Mr. Cunniff.

(Editorial)

[*e935690*] Mr. Cunniff: This being a proposition submitted for the first reading, it may be read by title only, under the suspension of the rules.

Mr. Cassidy: I would like to inquire whether this proposition follows the exact wording of the Enabling Act. If it does, I do not see any need of having it printed.

Mr. Ellinwood: I would like to have the proposition read for my information.

Mr. Baker: The reason given is the very reason why the proposition should go to the printing committee. Now, this proposition deals with those ordinances that are provided for in the Enabling Act. It is a very importance measure. This proposition must necessarily differ from the wording of the Enabling Act in that it changes 'they' to 'we' and other phrases of that kind.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[*e935691*] Mr. President: For the information of the gentleman from Cochise, read the proposition.

Secretary (reading): Proposition Number 119, introduced by ordinance committee, Morris Goldwater, chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[*e935699*] Mr. Goldwater: I would like to have the word "laws" changed to "lands."

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[*e935702*] Mr. President: If there are no objections, the secretary will make the correction.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935704] Mr. President: [...] First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935716] [Editor's Note: The Convention received the Committee's report and read the proposition for the first time.]

(Editorial)

[e935720] Mr. Cunniff: I present the following proposition.

Secretary (reading): Proposition Number 120 introduced by Mr. Cunniff. Relative to recall of elected officials.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935722] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Other business of the convention. Gentlemen, this completes our order of business. What is your pleasure? Any committee work this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935737] Mr. President: [...] Gentleman, this completes our order of business. What is your pleasure? Any committee work this afternoon?

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935739] Mr. Sims: Committee number 6, Counties and Municipalities, will meet immediately after adjournment.

Mr. Keegan: Committee number 16, will meet in the Council Chamber immediately after adjournment.

Mr. Winsor: The committee on Legislative Department, Distribution of Powers and Apportionment will meet in the regular committee room immediately after adjournment.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935742] Mr. Cunningham: I move we adjourn until the usual time, 9 o'clock tomorrow morning.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 97-98)

[e935745] The motion prevailed.

Convention stood adjourned to 9 a.m. October 28, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

**1.29 Friday, 28 October 1910, at 09:00 (s15933)**

[e935663] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935668] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935670] Convention called to order by President.

Roll call as follows:

Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Cunniff, Cunningham, Curtis, Feeney, Franklin, Goldwater, Ingraham, Jacome, A.M., Jones, Keegan, Langdon, Lovin, Lynch, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B. Simms, Mitt, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Ellinwood, Jones, F.A. Standage, Tovrea.

Excused—Cooper, Crutchfield, Doe, Hutchinson, Kingan, Moeur.

(The Minutes of the Arizona Constitutional Convention, Page 85)

[e935721] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935725] Reverend Crutchfield: Oh Lord, our God and Father of all, we have come together again in convention assembled and we desire to thank Thee for Thy mercies and Thy blessings, and to ask for Thy help and assistance in the labors of this day. In as much as these men are coming to the time when their work is very difficult and there are so many complications and measures that are perplexing to their minds and they desire wisdom in all their acts, therefore, we ask that they may have a rich blessing from Thine hand. Give unto them Thy Holy Spirit to guide the work of the convention and cause that not one of them will have any petty petitions or measures incorporated into the Constitution, but that each one may be disposed to act only for the very best good of the people and the State. Oh Lord grant these men wisdom from above and grant that they may act with a purpose only to serve the people and the State and the great Nation. These Blessings we would ask of Thee in the name of Thy Son Jesus, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935735] Mr. President: Secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935746] Mr. Baker: Mr. President, I move that the rules be suspended and the reading of the minutes be dispensed with.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 98)

[e935749] Mr. Cunniff: I would like to know the reason of the gentleman from Maricopa for dispensing with the reading of the minutes.

Mr. Baker: Mr. President, there is nothing particular or special that would require the reading of these minutes and my reasons are that this convention had consumed already, a great deal of the time given us by the Enabling Act in which to make this constitution and up to this time we have not adopted a single measure. We have only one report from a standing committee, and that report from the smallest committee—that is the smallest with respect to the amount of labor they have to perform, the Committee on Preamble and Declaration of Rights.

We must understand that the greatest length of time of the convention should be given to the discussion of reports before the committee of the whole and not in the reading of the minutes, and we must employ our time with watchfulness and with wisdom that we do not consume the best part of it in the reading of matters that are the least important. I understand that the most important work is the discussion of reports before the committee of the whole, and that to suspend the lesser matter of procedure will be to save time to be devoted to the greater measures. I realize and feel, as many of you do, that it is time, high time, for us to get down to solid work and for this reason I move to suspend the rules in the matter of reading the minutes, and proceed to the more important labor of this convention.

Mr. Cunniff: Mr. President, it seems to me that if we are to have a record of the proceedings of each day, and to know that the record is correct, we should have the minutes read. With respect to the work of the standing committees, I believe the only way in which the work can be expedited is to have the members of the committees attend every meeting and stay with the work until something is accomplished. If the members do not attend the meetings then the work cannot be done. It is the duty of the various members to be present at those meetings and it is also the duty of the committees to go to work at once, formulating articles of the constitution, and not to wait for all the propositions that may be submitted to them.

(The Records of the Arizona Constitutional Convention of 1910, Pages 98-99)

[e935758] Mr. President: Gentlemen, you have heard the motion of the gentleman from Maricopa, are you ready for the question? Those in favor of suspending the rules and dispense with the reading of the minutes, say "aye," those opposed "nay." The "nays" have it. The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 99)

[e935764] The minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 99)

[e935778] The sergeant at arms announced that Mr. Jones of Maricopa, Mr. Standage, Mr. Ellinwood and Mr. Tovrea had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 85)

[e935794] Mr. President: Petitions, memorials or remonstrances.

Secretary: There is a petition to be presented this morning.

Mr. President: Read the petition.

Secretary (reading): "To the Representatives of the People of Arizona in Constitutional Convention Assembled. Gentlemen: Knowing the open saloon to be the curse of thousands of our sisters, bringing shame and misery and poverty to them, and knowing also that the open saloon is the cause of three-fourths of the crime, insanity, and poverty in our Territory, and knowing that the awful danger of drunkenness threatens our children so long as the open saloon is allowed to exist in Arizona; and Being convinced that little relief will be afforded if the matter is left to the Legislature because of the notoriously unscrupulous character of the saloon business and its influence with Legislatures, Therefore, we, the women of Arizona, helpless and without the ballot to protect ourselves or our children do hereby respectfully petition you to incorporate in the Constitution as presented to the people and [sic] article forbidding the manufacture and sale of intoxicating liquors in the State of Arizona." Signed by 3,200 resident women of the Territory of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 99)

[e935802] Mr. President: It will be referred to the committee on suffrage and elections. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages 99-100)

[e936036] Mr. Bolan: Mr. President, the Committee on Labor have a report to make.

Secretary (reading): "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has examined Proposition Number 47, and respectfully recommends that proposition be referred to the legislative committee. John Bolan, Chairman; We concur: Thomas Feeney, William Morgan, S.B. Bradner."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e935848] [Editor's note: Proposition Number 47 is referred back to the Convention alongside the Committee on Labor's report.]

(Editorial)

[e936064] "Mr. President: Your Committee on Labor begs leave to report that it has examined Proposition Number 39 and respectfully recommends that Proposition Number 39 be referred to the legislative committee. We recommend [the] striking out of [the] clause, 'and for the employment of convict labor for such purposes.' John Bolan, Chairman; We concur: Thomas Feeney, William Morgan, S.B. Bradner."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936069] [Editor's note: Proposition Number 39 is referred back to the Convention alongside the Committee on Labor's report.]

(Editorial)

[e936099] "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has considered Proposition Number 38, and respectfully recommends that Proposition Number 38 be referred to the Committee on Public Service Corporations other than Railroads. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936104] [Editor's note: Proposition Number 38 is referred back to the Convention alongside the Committee on Labor's report.]

(The Records of the Arizona Constitutional Convention of 1910)

[e936119] Secretary (reading): Proposition Number 121, introduced by Mr. White of Pima County. Relative to ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936129] Mr. Cassidy: Mr. President, I move that the rules be suspended and the proposition be read by title only.

Mr. Winsor [Minutes say Weinberger]: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936133] Mr. Cassidy: Mr. President, I move that the rules be suspended and the proposition be read by title only.

Mr. Winsor [Minutes say Weinberger]: I second the motion.

The Motion Prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936148] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936163] Secretary (reading): Proposition Number 122, introduced by Mr. Wills of Pinal County. Relative to revenue and taxation exemption.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936167] Mr. Cassidy: Mr. President, I move that the motion to suspend the rules apply to the reading of all the propositions this morning.

Mr. Osborn [Minutes say Weinberger]: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936171] Mr. Winsor: I do not see why we do not move to suspend the rules indefinitely.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936173] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936178] Proposition No. 122, relating to Revenue and Taxation, introduced by Mr. Wills, read first time by title, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 86)

[e936207] Secretary (reading): Proposition Number 123, introduced by Mr. Cunniff of Yavapai County. Relative to amendment of Proposition Number 63.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936219] Mr. Cunniff: Mr. President, I move that the rules be suspended and that the proposition be read the second time and referred to the appropriate committee.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936222] The motion prevailed.

Mr. President: The secretary may read the proposition a second time.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936224] Secretary (reading): Proposition Number 123, introduced by Mr. Cunniff of Yavapai County. Relative to amendment of Proposition Number 63.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Pages  
100-101)

[e936230] Secretary (reading): Proposition Number 123, introduced by Mr. Cunniff of Yavapai County. Relative to amendment of Proposition Number 63.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Pages  
100-101)

[e936235] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary. Committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937291] The sergeant at arms announced that Mr. Hutchinson had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 86)

[e937325] Mr. Jones (Maricopa): Mr. President, there are a number of printed copies of propositions returned and the clerks will place them upon the desks.

Mr Cassidy: Mr. President, I have a letter to be referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937334] Letter received by Mr. Cassidy referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 86)

[e937304] Secretary: There is a resolution to be read.

Mr. President: The secretary will read the resolution.

Secretary (reading): "Resolution Number 10. Resolved that on and after October 31, 1910, this convention in addition to the two daily sessions, provided by the rules, shall also hold night sessions commencing at the hour of seven thirty o'clock each evening, Sundays excepted."

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937376] Mr. Cassidy: I move the adoption of the resolution.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937379] Mr. President: Gentlemen, you have heard the motion. Those in favor of the motion say "aye," those opposed "nay." I am in doubt. The secretary will call the roll.

Roll call showed 20 "ayes," and 25 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937417] Mr. Short: Mr. President, I move that the convention will refer back to the report of standing committees.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937449] Mr. President: If there are no objections the convention will refer back to the report of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936695] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937457] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937459] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937407] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937463] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937465] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937467] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936700] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937472] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937475] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937489] Mr. Short: The Committee on Printing and Clerks desires to report the following propositions printed and returned. Numbers 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937492] Mr. President: Gentlemen, we are through with our order or business.  
Mr. Jones: Mr. President, I move that we revert to the second reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937494] Mr. President: If there are no objections the convention will refer back to the second reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936696] Secretary (reading): Proposition Number 91 by Mr. Kinney of Gila County. Relative to employment of alien labor.

Mr. President: Second reading of the propositions

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936697] Mr. President: Second reading of the propositions

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936698] Mr. President: Second reading of the propositions; referred to the Committee on Judiciary. I think that the lawyers should take action on that. It will be referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937498] Secretary (reading): Proposition Number 92, introduced by Mr. Kinney of Gila County. Relative to qualification of United States Senators.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937499] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937500] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937511] Secretary (reading): Proposition Number 93, introduced by Mr. Wood of Yavapai. Relative to lobbying.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Pages  
101-102)

[e937512] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Pages  
101-102)

[e937513] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
101-102)

[e937421] Secretary (reading): Proposition Number 94, introduced by Mr. Cooper of Pima County. Relative to declaration of rights.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937425] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937444] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937517] Secretary (reading): Proposition Number 95, introduced by Mr. Cooper of Pima County. Relative to preamble and declaration of rights.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937518] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937523] Mr. President: Second reading of the proposition; referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937531] Secretary (reading): Proposition Number 96, introduced by Mr. Kingan of Pima County. Relative to distribution of powers.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937534] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937535] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937540] Secretary (reading): Proposition Number 97, introduced by Mr. Jones of Maricopa County. Relative to amendments and direct legislation.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937542] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937546] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e936701] Secretary (reading): Proposition Number 98, introduced by Mr. Crutchfield of Maricopa County. Relative to bill of rights.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e936702] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e936703] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937553] Secretary (reading): Proposition Number 99, introduced by Mr. Wills of Pinal County. Relative to livestock.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937554] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937556] Proposition Number 99, read second time and referred to Committee on Federal Relations.

(The Minutes of the Arizona Constitutional Convention, Page 87)

[e937561] Secretary (reading): Proposition Number 100, introduced by Mr. Sims of Cochise County. Relative to education.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937562] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937564] Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937569] Secretary (reading): Proposition Number 101, introduced by Mr. Roberts of Cochise County. Relative to banks and corporations.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937570] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937571] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937574] Mr. Ingraham: Mr. President, I have a communication I would like to have read.

Secretary read communication from Dr. Thomas J. Pugh, Superintendent, Yuma County Hospital, Yuma, Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937575] Mr. President: The communication will be referred to the Committee on Education. Gentlemen, we are through with our regular order of business this morning. What is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937580] Mr. Ingraham: Mr. President, I move that the convention stand at recess until 2p.m.

Mr. Lynch: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937581] The motion prevailed.

The convention stood at recess until 2p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

### **1.30 Friday, 28 October 1910, at 14:00 (s15943)**

[e935711] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935714] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935741] Secretary (reading): "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Railroads begs leave to report that it has examined Proposition Number 25 and respectfully recommends that it do not pass, the second paragraph of the same having been incorporated in Proposition Number 113 to the extent to which your committee deems advisable. We further recommend that Proposition Number 25 be referred to the Committee on Executive for consideration of the first paragraph. F.A. Jones, Chairman; We concur: M.G. Cunniff, C.C. Jacome, E.E. Ellinwood, S.B. Bradner. I concur except as to referred to Committee on Executive, E.L. Short."

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935744] [Editor's Note: Proposition Number 25 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935748] Mr President: Will the secretary please read Proposition Number 25.

Secretary (reading): Proposition Number 25, introduced by Mr. Cassidy of Maricopa County. Relative to prohibiting public officers from accepting or using passes.

Mr. Goldwater: As a matter of information, I would like to ask whether any members of this convention have passes.

Mr. Baker: Mr. Secretary, will you please read the proposition referred to in the report. I understand that so much of the proposition as the committee thinks is proper is to be found in another proposition.

Mr. Winsor: I would like to have some information from the committee submitting this report, as to the reason it should be referred to the committee on executive. What has that committee to do with the subject of transportation?

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935752] Mr. Franklin: Mr. President, I rise to a point of order, and to obtain information. How is it possible for the committee on railroads whatever it reports on a proposition to recommend that the proposition not be passed, and also recommend that it be referred to another committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935759] Mr. Winsor: I move that the proposition take its regular order on the calendar and be considered by the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935763] Mr. President: Gentlemen, if there are no objections, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[e935805] Mr. Jones, Chairman of the Committee on Railroads, reported Propositions Nos. 25, 34, and 81.

[Editor's Note: The Records only include the reports on Propositions 25 and 81, however, the Minutes indicate that there was a report on Proposition 34 that is not included in the Record.]

(The Minutes of the Arizona Constitutional Convention, Page 88)

[e935807] [Editor's Note: Proposition Number 34 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e935831*] Secretary (reading): "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Railroads begs leave to report that it has examined Proposition Number 81, and respectfully recommends that it do not pass for the reason that such provisions of the Interstate Commerce Act as are applicable to interstate traffic are embodied in Proposition Number 113; that certain provisions of the Interstate Commerce Act are not applicable to local commerce, and that a delay might result in the creation of a commission in the event that there be a delay in the first legislative enactment provided therefore. F.A. Jones, Chairman; We concur: M.G. Cunniff, C.C. Jacome, E. E. Ellinwood, S.B. Bradner."

(The Records of the Arizona Constitutional Convention of 1910, Pages 103-104)

[*e935835*] [Editor's Note: Proposition Number 81 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e935845*] Mr. Ellinwood: Mr. President, this was a matter we had before the committee just before the adjournment at noon, or after. I gave notice in that committee that I would file a minority report. It seems I have not had the opportunity. I ask the the privilege of filing a minority report on this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e948416*] [Editor's Note: Ellinwood's proposal didn't appear to receive a second, and no minority report was ever filed. The Editors are thus representing the proposal as dropped.]

(Editorial)

[*e935852*] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e935856*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e935868*] Secretary (reading): "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has examined Proposition Number 47, and respectfully recommends that Proposition Number 47 be referred to the legislative committee. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan, W.F. Cooper." Mr. President, shall I read the proposition?

Mr. Winsor: I move that the report of the Committee on Labor be accepted, and that the proposition be referred to the legislative committee, as the committee desires.

Mr. Langdon: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e935872] The motion prevailed.

Mr. President: Proposition Number 47 will be referred to the Committee on Legislative Department, number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e936217] Secretary (reading): "Phoenix, Arizona, October 28, 1911 [sic]. Mr. President: Your Committee on Labor begs leave to report that it has considered Proposition Number 39, and respectfully recommends that Proposition Number 39 be referred to the legislative committee. We recommend the striking out of the clause reading 'and for the employment of convict labor for such purpose.' John Bolan, Chairman; We concur: Thomas Feeney, W.F. Cooper, William Morgan, S.B. Bradner."

Mr. President: This will have to come up in the committee of the whole, as long as there is a recommendation.

Mr. Winsor: The recommendation of the committee was simply a recommendation to the committee it was referred to.

Mr. Bolan: Mr. President, that is why the recommendation was intended.

(The Records of the Arizona Constitutional Convention of 1910, Pages 104-105)

[e936231] Mr. President: All in favor of accepting this report, and referring the proposition to the committee on legislative matters [Committee on Legislative Department, Distribution of Powers and Apportionment], make it known by saying "aye," all opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e936232] The "ayes" have it; and Proposition Number 39 is referred to the committee on legislative department.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e936236] Secretary (reading): "Phoenix, Arizona, October 28, 1910.

Mr. President: Your Committee on Labor begs leave to report that it has considered Proposition Number 38, and respectfully recommends that Proposition Number 38 be referred to the Committee on Public Service Corporations other than Railroads. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan."

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e936240] Mr. President: If there is no objection to referring this proposition to the Committee on Corporations other than Railroads, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e936241] [Editor's Note: The report is implicitly adopted when the proposition is referred.]

(Editorial)

[e935891] Secretary (reading): Proposition Number 124, introduced by Mr. White of Pima County. Relative to ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935892] Mr. Winsor: I move that the rules be suspended, and that the proposition be read the first time by title only.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935895] The motion prevailed.

Mr. President: The secretary will read the proposition first time by title only.

Secretary reads title again.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935899] Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935903] Secretary (reading): Proposition Number 125, introduced by Mr. Orme of Maricopa County. Relative to creating the office of state examiner.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935905] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Other business of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935908] Mr. Winsor: I move the the convention stand adjourned until 9 o'clock tomorrow morning.

[...]

Mr. Simms: I second the motion to adjourn.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935913] Mr. Wills: I wish to announce that there is to be a public meeting in the council chamber directly after the adjournment of this convention before the Committee on Separate Submission on the subject of prohibition and women's suffrage. Everyone is invited.

Mr. Winsor: There will be a meeting of the legislature committee immediately after adjournment.

Mr. Orme: The Committee on Irrigation will meet in their committee room at 3 o'clock this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935916] Mr. Wills: I wish to announce that there is to be a public meeting in the council chamber directly after the adjournment of this convention before the Committee on Separate Submission on the subject of prohibition and women's suffrage. Everyone is invited.

Mr. Winsor: There will be a meeting of the legislature committee immediately after adjournment.

Mr. Orme: The Committee on Irrigation will meet in their committee room at 3 o'clock this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935919] Mr. Jones (Yavapai): The committee on Suffrage and Elections will hold their regular meeting on the adjournment of the convention. As to the matter of the prohibition petition the matter is entirely foreign to the business of the Committee on Suffrage and Elections. I move that it be referred to the Committee on Separate Submission.

(The Records of the Arizona Constitutional Convention of 1910, Pages 105-106)

[e935924] Mr. President: A motion to adjourn is before the house.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935925] Mr. Simms: I second the motion to adjourn.

The motion prevailed.

Convention adjourned to 9 A. M. October 29, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

### 1.31 Saturday, 29 October 1910, at 09:00 (s15945)

[e935731] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 106)

[e935733] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 1910)

[e935760] Convention called to order by President.

Roll call as follows:

Present—Baker, Bolan, Bradner, Cassidy, Coker, Colter, Connelly, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, F.A. Jones, Keegan, Kinney, Langdon, Lovin, Lynch, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B. Simms, Mitt., Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Cobb.

Excused—Cooper, Crutchfield, Doe, Kingan, Moeur.

(The Minutes of the Arizona Constitutional Convention, Page 89)

[e935766] Mr. President: The convention will please rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 106)

[e935775] Reverend Crutchfield: Our Gracious Heavenly Father, and God of this great Universe, we thank Thee again this morning that we are alive and are again permitted to come to this place of business, without any illness or accidents having happened to any of these men. We thank Thee that Thou hast been so mindful of these men and the great labors they have to perform, that Thou hast blessed them with health and peace and a desire to faithfully perform the duties of the Convention, and now, Oh Lord, we would ask Thee to take them by the hand and lead them in the path of wisdom, and grant that they may serve Thee in serving the interests of Thy children. We would none of us attempt our duties in life without Thy help and Thine assistance and guidance in all our lives; therefore we pray Thee that Thou wouldst have us walk. At the end of this third week of arduous labor and for the work that has been accomplished we thank Thee that all has been well with these men and now that the work is being brought to the committee of the whole for adoption into the Constitution, we ask that Thou wouldst specially bless these men with wisdom and knowledge in the great work that is before them to do. Lead us ever in the path of righteousness, and now Oh Lord after the manner of Thine only Begotten Son we would say, Our Father which are in heaven, hallowed be Thy name, Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil for Thine is the kingdom and the power and the glory forever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 106)

[e935777] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 106)

[e935779] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 106)

[e935781] The sergeant at arms announced that Mr. Cobb had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 89)

[e935787] Mr. President: Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
106-107)

[e935788] Mr. President: Reports of standing committees. No reports of standing committees. I thought the legislative committee was to make a report this morning.

Mr. Winsor: Mr. President, there will be a meeting of the legislative committee as soon as the convention adjourns.

Mr. Weinberger: Mr. President, the Committee on Executive will have a meeting this morning.

Mr. President: I thought the legislative committee was to make a report this morning?

Mr. Winsor: I thought so too, Mr. President, but I have since learned that the minority report is signed by the majority, and for this reason it is necessary to have another meeting before we can report.

Mr. President: I am requested to give notice that the Committee on Public Debt will have a meeting this after noon, after the adjournment of the session. Gentlemen of the convention, we are through with our regular business. What is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Pages 106-107)

[e935791] Mr. Short: I move the convention take a recess until this afternoon at 2 o'clock.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935792] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935799] Mr. President: Just a moment; I would like to say that a photographer is waiting outside and desires that you gather in front of the building to have a photograph taken. It will cost you nothing. He is very desirous to securing a photograph of each member.

Mr. Jones (Yavapai): Mr. President, I would like to give notice that there will be a very short meeting of the Committee on Suffrage and Elections.

Mr. President: The convention stands adjourned until 2p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

## 1.32 Saturday, 29 October 1910, at 14:00 (s15946)

[e935751] Mr. President: The convention will come to order. A quorum is present. Petitions, memorials, and remonstrances.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935753] Mr. President: The convention will come to order. A quorum is present. Petitions, memorials, and remonstrances.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935755] Mr. Winsor: I have here a communication addressed to the President and Members of the Constitutional Convention, on the subject, I think of equal suffrage, written by Mr. E. P. Cooke of this city.

Secretary reads communication from E. P. Cooke of Phoenix, Arizona.

[Editor's Note: The Minutes record that this communication was written by F. P. Cooke.]

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935757] Mr. President: This communication will be referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 107)

[e935767] Mr. Webb: I would like to have read and referred to the Committee on Matters for Separate Submission, the following communication.

Mr. President: Read the communication at the request of the gentleman from Graham, Mr. Webb.

Mr. Webb: (on secretary's inability to decipher communication) That was my trouble also. I asked to have it read so I could know what it was.

[Editor's Note: The Minutes indicate that the communication is from Alexander Barker of Mammoth, Arizona.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 107-108)

[e935768] Communication from Alexander Barker of Mammoth, Arizona, referred to Committee on Matters for Separate Submission.

(The Minutes of the Arizona Constitutional Convention, Page 89)

[e935774] Mr. Bolan: I have here a communication addressed to the convention by a number of signers from Cochise County, relative to Proposition Number 91, which communication I would like to have read.

Secretary reads communication signed by 200 residents of Cochise County, Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935776] Mr. President: Referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935789] Mr. Jones (Yavapai): The Committee on Suffrage and Elections begs leave to report on Propositions Number 90, 46, 31, 21, 70, 61, and 51, and also to report on the investigation they have made as to the first state election. I have sent the report to the Secretary's desk.

Mr. President: Read the report of the Committee on Suffrage and Elections.

Secretary (reading):

(Editorial)

[e935793] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935795] Mr. President: The report will be considered in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935798] [Editor's Note: Proposition Number 21 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935827] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President, your Committee on Suffrage and Elections begs leave to report that it has examined Propositions Numbers 90, 51, 46, and 31, and respectfully recommends that they be not adopted. Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935829] [Editor's Note: Proposition Number 90 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935832] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935834] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935837] [Editor's Note: Proposition Number 31 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935839] Mr. President: The report of the committee will be received, and come up in the regular order of business in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935841] [Editor's Note: Proposition Number 90 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935844] [Editor's Note: Proposition Number 51 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935847] [Editor's Note: Proposition Number 46 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935849] [Editor's Note: Proposition Number 31 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935860] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report that it has examined Proposition Number 70, and respectfully recommends that it be amended to read as follows: 'The first general assembly shall enact a law providing for general publicity before and after election of all campaign contributions and expenditures, both of campaign committees and candidates.' Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935861] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935864] Mr. President: The report of the committee will be received, and come up in the regular order of business in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935866] [Editor's Note: Proposition Number 70 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935875] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report that it has examined Proposition Number 61, and respectfully recommends that it be adopted. Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Pages 108-109)

[e935880] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935881] Mr. President: The proposition will come up in the regular business of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935882] [Editor's Note: Proposition Number 61 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e935901] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report as follows:

1. That your committee have thoroughly investigated and discussed the operation of this convention under the Enabling Act to provide that the officers be chosen at the first election of State and other officers shall be nominated by a direct primary.

2. That is is the opinion of your committee that such a provision is within the power of this convention.

3. That it is the opinion of your committee that such direct primary should be required by this convention, and that in such direct primary and the election following, provision should be made whereby an advisory vote of the people shall be taken upon candidates for United States Senators.

4. That as to the working of these measures in detail, will involve much effort upon the part of some member or members of the convention, and will require considerable time, your committee wishes first an expression of the opinion of this convention upon the matters herein reported. Albert M. Jones, Chairman; We concur: Fred L. Ingraham, John P. Orme, Alfred Kinney, Sidney P. Osborn, Henry Lovin, John Langdon, James Scott, E. A. Tovrea, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935902] Mr. Cunniff: I move that a measure be prepared, and a draft submitted embodying the suggestions made in the report of the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935904] Mr. Orme: Mr. President, it seems to me that we should have some idea how we stand on this subject. As it will take three or four days, or perhaps a week's work, to work out such a proposition, we would like to know how the convention feels before we state to work.

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935907] Mr. President: Let the report take the regular course, and come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935911] Mr. President: Let the report take the regular course, and come up in the committee of the whole.

[Editor's Note: The President's decision to refer the report to the Committee of the Whole indicates that Cunniff's motion was implicitly dropped.]

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935936] Mr. Winsor (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Legislative Powers begs leave to report that it has examined Proposition Number 4, and respectfully recommends:

That the proposition herein submitted by the committee be substituted for Proposition Number 4, a majority of the committee agreeing as to all provisions contained in said substitute Proposition Number 4 except paragraph 8,

but are together as to the recommendation that the proposition be adopted. The individual members of the committee reserve the right, regardless of this, to propose and support such amendments as they may see fit to propose and support.”

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935940] [Editor’s Note: Substitute Proposition Number 4 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e935944] [Editor’s Note: Proposition Number 4 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e935945] Mr. Winsor: [...] I move that the substitute bill be ordered printed.

[...]

Mr. Wells: I would like to second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 109-110)

[e935946] Mr. Coker: I amend that motion by adding to it that all proposed amendments be printed.

[...]

Mr. Wells: I would like to second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935949] Mr. Winsor: I accept the amendment.

Mr. Wells: I would like to second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935951] Mr. President: The motion to print amendments is a little premature inasmuch as no amendments are proposed. I do not know how are are going to manage it [sic].

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935964] Mr. Cunniff: I have submitted a minority report on that proposition.

Mr. Coker: I have already submitted a minority report on the proposition.

Mr. President: Read the minority report of the committee and the minority reports for the information of the gentlemen of the convention.

Secretary (reading): Substitute Proposition Number 4, introduced by the Committee on Legislative Department, Distribution of Powers and Apportionment, being a proposition relative to direct legislation.

There is also a minority report filed by M. G. Cunniff, J. Weinberger and Lysander Cassidy; also one by Thomas Feeney, Fred Colter and Mit Simms.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935982] Mr. Cunniff: I have submitted a minority report on that proposition.

Mr. Coker: I have already submitted a minority report on the proposition.

Mr. President: Read the minority report of the committee and the minority reports for the information of the gentlemen of the convention.

Secretary (reading): [As stated by Mr. Winsor, supra] Substitute Proposition Number 4, introduced by the Committee on Legislative Department, Distribution of Powers and Apportionment, being a proposition relative to direct legislation.

There is also a minority report filed by M. G. Cunniff, J. Weinberger and Lysander Cassidy; also one by Thomas Feeney, Fred Colter and Mit Simms.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935984] Mr. Wells: Mr. President, it seems to me that the substitute is incomplete. I would like to ask for information why the blanks are made, and why the figures are not supplied.

Mr. President: I believe that the per centum will be left to the convention, in which the intelligent minority will have a show.

Mr. Wells: The proposition should be complete, in my judgment, because if completed it might save considerable time in discussion if we know what the percentage was to be. If the committee arrives at a certainty instead of this uncertainty, it might save a great deal of time in discussion, and it might as well be arrived at now as then. Thought I do not know whether it is included in the motion, I offer as a suggestion that the matter of blanks be settled now.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935986] Mr. Webb: Gentlemen, I desire that my name be stricken from the majority report. I submit this minority report, on which I would like the secretary to put the proper heading. I would like to say that a full and free discussion was had of whether or not to fill these blank spaces with any specific percentages, and this was gone into very fully in the course of the committee investigation. We decided that no figures should be named therein, for it makes no difference what figures might be put in, an amendment certainly would have been made. It was after full consideration that the blanks were left.

Mr. President: Read the minority report submitted by Mr. Webb of Graham.

Secretary reads report of Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935988] Mr. Baker: Mr. President, there is one question in connection with the report of this committee. The convention will notice that the members of this committee have reserved the right to offer future amendments to this proposition and the reports of the committee, and I simply desire to state that I hope we will not be hereafter confused by the proposition because some members of the committee have the right to submit their amendments and do not submit a minority report, and that some members are not bound by this report, that is, he can offer his amendment and file another report at some future time. That is my understanding of the report of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e935990] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e935998] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936000] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936001] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936024] Mr. Winsor: Mr. President, your Committee on Legislative Department, Distribution of Powers and Apportionment, desires to submit a unanimous report. (laughter)

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936027] [Editor's Note: Proposition Number 7 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936030] Mr. Winsor: Mr. President, I move that the report be accepted, and Proposition Number 7 be indefinitely postponed.

Mr. Cunniff: I second the Motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936033] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936045] Phoenix, Arizona, October 29, 1910.

Mr. President:

Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report that it has examined Proposition Number 17, and respectfully recommends that said Proposition Number 17, be indefinitely postponed, inasmuch as the subject matter thereof is incorporated in Substitute Proposition Number 4 submitted by this Committee.

MULFORD WINSOR,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 92)

[e936046] [Editor's Note: Proposition Number 17 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936090] On motion of Mr. Cunniff report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 92)

[e936093] On motion of Mr. Cunniff report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 92)

[e936096] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936100] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936103] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936107] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936110] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936112] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936117] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936125*] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936121*] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936130*] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936127*] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936132*] Mr. Short: The printing committee reports the following propositions printed and returned: Numbers 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936135*] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 126, introduced by Mr. Jacome of Pima County. Relative to taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936138*] Mr. Winsor: Mr. President, I move that the rules be suspended, and that this proposition be read the first time by title only.

Mr. Tuthill: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
111-112)

[*e936139*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936142*] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936056] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e936058] [Editor's Note: Proposition Number 21 was copied into the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936066] Mr. Webb: I move that the report of the committee as to Proposition Number 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936071] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936078] Mr. Webb: I move that the report of the committee as to Proposition Number 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

(Editorial)

[e936079] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936158] Secretary (reading): Proposition Number 127, introduced by Mr. Coker. Relative to water and water rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936162] Mr. Coker: Mr. President, I move that the rules be suspended and that it be read the first time by title only.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936164] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936165] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936175*] Secretary (reading): Proposition Number 128, introduced by Mr. Winsor of Yuma County. Relative to official ballots and the conduct of elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936179*] Mr. Winsor: Mr. President, I move that the rules be suspended and that Proposition Number 128 be read the first time by title, and no copies ordered printed, inasmuch as it is merely desired to refer this matter to the Committee on Suffrage and Elections, in the hope of securing a constitution amendment of a few lines to cover what it took me four pages to cover.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936181*] Mr. Ellinwood: I would like to have it read first.

Mr. President: First reading of the proposition.

Mr. Ellinwood: It seems to me that this is a matter of such universal interest, and comprehends the subject in such detail, that we should have the usual number of copies printed.

Mr. Winsor: Mr. President, I certainly have no objection to having it printed, except that it would not be desirable, and I do not think it would be possible to secure the inclusion of anything like all that detail in the constitution. The idea of submitting it in that form was merely for the purpose of giving some idea as to the object and purpose of the constitutional provision desired, and I believe that it would be a useless expenditure of money to print it, but I have no objection whatever to doing so.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936183*] Mr. Cunniff: I move that under a suspension of the rules, it be read the first time by title only, and submitted to the proper committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936185*] Mr. Ellinwood: It seems to me that this is one thing that we want to look into. If the proposition comprehends such detail that it should not go to the printer, it properly is not here as a proposition. We do not know what might come before the committee. We have no copy before us.

Mr. Winsor: We will have a copy of the committee's report.

Mr. Ellinwood: That would be true of every proposition before this convention. There may be [a] minority report; there has been heretofore, and there may be some necessary amendment. It seems to me that we should have all the light possible, by having the original proposition printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936188*] Mr. President: The motion is on the suspension of the rules. Those in favor of the motion answer "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[*e936191*] Mr. Winsor: I move that it not be printed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910)

[e936194] Mr. Winsor: While I am perfectly willing to withdraw it, inasmuch as I do not think this is a matter to quarrel over, I would like to say that it would not be a suspension of the rules for this proposition not to be printed. However, I do not wish to have a quarrel, so I withdraw the motion. I would rather see it printed than wrangle.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936196] Mr. President: If there are no objections the proposition will go to the printing committee and 500 copies ordered printed. Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936204] Secretary (reading): Proposition Number 129, introduced by Mr. Moore of Yavapai County. Relative to state lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936205] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936212] Secretary (reading): Proposition Number 130, introduced by Mr. Moore of Yavapai County. Relative to establishing the office of state mine inspector.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936213] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936216] Secretary (reading): Proposition Number 131, introduced by Mr. Bolan of Cochise County. Relative to apportionment of senators and representatives for the State of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936218] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936223] Secretary (reading): Proposition Number 132, introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: First reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936225*] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936233*] [Editor's Note: Although there is no record of a formal decision to refer Proposition Number 19 and the report from the Committee on Ordinance on Proposition 19 to the Committee of the Whole, the Convention must have done so, as both documents are discussed in the afternoon session of the Committee of the Whole on October 29.]

(Editorial)

[*e936234*] [Editor's Note: Although there is no record of a formal decision to refer Proposition Number 19 and the report from the Committee on Ordinance on Proposition 19 to the Committee of the Whole, the Convention must have done so, as both documents are discussed in the afternoon session of the Committee of the Whole on October 29.]

(Editorial)

[*e936237*] Mr. President: [...] Committee of the Whole. Gentlemen, we have a number of propositions to come up in the committee of the whole. Under our rules, the convention will now resolve itself into a committee of the whole. The gentleman from Graham, Mr. Webb, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936238*] Mr. President: [...] Committee of the Whole. Gentlemen, we have a number of propositions to come up in the committee of the whole. Under our rules, the convention will now resolve itself into a committee of the whole. The gentleman from Graham, Mr. Webb, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936239*] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[*e936410*] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[*e936411*] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[*e936412*] Mr. Webb, chairman of the committee of the whole, made the following report:

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936413] [Editor's Note: The report from the Committee on Suffrage and Elections on Proposition Number 21 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936414] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936420] [Editor's Note: The Report from the Committee on Suffrage on Propositions on Propositions Number 90, 51, 46, and Number 31 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936415] [Editor's Note: Proposition Number 90 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936416] [Editor's Note: Proposition Number 31 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936417] [Editor's Note: Proposition Number 31 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936418] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936421] [Editor's Note: The Report from the Committee on Suffrage on Proposition Number 61 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936419*] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936422*] [Editor's Note: The report from the Committee on Suffrage and Elections on Proposition Number 70 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936423*] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936424*] [Editor's Note: The special report from the Committee on Suffrage and Election on direct primary was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936425*] [Editor's Note: The Report from the Committee on Ordinance on Proposition Number 19 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936426*] [Editor's Note: Proposition Number 19 was referred to the Convention alongside the report from the Committee of the Whole on Propositions Numbers 21, 90, 31, 51, 46, 61, 70, 19, and the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[*e936427*] [Editor's Note: To mimic the process of the Convention considering each recommendation individually the editors have introduced a blank document that serves as a working draft. Recommendations are then proposed as amendments one at a time onto the working draft as they are taken up.]

(Editorial)

[e936428] Mr. President: What will you do with the report of the committee of the whole? We will first take up Proposition Number 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936430] Mr. Webb: I move that the report of the committee as to Proposition Number 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936433] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936436] Mr. Webb: I move that the report of the committee as to Proposition Number 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936437] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936438] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 90.]

(Editorial)

[e936439] Mr. Webb: I move that the report of the committee on Proposition Number 90 be adopted, and further consideration be indefinitely postponed.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936441] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936442] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 31.]

(Editorial)

[e936443] Mr. Webb: I move that the report of the committee on Proposition Number 31 be adopted, and that said proposition be indefinitely postponed.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936444] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936447] [Editor's Note: The Convention considered the report from the Committee of the Whole on Propositions Numbers 46 and 51.]

(Editorial)

[e936448] Mr. Webb: I move that the report of the committee as to Propositions Numbers 46 and 51, recommending that said propositions be referred to the Committee on Suffrage and Elections, be adopted, and said propositions be so referred.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936449] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936450] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 70.]

(Editorial)

[e936453] Mr. Webb: I move that the report of the committee of the whole on Proposition Number 70 be adopted, and that said proposition as amended be engrossed, and have a third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936454] Mr. Webb: I move that the report of the committee of the whole on Proposition Number 70 be adopted, and that said proposition as amended be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936455] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936456] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 61.]

(Editorial)

[e936457] Mr. Webb: I move that the report of the committee on Proposition Number 61 be adopted, and that said proposition be referred to committee number 3.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936458] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936459] [Editor's Note: The Convention considered the report from the Committee of the Whole on the special report from the Committee on Suffrage and Election on direct primary.]

(Editorial)

[e936461] Mr. Webb: I move that the report of the committee of the whole on the special report of the Committee on Suffrage and Elections relating to direct primary for the first state election, be adopted and that said matter be referred to the committee of the whole for Monday, October 31.

Mr. Jones: I wish to second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936462] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936463] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 19.]

(Editorial)

[e936464] Mr. Webb: I move that the report of the committee of the whole on Proposition Number 19 be adopted, and that action on said proposition be postponed until Proposition Number 119 is before the committee of the whole.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936465] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936466] [Editor's Note: As each of the Committee of the Whole's recommendations were adopted, the report was considered adopted in tandem.]

(Editorial)

[e936467] [Editor's Note: As each of the Committee of the Whole's recommendations were adopted, the report was considered adopted in tandem.]

(Editorial)

[e936468] Mr. President: Second reading of propositions.

Secretary (reading): Proposition Number 102, introduced by Mr. Jones of Yavapai County. Relative to appropriations.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936469] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936470] Mr. President: Second reading of the proposition; referred to the committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936471] Secretary (reading): Proposition Number 103, introduced by Mr. Cassidy of Maricopa County. Relative to a legislative bureau of research.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936473] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936475] Mr. President: Second reading of the proposition; referred to the committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
120-121)

[e936476] Secretary (reading): Proposition Number 104, introduced by Mr. Ingraham of Yuma County. Relative to bill of rights.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936477] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936478] Mr. President: Second reading of the proposition; referred to the committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936480] Secretary (reading): Proposition Number 105, introduced by Mr. Wells of Yavapai County. Relative to corporations.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936481] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936482] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936484] Secretary (reading): Proposition Number 106, introduced by Mr. Wells of Yavapai County. Relative to finance and taxation.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936486] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936487] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936488] Secretary (reading): Proposition Number 107, introduced by Mr. Hutchinson of Coconino County. Relative to militia.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936489] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936490] Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936498] Secretary (reading): Proposition Number 108, introduced by Mr. Bradner of Cochise County. Relative to elections.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936501] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936502] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936503] Secretary (reading): Proposition Number 109, introduced by Mr. Webb of Graham County. Relative to railroads.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936505] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936506] Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936508] Secretary (reading): Proposition Number 110, introduced by Mr. Bolan of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936509] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936510] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936514] Secretary (reading): Proposition Number 111, introduced by Mr. Short of Yuma County. Relative to elections.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936516] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936518] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936520] Secretary (reading): Proposition Number 112, introduced by Mr. Scott of Navajo County. Relative to ordinance.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936521] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936523] Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936524] Secretary (reading): Proposition Number 113, introduced by Mr. Jones of Maricopa County. Relative to railroads and common carriers.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936526] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936527] Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936528] Mr. Short: I move that we adjourn until 9 o'clock, Monday morning.  
Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936529] The motion prevailed.

Convention stood adjourned until 9a.m., October 31, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

### 1.33 Monday, 31 October 1910, at 09:00 (s15958)

[e935888] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935889] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935893] Convention called to order by the President.

Roll call as follows:

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kinney, Langdon, Lovin, Lynch, Moore, Morgan, Orme, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Franklin, Osborn.

Excused—Coker, Crutchfield, Doe, Kingan, Moeur.

(The Minutes of the Arizona Constitutional Convention, Page 97)

[e935897] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935910] Reverend Crutchfield: Almighty God, our Heavenly Father, we thank Thee this morning that we are still alive, and that we are still probationers of hope on this side of the grave, and we are looking forward to the time when we shall be released. We thank Thee that there are no visible signs of Thy displeasure upon any of us. May God be upon us this day. This is about the

period in the convention when reports will come in, and it may be that on some occasion we will be too hasty. We pray Thee, therefore, that Thou wilt so rule in our hearts, as to overthrow those things which would be for our good. May we not lose our temper in the heat of discussion and the interchange of thoughts. Recognize the fact that we are all mortal beings; that we are frail, and do not understand things as the Divine Spirit, and do Thou therefore help us always to have charity one toward another. May our work be blessed. [All in unison] Our Father, who are in Heaven, hallowed be Thy name; Thy Kingdom come; they will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935912] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935914] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935918] The sergeant at arms announced that Mr. Osborn, Mr. Franklin and Mr. Moeur had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 97)

[e935931] Mr. Standage: I have a resolution I would like to have read.

Secretary (reading): "Whereas, the Supreme Being in His infinite wisdom has called from her earthly abode the beloved mother of our esteemed colleague, Doctor B. B. Moeur;

Be it resolved that the sincere sympathy of this Convention be extended to Doctor Moeur in his deep bereavement."

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935938] Mr. Cunniff: I move that the resolution be adopted.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e935942] Resolution adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 122)

[e937270] Mr. President: Reports of standing committees.

Mr. Wood: Mr. President, your Committee on Finance, Accounts and Expense, has a report for the week ending October 29, 1910.

Secretary (reading): "Phoenix, Arizona, October 31, 1910. Mr. President: Your committee on Finance, Accounts and Expense, in further compliance with a resolution requiring them to report to the convention weekly begs leave to submit the following report:

Expenses of the convention for the week ending October 29th, consists of the following: Pay Roll of members October 29, \$1470.00; Pay Roll of attaches,

October 29, \ \$1176.00; Printing and delivery of 81 propositions, 141 pages of contract price of \ \$2.00 per page, \ \$282.00 Printing of one memorial, 2 pages, at \ \$2.00 per page, \ \$4.00; Postage stamps, \ \$100.00; 4000 wrappers (one cent each), \ \$40.00, 500 wrappers (two cents each), \ \$10.00; Stationery and sundries, bills not returned, but estimated by Secretary of Arizona, who ordered same, \ \$50.00; total for week ending October 29, \ \$3132.00

Respectfully submitted, H.R. Wood, Chairman, F.A. Jones, Lamar Cobb.”

(The Records of the Arizona Constitutional Convention of 1910, Page 122-123)

[e937271] Mr. Wood: I move that the report be adopted.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[e937274] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[e935980] Mr. Cobb: I have a resolution to introduce.

Secretary (reading): ”Resolution Number 11, introduced by Mr. Cobb of Graham County.

Whereas, the apportionment of members of the legislature of the State of Arizona among the various counties thereof will be made in proportion to their population, and

Whereas, the population of Graham County as given in the published report of the census office includes what will be on January 11, 1911, Greenlee and Graham Counties, therefore,

Be It Resolved, that the secretary of this convention be authorized and instructed to request the director of the census, by wire, to furnish the population of Graham County, or if that is not available, the enumerated population of every justice, or census precinct in the present limits of Graham County.”

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[e935985] Mr. Cobb: Mr. President, I move the adoption of the resolution.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[e935987] The resolution was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[e935992] Secretary (reading): ”Resolution Number 12, introduced by Mr. Webb of Graham County.

Whereas, the preliminary work of this convention is completed and the adoption of constitutional matter as separate propositions will speedily follow, and

Whereas, the publication of such separate propositions so adopted would be of great interest to the people of Arizona; therefore,

Be It Resolved, that the printing committee be, and is hereby instructed, to call for bids for the publication in some newspaper of general circulation of all propositions as the same may be separately agreed to, and report back to this convention the result of such call for bids.”

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[*e935994*] Mr. Webb: I move the adoption of Resolution Number 12.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 123)

[*e936007*] Mr. Webb: I would like to call attention to the fact that this resolution will not impose an obligation upon us, it simply instructs the printing committee to see what this printing can be done for.

Mr. Ellinwood: I cannot see the purpose of publishing in any newspaper a part of the constitution.

Mr. Webb: Will the gentleman from Cochise yield for a moment? He is speaking under a misapprehension. The constitution will be passed as separate propositions; one part has already been passed, that is the preamble. Each part should be published as passed, for the information of the people of the territory.

Mr. Ellinwood: I certainly was under a misapprehension as to what was meant by this resolution. I understand that the separate articles meant were the separate things named in the "Enabling Act," but the purpose is evidently that each separate matter as it comes before our body during our session shall be at once submitted to the people. Is that the purpose?

Mr. Webb: I think the meaning is very clear. It means that each separate proposition as adopted shall be published. The purpose of this proposition is simply to learn what it would cost to publish each part as rapidly as passed.

Mr. Cunningham: I understand that the purpose of this resolution is simply advisory to the printing committee, and intended as such, the committee to report back to the convention.

Mr. Ellinwood: But why should they be put to all the trouble if we are not going to adopt it or act upon it. We might as well discuss it now. There is a very serious matter to which I wish to call your attention. We have no particular paper in Arizona that would give all the people of the territory an opportunity to see what was printed. If this is for the purpose of putting it before the people, then you will have to publish it in all the papers, which would certainly entail a very large expense.

Mr. Webb: We cannot well discuss this question until we have the estimate of the cost. If the cost is only nominal, I do not think even the gentleman from Cochise would object to it. But, on the other hand, if the cost is excessive, we would not have it done. It would be no great burden on the printing committee to call for bids, and report to the convention.

(The Records of the Arizona Constitutional Convention of 1910, Pages 123-124)

[*e936013*] Mr. Ellinwood: I wish to move as an amendment, that the committee at the same time report the circulation of each paper putting in a bid.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[*e936015*] Mr. Webb: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936023] Mr. Winsor: I move as another amendment, that the printing committee at the same time, ascertain whether the Secretary of the Territory will approve the item.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936028] Mr. Webb: I accept that amendment. I had intended to incorporate that in the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936031] Mr. Cunningham: I move as a further amendment—

Mr. Webb: I rise to a point of order. There can be no further amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936034] Mr. President: The point is well taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936042] Mr. Jones (Maricopa): It seems to me that almost any newspaper in the territory is enterprising enough to publish this, and I believe we would have only to furnish the copy to them.

(The Records of the Arizona Constitutional Convention of 1910, Page 124)

[e936049] Mr. President: Gentleman, you have heard the resolution and amendments. You will answer as your names are called. The secretary will call the roll.

Secretary: The vote is 31 "ayes;" 17 "nays."

Mr. President: The resolution has been adopted.

(Editorial, Pages 124-125)

[e936060] Mr. President: The resolution has been adopted. Introduction of Propositions.

Secretary (reading): Proposition Number 133, introduced by Mr. Tovrea of Cochise County. Relative to highways.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936065] Mr. Cassidy: I move the rules be suspended for today and all propositions on the secretary's desk be read by title only.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936070] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936076] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936114] Secretary (reading): Proposition Number 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936118] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936134] Secretary (reading): Proposition Number 135, introduced by Mr. Cunniff of Yavapai County. Relative to married women's property.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936136] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936149] Secretary (reading): Proposition Number 136, introduced by Mr. Cunniff of Yavapai County. Relative to employment on public works.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936150] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936153] Secretary (reading): Proposition Number 137, introduced by Mr. Cunniff of Yavapai County. Relative to black lists.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936155] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936169] Secretary (reading): Proposition Number 138, introduced by Mr. Cunniff of Yavapai County. Relative to state geologists.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936172] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936186] Mr. Parsons: I have a communication from A.C. Lockwood of Douglas, Arizona, that I would like to have referred to the Committee on the Judiciary. It need not be read in the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936192] Communication from A.C. Lockwood of Douglas, Arizona, referred to Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 99)

[e936209] Mr President: The convention will now resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Ellinwood, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936210] Mr President: The convention will now resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Ellinwood, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936211] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e936962] The President resumed the chair.

Mr President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e937034] Mr President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e937040] Mr. Ellinwood: Mr. President, your committee of the whole having had under consideration the special report of the Committee on Suffrage and Elections, reports that it is the sense of the committee of the whole that the resolution be adopted, and such measures taken as may be necessary to carry the same into effect.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e937043] [Editor's Note: The special report from the Committee on Suffrage was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937057] Mr. Ellinwood: [...] I move the adoption of the report.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e937109] Mr. Kingan: I did not catch the full import of the measure. I understand that it provides for the people indicating who they prefer for United States Senators. Am I correct?

Mr. President: That is the purpose of the measures.

Mr. Kingan: I am opposed to the matter, Mr. President, for this reason. The constitution of the United States provides in Section 3 of Article 7, that the legislature of the state shall elect Senators. I think we should obey the spirit as well as the letter of the Constitution of the United States. I think it means that the legislature in their untrammelled discretion shall elect Senators, and that the people under the constitution of the United States have no right to dictate to the legislature who they shall vote for for Senator. The convention reposes that duty and that power in the legislature. It does not lie in any other person. Personally, I would like to see this, but I believe as long as the constitution says the legislature shall elect as they see fit, I think to dictate or to instruct the legislature would be repugnant to the spirit of that document.

Mr. Ellinwood: Mr. President, I have some data in print which I think thoroughly answers the statement of the gentleman from Pima. The legislatures of more than two-thirds of the states have passed resolutions favoring this plan. The House of Representatives has passed a resolution for a constitutional amendment to provide for the popular election of Senators. The matter was before the national Democratic convention of 1908, and they favored it. Mr. Taft in his acceptance speech announced himself in favor of this reform. The Senate, however refused to concur in the proposed amendment. Because of the apparent hopelessness of action by Congress a number of states have accomplished the desired result by independent action. The states of Oklahoma and Nebraska deal with the matter in their constitutions. Senators are now nominated by direct primary in the states of Alabama, Arkansas, California, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Nebraska, North Dakota, Tennessee, Virginia, Washington and Wisconsin. The resolution contemplates that the election shall be advisory to the legislature of the new state, to express the wish of the people.

Mr. Cunniff: Mr. Ellinwood has just given you the figures on the question. There is at the present time because of the action of two-thirds of the state, an amendment to the Constitution of the United States to that effect, though it is not actually in existence. Following to its logical conclusion the proposition of the gentleman from Pima, we would decide that the electors for President of the United States might be absolutely untrammelled by the wishes of the people voting for them.

Mr. Winsor: I take it that when the gentleman from Pima made a plea for the right of an untrammelled legislature under the spirit of the Constitution of the United States, to elect United States Senators, he must have had in mind the untrammelled legislatures of Illinois, Colorado, Montana, New Jersey, and other states which have recently come into prominence.

Mr. Wells: I would like to ask for information the scope of the measure. I did not catch it when it was read.

Mr. President: Read the resolution, Mr. Secretary.

Secretary reads resolution.

Mr. Jones (Yavapai): I think the gentlemen who have spoken on this subject have taken a wrong view of the matter. The report of the committee only refers to the first election after statehood.

Mr. Wells: That is the subject that I wish this convention might thoroughly

understand. Now, it is the desire of this body to keep away from all entanglements, and to proceed in a manner so that some result will come from our action here. I am in complete harmony with direct elections, but we should here confine ourselves to the Acts of Congress, and particularly the Enabling Act, which should be our guide. The intention of Congress as defined in the Enabling Act is that the laws of the territory as they exist today shall guide us in electing our first state officers. If you will turn to the Enabling Act, and permit me to go through it as I did for myself in this investigation, you will see that the intention of Congress is to adopt, or rather refer the matter to the existing laws of the Territory of Arizona. I know we want to be right in this, and our only wish is to conform to that which will bring results. On page 13, in section 19, the first reference is made to the conduct of elections. Also see page 16, sections 21 and 23. In section 34 we have the conclusion. There we have the express direction that all laws of said territory in force at the time of its admission into the Union shall be in force in said state until modified. Of course, we can go ahead and provide for direct nomination, etc., but are you proceeding safely in doing that? Is it safe to proceed when we have to change the meaning of the Act of Congress? It seems to me that is not safe. I merely suggest this.

Mr. Baker: I think the gentleman from Yavapai has fallen into the error of confounding the election provided for in the Enabling Act for state officers, with the primary election. They are wholly and distinct. The Enabling Act is perfectly silent upon the question of primary election. There is, however, a further difference, as pointed out in the case of *Woodruff vs. State*, 65 New Jersey 59. I am free to confess we can in no way alter nor will this convention attempt to alter the terms of the Enabling Act as to the regular election of state officers. It is clear in my mind that the act being silent as to the mandatory system for nominating officers, this convention will be absolutely free to provide for such mandatory election.

Mr. Parsons: As I view it, the gentleman from Pima has stated that he does not want to violate the spirit of the United States Constitution. I know of no better way on earth of observing the spirit of the Constitution than to vote for, and adopt, this report, giving us a chance to see that the legislature will do what the constitution contemplates it should do, elect Senators in an untrammelled manner. If the legislature wants to carry out the wishes of the people, how will they know unless the people instruct them in some manner. I think we should fix the act in the strongest terms, so that the legislature will know and be bound by what we want them to do. The gentleman from Pima says we are reversing the Enabling Act, but that law was in force in one of the thirty two or thirty three states of this Union, which have already done just what we are trying to do. I have heard of no Senator or United States Representative having his seat contested on this ground. Further, the Secretary of the Territory (who has well deserved the title, "The Watchdog of the Treasury,") may not approve of the expenditure occasioned by this bill. If that were the case, I am sure a number of members of this convention would pledge themselves to make good any such expense incurred in that behalf.

Mr. Cunniff: I agree with what has been said by the distinguished gentleman from Maricopa, Mr. Baker. All the Enabling Acts are very much alike. My distinguished colleague, Mr. Wells, has pointed out certain sections of the Enabling Act which bear but little on the subject, but he fails to give much light

upon the question raised by Mr. Baker, namely, that the Enabling Act is silent as to the method of holding this election. Other things such as qualification of voters are mentioned but we have absolutely nothing about method. The Enabling Acts of the seven states most recently admitted into the Union have provisions on this subject, and the gentleman who drew up our Enabling Act had some reason for leaving out such a provision, and making a change. The distinguished gentlemen in Washington undoubtedly had these other Enabling Acts before them while preparing ours. Our Enabling Act simply provides that the election shall be held at the same time named by the proclamation of the Governor of Arizona, and is absolutely silent on the point made perfectly clear in other Enabling Acts. Let us consider page 16, Section 22, of the Enabling Act. It seems to me that in the absence of definite information in the Enabling Act, we certainly have the right and privilege, and as intelligent men, I think we ought to exercise it. This constitutional convention, I believe, has the authority to draw up an ordinance governing the election to be held and, therefore, I feel we are taking wise action in requesting the Committee on Elections to perfect a plan for holding the first election.

Mr. Ingraham: The Committee on Suffrage and Elections, Mr. President, desired information upon two points, one a point of law, and the other a point of policy. The point of law has been touched upon here; the point of policy has also been handled to some extent. It seems to me that, briefly, the point of policy is this: When Arizona stands knocking at the doors of Congress if our ordinance provides that our first Senators be chosen by a direct vote of the people, will that militate against the admission of Arizona? Also, there is a question of policy, whether Senators ever be chosen by direct vote of the people. The point of law involved is briefly, whether we have the power to provide an ordinance for the primary election, not only concerning United States Senators, but also state and county officers to be chosen under this constitution. It seems to me there are just as full and authoritative expressions used in our Enabling Act, as in that of Oklahoma. We have the power to provide for the ballot which shall be voted at that election; and if we have that power we have the same power to prescribe what shall be the official ballot for the state officers also. The only point at which our power to provide for such election might come in conflict with the provisions of the Enabling Act, or with the authority of the territorial officers, to my mind, is the question of the expense of the primary election. Would it be a legitimate tax on the appropriation made by Congress for paying the expenses incurred under this Enabling Act? Further, I wish to call to your attention the fact that after the Democrats and Republicans have chosen their nominees, there still remains another step. Shall those names be put on the official ballot, and shall the secretary of the territory, or other officer, who is provided shall canvass the vote in this election, also canvass the advisory vote for United States Senators? Now, we of the committee, have come here for the light. We know that there are many lawyers in this body, and before we take any steps we should consider fully the advice of these lawyers as to the law, and of the other members as to the question of policy.

Mr. Franklin: This discussion is getting to a very interesting phase. I infer from the Enabling Act that although the Governor of the Territory is by proclamation to call the election, that proclamation is governed as to time by this constitutional convention. The grant of power to this constitutional convention is limited as to the time of holding this election. There is no other grant

of power that we can exercise except this matter of fixing the time. From this Enabling Act we see that the laws of this Territory are to govern until otherwise changed. If we confine ourselves to sections 22 and 23, it is a very serious question as to the legality of this convention prescribing any other method or means of electing these officers than those means now prescribed by the territorial laws of Arizona. I realise that the people of Arizona, almost irrespective of party, are in favor of election by direct primary of the officers of this state, including an advisory vote for the Senators. I am heartily in accord with this, but as question of policy I doubt whether this is legal, if it should be taken to the courts. While I believe in the broad statesmanship of the members in the halls of Congress unaffected by party considerations, I am not fully persuaded either as to the legality or the propriety of this course. I shall however yield to the wishes of the majority of my party and vote for this resolution.

Mr. Cooper: I am in accord with the sentiments just expressed by the gentleman from Maricopa, and I, like him, fear any departure from the strict provisions of this Enabling Act. This is the first time in the history of this territory that we have had the opportunity placed before us for admission to statehood, but it is not the last opportunity we shall ever have to prescribe the methods of election or for carrying out the wishes of the people. If it were, matters might present themselves in a different light, but the situation, existing as it does, I think it would be unwise and unsafe for us to take one single step that might interfere with our admission. I, like the gentlemen who have spoken, believe in most thoroughly, and have the most hearty desire to see, the people governing themselves, but I feel that we should not take the slightest risk as to our admission in anything we do in this convention.

Mr. Webb: I would like to call the members' attention to the fact that the Enabling Acts for New Mexico and Arizona are identical except as to paragraph 19. The difference between these and the other states which have recently been admitted into the Union, is due to the fact that they had only one election, while we have two. Their election was for the ratification of the constitution and the election of state officers at the same time; ours provides for two separate elections. This question was taken before the Supreme Court of Oklahoma, from the opinion of which the court I will read extractions. Other conventions have had the matter up. The laws of the Territory of Arizona provide a primary election for all county officers, and it was the intention of the Committee on Suffrage and Elections merely to extend the provisions of the law of 1909 to govern state officers.

Mr. Lynch: The gentleman from Maricopa has told us that our only right with reference to the first election is the naming of the time of same. I cannot as a legal proposition hold myself to believe that we have no further right. Mr. Webb has pointed out our only remedy and available loophole. We have in force a primary law, we have no right to change it, except in such particulars as are necessary to put it into operation in the first election for state officers.

Mr. Cunniff: I should like to ask how we can specify the time of this election. We have no means of knowing when Congress will have acted.

Mr. Webb: The time will have to be prescribed tentatively, and this election held within a certain limit. We can state that it shall be held at the time named in the proclamation of the governor.

Mr. Jones (Yavapai): Speaking of the time of this election, after the President takes action, he shall then notify the governor, who shall within thirty

days after the receipt of such notification issue his proclamation of election, said election to be held not earlier than sixty nor later than ninety days after the proclamation of the governor ordering same.

Mr. Wells: The argument has drifted in the right direction. I make no point as to the election of United States Senators, for the Senate and House of Representatives are judges of the authority of their members. Whether we are right or wrong will cut no figure with them. Now the question of legality had been mentioned by Mr. Franklin and the two gentlemen from Graham. We do not wish to have any entanglement if we can avoid it. The only remedy I can see is suggested by the gentleman from Graham. The laws now in effect are kept in force by the Enabling Act. The laws of the Territory of Arizona control within the jurisdiction of Arizona; the laws of the United States control within the jurisdiction to which it is intended to be applied, and this Enabling Act is intended by Congress to be applied to the territories of Arizona and New Mexico, and not elsewhere, and any conclusion reached by the courts in other states and territories does not apply here at all. This Enabling act is our guide, and we must stand by it. I do not say that Congress would interfere if we elected our Senators or state officers in a different way; they might leave this matter to our Arizona courts. Why should we legislate at all, when such legislation may be in conflict with the desires of Congress. In this way we can keep out of trouble. It seems to me that it is perfectly plain and there is no difficulty about it. We might just as well keep our hands off, and stand in a position about which there is no question.

Mr. Winsor: Look again at section 21 of the Enabling Act. I tried to make this point clear in my previous argument. The power of the convention rests in the first few lines of section 21 of the Enabling Act; the substance of it being that this convention shall provide for the submission of the constitution to the people of Arizona at an election. Now can there be any doubt that we have full power over the method of that submission?

Mr. Ellinwood: We are getting away from the question of law, with respect to what the courts call an election, for a primary election is not an election according to the courts.

Mr. Kingan: The law of 1901 provides for nomination and not for primary elections.

Mr. Ellinwood: Again I refer you to section 34 of the Enabling Act.

Mr. Kingan: It certainly was not the intention of Congress in the Enabling Act to provide that the convention should exercise the right to prescribe an election nor is it the duty of this convention to do so unless Congress intended that we should.

Mr. Ingraham: I would like to refer you to section 13 which refers to election of officers, and I call the attention of the convention to the words of the provision of statute laws of the Territory of Arizona for 1901.

Mr. Baker: Mr. President, I do not desire to continue this discussion, which has already been too lengthy, but I wish to say that the gentleman from Cochise, Mr. Ellinwood, has amply explained my original statement with reference to this matter, and has referred to the section, which is very clear in my mind, that the primary election is very different from the state election and this distinction should be thoroughly understood now, and in the book to which I referred, I find nothing further.

Mr. Kingan: Does the law state there shall be any primary elections? There

can be no election of candidates except by nomination, and there is no authority for any other kind of an election.

Mr. Baker: Mr. President, I think that the makers of the Enabling Act presumed to know the law, and there is a broad difference between primary elections for state officers and the regular election. I found no case than that which has been quoted where it was necessary for them to designate between the two elections.

Mr. Wells: The form of ballot would be declared by the governor.

Mr. Ingraham: I would think that such must be provided and declared by this convention, that is the form of ballot.

Mr. Wells: Yes, I think that it should be provided by the convention, but the question would be "yes" or "no," not as to the resolution or the authority of the resolution.

Mr. Ingraham: I wish to refer to the ordinance of the territory of Oklahoma upon this point. I think that it is within our power to do the same as Oklahoma and that this convention must provide and declare and prescribe by ordinance in a similar manner for a state election and the form of the ballot that shall be used at that election. I ask you to return to section 17 of the Enabling Act, and Section 23. There is no question in my mind that it is within the right and power of this convention to provide by ordinance for the state election of officers. There is no authority in the present laws for the state ballot. There is no authority in the present laws for the state ballot. There is no authority in the State of Arizona for state officers, for the election of a new judiciary, for we have never had an elective judiciary or elective state officers. There is no authority for the election of a Congressman to the lower house. We have a delegate to Congress and not a Representative, and the laws of the territory are entirely void of any provision. I am certain that by ordinance, we as a constitutional convention, shall prescribe and provide for such an election as this section refers to.

Mr. Ellinwood: I realize that the purpose of this discussion is that those who have the question to decide may act rightly in the matter and without any error whatever, but in my mind it is perfectly clear, and I agree with the gentleman from Maricopa, Mr. Baker, that the requirements are absolutely clarified in this very section 23, of the Enabling Act, whereby the constitutional convention shall prescribe by ordinance that an election shall be held, and the question of the primary election is not a part of this subject. Primary election is a different matter and absolutely foreign to this section and to the subject under discussion. The primary election has reference to some general election and the manner of such election, but this question does not apply to the matter at all, is not before the convention in that light, therefore, I say that the remarks of the gentleman from Maricopa, Mr. Baker, are clear and comprehensible, and that this convention has the power to prescribe for such an election as is defined in the sections quoted, 21 and 23.

Mr. Cunniff: I agree with the gentleman from Maricopa and the gentleman from Cochise.

Mr. Ingraham: I would like to ask the gentleman from Cochise a question: Must we not provide a mode for this election in this convention?

Mr. Ellinwood: I would refer you to the provisions of the Enabling Act in section 34. Now, Mr. President, it seems to me that this section defines the whole question so clearly that there should be no further debate, for such

provisions with regard to elections or mode of elections are subject to the acts of this convention. The gentleman from Yavapai, Mr. Wells, who is never far from right, and usually covers all questions in his explanations, has not understood the provisions of this section with regard to the matter of elections, either as a general or primary election for the state officers or United States Senators.

Mr. Kingan: Mr. President, I would like to ask a question.

Mr. President: The gentleman from Pima will ask the question.

Mr. Kingan: Does not section 19 explain the matter of elections, and is not the Enabling Act our sole guidance in this matter?

(The Records of the Arizona Constitutional Convention of 1910, Page 126-133)

[e937112] Mr. Winsor: Inasmuch as this question has been discussed from beginning to end three or four different times, and as the time allowed by the Enabling Act for this convention is rapidly drawing to a close, I move the previous question.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 133)

[e937115] Mr. Orme: I would like to know if the law of 1901 would conflict with the laws of 1909 or any other law of the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 133)

[e937117] Mr. Cunniff: The previous question has been moved and seconded. I would like the resolution read.

(The Records of the Arizona Constitutional Convention of 1910, Page 133)

[e937120] Mr. President: The secretary will please re-read the resolution.

Secretary (reading): "Mr. President: It is the sense of this committee that the Report be adopted and that such necessary steps be taken to carry same into effect."

(The Records of the Arizona Constitutional Convention of 1910, Pages 133-134)

[e937124] Mr. President: The secretary will call the roll and those who are in favor of adopting the report will answer "aye;" those opposed will answer "nay."

Roll call showed 41 "ayes" and 8 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937131] Mr. Ingraham: I move we place this report in the hands of a special committee to be appointed by the president.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937136] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937139] Mr. President: Second reading of propositions.

Mr. Ellinwood: I would like to ask unanimous consent to refer back to the introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937143] Mr. President: If there are no objections we will refer back to the introduction of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936974] Secretary (reading): Proposition Number 139, introduced by Mr. Keegan of Gila County. Relative to minor offenders.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936977] Mr. Short moved and Mr. Feeney seconded that 1000 copies of Proposition No. 139 be printed

(The Minutes of the Arizona Constitutional Convention, Page 101)

[e936980] Mr. Short moved and Mr. Feeney seconded that 1000 copies of Proposition No. 139 be printed; lost by rising vote.

(The Minutes of the Arizona Constitutional Convention, Page 101)

[e936983] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936992] Secretary (reading): Proposition Number 140, introduced by Mr. Keegan of Gila County. Relative to juvenile courts.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936994] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937003] Secretary (reading): Proposition Number 141, introduced by Mr. Keegan of Gila County. Relative to child labor.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937007] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937021*] Secretary (reading): Proposition Number 142, introduced by Mr. Ellinwood of Cochise County. Relative to railroad and other transportation companies and telegraph, and other transmission companies controlling competing lines.

Mr. President: First reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937022*] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937152*] Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937156*] Mr. President: [...] Second reading of propositions.

Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937158*] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937160*] Mr. President: Second reading of the proposition; referred to the executive committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937172*] Secretary (reading): Proposition Number 115, introduced by Mr. Kingan of Pima County. Relative to legislative.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937175*] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937176*] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937178*] Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[*e937187*] Secretary (reading): Proposition Number 116, introduced by Mr. Lovin of Mohave County. Relative to bill of rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937191] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937193] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937194] Mr. President: Second reading of the proposition; referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937201] Secretary (reading): Proposition Number 117, introduced by Mr. Curtis of Santa Cruz County. Relative to bribery and corruption.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937204] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937206] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937208] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937214] Secretary (reading): Proposition Number 118, introduced by Mr. Curtis of Santa Cruz County. Relative to corporations, banking and currency.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937216] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937217] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937218] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937226] Secretary (reading): Proposition Number 119, introduced by ordinance committee, Mr. Goldwater, chairman. Relative to ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937232] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937239] Mr. President: Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937242] Mr. President: Second reading of the proposition. Gentleman, that will come up before the committee of the whole with Proposition Number 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937245] Secretary (reading): Proposition Number 120, introduced by Mr. Cunniff of Yavapai County. Relative to recall of elected officers.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937246] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937247] Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937249] Mr. President: Second reading of the proposition; referred to the committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937250] Mr. Moeur: I move that the convention take a recess until 2 p.m.  
Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937252] The motion prevailed.

Convention stood at recess until 2:00 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

### **1.34 Monday, 31 October 1910, at 14:00 (s15956)**

[e935870] Mr. President: Convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935873] Mr. President: Convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935877] Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935878] Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935879] Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935950] Mr. Short: The Committee on Printing and Clerks desires to report that the following propositions have been printed and returned: Numbers 114, 115, 116, 117, 118, 119 and 120.

[Editor's Notes: The documents have been copied into the Convention in the morning session of October 31st so they can be read a second time.]

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935952] Mr. Short: The Committee on Printing and Clerks desires to report that the following propositions have been printed and returned: Numbers 114, 115, 116, 117, 118, 119 and 120.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935894] Secretary (reading): Proposition Number 143, introduced by Mr. Connelly of Cochise County. Relative to the qualification of voters.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935898] Secretary (reading): Proposition Number 143, introduced by Mr. Connelly of Cochise County. Relative to the qualification of voters.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935906] Secretary (reading): Proposition Number 144, introduced by Mr. Bradner of Cochise County. Relative to judiciary.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
135-136)

[*e935909*] Secretary (reading): Proposition Number 144, introduced by Mr. Bradner of Cochise County. Relative to judiciary.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 135-136)

[*e935915*] Secretary (reading): Proposition Number 145, introduced by Mr. Jones of Yavapai. Relative to marriages between races.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[*e935917*] Secretary (reading): Proposition Number 145, introduced by Mr. Jones of Yavapai. Relative to marriages between races.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[*e935920*] Secretary (reading): Proposition Number 146, introduced by Mr. Ingraham. Relative to executive.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[*e935923*] Secretary (reading): Proposition Number 146, introduced by Mr. Ingraham. Relative to executive.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[*e935926*] Secretary (reading): Proposition Number 147, introduced by Mr. Ingraham of Yuma County. Relative to taxation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Gentlemen, we are through with our order of business, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[*e935928*] Secretary (reading): Proposition Number 147, introduced by Mr. Ingraham of Yuma County. Relative to taxation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Gentlemen, we are through with our order of business, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e935932] Mr. Weinberger: Mr. President, I move that the convention adjourn until 9 a.m. tomorrow.

Mr. Roberts: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e935935] The motion prevailed.

Convention adjourned to 9 a.m., November 1, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

### 1.35 Tuesday, 01 November 1910, at 09:00 (s15965)

[e936016] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936020] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936025] Roll call as follows:

Present — Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President.

Absent — Feeney, Wills.

Excused — Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 103)

[e936029] Mr. President: The convention will rise for the prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936032] Reverend Crutchfield: Almighty Father, we bow our heads in Thy presence, this morning, and acknowledge Thee as our God and leader, and we would pray Thee to take hold of our hands and lead us this day. We might stumble and fall unless Thou walk by our side. See that we walk in the way Thou would have us go. May Thou blessing be upon us and our work. We may be criticized as to our labors and toil by men who do not understand, but we pray Thee, Lord, that the members of this convention may have nothing in this world in view but the good of Thy church and the good of the State in framing this constitution, so that when each one of them goes home, the people will say: "Well done, thou good and faithful servant." May the blessing of Heaven rest upon their families during their absence. And finally, when we are done with the toils, cares, and strife of this human life, lead us into the life eternal, and we will praise Thee forever and ever, Amen."

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936035] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936037] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e936041] The sergeant at arms announced that Mr. Wills had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 103)

[e936295] Mr. President: Reports of standing committees.

Mr. Winsor: The Committee on Legislative Department having had under consideration the propositions referred to it, find a number of propositions that were improperly referred; similar propositions being in the hands of other more appropriate committees. We return them herewith, with appropriate recommendations. "Phoenix, Arizona Territory, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 98, and respectfully recommends: that the said Proposition Number 98 be referred to Committee on Preamble and Declaration of Rights. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Pages 136-137)

[e936706] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936297] Without objection Proposition Number 98 referred to Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936707] Without objection Proposition Number 98 referred to Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936298] "Phoenix, Arizona, November 1, 1910. Mr. President: Your committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 94, and respectfully recommends: that the said Proposition Number 94, be referred to Committee on Preamble and Declaration of Rights. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e937453] [Editor's Note: Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936300] [Editor's Note: This report came up in the Committee of the Whole on 25 November 1910. Rather than adopting it, we have shown it being referred in order to represent this.]

(Editorial)

[e937460] Without objection Proposition Number 94 referred to Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936301] "Phoenix, Arizona, November 1, 1910. Mr. President: Your committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 57 and respectfully recommends: that the said Proposition Number 57 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936302] [Editor's Note: Proposition Number 57 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936303] Without objection Proposition Number 57 was referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936304] Without objection Proposition Number 57 was referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936305] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 62 and respectfully recommends: that the said Proposition Number 62 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936306] [Editor's Note: Proposition Number 62 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936307] Without objection Proposition Number 62 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936308] Without objection Proposition Number 62 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[*e936309*] Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 80 and respectfully recommends: that the said Proposition Number 80 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[*e936310*] [Editor’s Note: Proposition Number 80 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e936311*] Without objection Proposition Number 80 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[*e936312*] Without objection Proposition Number 80 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[*e936313*] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 47 and respectfully recommends: that the said Proposition Number 47 be referred to Committee on Judiciary. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Pages 137-138)

[*e936314*] [Editor’s Note: Proposition Number 47 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e936315*] Without objection Proposition Number 47 was referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936316*] Without objection Proposition Number 47 was referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936317*] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 30 and respectfully recommends: that the said Proposition Number 30 be referred to Committee on Suffrage and Election. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936318] [Editor's Note: Proposition Number 30 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936319] Without objection Proposition Number 30 was referred to Committee on Suffrage and Election.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936320] Without objection Proposition Number 30 was referred to Committee on Suffrage and Election.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936321] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 33 and respectfully recommends: that the said Proposition Number 33 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936322] [Editor's Note: Proposition Number 33 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936323] Without objection Proposition Number 33 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936324] Without objection Proposition Number 33 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936325] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 14 and respectfully recommends: that the said Proposition Number 14, be referred to Committee on Schedule, Mode of Amending and Miscellaneous. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936327] [Editor's Note: Proposition Number 14 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936328] Without objection Proposition Number 14 was referred to Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936329*] Without objection Proposition Number 14 was referred to Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936337*] Mr. Parsons: Mr. President, Your Committee on Federal Relations, to whom was referred Proposition Number 3, begs leave to report that we return it with the recommendation that it be referred to the ordinance committee, the same subject matter having been included in another proposition before this committee

“Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations, begs leave to report it has examined Proposition Number 3 and respectfully recommends unanimously that said Proposition be referred to Committee on Ordinance. A.F. Parsons, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936338*] [Editor’s Note: Proposition Number 3 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[*e936339*] Mr. President: If there is no objection, the proposition will be so referred.

Without objection Proposition Number 3 was referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936340*] Mr. President: If there is no objection, the proposition will be so referred.

Without objection Proposition Number 3 was referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e937403*] Secretary (reading): “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations begs leave to report it has examined Proposition Number 2 and respectfully recommends unanimously that said Proposition Number 2 be adopted. California having in her Constitution expressly waived all claims to any portion of Arizona east of the mid-channel of the Colorado River, and the treaties between Mexico and the United States fixed the mid-channel of said river as the boundary between the United States and Mexico below the point where the boundary between upper and lower California intersects said river. A.F. Parsons, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Pages 138-139)

[*e937404*] [Editor’s Note: Proposition Number 2 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e937405] Mr. Parsons: Mr. President, I desire to say with reference to this report, that your committee investigated the matters as thoroughly as possible. There is a map on the wall here, so the delegates will have the opportunity to see just exactly where the contested portion of the Territory of Arizona lies. By virtue of the terms of the California Constitution of 1880, they certainly surrender any claim to any territory east of the mid-channel of the Colorado River, because they expressly state in that constitution that their eastern boundary line shall extend along the mid-channel of the Colorado River. In the Gadsden Treaty the boundary line is defined as the mid-channel of the river from where it intersects with the boundary line between the United States and Mexico, and absolutely waives all claim to the contested property. For these reasons your committee recommend the adoption of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937410] Mr. Cunniff: I move that this proposition be referred to the Committee on Printing and 500 copies be ordered printed.

Mr. Jones: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937412] Mr. Parsons: When this proposition was first introduced, the matter of printing came up and the action taken specifically waived the printing of any copies.

Mr. Cunniff: We decided we did not need the copies then, but now that the matter has come up in this form for the consideration of the convention, we should have printed copies before us.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937413] Mr. President: If there is no objection, it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937434] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations begs leave to report it has examined Proposition Number 99 and respectfully recommends unanimously that said Proposition be adopted without alteration or amendment. A.F. Parsons, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e938019] [Editor's Note: Proposition Number 99 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937439] Mr. President: It will take its regular course and come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e938020] Mr. President: It will take its regular course and come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937936] Source details Pages 139-140

Description Mr. Weinberger: The Committee on Executive, Impeachment and Removal from Office, desires to make a report.

Mr. Cunningham: In connection therewith, I desire to submit a minority report of that committee.

Mr. Wood: I desire to submit a minority report of the Committee on Executive, Impeachment and Removal from Office.

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 18, and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 18, and that the said Substitute Proposition be adopted. J. Weinberger, Chairman; We concur: E.L. Short, S. B. Bradner, R. B. Sims, Lysander Cassidy. I concur except as to the recall of officers if incorporation and cities and towns which should be provided for in the charter and laws of said cities and towns. (signed) Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Pages 139-140)

[e937937] [Editor's Note: Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937938] "Phoenix, Arizona, November 1, 1910. Mr. President: We a minority of your Committee on Executive, Impeachment and Removal from Office, begs leave to report we have examined Committee Report on Proposition Number 18, and respectfully report that we do not concur with the Committee Report and respectfully recommend that this minority report be adopted. Substitute annexed. (signed) H. R. Wood, Albert M. Jones."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937939] "Phoenix, Arizona, November 1, 1910. Mr. President: A minority of your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 18 offered by the majority of said Committee, relative to Recall, and respectfully recommends that the following annexed provision be substituted thereof. D. L. Cunningham."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937940] [Editor's Note: Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937941] Mr. President: Gentlemen, what will you do with the reports of the majority and minority of this committee?

Mr. Jones (Yavapai): I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937942] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938056] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 120 and respectfully recommends that the consideration of the said Proposition Number 120 be indefinitely postponed. J. Weinberger, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938059] [Editor's Note: Proposition Number 120 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938063] Mr. Winsor: Mr. President, I move that the rules be suspended, and proposition number 120 be indefinitely postponed.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938069] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938072] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 24 and respectfully recommends the consideration of the said Proposition Number 24 be indefinitely postponed. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938074] [Editor's Note: Proposition Number 24 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938076] Mr. Osborn: I move the rules be suspended, and consideration of Proposition Number 24 be indefinitely postponed.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938079] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938081] Secretary (reading): “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 79 and respectfully recommends that the consideration of the said Proposition Number 79 be indefinitely postponed. J. Weinberger, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 140-141)

[e938082] [Editor’s Note: Proposition Number 79 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e938083] Mr. Weinberger: I will say that this proposition was not printed, because it follows the text of Proposition Number 18, and the only change is in the percentage.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938087] Mr. Winsor: I move that it be indefinitely postponed.  
Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938090] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938094] Mr. President: Committee of the whole. Proposition Number 99 comes up in the committee of the whole. If it is the pleasure of the convention, the convention will resolve itself into a committee of the whole. Mr. Baker will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938095] Mr. President: Committee of the whole. Proposition Number 99 comes up in the committee of the whole. If it is the pleasure of the convention, the convention will resolve itself into a committee of the whole. Mr. Baker will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938098] [Editor’s Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e938100] The president presumed [sic] the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938165] The president presumed [sic] the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938168] Mr. Baker: The committee of the whole desires to report as follows: "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee of the Whole begs leave to report it has had under consideration Proposition Number 99 and respectfully recommends that it do not pass. A. C. Baker, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938172] [Editor's Note: The Report from the Committee on Federal Relations on Proposition Number 99 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938174] [Editor's Note: Proposition Number 99 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938176] Mr. President: Gentlemen, you have heard the report. What is your pleasure?

Mr. Cunniff: I move that the report be adopted.

Mr. Tuthill: I second the motion.

[Editor's Note: The Minutes note Jones as seconding the motion; however, it does not specify which Jones.]

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938178] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938186] On motion of Mr. Moeur further consideration of Proposition No. 99 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e938187] On motion of Mr. Moeur further consideration of Proposition No. 99 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e938193] Mr. Jones (Yavapai): I move we take a recess until 2 p.m.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e938195] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 114)

**1.36 Tuesday, 01 November 1910, at 14:00 (s15967)**

[*e936010*] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[*e936012*] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[*e936017*] The President announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

[Editor's Notes: The Record incorrectly states that Cooper replaced Langdon on the Committee of Private Corporations and Banks and that Langdon replaced Cooper on the Committee on Labor. Langdon did not serve on the Committee of Private Corporations and Banks.]

(The Minutes of the Arizona Constitutional Convention, Page 109)

[*e936019*] The President announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

[Editor's Notes: The Records incorrectly states that Cooper replaced Langdon on the Committee of Private Corporations and Banks and that Langdon replaced Cooper on the Committee on Labor. Langdon did not serve on the Committee of Private Corporations and Banks.]

(The Minutes of the Arizona Constitutional Convention, Page 109)

[*e936073*] Reports of standing committees.

Mr. Cunniff: Mr. President, the Committee on Style, Revision and Compilation has a report to submit.

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 21 and respectfully recommends that, in view of the fact that it cannot determine whether the intention of the Proposition is to provide for direct primary, nominations of candidates to United States Senatorship or a direct advisory vote of the electors for United States Senators, the Proposition be re-referred to the Committee on Suffrage and Election with instructions that said Committee report as to the meaning of the Proposition. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[*e936094*] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936075] Mr. President: If there are no objections, the recommendation will be adopted and re-referred to the committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e936105] Mr. President: If there are no objections, the recommendation will be adopted and re-referred to the committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e936120] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 70 as amended and respectfully recommends that it amended to read as follows, and that it be adopted as so amended:

The legislature, at its first session, shall enact a law providing for general publicity before and after election of all campaign contributions to, and expenditures of campaign committees and candidates for public office. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 144-145)

[e936566] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936128] On motion of Mr. Cunniff Proposition No. 70 as amended was referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 110)

[e936131] On motion of Mr. Cunniff Proposition No. 70 as amended was referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 110)

[e936145] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to respectfully recommend that the phrases, 'legislative assembly,' 'general assembly,' and 'legislature' used in various Propositions, 'legislature' be adopted as the one to use in the constitution and that mandates to the legislature be phrased the 'The legislature, at its first session shall' in preference to other forms. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936147] Mr. Cunniff: Mr. President, I would like to explain that I have looked up the matter with regard to the terms used with reference to the legislature and I find that in most cases, where reference has been made in the various state constitutions to the subject, they have employed the terms as suggested in the recommendation. The Committee on Style, Revision and Compilation felt that the terms suggested in the recommendation were preferable and for this reason we offered them. As to the mandatory phrase as "first session of the legislature shall," or "The legislature in its first session shall," seems to me and to the other members of the committee that the latter phrase is the better use and therefore we suggest it here.

Mr. Webb: While it is a fact that such terms as legislature and state legislature are used in many constitutions, still I think this is an important matter and should be discussed by the convention and before the measure is adopted or put into the constitution that we determine upon some phrase or term to be employed with reference to that body, and I suggest the term of "general assembly."

Mr. Cunniff: I agree with the gentleman from Graham, and the report is made in order that the members of the convention may have an opportunity to determine the phrase or term that should be adopted.

Mr. President: I suggest that it be taken up by the committee of the whole. If there are no objections it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936160] On motion of Mr. Cunniff, the foregoing recommendation was referred to the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 110)

[e936161] On motion of Mr. Cunniff, the foregoing recommendation was referred to the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 110)

[e936184] Mr. President: [...] Any reports of standing committees?

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 50 and respectfully recommends that Proposition Number 50 be adopted. D. L. Cunningham, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936187] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936189] Mr. President: Proposition Number 50 will be referred to the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936193] [Editor's Note: The report was referred to the Committee of the Whole alongside the proposition.]

(Editorial)

[e936195] Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole, and the gentleman from Graham, Mr. Cobb, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936197] Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole, and the gentleman from Graham, Mr. Cobb, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936198] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e936572] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936575] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936576] Mr. President: The convention will come to order. The chairman will report the proceedings.

Mr. Cobb (reading): "Phoenix, November 1, 1910. Mr. President: Your Committee of the Whole begs leave to report it has had under consideration the following: Proposition Number 70 and recommends that the report of the Committee on Style, Revision and Compilation be adopted; the report of the Committee on Style, Revision and Compilation, relating to phrases to be used in Propositions, and recommends its adoption; Proposition Number 50 and recommends its adoption as amended. Lamar Cobb, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936961] [Editor's Note: The report from the Committee on Style, Revision and Compilation on Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936903] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936904*] [Editor's Note: The report from the Committee on Style, Revision and Compilation on phrasing was copied into the Convention alongside the Committee of the Whole's report.]

(Editorial)

[*e936967*] [Editor's Note: The report from the Judiciary Committee on Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936905*] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936915*] [Editor's Note: At this point, the Convention considers each recommendation from the Committee of the Whole report. To mimic the process of the Convention considering each recommendation individually, the editors have introduced a blank document that serves as a working draft. Recommendations are then proposed as amendments one at a time onto the working draft as they are taken up.]

(Editorial)

[*e936917*] [Editor's Note: The Convention considered the report from the Committee of the Whole on Proposition Number 70.]

(Editorial)

[*e936925*] [Editor's Note: The report from the Committee of the Whole on Proposition Number 70 recommended that Proposition Number 70 be adopted as amended by the report from the Committee on Style, Revision and Compilation.]

(Editorial)

[*e936908*] Mr. Cobb: I move the adoption of the report of the committee of the whole.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

Report of the Committee of the Whole on Proposition No. 70 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 111)

[*e936910*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

Report of the Committee of the Whole on Proposition No. 70 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 111)

[e936911] Mr. Cunniff: Mr President, is this the final passage of Proposition Number 70?

Mr. President: Has it been engrossed and had its third reading?

Secretary: The third reading was in this report.

Mr. President: The secretary will please read the proposition after which it will be placed on final passage and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936930] Mr. Cunniff: I move the adoption of the recommendation of Proposition Number 70.

Mr Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936935] Mr. Baker: When the motion is put up for the ayes and nays, I shall vote aye, because I believe that some clause should be enacted to provide for publicity of campaign funds, but I am in doubt as to the authority of this body to enact any such law in the constitution. I think this is purely a legislative matter. We cannot afford to incorporate in the constitution such measures as will make our constitution too voluminous, and I feel that it is just what we are bound to have if we include all such measures as may come up before this convention.

Mr. Cunniff: I agree with the gentleman from Maricopa. This act is only tentative, and we will have the right to slash these matters, and on final adoption there will be a great shifting and such matters as are not to be included in the constitution will be left out in this final shift.

Mr. Doe: I agree with Mr. Baker. This is purely and simply a legislative matter and we are only wasting time by considering it.

Mr. Bolan: I think that this is a matter that should be placed before the people. The people expressed their wishes when they sent this body as it now stands and what they do in this convention is the voice of the people. I agree that this matter is legislative in its nature but it is the sense of this convention to have such a measure in the constitution and not leave it wholly with the legislature. This is only the fundamental law.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e937102] Proposition No. 70 placed on final passage and passed by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Osborn, Parsons, Pusch, Roberts, Scott, Short, Simms, Mit, Standage, Tovrea, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President. Total 49.

Nay—Tuthill.

Excused—Crutchfield, Sims, R. B.

(The Minutes of the Arizona Constitutional Convention, Pages 111-112)

Mr. President: The secretary will call the roll.

Roll call showed 49 "ayes" and 1 "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936941] Mr. President: The proposition has been adopted and will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936949] Secretary (reading): Special report of Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936957] Mr. Cunniff: Mr. President, I move the recommendation of the committee be adopted.

Mr. Jones: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936963] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e936970] Secretary (reading): Report of the Committee on Judiciary on Proposition Number 50.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e937005] [Editor's Note: The report from the Committee of the Whole on Proposition Number 50 recommends that Proposition Number 50 be adopted as amended by Mr Ellinwood's recommendation in Committee of the Whole.]

(Editorial)

[e937011] Mr. Franklin: I would like to understand this matter more thoroughly. I understand that this Proposition Number 50 does not allow any limitations to amounts that can be required [sic, recovered] by employees for damages by death or injury and that no contract can be made by any employer to prevent the employee from securing damages for death and injury. I think that this measure should be made not only to include employees but other persons, as in the case of a railroad accident. Should not other persons as well as employees be protected? I would like a little advice on the matter.

Mr. Baker: The question as to no limitation to the amount that employees can sue for in case of death or injury is very clear to my mind, but I would like to know why everyone, whether an employee or not, should not be protected in the matter of accident, death or injury? I would not only favor the measure as a protection to employees but I would make it to cover all persons who may be included in an accident,—where such persons were subjected to accident, death or injury, as in a railroad accident.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937019] Mr. Kingan: I agree with the gentleman from Maricopa. Mr. Franklin and I wish to offer the following amendment: "In Proposition Number 50 as amended, that in line three on page one, strike out the words, 'made by any employee' and in line four, same page, to strike out the words 'causing the,' of any employee."

Mr. Franklin: I second the motion to amend as suggested by the gentleman from Pima.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937032] [Editor's Note: Kingan's amendment is clearly proposed to the text adopted in Committee of the Whole. Although that text has not yet been confirmed by the Convention, we have shown it being adopted here to mimic this process.]

(Editorial)

[e937037] Mr. Kingan moved, seconded by Mr. Franklin, to amend Proposition No. 50 as follows: In line three on page one, strike out the words "made by any employee" and in line four same page to strike out the words "causing the" and "of any employee"

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937039] Mr. Baker: I would like to ask the gentleman from Cochise, who introduced the proposition, from what state constitution, if any, he took the proposition.

Mr. Parsons: From the verbatim copy of the constitution of Wyoming.

Mr. Cunningham: We understood that this was a measure which considered only the causes where employer and employee were concerned and for this reason we did not take any steps to amend it to include others, as we took it that the original proposition was intended to cover only those who were employees of certain corporations, as the case might be.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937049] Amendment by the gentleman from Pima adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937041] Mr. Kingan moved, seconded by Mr. Franklin, to amend Proposition No. 50 as follows: In line three on page one, strike out the words "made by any employee" and in line four same page to strike out the words "causing the" and "of any employee"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937053] Mr Baker: I confess on the spur of the moment that I am in doubt as to whether you can limit all contracts or not.

Mr. Cunniff: Mr. President, we are going into an entirely different field than the one covered in this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937060] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that Proposition No. 50 as amended be referred to the Committee on Judiciary;

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937061] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that Proposition No. 50 as amended be referred to the Committee on Judiciary; carried. Proposition No. 50 referred to Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937106] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e937110] [Editor's Note: The report from the Committee of the Whole on Proposition Number 70, the Report of the Committee on Style, Revision and Compilation on Phrasing of Legislature, and Proposition Number 50 is no longer under consideration by the Convention.]

(Editorial)

[e937062] Mr. Franklin: I rise to a point of order. There is nothing before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 152)

[e937065] [Editor's Note: No decision is taken on Franklin's point of order.]

(Editorial)

[e937068] Mr. Parsons gave notice that on November 2, 1910, he would move the adoption of the following resolution No. 13:

"Be it resolved, that inasmuch as the city authorities and county authorities have changed the official time advancing it half an hour that this Convention meet hereafter at 10 a. m., instead of 9 a. m."

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937069] Mr. Parsons gave notice that on November 2, 1910, he would move the adoption of the following resolution No. 13:

"Be it resolved, that inasmuch as the city authorities and county authorities have changed the official time advancing it half an hour that this Convention meet hereafter at 10 a. m., instead of 9 a. m."

(The Minutes of the Arizona Constitutional Convention, Page 112)

[e937071] Mr. Cunningham: I move that we adjourn until tomorrow.

Mr. Winsor: I second the motion.

[Editor's Note: The Minutes record Parsons as the proposer.]

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e937073] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

### 1.37 Wednesday, 02 November 1910, at 09:30 (s15995)

[e936602] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936603] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936604] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936605] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936606] Reverend Crutchfield: Almighty God, our Heavenly Father, we thank Thee that our lives are preserved through the night, and that we are brought to see the light of this new day. That we are all gathered with the exception of two members, (fifty in number have answered their names.) Grant that everything we may and do may be said and done in furtherance of the great work in which we are engaged. We pray Thy blessing on the men who shall come to report today. May there be no acrimony, bickering or strife among us. We believe that most of these men here (nearly all in fact) are here for the good of their country at large, and we pray Thee that the spirit of brotherly love may influence them for the good of this great state which we hope will be the brightest of the grant [sic, great] galaxy of states. May Thy blessings rest upon them in the home and in their family relations, and in whatsoever pursuit they are following. Hear us in these prayers this morning; forgive us our sins, for Christ's sake. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936607] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936608] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936609] The sergeant at arms announced that Mr. Doe had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 113)

[e936615] Mr. President: Reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 68, and respectfully recommends that proposition number 68 be adopted by the convention. D. L. Cunningham, Chairman; We concur: Kingan, Doe, Wood, Goldwater, Parsons, Weinberger, Franklin, Ingraham, Lynch, Crutchfield, Baker."

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936616] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936617] Mr. President: If there are no objections the report will be placed on the calendar of the committee of the whole. It takes its regular course that way under the rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936618] Mr. President: If there are no objections the report will be placed on the calendar of the committee of the whole. It takes its regular course that way under the rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 153)

[e936619] Mr. Cunniff: Several matters the last few days have been put on the calendar of the committee of the whole, and have been considered by the committee of the whole on the same day. When such is the case, it is impossible for the members of this convention to take other than snap judgment on the matter, and it was the necessity of making a snap judgment of that sort on a matter that came before the convention that got us into the snarl we were in yesterday afternoon, making the convention re-refer a matter to the committee. My understanding of the rules is that when a matter is referred to the committee of the whole, it should be put on the calendar for the following day, in order that members of the convention may have a chance for sober study, in order to take wise action.

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936620] Mr. President: Is that the sense of the convention? If there is no objection, this will come up on the following day. It is so referred. The order of the day.

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936621] Secretary: A resolution offered by the gentleman from Cochise, Mr. Parsons.

Mr. Parsons: Mr. President, In pursuance to the noticed I gave yesterday, I desire to offer the following resolution: "Be it Resolved, that inasmuch as the city authorities and the county authorities have changed the official time, advancing it a half an hour, that this convention may hereafter meet at 10 a.m. instead of 9 a.m."

[...]

Mr. Ellinwood: I wish to second the motion of the gentleman from Cochise.

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936622] Mr. Orme: I would state that in changing the time, the city and county authorities took the matter up with all organizations, and they all agreed to change the time one half hour faster, and I move that this resolution be amended to read 9:30 a.m. instead of 10 a.m.

Mr. Ellinwood: I wish to second the motion of the gentleman from Cochise.

Mr. Cunningham: I second the amendment made by the gentleman from Maricopa, that the resolution read 9:30 instead of 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936623] Mr. President: Gentlemen of the convention. It has been moved by Mr. Parsons and seconded by Mr. Ellinwood, that the rules be changed to meet at 10:00 Mr. Orme moved, seconded by Mr. Cunningham, to amend to meet at 9:30 a.m. The matter will come up first on the amendment. All in favor of the amendment answer "aye," all opposed "no." The secretary will call the roll, as the chair is in doubt.

Roll Call showed 39 "ayes" and 13 "nays"

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936624] Mr. President: I declare the amendment has been carried. Now comes up the original motion. Those in favor of meeting at 9:30 a.m. will answer "aye," those opposed "nay." The "ayes" have it, and it is so ordered. Gentlemen, we are through with the order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 154)

[e936625] Mr. Winsor: I move that we stand at recess until 2 p.m.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936626] The motion prevailed.

Convention stood recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

### **1.38 Wednesday, 02 November 1910, at 14:00 (s15997)**

[e936627] Mr. President: Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936628] Mr. President: Convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936629] Mr. Goldwater: I have a series of resolutions presented to me by Northern Arizona Bar Association addressed to this convention. I desire that we move that they be referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936630*] Mr. Goldwater: I have a series of resolutions presented to me by Northern Arizona Bar Association addressed to this convention. I desire that we move that they be referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936631*] Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936633*] Mr. Cobb: I want a letter written by Mr. L. Kearney of Clifton, Arizona, to be referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936634*] Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936638*] Telegrams received by Mr. Connelly from Harry Jennings and the bunch of Lowell, Arizona, Douglas Democrats that Supported You, of Douglas, Arizona, and Henry Sullivan, and 200 others of Bisbee, Arizona, read and referred to the Committee on Militia and Public Defense.

[Editor's Note: It is unclear from the record how many telegrams were received and what they concerned.]

(The Minutes of the Arizona Constitutional Convention, Page 114)

[*e936639*] Telegrams received by Mr. Connelly from Harry Jennings and the bunch of Lowell, Arizona, Douglas Democrats that Supported You, of Douglas, Arizona, and Henry Sullivan, and 200 others of Bisbee, Arizona, read and referred to the Committee on Militia and Public Defense.

(The Minutes of the Arizona Constitutional Convention, Page 114)

[*e936643*] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936644*] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936645*] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936646] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936647] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936648] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936649] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

[Editor's Note: Proposition Number 123 is not represented as returned from printer here, as it was referred to the Committee on Judiciary in the 28 October 1910 morning session.]

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936651] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936652] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936653] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936654] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936658] Mr. Short. Chairman of Committee on Printing and Clerks, announced that Proposition No. 4 and Minority reports and Propositions Nos. 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 114)

[e936655] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936656] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936657] Mr. Short: Mr. President, The printing committee begs to report the following propositions printed and returned: Number 4 with committee reports, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131 and 132. The printing committee also has another report it desires to submit.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936661] Secretary (reading): "The Committee on Printing and Clerks begs leave to report that request for bids for printing propositions as adopted by the convention, was extended to the Republican, Gazette, Democrat, Voice of the People and Arizona Issue. Replies received are herewith submitted. Should the convention order propositions printed the committee will take the matter up with the Secretary of Arizona as to whether or not he will approve this item. E.L. Short, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936662] Mr. Cunningham: Mr. President, I move that the report be laid on the table.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936663] Mr. President: If there is no objection it will be laid on the table. Reports on standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936673] Mr. Cunningham: The judiciary would like to make the following report: "Phoenix, Arizona, November 2, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Propositions Numbers 63 and 123 and respectfully recommends that said Proposition Number 63 be indefinitely postponed, together with the amendment thereto, Proposition Number 123. D. L. Cunningham, Chairman; We concur: Kingan, Doe, Weinberger, Ellinwood, Baker, Parsons, Franklin, Ingraham, Lynch."

(The Records of the Arizona Constitutional Convention of 1910, Pages 155-156)

[e936674] "Phoenix, Arizona, November 2, 1910. To the Constitutional Convention of Arizona. Mr. President: the undersigned, a minority of your Committee on Judiciary respectfully report their nonconcurrence in the report of the Committee on Propositions Numbers 63 and 123, and recommend that Proposition Number 63 be amended as proposed in Proposition Number 123, and that, as amended, Proposition Number 63 be passed. H.R. Wood, Morris Goldwater of the Committee on Judiciary."

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936675] [Editor's Note: Proposition Number 63 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936676] [Editor's Note: Proposition Number 123 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936677] Mr. President: Both reports will be received, and will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936678] Mr. President: Both reports will be received, and will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936679] Mr. President: Both reports will be received, and will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936680] Mr. President: Both reports will be received, and will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936681] Mr. Winsor: Mr. President, I move that Substitute Proposition Number 4 and all amendments thereto be made a special order for the committee of the whole Friday morning.

Mr. Cunniff: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936682] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936683] Mr. Curtis: Mr. President, I failed to sign the report of the legislative department committee, and my name should be attached to Proposition Number 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936684] Mr. Curtis: Mr. President, I failed to sign the report of the legislative department committee, and my name should be attached to Proposition Number 4.

[Editor's Note: The records do not explicitly state whether the amendment was made. The editors have assumed that the lack of objection or response indicates that the Curtis' amendment was accepted, though this is conjecture.]

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936685] Mr. Baker obtained unanimous consent to introduce an amendment to Substitute Proposition No. 4.

(The Minutes of the Arizona Constitutional Convention, Page 115)

[e936686] Mr. Baker: Mr. President, I desire to ask that the proposed amendments go to the printing committee for the purpose of being printed and ready for the session Friday.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936687] Mr. President: If there is no objection, it is so ordered.

Mr. Cunniff: Mr. President, ...

Mr. President: The Gentleman from Yavapai.

Mr. Cunniff: I beg to ask what is the presumption as to the time when we shall get this back from the committee.

Mr. Baker: I have been informed that they can get this back in plenty of time, and I think we will have plenty of time to consider the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936688] Mr. President: Gentlemen of the convention, do you want this amendment read? If there is no objection this will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936714] Mr. Crutchfield: Mr. President: I think there is a report of the preamble committee to be read.

Secretary (reading): "Phoenix, Arizona, November 2, 1910. Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report it has examined Proposition Number 98 and respectfully recommends concurrence. James E. Crutchfield, Chairman; We concur: William Morgan, P.F. Connelly."

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936713] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936715] Mr. President: The report to come up in the committee of the whole on Friday morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936716] Mr. President: The report to come up in the committee of the whole on Friday morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936717] Mr. President: [...] Introduction of propositions.

Secretary (reading): Proposition Number 121, introduced by Mr. White of Pima County. Relative to ordinance.

Mr. President: Second reading of the proposition

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936718] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936719] Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936721] Secretary (reading): Proposition Number 122, introduced by Mr. Wills of Pinal County. Relative to revenue and taxation exemption.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Pages  
156-157)

[e936722] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Pages  
156-157)

[e936723] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
156-157)

[e936725] Secretary (reading): Proposition Number 124, introduced by Mr. White of Pima County. Relative to ordinance.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936726] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936727] Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936731] Secretary (reading): Proposition Number 125, introduced by Mr. Orme of Maricopa County. Relative to creating the office of public examiner.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936732] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936733] Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936737] Secretary (reading): Proposition Number 126, introduced by Mr. Jacome of Pima County. Relative to taxation.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936738] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936739] Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936743] Secretary (reading): Proposition Number 127, introduced by Mr. Coker of Pinal County. Relative to water and water rights.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936744] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936745] Mr. President: Second reading of the proposition; referred to the Committee on Agriculture, Irrigation and Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936749] Secretary (reading): Proposition Number 128, introduced by Mr. Winsor of Yuma County. Relative to official ballots and conduct of elections.

Mr. Cunniff: Mr. President: I move that the rules be suspended, and Proposition Number 128 be read a second time by title only.

Mr. Winsor: Mr. President, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936750] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936751] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936752] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936753] Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936757] Secretary (reading): Proposition Number 129, introduced by Mr. Moore of Yavapai County. Relative to state lands.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936758] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936759] Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936763] Secretary (reading): Proposition Number 130, introduced by Mr. Moore of Yavapai County. Relative to establishing the office of mine inspector.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936764] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936765] Mr. President: Second reading of the proposition; referred to the Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936769] Secretary (reading): Proposition Number 131, introduced by Mr. Bolan of Cochise County. Relative to apportionment of senators and representatives for the state of Arizona.

Mr. President: Proposition Number 131 should be changed, by making one representative form Mohave, instead of two representatives.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936770] Mr. President: [...] If there are no objections the secretary will make the correction.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936771] Mr. President: [...] Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936772] Mr. President: [...] Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936773] Mr. President: [...] Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936777] Secretary (reading): Proposition Number 132, introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936778] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936779] Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous. That completes our order of business. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936783] Mr. Jones (Yavapai): There will be a public meeting of the Committee on Suffrage and Elections this afternoon at 3 o'clock in the council chamber, for the hearing of the woman suffrage question.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936784] Mr. Jones (Yavapai): There will be a public meeting of the Committee on Suffrage and Elections this afternoon at 3 o'clock in the council chamber, for the hearing of the woman suffrage question.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e948410] [Editor's Note: The Report from the Committee on Printing is never brought up again, so the Editors have represented this as dropped.]

(Editorial)

[e936785] Mr. Moeur: I make a motion that the convention stand adjourned until 9:30 tomorrow morning.

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936786] The motion prevailed.

Convention stood adjourned to 9:30 a.m., November 3, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

### 1.39 Thursday, 03 November 1910, at 09:30 (s16013)

[e936787] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936788] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936789] Mr. President: A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936790] Mr. President: [...] The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936791] Reverend Crutchfield: Oh Lord, our Lord, how excellent is Thy name in all the Earth. Thou hast commanded men everywhere to pray, lifting up holy hands. We come before Thee with a keen sense of our unworthiness, and acknowledge Thee our God this morning, and pray for grace for the day. New responsibilities and new obligations are before us, and we know not what is this [sic, Thy] will concerning them, and we therefore pray that as we start forth on the labors and toils of the day we may have an opportunity to overthrow the obstacles. May the blessing of Heaven come upon this body of men. may the blessings of our Heavenly Father richly be upon all appertaining [sic] to this constitutional convention. Forgive us our sins and guide us so that we attain Thy Heavenly Kingdom, and we will forevermore praise Thee. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936792] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936793] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936794] The sergeant at arms announced that Mr. Colter had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 117)

[e936795] Mr. President: Committee of the whole. Gentleman of the convention, we have for consideration Propositions Number 63, 123, 68 and 98, and under our rules, the convention will now resolve itself into a committee of the whole, and the gentleman from Yuma, Mr. Winsor, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936796] Mr. President: Committee of the whole. Gentleman of the convention, we have for consideration Propositions Number 63, 123, 68 and 98, and under our rules, the convention will now resolve itself into a committee of the whole, and the gentleman from Yuma, Mr. Winsor, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936797] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e936862] The President resumed the chair.

Mr. President: The convention will come to order. The chairman of the committee of the whole will now report.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936863] The President resumed the chair.

Mr. President: The convention will come to order. The chairman of the committee of the whole will now report.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936864] Mr. Winsor: Mr. President, Your committee of the whole begs leave to report that it has examined Propositions Numbers 63 and 123, 68 and 98, and respectfully recommends that Proposition Number 63 do not pass; that Proposition Number 123 do not pass; that Proposition Number 68 do pass and that Proposition Number 98 be re-referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936865] [Editor's Note: Proposition Number 63 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936866] [Editor's Note: Proposition Number 123 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936867] [Editor's Note: The Majority Report from the Committee on Judiciary on Number 63 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936868] [Editor's Note: The Minority Report from the Committee on Judiciary on Number 63 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936869] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936870] [Editor's Note: The Report from the Committee on Judiciary on Number 68 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936871] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936872] [Editor's Note: The Report from the Committee on Preamble on Proposition Number 98 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936873] [Editor's Note: To mimic the process of the Convention considering each recommendation individually the editors have introduced a blank document that serves as a working draft. Recommendations are then proposed as amendments one at a time onto the working draft as they are taken up.]

(Editorial)

[e936874] Mr. Winsor: [...] Mr. President, I move that Proposition Number 63 be indefinitely postponed.

Mr. Jones (Yavapai): Mr. President, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936875] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936876] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[*e936877*] Mr. Winsor: Mr. President, I move that Proposition Number 123 be indefinitely postponed.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[*e936878*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[*e936879*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[*e936880*] [Editor's Note: By indefinitely postponing Propositions Number 63 and 123, the Convention essentially adopted the Majority Report from the Committee on Judiciary, which in turn, dropped the Minority Report.]

(Editorial)

[*e936881*] [Editor's Note: By indefinitely postponing Propositions Number 63 and 123, the Convention essentially adopted the Majority Report from the Committee on Judiciary, which in turn, dropped the Minority Report.]

(Editorial)

[*e936882*] Mr. Ingraham: Mr. President, I move to amend Proposition Number 68 as follows: "Section 2, Grand juries shall be drawn and summoned only by order of the superior court at said court's discretion; provided that the court or judge thereof must on petition of five percent of the qualified electors of the county make such order."

(The Records of the Arizona Constitutional Convention of 1910, Pages 168-169)

[*e936883*] Mr. President: Gentlemen, you have heard the amendment of the gentleman from Yuma. those in favor of the adoption of the amendment will answer "aye," and those opposed will answer "nay," When the roll is called. The secretary will call the roll.

Roll call showed 23 "ayes" and 28 "nays."

Mr. President: The amendment is lost. The motion to adopt Proposition Number 68 will be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 169)

[*e936884*] Mr. Cunningham: Mr. President, I move the adoption of the proposition.

Mr. Cooper: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 169)

[e936885] Mr. Ellinwood: Mr. President, I am opposed to the prosecution of any person except upon indictment by a grand jury. It is too sacred to be left in the hands of a district attorney, who might have some spite, or the person bringing charges against such person charged, might have some spite and of the pettiest nature, yet that person would be subjected to a trial by the district attorney, who would use his power and authority for the conviction of that person, and we all know the abuse of the authority that is proposed in the district attorney. I claim we should have the protection of the fifth amendment of the Constitution of the United States.

Mr. Cunningham: Of course the gentleman from Cochise also knows the abuse of the authority reposed in the lower courts as well as the higher, but I am in favor of the adoption of this proposition because it gives each person a hearing within a very short period of time without awaiting the action of a grand jury and because that person, if he can secure protection at all, can do so before his district attorney. Again it is a very great saving of time and expense to grant a prompt hearing to persons charged. In a court of this kind he can have his witnesses there for his defense and that is the very quickest and least expensive hearing that a person can be given. It is a real preliminary hearing and he has a right to such preliminary hearing. The grand jury system of this territory is in great error under the present system. I am progressive enough to put such a law, such a protective law, into our constitution. I am ready, and I have already raised my voice in this hall in defense of the courts, but I feel that this is the safest, the best, the most certain and the least expensive method of granting the people the right of a preliminary hearing and an early hearing before our courts of justice.

(The Records of the Arizona Constitutional Convention of 1910, Page 169)

[e936886] Mr. Ellinwood: I move to strike out the words, "by information or," in the second line, and the words, "No person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination," in the third, fourth and fifth lines of Proposition Number 68. I cannot agree with my worthy colleague from Cochise. I say that I am opposed to the prosecution of any person unless he is indicted by 12 taxpayers of the county, and he should not be left to the benevolence of a district attorney, who for spite on his own part or that of his complainant would abuse the authority reposed in him for the conviction of that person.

(The Records of the Arizona Constitutional Convention of 1910, Pages 169-170)

[e936887] Mr. Parsons: Eliminating the matter of expense in this important question for argument's sake, and taking up the matter of a speedy trial it seems to me that nothing could be more just or speedy than to give each person charged the right to come before the magistrate of his own county and that is the freest and best preliminary hearing a person could be granted, but not to relegate him to the room of a grand jury where he does not have nor is allowed council nor conversation with the witnesses. I say that he should have a hearing not in a star chamber but before his county magistrate of the law, in his own

precinct, and if he cannot secure justice before such a magistrate there can be no justice in our courts either lower or higher.

Mr. Cooper: I agree with the gentleman from Cochise, that not only from the standpoint of a much smaller expenditure of money, is that there is more justice and more speed in the granting of a hearing before the magistrate of one's own precinct, than it would be to bring him before a court of strangers. The question of a grand jury means that men, business men, must sacrifice their business and their interest to go and sit on a grand jury at the call of a judge and that to save time and expense it would be a question well worth our attention and incorporation into the constitution.

Mr. Ellinwood: Under the system, I can see no justice, and I say that the expenditure is not to be counted when the life or imprisonment of a person is pending, and that no person should be brought into court without first being indicted by a grand jury. In many cases a grand jury hearing means dismissal, but if held the charges are not made as weak on the grounds as would be those offered by a district attorney. The greatest preliminary hearing a person can be granted is that of the grand jury, a body of eighteen or twenty-four men, whose judgment can surely be relied upon as to guilt or innocence sufficient to send the defendant to the court.

Mr. Lynch: There is just a little difference in my experience in the figures of my opponent in the matter of criminal cases or courts. Now there is a question that has not been touched upon and which I consider a very important one and that is this: A person who is committed to await the action of a grand jury whether he be liberated by that body or indicted and then granted liberty from the courts, there is forever a stigma placed upon his name simply because he was bound over to the mercies of a grand jury.

Mr. Cunningham: The arguments submitted here have been sufficient from the standpoint of justice and right, but now to take up the question of expense. I say that to this phase of the question cannot be eliminated from consideration, for a question of economy of time as well as money is sufficient to make the proposition justifiable.

Mr. President: Gentlemen, the question comes up on the amendment offered by Mr. Ellinwood.

Mr. Doe: If you grant to the district Court the power the grand jury now has there might come a time when there would be an absolute in need of a grand jury for a trial by such jury and the power to call one would be lost, and I would advise that we be careful in the vote we cast on so important a matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 170)

[e936888] Mr. President: Those in favor of the amendment say "aye;" those opposed say "nay." The "nays" have it. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936889] Mr. President: [...] Now the motion comes up on the adoption of Proposition Number 68. Those in favor of the motion say "aye;" those opposed say "nay." The "ayes" have it. The proposition will be placed on the calendar and come up in the regular order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936890] [Editor's Note: By adopting Proposition Number 68, the Convention effectively adopted the Report from the Committee on Judiciary.]

(Editorial)

[e936891] On motion of Mr. Winsor recommendation of Committee of the Whole on Proposition No. 98 adopted and said Proposition referred to the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 119)

[e936892] On motion of Mr. Winsor recommendation of Committee of the Whole on Proposition No. 98 adopted and said Proposition referred to the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 119)

[e936894] On motion of Mr. Winsor recommendation of Committee of the Whole on Proposition No. 98 adopted and said Proposition referred to the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 119)

[e936893] [Editor's Note: By adopting the Committee of the Whole recommendation on Proposition Number 98, the Convention effectively rejected the Report from the Committee on Preamble.]

(Editorial)

[e936900] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936901] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936898] Mr. Winsor: I move the convention take a recess until 2:00 p.m.

Mr. Jones: I second that motion.

[Editor's Note: Neither the Records nor the Minutes specifies which Mr. Jones seconded the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936899] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

**1.40 Thursday, 03 November 1910, at 14:00 (s16016)**

[e936906] Mr. President: Convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910)

[e936907] Mr. President: Convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936909] Secretary (reading): Proposition 133, introduced by Mr. Tovrea of Cochise County. Relative to highways.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936912] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936913] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936914] Mr. President: Second reading of the proposition; referred to Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936918] Secretary (reading): Proposition 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936919] Mr. Short: Mr. President, the printer said he would print a correct copy of Proposition Number 134. It will be here in the morning.

Mr. President: It will be referred to the printing committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936926] Secretary (reading): Proposition 135, introduced by Mr. Cunniff of Yavapai County. Relative to married women property.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936928] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936929] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936931] Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936934] Secretary (reading): Proposition 136, introduced by Mr. Cunniff of Yavapai County. Relative to employment on public works.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936936] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936938] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936940] Mr. President: Second reading of the proposition; referred to Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936943] Secretary (reading): Proposition 137, introduced by Mr. Cunniff of Yavapai County. Relative to blacklists.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936945] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936946] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936947] Mr. President: Second reading of the proposition; referred to Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936951] Secretary (reading): Proposition 138, introduced by Mr. Cunniff of Yavapai County. Relative to state geologist.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936952] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936954] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936956] Mr. President: Second reading of the proposition; referred to Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937020] Secretary (reading): Proposition 139, introduced by Mr. Keegan of Gila County. Relative to minor offenses.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937024] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937026] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937027] Mr. President: Second reading of the proposition; referred to Committee on Judiciary, number 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937031] Secretary (reading): Proposition Number 140, introduced by Mr. Keegan of Gila County. Relative to juvenile courts.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937033] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937035] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937036] Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937042] Secretary (reading): Proposition 141, introduced by Mr. Keegan of Gila County. Relative to child labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937044] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937045] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937046] Mr. President: Second reading of the proposition; referred to committee on labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937051] Secretary (reading): Proposition 142, introduced by Mr. Ellinwood of Cochise County. Relative to railroad and other transportation companies, telegraph and other transmitting companies.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937052] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937054] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937055] Mr. President: Second reading of the proposition; referred to Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936964] Secretary (reading): Proposition 143, introduced by Mr. Connelly of Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936966] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936968] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936969] Mr. President: Second reading of the proposition; referred to Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936975] Secretary (reading): Proposition 144, introduced by Mr. Bradner. Relative to judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936976] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936978] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936979] Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936988] Secretary (reading): Proposition 145, introduced by Mr. Jones of Yavapai County. Relative to marriages between the races.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936989] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936990] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936991] Mr. President: Second reading of the proposition; referred to Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936998] Secretary (reading): Proposition 146, introduced by Mr. Ingraham of Yuma County. Relative to executive.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937000] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937001] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937002] Mr. President: Second reading of the proposition; referred to Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937010] Secretary (reading): Proposition 147, introduced by Mr. Ingraham of Yuma County. Relative to taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937013] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937014] Mr. President: Second reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937015] Mr. President: Second reading of the proposition; referred to Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937063] Mr. Cunningham: The proposition lying on the table, which is a printed amendment to Substitute Proposition Number 4, seems to be without any order. Those matters that are in line with it, and which it is supposed to substitute, have been made a special order for tomorrow. I desire to hear the record.

Secretary reads record.

Mr. Cunningham: Perhaps that is clear, but it seems to me that we can hardly refer it to two committees at the same time. That was the only question in my mind.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
172-173)

[e937064] Mr. President: It was by unanimous consent. The third reading of the propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937066] Secretary (reading): Proposition Number 68.

Mr. President: Third reading of the proposition...

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937067] Mr. President: Third reading of the proposition; those in favor of the passage of the proposition will answer "aye;" those opposed "no." The secretary will call the role.

Roll call showed 33 "ayes," 12 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937070] Mr. President: Passed. Goes to Committee on Style, Revision and Compilation. Business lying on the table. Other business of the Convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937076] Mr. Orme: It seems to me we have forgotten a matter. I think the governor should have a copy of each and every one of the propositions introduced here; therefore, I move you ...

Mr. President: I instructed the clerk a week ago to give copies to the governor, and he got them up to that time.

Mr. Orme: I was talking with him today, and he said he would like to have a copy of each one to put on file, and accordingly I made this motion, that he be furnished with a copy of each one of these propositions.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937077] Mr. President: Where are you going to get them?

Mr. Short: The printing committee will have a copy furnished the governor.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937078] Mr. President: It is the wish of the convention that the governor be furnished these copies.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937079] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Nos. 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146 and 147 and Amendment to Substitute Proposition No. 4, printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 121)

[*e937080*] [Editor's Note: As Baker's amendment was printed in order that it may come up in the Committee of the Whole on the 4th of November, the editors have represented the document as being referred to the Committee of the Whole as soon as it was returned from the printing Committee.]

(Editorial)

[*e937081*] The following telegram was read: Washington, D.C., November 3, 1910. A.W. Cole, Secretary Constitutional Convention. Phoenix, Arizona. Furnish boundaries of Greenlee County or division line between Graham and Greenlee. Can then give approximate population of counties. Durand, Director.

(The Minutes of the Arizona Constitutional Convention, Page 121)

[*e937082*] Mr. Cobb: I move that the secretary be authorized and instructed to furnish the director of the census with the boundary line between Greenlee and Graham counties.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[*e937083*] Mr. Parsons: I moved as an amendment, as a relief to the secretary, that the gentleman from Graham, Mr. Cobb, be requested to furnish the data.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[*e937084*] Mr. President: Mr. Cobb, would it be time enough to send it by mail?

Mr. Cobb: I will state that Mr. Tuthill and myself— the two members from Greenlee County are perfectly willing to divide up the population evenly between the two counties, with reference to all matters. I know we are getting a little the worst of it, but nevertheless we are willing to do it.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
173-174)

[*e937085*] Mr. President: Those in favor of the motion answer "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[*e937086*] Mr. Osborn: When the roll on the Number 68 was called I happened to be out. I would like to have my vote recorded on that, if possible.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[*e937087*] Mr. President: The gentleman asks unanimous consent that he be placed on the roll call on Number 68. If there is no objection the secretary will call his name on Number 68.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[*e937088*] Secretary: Mr. Osborn.

Mr. Osborn: "Aye."

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937089] Mr. Winsor: I suggest that this is going to suggest a bad precedent.

Mr. President: Well, why didn't you object?

Mr. Winsor: How does the chair rule?

Mr. President: When it is unanimous the chair will have to rule it is right.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937090] Mr. Cunningham: I move we adjourn until 9:30 o'clock in the morning.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937091] The motion prevailed.

Convention stood adjourned to 9:30 a.m. November 4, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

## 1.41 Friday, 04 November 1910, at 09:30 (s16027)

[e937092] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937093] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937094] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 174)

[e937095] Mr. President: Convention will rise while the chaplain offers prayer.

(Editorial)

[e937096] Reverend Crutchfield: Our gracious and heavenly Father, we thank Thee for the good rain which came last night to refresh the air, which is beneficial to both man and beast and all of the vegetable kingdom. We thank Thee that so many of us are alive. We thank Thee that Thou hast not dealt with us according to our sins but according to the multitude of Thy mercy. We thank Thee that we are still probationers of hope this side of the grave. Lord, we enter the duties of another day. It is suggested that we pray for one class of men. We do not believe there is a single solitary man in this community who would turn so radical as to throw a bomb. We pray Thee therefore that there be no such thing in our State or in our capital or in this convention. We do pray for our farmers here, that they have a good bank account; for the merchants, that they may have prosperity; for the mining man, that they may have a good lead; for

the lawyers, that they may every one have a brief; for the physicians, that they may each have a patient; for the preachers that they may have a pulpit. Grant that in arranging and framing this constitution, it may meet the demands of all these classes of men, so that we may have a brotherhood in this proposed state. We pray Thy blessing on our president, as he enters upon his duties, for during the hours of labor there may be some things come up in which he will need wisdom in all his rulings. Forgive us our sins, and at last in Heaven give us all a home, we ask in Jesus' name, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 174-175)

[e937097] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937098] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937099] The sergeant at arms announced that Mr. Franklin had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 122)

[e937100] Mr. President: Gentleman, we have for our consideration Substitute Proposition Number 4 with minority reports and amendments. The convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Morris Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937101] Mr. President: Gentleman, we have for our consideration Substitute Proposition Number 4 with minority reports and amendments. The convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Morris Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937103] [Editor's Note: This portion of the record is modelled in the Committee of the Whole.]

(Editorial)

[e937240] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937241] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937243] Mr. Parsons: Mr. President, I move the convention stand at recess until 2 p.m.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937244] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

## 1.42 Friday, 04 November 1910, at 14:00 (s16029)

[e937140] Mr. President: The convention will come to order. A quorum is present. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937142] Mr. President: The convention will come to order. A quorum is present. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937248] Mr. Goldwater: "Phoenix, Arizona, November 4, 1910. Mr. President: Your Committee of the Whole having had under consideration Substitute Proposition Number 4 and amendments begs to report progress and asks leave to sit again at 2 o'clock. Morris Goldwater, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937148] Mr. President: The convention will now resolve itself into a committee of the whole, and Mr. Goldwater will resume the chair.

[Editor's Note: By resolving into the Committee of the Whole, the Convention effectively adopted the Committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937149] Mr. President: The convention will now resolve itself into a committee of the whole, and Mr. Goldwater will resume the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937150] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e937399] Mr. Goldwater: Mr. President, your committee of the whole begs leave to report that it has had under consideration Substitute Proposition Number 4, and begs leave to report progress and asks leave to sit again tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937402] On motion of Mr. Cunniff report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 127)

[e937400] On motion of Mr. Cunniff report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 127)

[e948448] On motion of Mr. Cunniff report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 127)

[e937203] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937205] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

### **1.43 Saturday, 05 November 1910, at 09:30 (s16031)**

[e937161] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937162] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937164] Convention called to order by President.

Roll call as follows:

Present—Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, A.M. Jones, Keegan, Langdon, Lovin, Lynch, Moore, Morgan, Orme, Osborn, Parsons, Short, Sims, R.B. Simms, Mitt., Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wood, Mr. President.

Absent—Doe, Franklin, Jones, F.A. Kingan, Moeur, Pusch, Roberts, Scott, Standage, Wills, Winsor.

(The Minutes of the Arizona Constitutional Convention, Page 128)

[e937166] Mr. President: The convention will rise as the chaplain leads us in prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937168] Reverend Crutchfield: Oh Lord, our Heavenly Father, we thank Thee this morning that we are surrounded by so many circumstances of mercy, we thank Thee that Thou hast not dealt with us according to our sins, hast not rewarded us according to our iniquities, but that Thou hast spared our lives, and brought us here this morning under circumstances for which we thank Thee, and we pray Thee that may not [sic] turn toward the right nor the left, but press toward the high calling. Let Thy blessing come upon this body of men. All This we ask in the name of Him who taught us to pray and say: "Our Father, who are in Heaven, hallowed be Thy name; Thy Kingdom come; Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, for ever and ever. Amen."

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937170] The sergeant at arms announced that Mr. Baker, Mr. Doe, Mr. Franklin, Mr. Jones, of Maricopa, Mr. Kingan, Mr. Moeur, Mr. Pusch, Mr. Roberts, Mr. Scott, Mr. Standage, Mr. Wills, and Mr. Winsor had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 128)

[e937173] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937174] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937185] Mr. President: Committee of the whole. Gentleman of the convention, we will now go into the committee of the whole to resume the discussion of Proposition Number 4, with Mr. Goldwater in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 212)

[e937186] Mr. President: Committee of the whole. Gentleman of the convention, we will now go into the committee of the whole to resume the discussion of Proposition Number 4, with Mr. Goldwater in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 212)

[e937188] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e937190] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937192] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937491] Mr. Goldwater: Mr. President, your committee of the whole begs leave to report progress and asks leave to sit again on Monday.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937493] On motion of Mr. Goldwater the report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 130)

[e937495] The report was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937496] Mr. Baker: I move that the convention adjourn until regular hour on Monday.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
225-226)

[e937497] The motion prevailed.

Convention adjourned until 9:30 a.m., November 7, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
225-226)

## 1.44 Monday, 07 November 1910, at 09:30 (s16039)

[e937261] Mr. President: The convention will come to order. Secretary call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937262] Mr. President: The convention will come to order. Secretary call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937268] Convention called to order by President.

Roll call as follows:

Present—Baker, Cassidy, Cobb, Colter, Cooper, Cunniff, Cunningham, Doe, Ellinwood, Hutchinson, Ingraham, Jacome, Jones, A.M., Jones, F.A., Keegan, Kingan, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Simms, Mitt, Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Bolan, Coker, Connelly, Crutchfield, Curtis, Feeney, Franklin, Goldwater, Short, Sims, R.B., Standage.

Excused—Tovrea

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e937269] Mr. President: The convention will arise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937272] Reverend Crutchfield: Our Gracious and All-Wise Heavenly Father, we feel to thank Thee again this morning for the light of a new day and the privilege of again meeting in Convention assembled. We thank Thee that we have permitted to remain this side of the great Divide and that we have the blessing of health and happiness and for the hope we have of winning a crown when we have finished this probation below and have passed beyond the River. We would ask Thee Oh Lord that Though wouldst give unto us Thy Holy Spirit this day for we would not begin the duties of another week without Thine assistance, and therefore we place ourselves into Thy kind and protecting watch care knowing that Thou Art all merciful and Thou Art all Kind and Thy great love for Thy children here below will cause that great blessings will come to those who seek or say only that which would be for the great good of their State and their Country and that every act of this convention may be prompted by that love and the desire to serve their country and their constituents. May they have nothing but the view of making a good and sound and progressive constitution. Oh Lord may we all serve Thee faithfully to the end and when we have finished our work save us in Thy kingdom above, we ask Thee in the name of Thy Son our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937273] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937275] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 226)

[e937276] Petition from residents of Wellton, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e937277] Petition from residents of Wellton, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e937279] The following telegram was read: Prescott, Arizona, November 4, 1910 Hon. Geo. W.P. Hunt, President Constitutional Convention, Phoenix, Arizona.

The passage of the initiative and referendum proposition with popular percentages marks the beginning of an era of progress in the state government of Arizona. Arizona's star will now become a beacon of light of welcome to the people of the older commonwealths now struggling under the load of archaic and medieval constitutions. J. J. Sanders.

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e937280] [Editor's Note: No further action was taken on this telegram.]

(Editorial)

[e937281] The following telegram was read: Washington, D.C., November 5, 1910. A.W. Cole, Secretary Constitutional Convention Phoenix, Arizona.

Population of Greenlee County fourteen thousand, eight hundred and eighteen, and of Graham County, exclusive of Indians on San Carlos Reservation, eight thousand, seven hundred and twenty-nine. Above figures are approximate as this office is unable at this time to furnish absolute figures. E. Dana Durand, Director of Census

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e937283] [Editor's Note: No further action was taken on this telegram.]

(Editorial)

[e937284] The sergeant at arms announced that Mr. Bolan, Mr. Franklin, Mr. Coker, Mr. Connelly, Mr. Crutchfield, Mr. Curtis, Mr. Feeney, Mr.[.] Short, Mr. Sims of Cochise and Mr. Standage had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937297] Mr. President: Reports of standing committees.

Mr. Wood: Mr. Chairman, your Committee on Finance have a report to make.

Secretary (reading): "Phoenix, Arizona, November 6, 1910.

Mr. President: Your committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 5, 1910: Pay roll of Members November 5, 1910, \ \$1470.00; Pay roll of Attaches November 5, 1910, 1166.00; Printing and delivery of 37 Propositions, 208.00; Amendments and substitutes (104 pages) at \ \$2.00 per page, 208.00; Proposition Number 78 reprinted 2 pages at \ \$2.00, 4.00; Stationery and sundries, bills not returned but estimated by Secretary of Arizona who ordered same at 5.00; Total for week ending November 5, 1910, \ \$2853.00 Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937298] Mr. President: If there are no objections the report will be received and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937703] Mr. Short, Chairman of Committee on Printing and Clerks announced that Proposition Nos. 2 and 18 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937953] Mr. Short, Chairman of Committee on Printing and Clerks announced that Proposition Nos. 2 and 18 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937954] Mr. Short, Chairman of Committee on Printing and Clerks announced that Proposition Nos. 2 and 18 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937955] Mr. Short, Chairman of Committee on Printing and Clerks announced that Proposition Nos. 2 and 18 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937956] Mr. Short, Chairman of Committee on Printing and Clerks announced that Proposition Nos. 2 and 18 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 133)

[e937321] Secretary: There is a report of the Committee on Style, Revision, and Compilation. (Reading): "Phoenix, Arizona, November 7, 1910. Mr. President: Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 68 and respectfully recommends its adoption without change. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937323] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937332] Mr. President: Questions comes up on the report of the Committee on Style, Revision and Compilation. Roll call on the adoption.

Mr. Cunniff: Mr. President, I would like to offer an amendment.

Secretary (Reading): That in Section 1 at the end of the first paragraph, the following be added: 'Provided, that the judge of the superior court must summon a grand jury on petition of ten percent of the qualified electors of the district under his jurisdiction.'

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937337] Mr. Cunniff: Mr. President, I move the adoption of the amendment.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937344] Mr. Cunniff: I would like to say that this amendment is not the same as the one we had up the other day.

Mr. Lynch: There is but little difference between the two amendments and the one that was submitted the other day was voted upon and defeated by an overwhelming majority and I cannot see why, or the purpose, of hanging this

measure up any longer. It will have to be sent back to the Committee on Style, Revision, and Compilation and reported again, and this seems to me to be a great waste of valuable time.

Mr. Baker: My objection to the amendment is that too many petitioners will be required to get a grand jury in some of the superior courts; take Maricopa County, it would take 500 voters to most courts and I do not see any reason for fixing a higher percent.

Mr. Cunniff: Mr. President, I have an idea that the reason the amendment to this proposition was defeated the other day was because of dissatisfaction over the percentage, and I thought that those opposed to the amendment might change their vote if the percent was changed. For this reason I have offered the amendment, and I believe that we can secure its passage.

(The Records of the Arizona Constitutional Convention of 1910, Pages 227-228)

[e937355] Amendment lost by the following vote:

Ayes—Bolan, Cobb, Coker, Colter, Connelly, Cunniff, Ingraham, Johns, A.M., Jones, F.A., Keegan, Lovin, Moore, Morgan, Roberts, Scott, Short, Sims, R.B., Wells, Wood, Mr. President. Total 20.

Nays—Baker, Bradner, Cassidy, Cooper, Crutchfield, Cunningham, Curtis, Doe, Ellinwood,, [sic] Feeney, Franklin, Hutchinson, Jacome, Kingan, Kinney, Langdon, Lynch, Moeur, Orme, Osborn, Parsons, Pusch, Simms, Mit., Tuthill, Webb, Weinberger, White, Wills, Winsor. Total 29.

Absent—Goldwater, Standage.

Excused—Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 134)

[e937358] Proposition No. 68 placed on final passage and passed by the following vote:

Ayes—Baker, Bradner, Cassidy, Cobb, Coker, Colter, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Feeney, Franklin, Hutchinson, Jacome, Jones, F.A., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B., Simms, Mit., Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Mr. President. Total 44.

Nays—Bolan, Connelly, Ellinwood, Ingraham, Jones, A.M.[.] Wood.

Absent—Goldwater.

Excused—Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 134)

[e937365] [Editor's Note: In following the Committee's recommendation to pass Proposition 68 without amendment, the Convention implicitly adopts its report.]

(Editorial)

[e937367] On motion of Mr. Weinberger, Substitute Proposition No. 18 read and made special order for Committee of the Whole, November 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 134)

[e937368] On motion of Mr. Weinberger, Substitute Proposition No. 18 read and made special order for Committee of the Whole, November 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 134)

[e937370] Mr. President: We have on the calendar Proposition Number 4. In the absence of Mr. Goldwater, the chairman of the committee of the whole on this proposition, I suggest that the gentleman from Yuma, Mr. Ingraham, take the chair. The convention will now resolve itself into the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 228)

[e937373] Mr. President: We have on the calendar Proposition Number 4. In the absence of Mr. Goldwater, the chairman of the committee of the whole on this proposition, I suggest that the gentleman from Yuma, Mr. Ingraham, take the chair. The convention will now resolve itself into the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 228)

[e937374] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e937375] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937377] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937826] Mr. Ingraham (reading): "Phoenix, Arizona, November 7, 1910. Mr. President: Your committee of the whole begs leave to report it has examined Substitute Proposition Number 4, and respectfully recommends that the same be amended by substituting for the eighth paragraph thereof and the minority report upon said proposition appearing on page 11 of the printed report of the committee on legislative department, same being signed by Cunniff, Weinberger and Cassidy.

That the amendment of Mr. Ellinwood to said Substitute Proposition Number 4 striking out the words in line 13, page 6, 'the legislature or' and in lines 19 and 20 on page 9 'or any measure referred to the people by the legislature was reconsidered, after which Mr. Ellinwood withdrew said amendment with the consent of his second.

The committee of the whole further reports and recommends that Substitute Proposition Number 4 as amended do pass, the blanks therein to be filled upon the report of Committees on Schedule and Mode of Amendment and Miscellaneous, and Counties and Municipalities. Fred L. Ingraham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 325)

[e937833] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937835] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937839] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937837] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937842] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937843] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937844] [Editor's Note: The documents concerning Substitute Proposition Number 4 are referred back to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e937875] Mr. President: Gentlemen, what will you do with the report of the committee of the whole?

[Editor's Note: At this point, the Convention proceeded to vote on the Committee of the Whole report, which recommended amending Substitute Proposition Number 4 and adopting it as amended.]

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937847] Mr. Cunniff: I move that the report be accepted.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937850] Mr. President: All those in favor of the motion will answer "aye;" those opposed "nay." The "ayes" have it, and the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937887] Mr. President: [...] Shall the proposition be engrossed and have a third reading? Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937890] Mr. Winsor: It is rather late to raise such an objection, but there are certain blanks to be filled which will prevent its engrossment.

Mr. Cunniff: I would like to say that the Committee on Style, Revision and Compilation will not do anything to the blanks, and it will expedite matters to pass it, and have it engrossed.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937891] Roll call showed 42 "ayes" and 9 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937892] Mr. President: [...] Second reading of propositions.

Mr. Osborn: I move that we adjourn until 9 o'clock tomorrow morning.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937893] Mr. President: All in favor of adjourning answer "aye;" all opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937894] Secretary (reading): Proposition Number 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937895] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937896] Mr. President: Second reading of the proposition;

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937897] Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937819] Secretary (reading): Report of the Committee on Federal Relations on Proposition Number 2.

Mr. Cunniff: I move that the report be put on the calendar of the committee of the whole, and come before that committee tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937820] Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937899] Mr. Winsor: I move that when the convention take a recess it be until 7:30 p.m.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937900] Roll call showed 16 “ayes” and 36 “nays”.

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937901] Mr. Ellinwood: I move we take recess until 2 o'clock this afternoon.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937903] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

## 1.45 Monday, 07 November 1910, at 14:00 (s16041)

[e937287] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937290] Mr. President: The convention will come to order. A quorum is present. Petitions, memorials, and remonstrances.

(The Records of the Arizona Constitutional Convention of 1910, Page 1236)

[e937300] Communication from residents of Globe, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937302] Communication from residents of Globe, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937316] Secretary (reading): "Whereas it has been brought to the attention of the Common Council of the City of Phoenix through the public press that the Constitutional Convention now in session at the Territorial Capitol in this city are considering the so-called initiative and referendum provisions of the proposed constitution for the future State of Arizona.

AND WHEREAS, the Common Council of the City of Phoenix feels that a great injustice will be done the citizens and taxpayers of the City of Phoenix if said Constitution is so framed as to give counties control over matters purely affecting the local affairs of any city, town or other subdivision, adhering to the doctrine that in all matters distinctly of a local nature, the people resident there-in and bearing the burdens of government thereof should control, and not non-residents and non-taxpayers, and as the governing body of the City of Phoenix we resent the idea that any person because he happened to be a resident of Maricopa County, although perhaps residing fifty miles distant from the City of Phoenix and knows nothing, or worse still, does not care anything whatsoever, about our local needs or conditions tell us what we must, or must not do or have;

AND WHEREAS the Common Council believe that injustice to the City of Phoenix and its governmental welfare that it should take this means of expressing its protest against county control of its local affairs, to the Constitutional Convention. Now,

Therefore,

THE COMMON COUNCIL of the City of Phoenix, do now resolve as follows:

That it is the sense of this body that it is unqualifiedly opposed to any provision being inserted in the proposed constitution for the future State of Arizona which in any manner extends the control by counties of matters purely affecting local affairs of cities.

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered, by the City Recorder, to the President of the Constitutional Convention now in session at the Territorial Capitol in the City of Phoenix with the respectful request that the same may have the immediate consideration of the said Convention.

Passed by the Common Council of Phoenix, this 7th day of November, 1910.  
Lloyd B. Christy, Mayor ATTEST: Frank Thomas, Recorder."

(The Records of the Arizona Constitutional Convention of 1910, Page 237)

[e937326] Mr. Jones (Maricopa): I move that it be referred to the Committee on Military Affairs.

Mr. Osborn: I second the motion.

[Editor's Note: The Minutes indicate that Mr. Cassidy of Maricopa moved the motion instead of Mr Jones of Maricopa.]

(The Records of the Arizona Constitutional Convention of 1910, Page 237)

[e937331] The motion prevailed.

Mr. President: Third reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 237)

[e937343] Mr. Osborn moved to adjourn to 9 a.m., November 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937357] Mr. Coker moved to amend by inserting 9:30 in lieu of 9:00

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937359] Mr. Coker moved to amend by inserting 9:30 in lieu of 9:00; amendment lost.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937364] Mr. Parsons moved, seconded by Mr. Ingraham, to fix the hour of meeting for the afternoon session at 7:30 p.m. beginning November 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Pages 138-139)

[e937372] Mr. Parsons moved, seconded by Mr. Ingraham, to fix the hour of meeting for the afternoon session at 7:30 p.m. beginning November 8, 1910. Amendment carried by the following vote:

Ayes—Bradner, Cassidy, Cobb, Coker, Colter, Crutchfield, Cunniff, Curtis, Feeney, Ingraham, Jones. F. A., Kinney, Moore, Moeur, Orme, Osborn, Parsons, Weinberger, Mr. President. Total 19.

Nays—Baker, Cooper, Cunningham, Ellinwood, Franklin, Goldwater, Jacome, Jones, A. M., Kingan, Pusch, Roberts, Sims. R. B, Standage, White, Winsor, Wood. Total 16.

Absent—Bolan, Connelly, Doe, Hutchinson, Keegan, Langdon, Lovin, Lynch, Morgan, Scott, Short, Simms, Mit, Tuthill, Webb, Wells, Wills, Total 16.

Excused—Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937381] President ruled above motion out of order.

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937384] Motion of Mr. Standage to adjourn to 9:30 a.m., November 8, 1910

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937385] Motion of Mr. Standage to adjourn to 9:30 a.m., November 8, 1910, lost.

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937388] Motion of Mr. Osborn to adjourn to 9 a.m., November 8, 1910 lost.

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937390] Motion of Mr. Parsons to adjourn to 7:30pm, November 7, 1910

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937391] Motion of Mr. Parsons to adjourn to 7:30pm, November 7, 1910 lost.

(The Minutes of the Arizona Constitutional Convention, Page 139)

[e937394] Mr. Ellinwood: I move that we now adjourn.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937398] Convention adjourned to 9:30 a.m., November 8, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

## 1.46 Tuesday, 08 November 1910, at 09:30 (s16046)

[e937408] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937409] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937416] Roll call as follows :

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Connelly, Cooper, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A. , Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Parsons, Pusch, Roberts, Short, Sims, R. B., Simms, Mit, Standage, Webb, Weinberger, White, Winsor, Wood, Mr. President.

Absent—Crutchfield, Franklin, Osborn, Tuthill, Wills.

Excused—Colter, Scott, Tovrea, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 140)

[e937418] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937423] Reverend Crutchfield: Once more we come before Thee Oh Lord our great and merciful heavenly Father and once more we ask of Thee for Thy mercies and Thy blessings and for guidance in this great work unto which we are called. Every one of these men from the members of the convention, the clerks and the pages need Thy help and Thy guidance in their labors that they have to perform and therefore we ask Thee Oh Lord to lead us, to take us by the hand for we indeed would place our hands in Thine and beseech Thee for all

the blessings that Thou seest that we are in need of, for every task that we are to perform for Thy assistance we would ask. We do acknowledge Thy divinity and Thy mightiness and we are grateful in our hearts for these blessings and with praise for Thy goodness and Thy kindness unto us we do ask that Thy Holy Spirit be with us to lead us aright that we may be ever found doing right and living the lives that Thou wouldst have Thy children live. Grant that these men may write into this Constitution only that which will be for the best good of the people and that they may keep good their pledges unto the people. Now Oh Lord we do ask these blessings in the name of Thy Son, Our only Redeemer. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937424] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937427] Mr. President: Reading of the minutes.

Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937438] Mr. Winsor: As major General Thomas is present and he has promised not do any lobbying I move you that the rules be suspended and that he be granted the privilege of the convention hall.

Mr. Ingraham: I second that motion.

[Editor's Note: In the Minutes, Mr. Webb is listed to have seconded the motion rather than Mr. Ingraham.]

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937442] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 238)

[e937446] The sergeant announced that Mr. Osborn, Mr. Franklin, Mr. Crutchfield and Mr. Tuthill had taken their seats.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937469] Mr. President: Reports of standing committees.

Mr. Cunningham: Mr. President, the Committee on Judiciary has some reports to make.

Mr. President: The secretary will please read the reports of the Committee on Judiciary.

Mr. Cunningham: The Committee on Judiciary will report on Substitute Proposition Number 82, and also minority report on Proposition Number 69.

Mr. President: If there are no objections it will come up in the regular order of business before the committee of the whole.

Secretary (reading): "Phoenix, Arizona, November 8, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition No. 69 and respectfully recommends that Proposition 69 be indefinitely

postponed inasmuch as your Committee has prepared and submitted propositions at variance therewith.

D.L. CUNNINGHAM,  
Chairman

I concur: Except as to section 22, the sense of which ought to be embodied in some provision. Jas. E. Crutchfield.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 238-239)

[e937471] [Editor’s Note: Proposition Number 69 was referred back to the Convention alongside the Judiciary Committee’s report.]

(Editorial)

[e937476] Mr. Weinberger: Mr. President, I move that proposition be referred to the printing committee and 500 copies ordered printed.

[Editor’s Note: Proposition Number 69 had already been printed so only the report was sent to the Committee on Printing at this point.]

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[e937479] Report of Committee on Proposition No. 69 placed on the calendar for Committee of the Whole for November 9, 1910.

[Editor’s Note: Proposition Number 69 is referred to the Committee of the Whole alongside the report.]

(The Minutes of the Arizona Constitutional Convention, Page 140)

[e937725] Secretary: I have here a substitute proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[e937729] Secretary: I have here a substitute proposition. “Phoenix, Arizona, November 8, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 82 and respectfully recommends that Proposition Number 82 be indefinitely postponed and that in lieu of Proposition Number 82 the annexed Proposition be substituted therefore to be known as Committee Substitute Number 82, and that Committee Substitute Number 82 be adopted without amendment. D. L. Cunningham, Chairman We concur: A.R. Lynch, E.E. Ellinwood, A.F. Parsons, S.L. Kingan, Fred L. Ingraham, A.C. Baker, Jas E. Crutchfield, Alfred Franklin.”

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[e937743] [Editor’s Note: Proposition Number 82 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e937745] “Phoenix, Arizona, November 8, 1910. Mr. President: Minority report on Committee Substitute Proposition Number 82, introduced by a minority of the Committee on Judiciary. The undersigned minority of the Standing Committee on Judiciary recommends the adoption of the following Substitute Proposition for majority committee report. Committee Substitute Proposition Number 82. H.R. Wood, Morris Goldwater, Edward M. Doe.”

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[e937748] Mr. Winsor: I do not think the committee intends to take that course, for if Proposition Number 82 were indefinitely postponed it would carry with it the substitute and all the minority reports, and I think that they intend to have the Substitute Number 82 to come in lieu.

Mr. Cunningham: This is the desire of the committee.

Mr. Winsor: Then I think the proper motion to make would be to adopt the Substitute Proposition in place of Proposition 82.

(The Records of the Arizona Constitutional Convention of 1910, Pages 239-240)

[e937753] Mr. Cunningham: Mr. President, I move that Substitute Proposition introduced be adopted in place of Proposition Number 82.

Mr. Bradner: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937758] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937764] Mr. Cunningham moved, seconded by Mr. Lynch that 500 copies of the Committee Substitute Proposition Number 82 and minority report be printed

(The Minutes of the Arizona Constitutional Convention, Page 141)

[e937778] Mr. Cunningham moved, seconded by Mr. Lynch that 500 copies of the Committee Substitute Proposition Number 82 and minority report be printed; carried. Referred to Committee on printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 141)

[e937795] Mr. President: Committee of the whole. Gentleman, the convention will now resolve itself into the committee of the whole to consider Propositions Number 2 and 18 and the majority reports and the minority reports offered to the convention. The gentleman from Yuma, Mr. Short, will take the chair.

(Editorial)

[e937798] Mr. President: Committee of the whole. Gentleman, the convention will now resolve itself into the committee of the whole to consider Propositions Number 2 and 18 and the majority reports and the minority reports offered to the convention. The gentleman from Yuma, Mr. Short, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937800] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e938043] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938046] The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938062] The sergeant at arms announced that Mr. Wills and Mr. Wells had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938077] Mr. Short: Mr. President, Your committee of the whole desires to report that the committee having had under consideration Proposition Number 2 recommends that the report of the committee be adopted, that it have a third reading, and do pass; Proposition Number 18, and recommends that the same be postponed and made a special order for the committee of the whole on Thursday. I move you that the report of the committee of the whole be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938085] [Editor's note: Proposition Number 2 was copied in alongside the report from the Committee of the Whole.]

(Editorial)

[e938092] [Editor's note: The Report from the Committee on Federal Relations Proposition Number 2 was copied in alongside the report from the Committee of the Whole.]

(Editorial)

[e938097] [Editor's Note: This blank document has been created in order to mimic the process of the Convention considering individual recommendations relating to Propositions Number 2 and 18.]

(Editorial)

[e938108] [Editor's Note: The Convention considers the Committee of the Whole recommendation on Proposition Number 2.]

(Editorial)

[e938120] Mr. President: Gentlemen of the convention, shall the committee of the whole report on Proposition Number 2 be adopted?

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938127] Mr. President: [...] The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938130] Mr. President: [...] Shall it be engrossed and have a third reading? All in favor answer "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938134] Mr. President: [...] The "ayes" have it, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 246)

[e938139] Mr. President: [...] Shall the report of the committee of the whole that substitute for Proposition Number 18 be deferred until Thursday morning be accepted? All in favor answer "aye;" all opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e938146] Mr. President: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
246-247)

[e938148] [Editor's Note: With the adoption of each of the Committee of the Whole recommendations, the Committee of the Whole report was adopted.]

(Editorial)

[e938151] [Editor's Note: With the adoption of each of the Committee of the Whole recommendations, the Committee of the Whole report was adopted.]

(Editorial)

[e938156] Communication from John J. Patton, Bisbee, Arizona, Bruce Perley, of Bisbee Arizona and residents of Cochise County, relative to the practice of medicine

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938158] Communication from John J. Patton, Bisbee, Arizona, Bruce Perley, of Bisbee Arizona and residents of Cochise County, relative to the practice of medicine referred to Committee on Militia and Public Defense.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938171] Mr. Cunningham moved, seconded by Mr. Connelly that the convention take recess to 2:00 p.m.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938173] Amendment of Mr. Orme to fix the hour at 7:30 p.m.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938177] Amendment of Mr. Orme to fix the hour at 7:30 p.m., lost by the following vote:

Ayes—Bradner, Cassidy, Cobb, Connelly, Crutchfield, Cunniff, Feeney, Ingraham, Jones, F.A., Keegan, Langdon, Lovin, Lynch, Moeur, Morgan, Orme, Osborn, Parsons, Short, Simms, Mit, Tuthill, Webb, Winsor, Mr. President.  
Total 24.

Nays—Baker, Bolan, Coker, Cooper, Cunningham, Curtis, Doe, Ellinwood, Franklin, Goldwater, Hutchinson, Jacome, Jones, A.M., Kingan, Kinney, Moore, Pusch, Roberts, Sims, R.B., Standage, Weinberger, White, Wells, Wills, Wood.  
Total 25.

Excused—Colter, Scott, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938180] Mr. Bolan: I move the convention stand adjourned until 9:30 tomorrow morning.

Mr. Webb: I second the motion.

[Editor's note: The Minutes state that it was Lynch instead of Bolan who made the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e938182] The motion prevailed.

Convention adjourned to 9:30 a.m., November 9 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

## 1.47 Wednesday, 09 November 1910, at 09:30 (s16049)

[e937501] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e937502] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e937504] Mr. President: [...] The secretary will call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e937506] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e937508] Reverend Crutchfield: O Lord, our Heavenly Father, we thank Thee this morning that so many of us are alive and in health, and have been privileged to meet at this place where business is being transacted; and we pray Thee, as we begin this day's work, every one of us, that we may begin right, and continue right, and end right, so that everything that is being done, and everything that shall be done, shall be done for the good of the greatest number of our fellow citizens. O Lord, it has been whispered in our ears from two sources to pray for both the minority and majority reports. We have no concern in anything that is not for the glory of God and the good of the people to pray for; therefore, we pray that if the minority report be wrong, confound them, Lord, and make them so that they shall not pass. If the majority reports in anything be wrong, we pray Thee to confuse everything that will not be for the uplifting of the state of Arizona and for the good of the people that dwell therein. We pray Thee

that these men may not have any selfish motives, or have anything in view of a personal interest. Help them, Lord, to have virtue enough to extend to the other party (the minority or the majority, as the case may be)— that they may have virtue enough to accord to them that which they claim for themselves. May they have nothing in view in this world but the good of the people of this great country, and may this country be a great country after they have framed a constitution. And though the critics are suggesting what they ought to do, and what will become of the country if they do not do this, that, or the other thing. [sic] These critics would like very much to have the places of these men, but they could not fill them, Lord, if they had them. We pray Thee that these men may have faith and grace and courage enough to do the right thing, no difference what the critics may say. We pray Thy blessings upon these men today. They have hard work, both the President, and the Chairman of these committees, and those that have this conference in hand. Help them, Lord, to have clear vision and clear apprehension, and help us to pray, every one of us: Our Father, who are in Heaven, hallowed be Thy name; Thy Kingdom come; Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, for ever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 247-248)

[e937509] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937510] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937516] The sergeant at arms announced that Mr. Cunniff, Mr. Scott, Mr. Kingan, Mr. Orme and Mr. Langdon had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 144)

[e937543] [Editor's Note: As the Convention resolved into the Committee of the Whole on consideration of the Report of the Committee on Judiciary on Proposition Number 69, it follows that the report had been printed and returned from the Committee on Printing.]

(Editorial)

[e937520] Mr. President: Committee of the whole, gentlemen of the convention, Proposition Number 69 is on the calendar for the committee of the whole. The convention will now resolve itself into a committee of the whole, and I will call on the gentleman from Cochise, Mr. Feeney to take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937521] Mr. President: Committee of the whole, gentlemen of the convention, Proposition Number 69 is on the calendar for the committee of the whole. The convention will now resolve itself into a committee of the whole, and I will call on the gentleman from Cochise, Mr. Feeney to take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937522] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e937524] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937525] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937557] Mr. Feeney: Mr. President, your committee of the whole begs leave to report that it has had under consideration Proposition Number 69 and respectfully recommends that the report of the Committee on Judiciary be adopted and Proposition Number 69 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937558] [Editor's note: Proposition Number 69 was copied into the Convention alongside the Committee's report.]

(Editorial)

[e937560] [Editor's note: The report from the Committee on Judiciary on Proposition Number 69 was copied into the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e937563] Mr. Cunningham: Mr. President, I move that the report of the committee of the whole be adopted.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e948404] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937566] Mr. Weinberger: Mr. President, I would like revert to the report of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937567] Mr. President: If there is no objection we will refer back to the reports of standing committees. So ordered. Read the report, Mr. Secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937584] Mr. Weinberger: Mr. President, I would like to revert to the reports of standing committees.

Mr. President: If there is no objection we will refer back to the reports of standing committees. So ordered. Read the report, Mr. Secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937585] [Editor's Note: Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937586] [Editor's note: Proposition Number 33 was referred to the Convention alongside Substitute Proposition Number 33.]

(Editorial)

[e937587] Mr. Cunningham: I move that the substitute proposition of the committee be referred to the printing committee and the usual number of copies be printed without printing the original proposition.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937588] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937598] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal [sic] from Office, begs leave to report it has examined Proposition No. 62 and respectfully recommends the adoption of the following portion of section 1, also the adoption of the following portion of section 2. (Recommendations annexed.)

J. WEINBERGER,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 145-146)

[e937599] [Editor's note: Proposition Number 62 was copied into the Convention alongside the Committee's report.]

(Editorial)

[e937600] Mr. President: What is your pleasure, gentlemen? Do you want that printed?

Mr. Short: I move that 500 copies be ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937601] Mr. Webb: I followed just as closely as I could, and it eliminates some unnecessary parts of the original. Personally I have no desire to have it printed, and would favor it going on the calendar of the committee of the whole tomorrow for consideration.

Mr. Jones (Yavapai): I agree with the gentleman from Graham that it is not necessary to print that proposition. Everything that is included in that proposition is included in the printed copies we have.

Mr. Weinberger: It is word for word with another proposition with the exception of those portions eliminated.

(The Records of the Arizona Constitutional Convention of 1910, Pages 252-253)

[e937602] Mr. Short: With that being the case, I withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937604] Mr. President: It will come up under special order tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937606] Mr. President: It will come up under special order tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937610] Mr. Weinberger, Chairman of Committee on Executive Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 114, and respectfully recommends that consideration of said Proposition be indefinitely postponed.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937611] [Editor's note: Proposition Number 114 was copied into the Convention alongside the Committee's report.]

(Editorial)

[e937612] Mr. Cunningham: In order to save time I move that the report be considered with the report of the committee on the bills printed in the former report, as it covers the same ground, and that the consideration of this report be deferred until the former report on the printed substitute bill is before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937620] Mr. President: It will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937614] Mr. President: It will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937622] Mr. President: It will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937632] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 80 and respectfully recommends indefinite postponement of consideration of said Proposition.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937634] [Editor's note: Proposition Number 80 was copied into the Convention alongside the committee's report.]

(Editorial)

[e937635] Mr. President: It will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937637] [Editor's note: The report from the Committee on Executive on Proposition Number 80 was referred to the Committee of the Whole alongside Proposition Number 80.]

(Editorial)

[e937648] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal [sic] from Office, begs leave to report it has examined Proposition No. 57 and respectfully recommends that consideration of said Proposition be indefinitely postponed.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937649] [Editor's note: Proposition Number 57 was copied into the Convention alongside the Committee's report.]

(Editorial)

[e937650] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937651] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937659] Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 125 and respectfully recommends that said Proposition be adopted.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937661] [Editor's note: Proposition Number 125 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937662] Mr. President: If there is no objection it will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 253)

[e937663] Mr. President: If there is no objection it will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937665] Mr. President: If there is no objection it will come up tomorrow in committee of the whole. Proposition Number 2 comes up for third reading this morning, gentlemen. The secretary will read the third reading of the proposition.

Secretary (reading): Proposition Number 2, introduced by Mr. Webb of Graham County. Relative to boundaries of the State of Arizona.

Mr. President: Third reading of the proposition; those in favor of the proposition will answer "aye;" those opposed "no." The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Pages 253-254)

[e937672] Roll call showed 39 "ayes" and 7 "nays."

Mr. President: The proposition is passed and will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937673] Mr. Cunniff: I would like to say that I am desirous of attending every committee which I should attend, and sitting as long as the rest of the committee will stay, but I find almost every day there is a conflict. Committees are called to meet apart from the stated hours of those committees. It seems to me we had better have a revision of the schedule of committee meetings, so that a delegate is not prevented from doing his duty.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937675] Mr. Jones (Maricopa): I believe the work could be expedited if we could have evening sessions, particularly for the purpose of getting the committees together. That is where the work is lagging. It is impossible to set them up here in the afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937676] [Editor's Note: Cunniff's suggestion was not mentioned again.]

(Editorial)

[e937681] Motion of Mr. Cunningham to take recess until 2 p.m.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937683] Motion of Mr. Cunningham to take recess until 2 p. m., lost.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937684] Mr. Webb: I move we adjourn until 9:30 tomorrow morning.

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937686] Mr. Feeney moved to amend to adjourn to 7:30 p. m., November 9, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937688] Mr. Feeney moved to amend to adjourn to 7:30 p. m., November 9, 1910. Amendment [sic] lost by the following vote:

Ayes—Cassidy, Connelly, Curtis, Feeney, Jones, F. A., Keegan, Kinney, Moeur, Osborn, Parsons, Short, Winsor, Mr. President. Total 13.

Nays—Bolan, Bradner, Cobb, Coker, Colter, Cooper, Crutchfield, Cunniff, Cunningham, Franklin, Ellinwood, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Kingan, Langdon, Lovin, Lynch, Moore, Moore, Morgan, Orme, Roberts, Scott, Sims, R. B., Standage, Tuthill, Webb, Weinberger, White, Wells, Wood. Total 33.

Excused—Baker, Doe, Pusch, Simms, Mit, Tovrea, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937691] Roll call showed 30 "ayes" and 15 "nays."

Convention adjourned to 9:30 a.m., November 10, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

## 1.48 Thursday, 10 November 1910, at 09:30 (s16060)

[e937697] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937698] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937699] Mr. President: [...] The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937700] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937707] Reverend Crutchfield: Our gracious Heavenly Father, we thank Thee that so many members of this convention are able to answer to the roll call this morning, and we have no news of any sorrow or misfortune of any of them or any of their loved ones, and we thank Thee that we are privileged to gather here for the business of this convention. We have come to the place where we are expecting something nice and good and crisp and short and pointed, in the way of a constitution. We pray, Lord, that the people shall not be disappointed; that they may have a constitution that will be a credit—that will stand on record for ages to come as a constitution perpetuating good government for a good and useful territory or state. We pray Thy blessing on every member of this constitutional convention. May Thy prosperity come upon all in their callings and professions, and may they be prosperous and happy and have a happy family. We pray for the blessings of God on this Territory and on this incoming state. We pray that this may be one of the greatest and grandest states of the union, inasmuch as we have a good citizenship and a good set of men who are building up this country that it may be more and more inviting to the best class of emigration to come here. We pray upon every man in his work today Thy blessings. There may be some difficulties and perplexities, and we pray they may have light to get through these dark places. We cannot expect perfection from imperfect beings, but we may have relative perfection, and we pray for it, and for the success of this convention until its close. Take hold of our hands and lead us. Hear us in these morning prayers, and forgive us our sins, and after this painful life is ended give us a home in Thy kingdom, where he will praise Thee for ever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
254-255)

[e937709] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937711] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937713] The sergeant at arms announced that Mr. Orme, Mr. Simms of Graham, Mr. Colter, Mr. Coker, Mr. Curtis, Mr. Ellinwood, Mr. Franklin, Mr. Tovrea and Mr. Standage had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 149)

[e937715] The following telegram was read: Oklahoma City, Oklahoma, November 9, 1910. President Constitutional Convention of Arizona, Phoenix, Arizona, Oklahoma again knocks out the liquor traffic by large majority. Oklahoma sends greetings to the Constitutional Convention of Arizona and hopes soon to hear from Arizona to same effect. H. T. Laughbaum, Special Enforcement Attorney for Oklahoma”

(The Minutes of the Arizona Constitutional Convention, Page 149)

[e937717] [Editor’s Note: The communication was received and discussed no further.]

(Editorial)

[e937742] Mr. President: Reports of standing committees.

Mr. Jones (Yavapai): Your committee on Suffrage and Election begs leave to report on Propositions Numbers 74 and 143.

Secretary (reading): Proposition Number 74 introduced by Mr. Colter of Apache County. Relative to suffrage.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937744] Mr. Jones, Chairman of the Committee on Suffrage and Election made the following report:

Phoenix, Arizona, November 5, 1910. Mr. President: A minority of your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 74 and respectfully recommends that it be adopted. Albert M. Jones, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 149)

[e937747] Mr. Jones, Chairman of the Committee on Suffrage and Election made the following report:

[...]

Phoenix, Arizona, November 5, 1910.

Mr. President:

Your Committee on Suffrage and Election, begs leave to report it has examined Proposition No. 74, and respectfully recommends that it be indefinitely postponed.

We concur: Sidney P. Osborn, Lamar Cobb, Henry Lovin, B.B. Moeur, John P. Orme, Alfred Kinney, James Scott, John Langdon, Fred L. Ingraham.

(The Minutes of the Arizona Constitutional Convention, Pages 149-150)

[e937749] Mr. President: If there are no objections it will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937750] Mr. President: If there are no objections it will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937751] Mr. President: If there are no objections it will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937752] Mr. Jones, Chairman of the Committee on Suffrage and Election made the following report:

Phoenix Arizona, November 5, 1910.

Mr. President:

Your Committee on Suffrage and Election begs leave to report that it has examined Proposition Number 143, and respectfully recommends that it be indefinitely postponed.

ALBERT M. JONES, Chairman.

We concur: Lamar Cobb, Alfred Kinney, John Langdon, Henry Lovin.

(The Minutes of the Arizona Constitutional Convention, Page 150)

[e937754] Phoenix, Arizona, November 10, 1910.

Mr. President:

We the undersigned, a minority of your Committee on Suffrage and Election beg leave to report we have examined Proposition Number 143, and respectfully recommend that the following Substitute Proposition Number 143 be adopted and that Proposition Number 143 be indefinitely postponed.

Fred. L. Ingraham, Sidney P. Osborn, John P. Orme, B.B. Moeur, James Scott.

Minority report was filed later by permission.

(The Minutes of the Arizona Constitutional Convention, Page 150)

[e938616] [Editor's Note: Substitute Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937755] [Editor's Note: Proposition Number 143 was referred to the Convention alongside the Committee's reports.]

(Editorial)

[e937759] [Editor's Note: The reports on Proposition Number 143 come up in the Committee of the Whole on November 11.]

(Editorial)

[e937760] [Editor's Note: The reports on Proposition Number 143 come up in the Committee of the Whole on November 11.]

(Editorial)

[e938620] [Editor's Note: The reports on Proposition Number 143 come up in the Committee of the Whole on November 11.]

(Editorial)

[e937761] [Editor's Note: The reports on Proposition Number 143 come up in the Committee of the Whole on November 11.]

(Editorial)

[e937770] Mr. Cunningham, Chairman of the Committee on Judiciary made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 84 and respectfully recommends that said Proposition be referred to one of your committees dealing with questions of Public Policy and suggest that the appropriate committee to consider that Proposition is Committee Number 2 on Legislative Department Distribution of Powers and Apportionment.

D.L. CUNNINGHAM,

Chairman.

We concur: A. F. Parsons, S.L. Kingan, H. R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Pages 150-151)

[e937772] [Editor's Note: Proposition Number 84 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937775] Mr. Webb: Under the rules it will go over until tomorrow, but if there is no objection I move the committee report the adoption [be adopted], and this be referred to the legislative committee number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 256)

[e937777] Mr. President: If there is no objection, the report will be adopted and the proposition referred to the legislative committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 256)

[e937791] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 140, and respectfully recommends that said Proposition be indefinitely postponed.

D.L. CUNNINGHAM,

Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, Morris Goldwater, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937792] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President: We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 140, and respectfully recommend that said Proposition Number 140 do pass.

Fred L. Ingraham, James E. Crutchfield.

Minority report filed later by permission.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937794] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937797] Mr. Cunniff: May I ask for a little explanation of this. I understand that the proposition is incorporated in a report which the judiciary is going to make.

Mr. Crutchfield: A minority report would have been prepared on this subject, but I was assured by the members of the judiciary committee that ample provision for a juvenile court was made, and so a minority report has not been submitted.

Mr. Ingraham: I beg leave on behalf of the minority to file a minority report later on that. The proposition that has been prepared by the judiciary committee does not provide for a juvenile court, and I think this is very important, as are also one or two other propositions of Mr. Keegan on the same line; so I shall put in a minority report.

Mr. Crutchfield: I join in the request.

[Editor's Note: This exchange explains the passage from the Minutes that the minority report was filed later (Minutes, page 151). Only the majority report was presented to the Convention, and in response to its contents, the Convention requested a minority report.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 256-257)

[e937799] Proposition No. 140 referred to Committee of the Whole for November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937801] Proposition No. 140 referred to Committee of the Whole for November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937803] Proposition No. 140 referred to Committee of the Whole for November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[*e937812*] Mr. Cunningham, Chairman of the Committee on Judiciary made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 139 and respectfully recommends that Proposition Number 139 be indefinitely postponed.

D.L. CUNNINGHAM,

Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[*e937813*] [Editor's Note: Proposition Number 139 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e937814*] Proposition No. 139 referred to Committee of the Whole for November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[*e937815*] Proposition No. 139 referred to Committee of the Whole for November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[*e937817*] Mr. Ingraham: I ask for the same privilege on the record as to this, Mr. President.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[*e937818*] Minority report filed later by permission.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[*e937821*] Phoenix, Arizona, November 10, 1910.

Mr. President:

We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 139, and respectfully recommend that said Proposition Number 139 do pass.

Fred L. Ingraham, James E Crutchfield.

Minority report filed later by permission.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[*e937823*] Mr. President: That will take the same course as the preceding one, and comes up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[e937832] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report that it has examined Proposition Number 144 and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as your Committee in its Substitute Proposition has recommended the adoption of its Proposition deemed sufficient to cover all needed provisions contained in this No. 144 Proposition.

D. L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Woods, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[e937834] [Editor's Note: Proposition Number 144 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937836] Mr. President: If there is no objection, it will come up tomorrow morning in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[e937840] Mr. President: If there is no objection, it will come up tomorrow morning in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[e937849] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910. Mr. President: Your Committee on Judiciary, begs leave to report it has examined Proposition Number 92 and respectfully recommends that said Proposition be indefinitely postponed.

D. L. CUNNINGHAM, Chairman.

We concur: A. F. Parsons, S. L. Kingan, H. R. Wood, A. R. Lynch, J. Weinberger, A. C. Baker, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[e937851] [Editor's Note: Proposition Number 92 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937852] Mr. President: If there are no objections, that will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[e937853] Mr. President: If there are no objections, that will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 257)

[e937860] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 135 and respectfully recommends that said Proposition be indefinitely postponed.

D. L. CUNNINGHAM, Chairman.

We concur: A.F. Parsons, S.L. Kingan, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater, Fred L. Ingraham, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 135)

[e937861] [Editor's Note: Proposition Number 135 was referred to the Convention alongside the Committee's reports.]

(Editorial)

[e937862] Mr. President: If there is no objection that will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937863] Mr. President: If there is no objection that will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937867] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 87, and respectfully recommends that said Proposition be referred to same Committee to which Proposition Number 84 may be referred for the same reasons as stated by your Committee, in its report thereon.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 153)

[e937868] [Editor's Note: Proposition Number 87 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937869] Mr. President: I would like to ask the Committee on Judiciary why, when these propositions were referred there to get an expression of their ideas as to the law on these propositions, that committee being composed of many eminent lawyers, they are sent with the recommendation that they be referred to some committee on which there are no lawyers?

Mr. Cunningham: In explanation, I would like to say that both of these propositions touch on the same matters, and are matters of policy of the state. If it becomes the policy of the state to exempt property such as a homestead from forced sale, the judiciary committee says it can be made constitutional; there are no laws against such an exemption in the constitution. The statutes of the state can deal with it, or it can be made a constitutional provision. The legislative committee is the committee on policy, and we feel that they should decide on the matter whether the constitution should contain such a provision. The judiciary committee feels as if they should not dictate the policy.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937870] Mr. President: If there are no objections it will take the same course as the preceding bill, and be referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937871] Mr. President: If there are no objections it will take the same course as the preceding bill, and be referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937881] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 71, and respectfully recommends that Proposition Number 71 be indefinitely postponed.

D.L. CUNNINGHAM, Chairman.

We concur: A.F. Parsons, E.E. Ellinwood, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater.

(The Minutes of the Arizona Constitutional Convention, Page 153)

[e937882] [Editor's Note: Proposition Number 71 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937883] Mr. President: That will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937884] Mr. President: That will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937885] Mr. President: That will come up tomorrow in the committee of the whole. Gentlemen of the convention, we have before us for consideration several propositions. The first will be Proposition Number 18 with minority reports thereon. The convention will now resolve itself into a committee of the whole, with the gentleman from Yuma, Mr. Winsor, in the chair.

(Editorial)

[e937886] Mr. Orme: I move you we take a recess of fifteen minutes before we go into the committee of the whole.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e937888] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e937889] Convention stood at recess.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937909] Mr. President: The convention will come to order. A quorum is present. Gentlemen of the convention, I am requested to announce that there will be a smoker held this evening under the auspices of the local Elks and all members and visitors are invited to attend.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e937910] Mr. President: The convention will come to order. A quorum is present. Gentlemen of the convention, I am requested to announce that there will be a smoker held this evening under the auspices of the local Elks and all members and visitors are invited to attend.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e937911] Communication from stockholders of the Montezuma Canal company of Safford, Arizona, read and referred to Committee on Agriculture, Irrigation, and Water Rights.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937912] Communication from stockholders of the Montezuma Canal company of Safford, Arizona, read and referred to Committee on Agriculture, Irrigation, and Water Rights.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937916] Communication from W.C.T.U. of Phoenix, Arizona, read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937917] Communication from W.C.T.U. of Phoenix, Arizona, read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937918] Communication from residents of Copper Hill, Gila County, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937919] Communication from residents of Copper Hill, Gila County, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937923] Mr. President: Gentlemen of the convention, we will now be under the head of the committee of the whole. The convention will now resolve itself into the committee of the whole for consideration of Proposition Number 18, the recall proposition, and the gentleman from Yuma, Mr. Winsor, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 159)

[e937924] Mr. President: Gentlemen of the convention, we will now be under the head of the committee of the whole. The convention will now resolve itself into the committee of the whole for consideration of Proposition Number 18, the recall proposition, and the gentleman from Yuma, Mr. Winsor, will take the chair.

(The Minutes of the Arizona Constitutional Convention, Page 259)

[e937925] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e938147] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938150] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938153] Mr. Winsor: Mr. President, your committee of the whole begs leave to report that it has examined Substitute Proposition Number 18 and the minority reports submitted with the same, and respectfully recommends that Substitute Proposition Number 18 be amended by striking out on line 4 page 3 the words "that the statements made therein are true and" that as so amended the said Substitute Proposition Number 18 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938157] [Editor's Note: Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e938160*] [Editor's Note: Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e938175*] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e938163*] [Editor's Note: Wood's and Jones' Minority Substitute Proposition Number 18 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e938167*] [Editor's Note: Cunningham's Minority Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e938181*] [Editor's Note: This amendment event models the change suggested in the Committee of the Whole report.]

(Editorial)

[*e938179*] Mr. Cunniff: I move that the report of the committee of the whole be adopted.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[*e938184*] Mr. President: Call the roll on the adoption of the report of the committee. Those in favor will answer "aye" as their names are called and those opposed "no."

Roll call showed 37 "ayes" and 11 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[*e938192*] Mr. President: The motion is carried. Shall it be engrossed and have a third reading? Those in favor answer "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[*e938196*] Mr. President: [...] The "ayes" have it, and it comes up for a third reading.

(Editorial)

[*e938200*] Mr. Webb: I move the convention now stand adjourned until 9:30 tomorrow morning.

Mr. Feeney: I second the motion.

(Editorial)

[*e938201*] The motion prevailed.

Convention adjourned to 9:30 a.m., November 11, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

## 1.49 Friday, 11 November 1910, at 09:30 (s16073)

[e938033] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938036] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938054] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 272)

[e938060] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938066] Reverend Crutchfield: Mr. President and gentlemen of the convention, allow me to substitute the younger Crutchfield for prayer this morning.

Reverend [James] Crutchfield: Our Father who art in Heaven; hallowed by Thy name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day or daily bread, and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 270-271)

[e938068] Mr. President: The reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938070] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938086] The sergeant at arms announced that Mr. Cobb, Mr. Coker, Mr. Colter, Mr. Franklin, Mr. Scott, Mr. Wells, Mr. Winsor, Mr. Osborn, Mr. Roberts, and Mr. Standage had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 158)

[e938103] Mr. Short: Mr. President, the printing committee desire to report the printing and return of majority and minority substitutes for Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938113] Mr. Short: Mr. President, the printing committee desire to report the printing and return of majority and minority substitutes for Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938124] Mr. President: I would ask the chairman of the Committee on Education, if he is going to make a report.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938126] Mr. Moeur: We have a proposition to report but have not got it fixed up.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938131] Mr. President: [...] Committee of the whole. Gentlemen of the convention, we have several propositions to consider in the committee of the whole and the convention will now resolve itself into a committee of the whole. The gentleman from Cochise, Mr. Bolan, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938136] Mr. President: [...] Committee of the whole. Gentlemen of the convention, we have several propositions to consider in the committee of the whole and the convention will now resolve itself into a committee of the whole. The gentleman from Cochise, Mr. Bolan, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938194] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e939428] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e939431] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e939434] Mr. Bolan, Chairman of the Committee of the Whole made the following report:

(The Minutes of the Arizona Constitutional Convention, Page 160)

[e939439] [Editor's Note: Proposition Number 143 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939444] [Editor's Note: The report from the Committee on Suffrage and Elections on Proposition Number 143 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e939519] [Editor's Note: The minority report from the Committee on Suffrage and Elections on Proposition Number 143 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e939452] [Editor's Note: Substitute Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939457] Mr. Bolan [...] I move you that the report of the committee be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939462] Mr. President: If there are no objections the report will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939478] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of them considering each recommendation in turn.]

(Editorial)

[e939480] Mr. President: [...] Gentlemen of the convention, it is moved that the report of the committee of the whole on Proposition Number 82 be made special order for tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939492] Mr. President [...] Gentlemen of the convention, it is moved that the report of the committee of the whole on Proposition Number 82 be made special order for tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Pages 288)

[e939496] Mr. President: [...] Those in favor will answer "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939512] Mr. President: [...] The question comes up on the indefinite postponement of Proposition Number 143.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939521] Mr. President: [...] What is your pleasure? What will you do with Proposition Number 143?

Mr. Cunniff: I move it be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

[Editor's Note: The Minutes attribute this motion to Cunningham.]

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939523] Mr. President: Those in favor will answer "aye" when their names are called; those opposed "no." The secretary will call the roll. Gentlemen, I want to explain my vote on this proposition. In the convention of Gila county we said we would get the initiative, referendum and recall, and if we got that into the constitution that would be sufficient for the people, and I therefore vote "aye" on the indefinite postponement of this proposition.

Roll call showed 28 "ayes" and 12 "nays."

Mr. President: Proposition Number 143 has been indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e948369] [Editor's Note: Once the Convention finished considering the report from the Committee of the Whole, it was implicitly adopted.]

(Editorial)

[e939533] The sergeant at arms announced that Mr. Tovrea, Mr. Ellinwood, Mr. Cunniff, Mr. Curtis, had taken their seats during the session of the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 160)

[e939534] Mr. Bolan: I move we adjourn until 9:30 tomorrow morning.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e939537] Mr. Winsor moved to amend to adjourn to 2:30 p.m., November 11, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 161)

[e939539] Amendment lost by the following vote:

Ayes—Cassidy, Connelly, Cunningham, Ingraham, Jones, F. A., Kinney, Moeur, Short, Weinberger, Winsor, Mr. President. Total 11.

Nays—Bolan, Bradner, Cobb, Coker, Colter, Cooper, Cunniff, Curtis, Ellinwood, Feeney, Franklin, Hutchinson, Jacome, Jones, A., Keegan, Kingan, Langdon, Lynch, Moore, Orme, Osborn, Parsons, Scott, Sims, R. B., Standage, Tovrea, Wood. Total 27.

Absent—Crutchfield, Goldwater, Lovin, Morgan, Roberts, Sims, Mit, Webb, Wells.

Excused—Baker, Doe, Pusch, Tutill, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Pages 161-162)

[e939549] The motion prevailed.

Convention adjourned to 9:30 a.m., November 12, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

## 1.50 Saturday, 12 November 1910, at 09:30 (s16074)

[e938022] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e938024] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e938026] Roll call as follows:

Present—Baker, Bolan, Bradner, Coker, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Doe, Feeney, Hutchinson, Jones, A. M., Jones, F. A., Keegan, Kinney, Langdon, Lovin, Lynch, Moore, Morgan, Osborn, Parsons, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, Wells, Winsor, Wood, Mr. President.

Absent—Cassidy, Cobb, Ellinwood, Franklin, Ingraham, Kingan, Moeur, Orme.

Excused—Colter, Curtis, Goldwater, Jacome, Pusch, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 163)

[e938030] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 288)

[e938032] Reverend Crutchfield: Our gracious God and heavenly Father, we again approach Thee in the attitude of prayer and to thank Thee that thou hast blessed us with wholesome minds and bodies and preserved us again to meet again for the duties of the convention. We are grateful to Thee for all Thy mercies and blessings and we would no attempt the labors of this day even the last day of the week without Thine assistance and Thy guidance; therefore we pray Thee Oh Lord, that Thou wouldst meet with us today and abide with each and every member of the convention that they may be able to perform their labors with an eye single [sic] to the greatest good for the people of this State and for the common country. It matters not whether they be Democrat or Republican, Socialist or Populist they are here united for the same purpose and are desirous of doing good for the good of the State and the Nation and to represent their constituents in the great work of state building and would invoke Thine aid and assistance in all they may undertake, and as one in heart we would unite our voices in the Lord's Prayer: Our Father who are in heaven; hallowed be Thy name; Thy Kingdom come, Thy will be done on earth as it is in Heaven; give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil for Thine is the kingdom and the power, and the glory, forever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 288-289)

[e938037] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938040] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938044] The sergeant at arms announced that Mr. Cassidy, Mr. Ingraham, Mr. Orme, and Mr. Moeur had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 163)

[e938048] Mr. President: Gentlemen of the convention, under the rules the convention will now resolve itself into the committee of the whole, and the chair desires to announce that one of our native sons, Mr. Osborn, will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938049] Mr. President: Gentlemen of the convention, under the rules the convention will now resolve itself into the committee of the whole, and the chair desires to announce that one of our native sons, Mr. Osborn, will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938051] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e938861] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938863] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938867] Mr. Osborn: Mr. President, your committee of the whole, having had under consideration Propositions Numbers 82, Substitute Number 82, minority substitute Number 82, Numbers 62, 114, 80, 57, 125, 74, 71, 92, and 135 begs leave to report as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938890] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 62 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938873] [Editor's Note: Proposition Number 62 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938893] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 114 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938875] [Editor's Note: Proposition Number 114 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938895] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 57 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938877] [Editor's Note: Proposition Number 57 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938897] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 125 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938882] [Editor's Note: Proposition Number 125 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938898] [Editor's Note: The Report from the Committee on Suffrage and Elections on Proposition Number 74 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939004] [Editor's Note: The Minority Report from the Committee on Suffrage and Elections on Proposition Number 74 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938883] [Editor's Note: Proposition Number 74 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938899*] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 71 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938884*] [Editor's Note: Proposition Number 71 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938900*] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 92 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938886*] [Editor's Note: Proposition Number 92 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938903*] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 135 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938888*] [Editor's Note: Proposition Number 135 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e938907*] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of them considering each recommendation in turn.]

(Editorial)

[*e938911*] "That Proposition Number 82 and substitute therefore be made special order for committee of the whole at morning session, November 14, 1910."

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[*e938915*] Mr Osborn: [...] I move that the report be adopted, and that Proposition Number 82 and substitute therefore be made special order as recommended.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[*e938917*] Mr. President: If there is no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938919] Secretary (reading): "That Substitute Proposition Number 62 do pass as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938920] [Editor's Note: These are the amendments made to Proposition Number 62 in Committee of the Whole.]

(Editorial)

[e938926] Mr. Osborn: I move the report be adopted, and the proposition do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938930] Mr. President: If there is no objection, it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938935] Mr. President: If there is no objection, it will be so ordered. Shall it be engrossed and have a third reading?

Mr. Cunniff: I move that the proposition as amended be engrossed and have a third reading.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938936] Mr. President: Are there any objections? Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938947] Secretary (reading): "That Proposition Number 114 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938954] Mr. Osborn: I move the adoption of the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938963] Mr. President: If there are no objections, the report of the committee will be adopted,

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938966] Mr. President: If there are no objections, the report of the committee will be adopted, and the question comes up on indefinite postponement. All those in favor of indefinitely postponing will answer "aye;" those opposed "no." The ayes have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 306-307)

[e938969] Secretary (reading): "That consideration of Proposition Number 80 be postponed until the substitute is before the committee of the whole."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938974] Mr. Osborn: I move that the report be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938976] Mr. President: If there are no objections, the report of the committee will be adopted, and consideration of Proposition Number 80 will be postponed as suggested by the committee of the whole. Hearing none it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938980] Secretary (reading): "That Proposition Number 57 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938983] Mr. Osborn: I move the report be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938984] Mr. President: All in favor? All opposed? The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938987] Mr. President: [...] Gentlemen of the convention all those in favor of indefinite postponement of Proposition Number 57 will answer "aye;" those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938989] Secretary (reading): "That proposition Number 125 be re-referred to Committee on Executive, Impeachment and Removal from office."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e938999] On motion of Mr. Osborn recommendation on Proposition No. 125 adopted and said Proposition referred to Committee on Executive, Impeachment and Removal from Office.

(The Minutes of the Arizona Constitutional Convention, Page 166)

[e939006] Mr. President: If there is no objection the report of the committee of the whole will be adopted, and it will be re-referred as recommended. Hearing no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939011] Secretary (reading): "That the majority report of the committee on suffrage and election on Proposition Number 74 be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939022] Mr. Osborn: I move that the report of the committee be adopted, and that further consideration of Proposition Number 74 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939032] Mr. President: All those in favor of indefinitely postponing Proposition Number 74 will answer "aye" as their names are called. Those opposed "no." The secretary will call the roll.

Mr. President: Gentlemen, Proposition Number 74 has been indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939036] Secretary (reading): "That Proposition Number 71 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939039] Mr. Osborn: I move the report be adopted.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939042] Mr. President: Those in favor, answer "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939046] Mr. President: [...] Those in favor of the indefinite postponement of Proposition Number 71 will answer "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939048] Secretary (reading): "That Proposition Number 92 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939053] Mr. Osborn: I move the report be adopted.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[e939057] Mr. President: Those in favor of the adoption of the report answer "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 307-308)

[e939059] Mr. President: [...] Those in favor of the indefinite postponement of Proposition Number 92 answer “aye;” all opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 307-307)

[e939071] Secretary (reading): “That Proposition Number 135 be indefinitely postponed.”

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e939080] On motion of Mr. Osborn recommendation on Proposition No. 135 adopted and Proposition indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 167)

[e939087] Mr. President: If there is no objection, the report of the committee will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e939090] Mr. President: [...] Those in favor of the indefinite postponement of Proposition Number 135 answer “aye;” those opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e939094] [Editor’s Note: Once the Convention has finished considering the Committee of the Whole’s recommendations the report is implicitly adopted.]

(Editorial)

[e939097] [Editor’s Note: The Convention adopted all of the recommendations made in the Committee of the Whole report.]

(Editorial)

[e939102] Mr. Weinberger: I move we adjourn until 2 o’clock.  
Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e939113] Mr. Connelly: I amend the motion to adjourn until 9:30 Monday morning.

Mr. Webb: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e939124] Mr. President: Those in favor of adjourning to 9:30 Monday morning answer "aye" as their names are called; those opposed "no." Call the roll, Mr. Secretary.

Roll call showed 25 "ayes" and 13 "nays."

Mr. President: The Convention will stand adjourned to 9:30 Monday morning.

Convention adjourned until 9:30 a.m., November 14, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

## 1.51 Monday, 14 November 1910, at 09:30 (s16082)

[e938208] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e938209] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e938214] Roll call as follows:

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Doe, Ellinwood, Feeney, Franklin, Hutchinson, Ingraham, Jone, A. M., Jones, F. A., Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Curtis, Keegan, Tovrea. Excused—Goldwater, Jacome

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938215] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 308)

[e938216] Reverend Crutchfield: Our gracious Lord, we thank Thee that we have had another Sunday of rest and refreshment and the privilege of going to the House of God to worship without distraction of mind, and that we are privileged this morning, so many of us to answer the roll call, even though it is on the second call. We thank God there are so many of us alive, and that no sorrowful news has reached our ears of any of our loved ones. Now a new week and a new day has dawned upon us, and we have new responsibilities and new obligations. We pray Thee Lord to lead us this day. We have come to the point in the convention now that work shall be dispatched rapidly, and we pray that the men may take the proper time, and that they may have studied so carefully, that they may have thoroughly digested all of the propositions that have come up, so that they may send out a constitution to this State so that the people shall be satisfied and the world shall honor this convention because of the work they do. We pray, therefore, this Monday morning that we may have the privilege of the presence and aid and assistance and comfort of God, so that we

shall do the right and be restrained from doing wrong. Let the blessing of God be upon these men and their families from whom they are separated. Let the good hand of God be upon the homes represented here this morning, and may each one be guided in the way of life everlasting. May the very thoughts of these men be acceptable in Thy sight, O Lord, our strength and our Redeemer. Help us to pray, one and all, from the last Page up to the President of this convention and say: Our Father, who art in Heaven; hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil; for Thine is the Kingdom, and the power and the glory, forever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 308-309)

[e938227] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 309)

[e938231] Minutes read and approved.

Mr President: Petitions, memorials and remonstrances.

(The Records of the Arizona Constitutional Convention of 1910, Page 309)

[e938241] Communication from Taylor, Arizona, read

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938247] Communication from Taylor, Arizona, read and referred to Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938256] Communication from Courtland, Arizona, read

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938258] Communication from Courtland, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938266] Communication from Gleason, Arizona, read

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938270] Communication from Gleason, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938286] Communication from W.C.T.U., Arizona, read and referred to Committee on Education and Public Institutions.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938294] Communication from W.C.T.U., Arizona, read and referred to Committee on Education and Public Institutions.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938312] Resolution Number 14, introduced by Mr. Cassidy, adopted as follows:

”Resolution No. 14

That all standing committees are hereby requested to make report at the earliest possible date to all propositions not heretofore reported to the end that this convention may speedily conclude its labors.”

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938330] Mr. Weinberger: I move that the resolution be adopted.

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 309)

[e938334] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 309)

[e938338] Motion of Mr. Cunningham to reconsider vote by which resolution No. 14 was passed lost.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938342] Motion of Mr. Cunningham to reconsider vote by which resolution No. 14 was passed lost.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938346] The sergeant at arms announced that Mr. Goldwater had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938389] Mr. Wood, Chairman of Committee on Finance, Accounts and Expense made the following report:

Phoenix, Arizona, November 14, 1910.

Mr. President:

Your Committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 12, 1910:

Pay Roll of Members for week ending Nov. 12...\$1470.00

Pay Roll of Attaches for week ending Nov. 12...1176.00

Printing and delivery of three Proposition, amendments and substitutes (29 pages) at 2.00 per page...58:00

Stationary and sundries estimated at...5.00

Total for week ending Nov. 12, 1910...\$2709.00

Respectfully submitted,

H. R. WOOD,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 168-169)

[e938398] Mr. President: Any other committee reports this morning? Reports of select committees? Introduction of propositions. The order of the day.

(The Records of the Arizona Constitutional Convention of 1910, Page 309-310)

[e938425] Mr. Moeur: The Committee on Education have a report this morning.  
Mr. President: If there are no objections we will refer back.

Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions, begs leave to report it has examined Proposition Number 44 and respectfully recommends that it do not pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938453] [Editor's note: Proposition Number 44 was copied into the Convention alongside the committee's report.]

(Editorial)

[e938456] Mr. President: If there are no objections it will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938458] Mr. President: If there are no objections it will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938485] Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Propositions Number 75, 73 and 41 and respectfully recommends that they do not pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938486] [Editor's note: Proposition Number 41 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938489] [Editor's note: Proposition Number 73 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938492] [Editor's note: Proposition Number 75 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938495] Mr. President: It will come up in its regular order in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938498] [Editor's note: Proposition Number 41 was referred to the committee of the whole alongside the committee's report.]

(Editorial)

[e938500] [Editor's note: Proposition Number 73 was referred to the committee of the whole alongside the committee's report.]

(Editorial)

[e938502] [Editor's note: Proposition Number 75 was referred to the committee of the whole alongside the committee's report.]

(Editorial)

[e938567] Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Proposition Number 15 and respectfully recommends that Committee Substitute Proposition Number 15 be submitted therefore and that Committee Substitute Proposition Number 15 do pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938568] [Editor's Note: Substitution Proposition Number 15 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938571] [Editor's Note: Proposition Number 15 was referred to the Convention alongside the Committee's report and the substitution.]

(Editorial)

[e938576] Mr. President: Do you want the substitute read? Motion to have it printed is in order.

Mr. Cunniff: I move that it be referred to the Committee on Printing.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938582] Mr. Winsor: If Proposition Number 15 is recommended for indefinite postponement I cannot see how there can be any substitute for it. They can recommend a substitute for it, but they cannot recommend that one do not pass and the substitute for it do pass.

Secretary: It does not say what it is a substitute for. It should state it was a substitute for Proposition Number 15 recommended by the committee.

Mr. Winsor: The committee should recommend a substitute.

Mr. President: If there is no objection the secretary will make the correction [...]

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[*e938585*] Mr. President: If there is no objection the secretary will make the correction, and the proposition will be referred to the printing committee and the usual number of copies ordered printed. Hearing no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[*e938588*] Mr. President: If there is no objection the secretary will make the correction, and the proposition will be referred to the printing committee and the usual number of copies ordered printed. Hearing no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[*e938595*] Mr. Cunniff: Mr. President, I would like to make a remark. It would be of great assistance if when a committee makes a report the report state the reason why the committee indefinitely postpones a proposition, such as it being legislative, or not being sound, or whatever the reason may be, so we may have some guide when these reports come before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[*e938608*] [Editor's Note: Cunniff's remarks appear to have been received without comment.]

(Editorial)

[*e938610*] Mr. President: There are no other committee reports? Under our rules, Gentlemen, the convention will resolve itself into the committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[*e938613*] Mr. President: There are no other committee reports? Under our rules, Gentlemen, the convention will resolve itself into the committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[*e938614*] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[*e938901*] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[*e938905*] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[e938906] Mr. Tuthill: Mr. President, Your committee of the whole having had under consideration the report of the judiciary committee, Substitute Proposition Number 82 and the minority reports therewith, begs leave to report progress and leave to sit again.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[e938913] On motion of Mr. Tuthill, report of Committee of the Whole adopted.

(The Minutes of the Arizona Constitutional Convention, Page 171)

[e938914] Mr. President: If there is no objection, it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[e938916] Mr. Tuthill: I move we take a recess until 2 p.m.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[e938918] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

## 1.52 Monday, 14 November 1910, at 14:00 (s16087)

[e938232] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 323)

[e938233] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 323)

[e938234] The chair recognized the gentleman from Yuma, Mr. Winsor.

Mr. Winsor: Mr. President, I rise to a question of personal privilege, not in anger nor yet in sorrow, but with a heart full of gratitude. I have been visited most unexpectedly, despite the fact that for two weeks (and I know you all will bear me out in this) I have had practically nothing to say on the floor of this convention, despite that fact that in consideration of matters coming before this body I have contented myself for more than a fortnight with the modest and retiring "aye" or "nay," despite the fact that I have been both willing and eager to leave the sterner [sic] activities of our debates to those abler than myself, I find in a publication known as the "Democrat," published, I believe, somewhere in Arizona, and, Mr. President, I am told that it is published right here in Phoenix, I find the following:

“Mr. Winsor has done more talking and accomplished less than any other individual in the convention, and that is saying a heap. And it is to such pastmasters in the art of indulging in cheap talk that has made this convention the butt of ridicule in Arizona.”

Now, Mr. President, when I explain to you that my constituents in Yuma County sent me here, not only under the impression that I was incompetent, but that I was also absolutely lazy, you will understand why I feel so grateful over the statements contained in this publication. You will understand why I have sent large numbers of this paper home to prove to my constituents that I have at least been doing a lot of talking. I only regret that my ability as a “hot air artist” was not known some few days earlier. In that event I think I could have made a little easy money during our frequent adjournments, serving as a hot air balloon at the Fair Grounds.

This paper pays me further notice, Mr. President, and I find the following:

“Mr. Winsor of Yuma charges that the attitude of the ‘Democrat’ toward his kind of people is due to the influence of Mark Smith and Mr. Ellinwood.”

Now, Lord bless you, Mr. President, I want to absolutely disavow the possession of anything like so low an opinion of Mark Smith, who has so ably and so long represented us in Congress, or of the gentleman from Cochise, Mr. Ellinwood, whose ability and whose activities in this convention entitle him a dozen times over to the press notices that have been accorded to myself. (applause) It could not be, Mr. President, that I would lay to the door of Mr. Ellinwood and Mr. Smith responsibility for the ridiculous assertions the “Democrat” has indulged in with respect to this convention in the last few days, since I respect both their judgement and their intelligence.

It may or may not be, Mr. President, a matter of political history, one way or the other, it is a thing of the past, that in matters concerning the Democratic party and the people of Arizona I may have differed with Mr. Smith and Mr. Ellinwood, but, Mr. President, I could not hold them responsible for the undemocratic utterances, for the foolish utterances, for the childish utterances of this paper, for I have never held them to be either fools or knaves.

So far as I am concerned, Mr. President, I have no care in this matter one way or the other. To me it seems a compliment that anyone should be criticized by a publication guilty of the sort of utterances this one has indulged in during the past few days, but I deplore the fact that men elected upon a platform pledged to do certain things, and possessing the courage and the manliness to carry out these promises, should be for that very thing subjected to criticism from one that should be their friend. I do not think it is conducive to good government, Mr. President, that such things are permitted to exist.

We have heard it from the Republican platform, and from various sources (none of which were friendly, or are friendly, to my kind of people, if it please you) that if we carry out our promises we will not get statehood. We have heard these charges until I, for one, am sick of them, and I want to say, Mr. President, that no man craves for himself or his people the boon of statehood more than I. No man [according?] to his ability or opportunity, has labored more zealously, more earnestly, for its consummation than I. No man will rejoice more fervently the day our years of bondage shall be ended than I, but on the day Old Glory floats to the breeze, proclaiming to the world that Liberty has added another jewel to her peerless diadem, I want to know that that jewel,—our jewel,—is the equal in purity and lustre, if not in size, to any other diadem in

Liberty's crown. (applause) I want to know that the work of the cutter has left no flaw in this diamond of ours to take away its value, to mar its brilliance and beauty, to keep it from shining through the ages the harbinger of peace and contentment, prosperity and plenty; the vindication of the wisdom and patriotism of the framers of the Declaration of Independence, the exponent of that genuine Democratic principle—equal right for all, special privilege for none. (loud applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 323-324)

[e938235] Mr. Parsons: I desire to add just a word to what the gentleman from Yuma has said, although I am not, perhaps, in a position equal to that occupied by him as one who might initiate these remarks, and though I may be possibly accused of putting myself in the position of one subject to the application of that old proverb, "Fools rush in where angels fear to tread," yet, as I believe there are more fools than angels among us, I am going to rush in, and I want to say to you that I want to emphasize every word of the gentleman from Yuma, and call attention to the fact that he has been no more bitterly assailed than has every other member of this convention. In another issue of the paper than that from which he has quoted, I read these words, this paper that bears as its masthead the pennant on which is inscribed, "Arizona Democrat," and it says:

"Thank God, there never will be another gathering in Arizona like the present convention. One dose of this medicine will last this territory for all time."

I think every man within the sound of my voice has a right to say that his indignation is aroused by such an unwarranted statement as this. They have personally assailed Mr. Winsor untruthfully, and they have assailed the convention untruthfully, notwithstanding they have been accorded the privileges of the floor of this hall by the action of this convention, and it forty-one of us, who constitute the great working majority of this convention, have accorded that privilege to the press at large, I say we have a right to expect of a man, or of a corporation, or whatever it may be that controls the destination and policy of such a paper, that we receive at least decent treatment and I say the treatment accorded to us by this paper is indecent.

I regretted very much a few days ago to see a communication in one of the papers as to an assault that had been made upon a member of the minority of this convention, and I talked with my friends then of denying the source of that report the privileges of this floor, and I say now that a paper that pretends to be an unciator [sic, enunciator] of the principles of Democracy should not be permitted the privileges of this floor under such circumstances. (applause) They will probably say, "that is some of Parsons' hot air," but if they do I want to say a little from the other side. There is a Republican paper published in this town, and here is what it said on the same day that this article was printed in the "Democrat:"

"Members of the constitutional convention who are keeping their pledges to the people must be quietly laughing to themselves over the whining of the corporation satellites and the subsidized press. These gentry in their hearts have always been opposed to every measure which means the protection of the people."

Here is the milk in the cocoanut [sic]:

“Corporation tools are doing all in their power to befuddle the members of the constitutional convention, but so far without success.”

That is what the Gazette says. Compare that with what the paper that pretends to be an advocate of Democratic principles, and which do you think is the Democratic paper?

Gentlemen, I say to you that when men who have come here, who are known to have had simply an eye single to the performance of a duty that we hold to be sacred, that of carrying out the instructions of our constituents, when we know that nothing has occurred in the acts of this body to contradict in a single particular any effort on our part to do that, I say, when a paper that pretends to be a Democratic paper voices such miserable libels against the members of this convention, it should be deprived of the privileges of this floor. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 324-325)

[e938236] Mr. Cunningham regretted that his colleagues had entered upon a defense of their conduct against the charges of the Democrat. Said he: 'The right has grown up in this territory for newspapers to misquote, until now it has become a constitutional right, which we ought not to try to abridge.

(The Arizona Republican, November 15, 1910, page 1, column 2)

[e938238] [Editor's Note: The Convention received Winsor's comments and proceeded with the order of business.]

(Editorial)

[e938240] [Editor's Note: The Convention received Parson's comments and proceeded with the order of business.]

(Editorial)

[e938244] Mr. President: Gentlemen of the convention, the convention will now resolve itself into the committee of the whole on the question that was before it this morning, and the gentleman from Greenlee, Mr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938245] Mr. President: Gentlemen of the convention, the convention will now resolve itself into the committee of the whole on the question that was before it this morning, and the gentleman from Greenlee, Mr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938246] [Editor's Note: This portion of the record is modelled in the Committee of the Whole.]

(Editorial)

[e938693] Mr. President: The convention will please come to order. I would like for the members to give their attention while the chairman of the committee of the whole renders his report.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938695] Mr. President: The convention will please come to order. I would like for the members to give their attention while the chairman of the committee of the whole renders his report.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938698] Mr. Tuthill: "Mr. President. Your committee of the whole begs leave to report it has had under consideration Proposition Numbers 82, and 140, and respectfully recommends that Proposition Number 140 and the amendments thereto be referred to committee on legislative department, distribution of powers and apportionment, and to report progress on Proposition Number 82 and begs leave to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938699] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938703] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e938716] [Editor's note: The Convention considered the Committee of the Whole's recommendation on Proposition Number 140.]

(Editorial)

[e938718] On motion of Mr. Tuthill recommendation on Proposition No. 140 adopted and Proposition No. 140 referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938720] On motion of Mr. Tuthill recommendation on Proposition No. 140 adopted and Proposition No. 140 referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938722] [Editor's note: The Convention considered the Committee of the Whole's recommendation on Proposition Number 82.]

(Editorial)

[e938727] On motion of Mr. Tuthill report on Proposition No. 82 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938729] On motion of Mr. Tuthill report on Proposition No. 82 adopted.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938732] Mr. Jones of Maricopa moved, seconded by Mr. Osborn, to take a recess until 7:30 p. m.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938742] Lost by the following vote:

Ayes—Cassidy, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Curtis, Feeney, Goldwater, Ingraham, Jones, A.M., Jones, F. A., Kinney, Orme, Osborn, Short, Simms, Mit, Standage, Weinberger, Winsor, Wood, Mr. President.

Total 23.

Nays—Bolan, Bradner, Colter, Cooper, Doe, Ellinwood, Franklin, Hutchinson, Keegan, Kingan, Langdon, Lovin, Lynch, Morgan, Parsons, Pusch, Roberts, Scott, Sims, R. B., Tuthill, White, Well, Wills. Total 23.

Absent—Baker, Cobb, Moeur, Moore, Tovrea, Webb.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 174-175)

[e938745] Mr. Parsons: Mr. President, I move the convention adjourn until tomorrow morning at 9:30 o'clock.

Mr. Ellinwood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938747] The motion prevailed.

Convention adjourned to 9:30 a.m., November 15, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

## 1.53 Tuesday, 15 November 1910, at 09:30 (s16088)

[e938237] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938239] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938248] Roll call as follows:

Present—Baker, Bolan, Bradner, Coker, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Feeney, Goldwater, Ingraham, Jones, A. M., Jones, F. A., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Scott, Short, Sims, R. B., Simms, Mit., Tovrea, Tuthill, Webb, Weinberger, White, Wills, Wood, Mr. President.

Absent—Cassidy, Cobb, Colter, Ellinwood, Franklin, Hutchinson. Roberts, Standage, Wells, Winsor.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938249] Mr. President: The convention will arise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938250] Reverend Crutchfield: Lord, Thou shalt hear our voices ascending high, to Thee we direct our prayers, to Thee lift up our eye[s]. We lift up our eyes to Thy holy hill from whence cometh our help, for our help cometh from God. All nature this morning rejoices, the trees, the singing birds and the lowing herds are all lifting their voices in praise to God this morning, and we ought, every one of us, to lift our voices in supplication to the God of our salvation this morning and return thanks for our preservation through the night and pray for a continuation of thy mercies over us today. We want to have health and we have it and enjoy it this morning which we thank God. We want these men to be strong in mind and body so that they shall be strong in all that they have to do and do the work gladly and cheerfully and willingly so that our fellow citizens may be blest by what they do, and so send a blessing upon every one of these men in their work. They have toils and cares that some of us do not understand. They need the spirit of God to lead them. Oh Lord, forbid that any one man in this convention should take his cause out of Thy hands and undertake to run this business without the assistance of God. Assist every man in his work so that he shall do it to the great good of our fellow citizens. This morning we all need Thy presence, we need all of us this morning to humbly bow our heads and pray: Our Father Who are in Heaven, hallowed be Thy name; Thy Kingdom come, Thy will be done, on earth as it is in Heaven; Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us; Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power and the glory forever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938254] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938255] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[e938257] The sergeant at arms announced that Mr. Colter, Mr. Ellinwood, Mr. Franklin, Mr. Hutchinson, Mr. Wells, Mr. Winsor had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938259*] Petition from residents of Mohave County, Arizona, read and referred to Committee on Suffrage and Electoin [sic].

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938260*] Petition from residents of Mohave County, Arizona, read and referred to Committee on Suffrage and Electoin [sic].

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938273*] Telegram from George A. Olney of Safford, Arizona, read and referred to Committee on Railroads.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938274*] Telegram from George A. Olney of Safford, Arizona, read and referred to Committee on Railroads.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938298*] Mr. Sims of Cochise, Chairman of Committee on Counties and Municipalities, made the following report: Phoenix, Arizona, November 15, 1910. Mr. President: Your Committee on Counties and Municipalities begs leave to report it has examined Proposition Number 146 and 133 and respectfully recommends that said Proposition be referred to Committee on Legislative Department, Distribution of Powers and Apportionment. R. B. Sims, Chairman We concur: A.A. Moore, Thos. Feeny, A.C. Baker.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938300*] [Editor's Note: Proposition Number 133 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e938302*] [Editor's Note: Proposition Number 146 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e938304*] Propositions Nos. 146 and 133 were referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938307*] Propositions Nos. 146 and 133 were referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938309*] Propositions Nos. 146 and 133 were referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938318] Mr. Short, Chairman of Committee on Printing and Clerks, reported that Substitute Proposition No. 33 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938320] [Editor's Note: Substitute Proposition Number 33 comes up for consideration in the Committee of the Whole on November 15, so the editors have inferred that the document and the associated proposition and report are referred to the Committee of the Whole here.]

(Editorial)

[e938321] [Editor's Note: Substitute Proposition Number 33 comes up for consideration in the Committee of the Whole on November 15, so the editors have inferred that the document and the associated proposition and report are referred to the Committee of the Whole here.]

(Editorial)

[e948373] [Editor's Note: Substitute Proposition Number 33 comes up for consideration in the Committee of the Whole on November 15, so the editors have inferred that the document and the associated proposition and report are referred to the Committee of the Whole here.]

(Editorial)

[e938326] Mr: President: Committee of the whole. The convention will now resolve itself into the committee of the whole for consideration of Proposition Number 82. The gentleman from Greenlee, Mr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938328] Mr: President: Committee of the whole. The convention will now resolve itself into the committee of the whole for consideration of Proposition Number 82. The gentleman from Greenlee, Mr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938332] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e938649] Mr: President: The convention will come to order. The gentleman will Greenlee, Mr. Tuthill

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938651] Mr: President: The convention will come to order. The gentleman will Greenlee, Mr. Tuthill

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938654] Mr. Tuthill: “Mr. President, your committee of the whole, having had under consideration Proposition Number 82 and substitutes, reports progress, and begs leave to sit again.”

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938664] On motion of Mr. Tuthill report of Committee of the Whole was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 180)

[e938669] Mr. President: All those in favor of adopting the report of the committee of the whole answer “aye;” those opposed “no.” The “ayes” have it, and the report will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938686] The sergeant at arms announced that Mr. Cobb, Mr. Standage and Mr. Cassidy had taken their seats during the session.

(The Minutes of the Arizona Constitutional Convention, Page 180)

[e938689] Mr. Parsons: I move [we] take a recess until 2 o'clock  
Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
356-357)

[e938692] The motion prevailed.  
Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

## 1.54 Tuesday, 15 November 1910, at 14:00 (s16100)

[e938721] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938724] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938728] Invitation of the Maricopa County Medical Society to the members of the Convention to attend the lecture of Dr. J.H. McCormach, read.

(The Minutes of the Arizona Constitutional Convention, Page 181)

[e938731] [Editor’s Note: The invitation was received.]

(Editorial)

[e938734] Mr. President: The convention will come to order. A quorum is present. The convention will now resolve itself into a committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938736] Mr. President: The convention will come to order. A quorum is present. The convention will now resolve itself into a committee of the whole, and the gentleman from Greenlee, Dr. Tuthill, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e939632] Mr. Tuthill: "Mr. President: Your committee of the whole begs leave to report it has had under consideration substitute Proposition Number 82, and respectfully recommends that it be adopted as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939634] [Editor's Note: Substitute Proposition Number 82 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939635] [Editor's Note: Substitute Proposition Number 82 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939636] [Editor's Note: Minority Substitute Proposition Number 82 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939638] [Editor's Note: The majority report from the Committee on Judiciary on Proposition Number 82 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939640] Mr. Tuthill: "Mr. President: Your committee of the whole begs leave to report it has had under consideration substitute Proposition Number 82, and respectfully recommends that it be adopted as amended." I move the report be adopted.

Mr. Winsor: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939641] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939642] Mr. President: Shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939643] Mr. Winsor: I move you that in addition to the regular duties of the committee on style, revision and compilation that it provide for superior courts for Navajo, Coconino and Apache counties at a salary of \ \$3,500.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939644] Mr. President: If there is no objection, that will be considered as passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939645] Mr. Weinberger: I move we take a recess until 7:30 o'clock this evening.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939646] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

## 1.55 Tuesday, 15 November 1910, at 19:30 (s16104)

[e938766] Convention called to order by the President; quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 185)

[e938769] Convention called to order by the President; quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 185)

[e938771] Mr. President: Gentlemen of the convention, we have for consideration several propositions, and if there is no objection the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Jones, in the chair.

(Editorial)

[e938773] Mr. President: Gentlemen of the convention, we have for consideration several propositions, and if there is no objection the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Jones, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e938776] Mr. Goldwater moved, seconded by Mr. Roberts that the Convention stand at recess until 8:30

(The Minutes of the Arizona Constitutional Convention, Page 185)

[e938778] Mr. Goldwater moved, seconded by Mr. Roberts that the Convention stand at recess until 8:30; lost.

(The Minutes of the Arizona Constitutional Convention, Page 185)

[e938781] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e938784] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e938790] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939304] Mr. Jones (Maricopa): "Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition Number 33, and recommends that it be adopted as amended, with the exception of section 7, which is to be referred to the committee on legislative department."

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e948383] [Editor's Note: Report from the Committee on Executive on Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939305] [Editor's Note: Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939307] [Editor's Note: Substitute Proposition Number 33 as amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939308] [Editor's Note: Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939310] [Editor's Note: Substitute Proposition Number 33, Section 7 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939313] Mr. Cunniff: I move the adoption of the report.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939314] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939650] Mr. Ingraham: I move we adjourn to the usual time tomorrow morning.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939651] The motion prevailed.

Convention adjourned to 9:30 a.m., November 16, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

## 1.56 Wednesday, 16 November 1910, at 09:30 (s16107)

[e938941] Mr. President: The convention will come to order and the secretary will omit the roll call. There is a quorum present, but there seems to be so many absent we will wait until after prayer to call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938945] Mr. President: The convention will come to order and the secretary will omit the roll call. There is a quorum present, but there seems to be so many absent we will wait until after prayer to call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938948] Mr. President: [...] The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938951] Reverend Crutchfield: We thank Thee our kind and gracious heavenly Father that we have been permitted to meet again this morning upon a new and beautiful day after the earth has been refreshed by the showers from heaven and for the good of this country. [sic] We thank Thee that Thou hast brought us forth this day in peace and happiness and in health to perform the duties and we ask that Thou wouldst guide the minds of these men to enact measures that will be only for the good of the State. Grant that they may have harmony and peace in their ranks and that they continue to make progress and that their labor may be finished within the time that they are so desirous of finishing them. Cause that they may have the love of God and of men continually in their hearts and that they may not falter one inch. Neither turn to the left or the right but continue in the straight and narrow way which leads all good men to the place of safety and brings them before their Maker. Lead us Oh Lord in all the walks of life and leave us not alone for we are weak and erring but Thou alone art able and we place our hands in Thine for help and for guidance in every act of our lives and we pray Thee Oh Lord to have mercy upon us and save us from evil and direct us to do good and save us in Thy kingdom above when we have finished our journey below, and all blessings we ask of Thee in the name of Thine only Begotten, Son, our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938955] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938957] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938964] Mr President: The secretary will now call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e939005] Mr. President: Reports of Standing Committees.

Secretary (reading): "Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition Number 85 and respectfully recommends that it be referred to the legislative committee. J.J. Keegan, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e939009] [Editor's Note: Proposition Number 85 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939013] Mr. President: If there are no objections the report will be received and referred to the committee on legislation.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e939020] Mr. President: If there are no objections the report will be received and referred to the committee on legislation.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e939054] Mr. Webb: Mr. President, I rise to a point of personal privilege, speaking not in anger, but in disgust.

Thirty years ago, Mr. President, as a smooth faced boy, I came to Arizona. I enjoyed but little schooling, whatever the advancement I may have made has come to me through opportunities like the present, of associating with whom it has done me good to know.

Almost my entire life having been spent in the work of pioneering in Arizona, I may perchance, have pertaken [sic, partaken] somewhat of the roughness of Arizona's mountain peaks, therefore owing to this life association, I feel sure that I am not particularly thin-skinned, that I am not over sensitive, and if any member of this convention sees fit to make me the butt of this attempted witticisms I shall make no protest; if the representatives of the press, from their point of vantage in the gallery, fancy they see more sore spots on my head than upon any other part of my anatomy, then, Mr. President, I invite them to make the most of it and freely promise that I shall consider the source and take it good

naturedly. But when, through some act of mine, my friends receive undeserved ridicule or harsh criticism, Mr. President, I do resent it.

Yesterday the Graham County delegation received a telegram from a distinguished citizen of Safford in which complaint was made against certain practices of the railroads in matters relating to the shipment of stock, and asking that a clause be put in our constitution protecting future shippers from the same abuse. After consultation with Mr. Jones, the chairman of the committee on railroads, and acting on his suggestion, this telegram was read to the convention and referred to the railroad committee, at which time a member of this convention saw fit to make some sarcastic remarks, but against him I hold no resentment as I feel sure a misapprehension of the facts led him into the error, but I find upon my desk this morning a paper published in this city in which almost a column is devoted to attempted witticism at the expense of the author of this telegram, and the members of this convention.

Now Mr. President, I want to say that writer of that message, George A. Olney, of Safford, is my friend, and I am honored by his friendship. In intellect, in brain power, in good citizenship, in all that goes to make a manly man, George A. Olney towers head and shoulders above the common herd and the manly appeal he makes to you, Mr. President, and to you gentlemen of this convention, is deserving of, and ought certainly to receive courteous treatment and your careful consideration.

I appeal to my friends, Mr. Wills of Pinal, Mr. Colter of Apache, Mr. Pusch of Pima, to bear me out when I say that only a cattle man can possibly know how unjust and unbearable a condition it is to reach a railroad station, as in this case, with thirteen hundred head of steers, expecting to find cars which have been ordered for twenty days, only to find on [sic, no] cars are ready and will be eight or ten days longer; no feed for cattle, storming all the time, cattle stampeding every night, some dying daily, others being killed in the nightly runs, and the expense of holding them fifty to one hundred dollars a day, all due to the negligence of a railroad company, and no possible redress under the law for the owner of the cattle. Mr. President, is it not fitting, is it not timely that this specific, living example of injustice should be called to the attention of this convention that such abuses may not be perpetuated in the state of Arizona?

In conclusion, Mr. President, I want to say that I believe in the honesty, the sincerity, and the wisdom of the members of this convention, and I believe that the result of our efforts here will be the adoption of a constitution that will as nearly as may be, at least, furnish a legal remedy or every wrong. A constitution that will make our state government, in all its branches, local and general, honest, intelligent, and descent, lifting it up and making it an object lesson to the whole nation.

(The Records of the Arizona Constitutional Convention of 1910, Pages 391-393)

[e939061] Mr. Cunniff: I would just like to explain, as a member of the railroad committee, that when any matter of this kind comes up we make a note of it and try to keep it before us in order that it will have consideration before the committee. I have made a paragraph note of this matter. I think that it will covered by the committee in its regular order.

Mr. Jones (Maricopa): I would like to call the secretary's attention that the telegram from Mr. Olney has not yet been referred to the committee on

railroads. We desire to write to the man who sent the telegram with regard to the same and it is still our intention to do so. As chairman of that committee I will say that I think that the gentleman has a right in bringing this matter before the convention and it should be given consideration. I would also state that with regard to what the press has to say upon such questions, we should take into consideration the source, however, I would explain that the editor of this paper is a former railroad commissioner and would naturally feel touch on the matter of railroads, but it is the duty of the railroad committee to give a special attention to such matters, and it is our intention to do so regardless of what the press or any former commissioner may say.

Mr. Short: Mr. President, I have been in the same position as the gentleman from Graham. I have experienced the same inconveniences as he has in shipping cattle and know every condition that he has met, but I did not think that this was the place for such matter to be referred. I knew it was impossible for this convention to give such an order and when I made the motion that the cars be furnished I did so in a spirit of fun and did not know that the convention would take any action on the matter. I did not make any remarks that were intended for criticism or ridicule.

Mr. Webb: Mr. President, I repeat that I acquit the gentleman from Yuma, from the fact that I think he was laboring under a misapprehension of the facts. The telegram was sent and presented so that something might be done in this convention to provide protection to the businessmen of this territory who are deserving of such a measure to protect their interests from the outrages.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939069] [Editor's Note: The Convention allowed and discussed Webb's point of personal privilege.]

(Editorial)

[e939074] Mr. President: Gentlemen, the convention will now resolve itself into the committee of the whole, for the consideration of matters that may come up, and the gentleman from Yavapai, Mr. Wood, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939077] Mr. President: Gentlemen, the convention will now resolve itself into the committee of the whole, for the consideration of matters that may come up, and the gentleman from Yavapai, Mr. Wood, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939082] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e939402] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939403] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939406] Mr. Wood: Mr. President, your committee of the whole having had under consideration Proposition Number 80, Number 139 and Number 144 begs leave to report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939412] Mr. President: Take them up one at a time. If there are no objections the report of the committee of the whole will be accepted and adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939407] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e939416] Mr. President: [...] Proposition Number 80. What is your recommendation?

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939417] [Editor's Note: The Report from the Committee on Executive on Proposition Number 80 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939427] Mr. Wood: We recommend that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939432] Mr. President: Those in favor will answer "aye;" those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939433] Mr. President: Those in favor will answer "aye;" those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939436] [Editor's Note: By adopting the Committee of the Whole recommendation to indefinitely postpone the proposition, the Convention agrees to the report of the Committee on Executive.]

(Editorial)

[e939438] Mr. Wood: That the minority report on Proposition 139, as amended, be substituted for the majority report, and we recommend that it be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939441] [Editor's Note: The Minority Report on Proposition Number 139 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939442] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 139 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939446] Mr. Wood: That the minority report on Proposition 139, as amended, be substituted for the majority report, and we recommend that it be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939448] Mr. President: Gentlemen of the convention, those in favor of adopting the minority report, as amended, and recommending that it be passed, will answer "aye;" contrary "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939455] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopts the suggested amendments to Proposition Number 139.]

(Editorial)

[e939461] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopts the suggested amendments to Proposition Number 139.]

(Editorial)

[e939469] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopts the minority report.]

(Editorial)

[e939464] [Editor's Note: By adopting the minority report, the majority report is dropped in tandem.]

(Editorial)

[e939467] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910)

[e939477] Mr. Wood: That Proposition Number 144 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939479] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 144 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939482] Mr. Wood: That Proposition Number 144 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939483] Mr. President: Those in favor of the indefinite postponement of Proposition Number 144 will answer "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939484] Mr. President: Those in favor of the indefinite postponement of Proposition Number 144 will answer "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939486] [Editor's Note: By adopting the Committee of the Whole recommendation to indefinitely postpone the proposition, the Convention agrees to the report of the Committee on Judiciary.]

(Editorial)

[e948368] [Editor's Note: Once the Convention finished considering the report from the Committee of the Whole, it was implicitly adopted.]

(Editorial)

[e939488] Mr. Goldwater: If there is no objection we will refer back to reports of standing committees. The committee on ordinance has a report to make.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939490] Mr. President: If there is no objection, we will refer back to reports of standing committees. The committee on ordinances has a report to make. If there is no objection the report will be received, and will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939656] Mr. Goldwater, Chairman of Committee on Ordinance, made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Ordinance begs leave to report it has considered Propositions Nos. 112, 3, 121, 124, and as the substance of the same is incorporated in Proposition No. 119 it recommends indefinite postponement of Propositions Nos. 112, 3, 121, 124. Your Committee also returns Proposition No. 119 and

has attached thereto several amendments and recommends that the amendments be adopted and that as amended the proposition be ordered engrossed and have a third reading.

MORRIS GOLDWATER,  
Chairman.

We concur: C.C. Hutchinson, Jas. E. Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 193)

[e939657] [Editor's Note: Proposition Number 112 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939658] [Editor's Note: Proposition Number 3 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939659] [Editor's Note: Proposition Number 121 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939660] [Editor's Note: Proposition Number 124 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939662] Propositions Nos. 112, 3, 121, and 124 referred to Committee of the Whole for Nov. 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[e939663] Propositions Nos. 112, 3, 121, and 124 referred to Committee of the Whole for Nov. 17, 1910.

(Editorial)

[e939664] Propositions Nos. 112, 3, 121, and 124 referred to Committee of the Whole for Nov. 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[e939666] Propositions Nos. 112, 3, 121, and 124 referred to Committee of the Whole for Nov. 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[e939667] Propositions Nos. 112, 3, 121, and 124 referred to Committee of the Whole for Nov. 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[*e939661*] Mr. Goldwater, Chairman of Committee on Ordinance, made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Ordinance begs leave to report the following Proposition No. 119 entitled Ordinance and recommends that the same be adopted.

MORRIS GOLDWATER,  
Chairman.

I concur: C.C. Hutchinson.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[*e939668*] Proposition No. 119 referred to Committee of the Whole, November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[*e939669*] [Editor's Note: Proposition Number 119 was referred to the Committee of the Whole on October 31. As Proposition Number 19 was postponed until Proposition Number 119 was before the Committee of the Whole, Proposition Number 19 is referred to the Committee of the Whole at this point, alongside the Committee on Ordinance Report on Proposition Number 119.]

(Editorial)

[*e939671*] [Editor's Note: Proposition Number 119 was referred to the Committee of the Whole on October 31. As Proposition Number 19 was postponed until Proposition Number 119 was before the Committee of the Whole, the Committee on Ordinance Report on Proposition Number 19 is referred to the Committee of the Whole at this point, alongside the Committee on Ordinance Report on Proposition Number 119.]

(Editorial)

[*e939672*] Mr. Winsor: I move the convention stand at recess until 2 p.m.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 405)

[*e939673*] The motion prevailed.

Convention stood recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 405)

## **1.57 Wednesday, 16 November 1910, at 14:00 (s16108)**

[*e938973*] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 405)

[e938977] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 405)

[e939050] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition No. 106 and recommends that the Proposition herewith substituted be substituted for Proposition No. 106 and that Substituted Proposition be adopted.

J.J. KEEGAN,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 193-194)

[e939051] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition No. 106 and recommends that the Proposition herewith substituted be substituted for Proposition No. 106 and that Substituted Proposition be adopted.

J.J. KEEGAN,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 193-194)

[e939055] [Editor's Note: Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939058] [Substitute] Proposition No. 106 referred to Committee on Printing and Clerks and 500 copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 194)

[e939062] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910. Mr. President: Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 10 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 11 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 59 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 65 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 83 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 122 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 147 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 126 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106. J.J. KEEGAN, Chairman

(The Minutes of the Arizona Constitutional Convention, Page 194)

[e939064] [Editor's Note: Proposition Number 10 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939066] [Editor's Note: Proposition Number 11 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939070] [Editor's Note: Proposition Number 59 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939073] [Editor's Note: Proposition Number 65 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939076] [Editor's Note: Proposition Number 83 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939079] [Editor's Note: Proposition Number 122 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939083] [Editor's Note: Proposition Number 147 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939084] [Editor's Note: Proposition Number 126 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939086] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation, made the following report:

[...]

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation, beg leave to report that it has examined Proposition Number 56 and respectfully recommends that the further consideration of the same be indefinitely postponed.

J.J. KEEGAN,

Chairman.

We concur: Sidney P. Osborn, Orrin P. Standage, W.T. Webb, Jas. C. White, Henry Lovin, A.A. Moore, H.R. Wood, George Pusch, James Scott, Thos. N. Wills.

(The Minutes of the Arizona Constitutional Convention, Page 195)

[e939088] Phoenix, Arizona, November 16, 1910.

Mr. President:

The undersigned a minority of your Committee on Public, Debt, Revenue and Taxation begs leave to report they have examined Proposition No. 56 and respectfully recommend that same do pass.

E. E. ELLINWOOD,

C.M ROBERTS.

(The Minutes of the Arizona Constitutional Convention, Page 195)

[e939092] [Editor's Note: Proposition Number 56 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939099] Mr. Keegan: Mr. President, I move that all these be laid over to come before the committee of the whole when the presented is returned. The propositions are as follows: Numbers 10, 11, 56, 59, 65, 83, 106, 122, 126 and 147.

Mr. Osborn: I second that motion.

[Editor's Note: The Committee of the Whole considered the report from the Committee on Public Debt, Revenue and Taxation alongside the propositions. For this reason, the editors have referred the report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 406)

[e939104] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 406-407)

[*e939106*] Mr. President: Gentlemen, we have several bills to come up before the committee of the whole, if there are no objections the convention will resolve itself into the committee of the whole and the gentleman from Cochise county, Mr. Bradner, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[*e939108*] Mr. President: Gentlemen, we have several bills to come up before the committee of the whole, if there are no objections the convention will resolve itself into the committee of the whole and the gentleman from Cochise county, Mr. Bradner, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[*e939110*] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[*e939705*] Mr. President: The convention will come to order. The gentleman from Cochise, Mr. Bradner, will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[*e939706*] Mr. President: The convention will come to order. The gentleman from Cochise, Mr. Bradner, will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[*e939709*] Mr. Bradner: "Mr. President: Your committee of the whole begs leave to report Propositions 44, 73, 41, and 75 have been examined, and respectfully recommends that Proposition Number 75 be indefinitely postponed and that consideration of Propositions Number 44, 73 and 41 be deferred until the report of the committee on education and public institutions is before the committee of the whole."

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[*e939711*] [Editor's Note: Proposition Number 75 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939714*] Mr. Bradner: Mr. President, I move that the recommendation of the report on Proposition Number 75, that it be indefinitely postponed, be adopted, and that the recommendations on Propositions Number 73, 44 and 41 be deferred until the report of the committee on education and public institutions be adopted.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939717] Mr. President: It has been moved and seconded that the recommendations of the committee of the whole on Proposition Number 75 that it be indefinitely postponed and that Propositions Number 73, 44 and 41 be postponed until there is a report of the committee on education before the committee of the whole. Those in favor of adopting the report will answer "aye;" those opposed "nay." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939334] Mr. President: If there are no objections we will refer back to the reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 16, 1910. Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition Number 27, and respectfully recommends that said Proposition Number 27, relating to suffrage be not adopted. Thomas N. Wills, Chairman. We concur: J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939335] Secretary (reading): [...]

"Phoenix, Arizona, November 16, 1910. Mr. President: We a minority of your committee on matters for separate submission beg leave to report we have examined Proposition Number 27, and respectfully recommend that said Proposition Number 27, relating to suffrage be adopted. W.T. Webb, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939338] [Editor's Note: Proposition Number 27 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939340] Mr. President: The majority and minority reports on Proposition Number 27 will come up before the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939341] Mr. President: The majority and minority reports on Proposition Number 27 will come up before the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939343] Proposition No. 27 referred to Committee of the Whole for November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 196)

[e939345] Secretary (reading): "Phoenix, Arizona, November 16, 1910. Mr. President: Your committee on matters for separate submission begs leave to report that we have examined Proposition Number 26 and respectfully recommend that said Proposition Number 26, relating to state wide prohibition be not adopted. Thomas N. Wills, Chairman. We concur: J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939347] "Phoenix, Arizona, November 16, 1910. Mr. President: We a minority of your committee on matters for separate submission beg leave to report we have examined Proposition Number 26 and respectfully recommend that Proposition Number 26, relative to state wide prohibition be adopted. W.T. Webb, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939349] [Editor's Note: Proposition Number 26 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939350] Mr. President: If there are no objections, the majority and minority reports will be received and will come tomorrow before the committee of the whole in their regular order on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939351] Mr. President: If there are no objections, the majority and minority reports will be received and will come tomorrow before the committee of the whole in their regular order on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939352] Proposition No. 26 referred to Committee of the Whole for November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 197)

[e940186] Secretary (reading): "Report of Committee on Education on Proposition Number 44."

Mr. President: In its regular course it will come up tomorrow. Other business of the convention?

[Editor's Note: The Secretary mistakenly read out the Report from the Committee on Education on Proposition Number 44. This report, however, had been referred to the Committee of the Whole along with the proposition on November 16 and had not yet been returned.]

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939719] Mr. Cunningham: I now move that the convention adjourn until tomorrow morning at 9:30 o'clock.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939721] The motion prevailed.

Convention stood adjourned to 9:30 a.m., November 17, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 409-410)

**1.58 Thursday, 17 November 1910, at 09:30 (s16117)**

[e939158] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939159] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939165] Roll call as follows:

Present—Baker, Bradner, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunningham, Curtis, Goldwater, Hutchinson, Ingraham, Jones, A. M., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moore, Morgan, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit., Standage, Tovrea, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President.

Absent—Bolan, Cassidy, Cunniff, Elinwood, Feeney, Franklin, Jones, F. A., Orme, Osborn, Tuthill.

Excused—Doe, Jacome, Moeur, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939166] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939168] Reverend Crutchfield: Our gracious, heavenly Father we thank Thee for the rest of the past night and that we have been permitted to rise in health and strength for the labors of a new day. We thank Thee that none of these men are sick or in ill health and that they are present this morning to begin the labors of a new day. Now Oh Lord a new day is upon us and we would non of us undertake these duties until we have placed our hands in Thine and said, Oh Lord hold Thou our hands and leads us in the right path. Some men may have objections to some measures and things that are really for the best good of this work[;] now Oh Lord bless these men with wisdom and knowledge as to which course to pursue, for all the eyes of the people are looking this way. The people of this Territory, the people of the Nation, are looking this way. The politicians, the Democrats, the Republicans are looking this way. The Populists, and the Prohibitionists, and the suffragists are looking this way, and the anti-Prohibitionists and the anti-suffragists are looking this way too. Now Oh Lord grant that these men may no[t] commit any acts that they would be ashamed for these people whose eyes are turned this way to see and for the children and the grandchildren of these men that they might not be ashamed to read the acts of their father in years to come. Cause that freedom of non shall be abridged nor the rights of non be forgotten, but that all people shall be given their freedoms and rights and that all acts done in this Convention shall be recorded for the food of this State and Nation and now Oh Lord once again we ask Thee to take our hands this day and we in one harmonious voice do say: Our Father who art in Heaven, hallowed be Thy name. Thy kingdom

come, They will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and suffer us not to be led into temptation but deliver us from evil, for thine is the Kingdom, and the power and the Glory, forever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939171] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939174] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 410)

[e939181] The sergeant at arms announced that Mr. Bolan, Mr. Cassidy, Mr. Colter, Mr. Feeney, Mr. F. A. Jones, Mr. Moeur, Mr. Osborn, Mr. Orme, Mr. Franklin and Mr. Tuthill had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939186] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939189] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939192] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939193] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939195] Mr President: Gentlemen of the convention, the convention will now resolve itself into the committee of the whole and the chair desires to honor another of its native sons, by approaching Mr. Colter of Apache county to act as chairman of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
410-411)

[e939197] Mr President: Gentlemen of the convention, the convention will now resolve itself into the committee of the whole and the chair desires to honor another of its native sons, by approaching Mr. Colter of Apache county to act as chairman of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
410-411)

[e939198] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e939202] The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Apache, Mr. Colter.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939203] Mr. President: The convention will come to order. The chair will recognize the gentleman from Apache, Mr. Colter.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939468] Mr. Colter: "Mr. President: Your committee of the whole begs leave to report it has examined Propositions Number 26 and Number 27, and respectfully recommends that Proposition Number 26 do not pass, and that Proposition Number 27 do not pass, and your committee begs leave to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939470] [Editor's Note: Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939472] [Editor's Note: The Report from the Committee on Matters for Separate Submission on Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939473] [Editor's Note: The Minority Report from the Committee on Matters for Separate Submission on Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939471] [Editor's Note: Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939474] [Editor's Note: The Report from the Committee on Matters for Separate Submission on Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939475] [Editor's Note: The Minority Report from the Committee on Matters for Separate Submission on Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939481] Mr. Cunniff: I move that the report of the committee of the whole and the recommendation of the committee be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939485] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939487] Mr. President: Gentlemen, what is your pleasure with Proposition Number 26?

Mr. Cunningham: I move that Proposition Number 26 be indefinitely postponed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939491] Mr. President: The secretary will call the roll.

Roll call showed 33 "ayes" and 15 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939493] Mr. Cunningham: I move that the convention indefinitely postpone Proposition Number 27.

Mr. Lovin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939494] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939710] Mr. Sims: The committee on counties and municipalities desires to make a report.

Mr. President: If there is no objection, we will revert back to the head of reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 17, 1910. Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition Number 52 and respectfully recommends that the proposition herewith submitted be substituted for said Proposition 52, and that said Substitute Proposition Number 52 be adopted, and the original Proposition Number 52 be indefinitely postponed. R.B. Sims, Chairman. We concur: Thos. Feeney, A.A. Moore, Fred T. Colter, A.C. Baker."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939712] [Editor's Note: Substitute Proposition Number 52 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939713] [Editor's Note: Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939732] "Phoenix, Arizona, November 17, 1910. Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition Number 40 and respectfully recommends that the proposition herewith submitted by the committee on counties and municipalities known as committee Substitute Number 40 be substituted for said Proposition Number 40, and that said original be postponed. R.B. Sims, Chairman. We concur: Thos. Feeney, A.A. Moore, Fred T. Colter, A.C. Baker."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939734] [Editor's Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939737] [Editor's Note: Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939743] Mr. Cunningham: I would like to move that the substitute proposition only be referred to the printing committee and 500 copies ordered printed.  
[Editor's Note: The minutes record Mr. Sims as the proposer.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 420-421)

[e939745] Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939748] Mr. Short: I would like to ask if this Substitute Number 52 differs very much from the original?

Mr. Sims: Not at all.

Mr. Short: I would like to inquire of the gentleman from Cochise why the committee then did not recommend the original proposition.

Mr. Sims: The original Proposition Number 52 does not cover all that the substitute does.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939751] Mr. Roberts: I request that it be printed.

[Editor's Note: The Minutes record Mr. Sims as the proposer.]

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939753] Mr. President: The gentleman from Cochise, Mr. Roberts, makes the request that it be printed, and if there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939760] Mr. President: [...] Gentlemen, what is your pleasure? This finishes the order of business.

Mr. Lovin: I move we take a recess until 2 o'clock.

Mr. Feeny: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939763] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

## 1.59 Thursday, 17 November 1910, at 14:00 (s16122)

[e939329] Mr. President: The convention will come to order, a quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939330] Mr. President: The convention will come to order, a quorum is present. Petitions, memorials and remonstrances.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939331] Secretary (reading): "Tucson, Arizona, November 16, 1910. To the Honorable Constitutional Convention of the Territory of Arizona. We, the undersigned, residents and taxpayers in Pima county, Arizona Territory, do hereby respectfully petition your honorable body to provide, in the constitution for the new State of Arizona, that a joint commission form of government may be adopted for both the counties and the cities thereof, so that one commission can govern both the counties and the cities within such counties; and that nothing be incorporated in the constitution which will prohibit the passage of laws by the legislature, or by the people, providing that counties and cities may be governed by the same commissioners; or may be consolidated so as to have one government for both. Respectfully yours, V.F. Griffith and 250 others.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939332] Mr. President: I will ask the gentleman from Pima, Mr. Cooper, what committee he wants this referred to.

Mr. Cooper: The committee on counties and municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939333] Mr. President: It will be so referred. Committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939342] Mr. Webb: Mr. President: Before proceeding further, I desire to say that while I regret to resort to so severe a measure, there are some members absent whose presence I very much desire this afternoon. I therefore am forced to demand a call of the house at this time.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
421-422)

[e939344] Roll call showed the following present:

(The Minutes of the Arizona Constitutional Convention, Page 201)

[e939346] Roll call showed the following present:

Present—Bolan, Bradner, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jones, A. M., Jones, F. A. Keegan, Kinney, Langdon, Lovin, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Sims, R. B., Simms, Mit., Standage, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President.

Absent—Baker, Cassidy, Kingan, Lynch, Short, Tovrea, Tuthill.

Excused—Doe, Jacome, Wills.

During the call of the House Mr. Baker, Mr. Kingan and Mr. Short entered.

The sergeant at arms was instructed to bring Mr. Tuthill, Mr. Lynch and Mr. Cassidy within the bar of the house.

(The Minutes of the Arizona Constitutional Convention, Page 201)

[e939348] Mr. Webb moved, seconded by Mr. Parsons, that the call of the House be dispensed with.

(The Minutes of the Arizona Constitutional Convention, Page 201)

[e939353] Mr. Webb moved, seconded by Mr. Parsons, that the call of the House be dispensed with. Lost by the following vote:

Ayes—Baker, Bradner, Connelly, Crutchfield, Cunniff, Curtis, Feeney, Franklin, Goldwater, Jones, A. M., Keegan, Kinney, Langdon, Morgan, Orme, Osborn, Parsons, Scott, Tovrea, Wells, Winsor, Wood, Mr. President. Total 23.

Nays—Bolan, Cobb, Coker, Colter, Cooper, Cunningham, Ellinwood, Hutchinson, Ingraham, Jones, F. A., Kingan, Lovin, Moeur, Moore, Pusch, Roberts, Short, Sims, R. B., Simms, Mit, Standage, Webb, Weinberger, White. Total 23.

Absent—Cassidy, Lynch, Tuthill.

Excused—Doe, Jacome, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 201)

[e939354] Mr. Webb: In order to secure the proper number of seconds to my demand for a call of the house I made the promise that I would immediately after the departure of the sergeant, make a motion to dispense with further proceedings. Now if the President will entertain the motion, I will again move (and this time in good faith and I shall vote for my motion) that further proceedings under the call of the house be dispensed with.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 422)

[e939355] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 422)

[e939375] Mr. President: If there is no objection, we will revert to reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 48 and respectfully recommends that it do pass."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 134 and respectfully recommends that it do pass."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 48 and respectfully recommends that it do pass, as amended."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 76 and respectfully recommends that it do pass."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 141 and respectfully recommends that it do pass."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 9 and respectfully recommends that it do pass."

"Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Labor begs leave to report it has examined Proposition Number 72 and respectfully recommends that it do pass."

John Bolan, Chairman

We concur: John Langdon, Thos. Feeney, S. B. Bradner, Wm. Morgan"

(The Records of the Arizona Constitutional Convention of 1910, Pages 422-423)

[e939376] [Editor's Note: Proposition Number 48 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939377] [Editor's Note: Proposition Number 134 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939379] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939380] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939381] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939382] [Editor's Note: Proposition Number 9 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939384] [Editor's Note: Proposition Number 72 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939386] Mr. President: If there is no objection the report will be received, and come up in the committee of the whole tomorrow.

(Editorial, Page 423)

[e939387] Mr. President: If there is no objection the report will be received, and come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939388] Mr. President: If there is no objection the report will be received, and come up in the committee of the whole tomorrow. We have for consideration, gentlemen of the convention, Propositions Numbers 112, 3, 121, 124, 119, and 19. If there is no objection the convention will now resolve itself into a committee of the whole, with another native son, the gentleman from Maricopa, Mr. Standage, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939389] Mr. President: If there is no objection the report will be received, and come up in the committee of the whole tomorrow. We have for consideration, gentlemen of the convention, Propositions Numbers 112, 3, 121, 124, 119, and 19. If there is no objection the convention will now resolve itself into a committee of the whole, with another native son, the gentleman from Maricopa, Mr. Standage, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939390] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

*[e940053]* The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

*[e940055]* The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

*[e940057]* Mr. Standage: Mr. President, your committee of the whole begs leave to report it has examined Proposition Number 119 and respectfully recommends that it do pass, and that Proposition numbers 112, 3, 121, 19, and 124 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

*[e940064]* [Editor's Note: Proposition Number 119 as Amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940065]* [Editor's Note: Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940068]* [Editor's Note: The Report from the Committee on Ordinance on Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940076]* [Editor's Note: Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940078]* [Editor's Note: Proposition Number 3 was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940079]* [Editor's Note: Proposition Number 121 was referred to the Convention alongside the Committee's report.]

(Editorial)

*[e940082]* [Editor's Note: Proposition Number 124 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940081] [Editor's Note: Proposition Number 124 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940084] [Editor's Note: The Report from the Committee on Ordinance on Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940093] The sergeant at arms announced that Mr. Tuthill and Mr. Lynch had taken their seats.

[Editor's Note: The attendance was not recorded in afternoon sessions, so this attendance record is based upon a roll call taken in the afternoon session of the Committee of the Whole on Mr. Crutchfield's motion to strike out "or lack of the same" from Proposition Number 119, Section 3.]

(The Minutes of the Arizona Constitutional Convention, Page 204)

[e940095] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention each recommendation in turn.]

(Editorial)

[e940099] Mr. President: If there is no objection to the report of the committee of the whole on Proposition Number 119 recommending that it be adopted will be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940100] Mr. President: [...] Those in favor signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940103] [Editor's Note: With the adoption of the Committee's recommendation, the original version of the proposition was dropped in favor of the version amended in the Committee.]

(Editorial)

[e940109] [Editor's Note: With the adoption of the Committee's recommendation, the Committee on Ordinance recommendation on the proposition was adopted in tandem.]

(Editorial)

[e940113] Mr. President: [...] Shall it be engrossed and have a third reading? All those in favor will signify by saying "aye;" those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940121] Mr. President: [...] That Proposition Number 112 be indefinitely postponed. Those in favor will answer “aye;” opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940123] Mr. President: [...] That Proposition Number 112 be indefinitely postponed. Those in favor will answer “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940126] Mr. President: [...] That Proposition Number 112 be indefinitely postponed. Those in favor will answer “aye;” opposed “no.” The “ayes” have it; so ordered.

(Editorial)

[e940127] Mr. President: [...] That Proposition Number 3 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940128] Mr. President: [...] That Proposition Number 3 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940129] Mr. President: [...] That Proposition Number 3 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940134] Mr. President: [...] That Proposition Number 121 be indefinitely postponed; all those in favor will signify by saying “aye;” those opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940136] Mr. President: [...] That Proposition Number 121 be indefinitely postponed; all those in favor will signify by saying “aye;” those opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940141] Mr. President: [...] That Proposition Number 121 be indefinitely postponed; all those in favor will signify by saying “aye;” those opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940142] Mr. President: [...] That Proposition Number 124 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940143] Mr. President: [...] That Proposition Number 124 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940144] Mr. President: [...] That Proposition Number 124 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940146] Mr. President: [...] That Proposition Number 19 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940148] Mr. President: [...] That Proposition Number 19 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered. If there are no objections we will refer back to reports of committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940150] Mr. President: [...] That Proposition Number 19 be indefinitely postponed. All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered. If there are no objections we will refer back to reports of committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940151] [Editor’s Note: With the indefinite postponement of Proposition Number 19, the report on the proposition from the Committee on Ordinance was dropped.]

(Editorial)

[e940152] [Editor’s Note: Once the Convention finished considering the report from the Committee of the Whole, it was implicitly adopted.]

(Editorial)

[e940154] [Editor’s Note: Once the Convention finished considering the report from the Committee of the Whole, it was implicitly adopted.]

(Editorial)

[e940162] Secretary (reading): “Report of committee on education on Proposition Number 100. Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Proposition Number 100 and respectfully recommends that it be indefinitely postponed as it has been thoroughly covered in Substitute Proposition. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, Jas.C.White, C.C. Hutchinson.”

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940163] [Editor's Note: Proposition Number 100 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940166] Consideration of Proposition No. 100 deferred until Substitute Proposition is before the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 205)

[e940167] Consideration of Proposition No. 100 deferred until Substitute Proposition is before the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 205)

[e940169] Description Mr. Cunningham: I move we adjourn until 9:30 o'clock tomorrow morning.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e940171] The motion prevailed.

Convention stood adjourned to 9:30 a.m., November 18, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

## 1.60 Friday, 18 November 1910, at 09:30 (s16129)

[e939572] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939574] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939583] Roll call as follows:

Present—Baker, Bolan, Bradner, Colter, Connelly, Cunniff, Cunningham, Curtis, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jones, A. M., Keegan, Kinney, Langdon, Lovin, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Winsor, Wood, Mr. President.

Absent—Cassidy, Cobb, Coker, Cooper, Crutchfield, Ellinwood, Jones, F. A., Kingan, Lynch, Sims, R. B., Wells.

Excused—Doe, Jacome, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 206)

[e939586] Mr. President: The convention will rise while chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939587] Reverend Crutchfield: O Lord, give audience now as we all pray: Our Father, who art in Heaven; hallowed be Thy name; Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever and ever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939588] Mr. President: Reading of the minutes.

Minutes read.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939589] Mr. President: Gentlemen of the convention, are there any alterations or corrections? Hearing none, they will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939595] The sergeant at arms announced that Mr. Cassidy, Jones of Maricopa, Mr. Cobb, Mr. Coker, Mr. Crutchfield, Mr. Ellinwood, Mr. Lynch, Mr. Sims of Cochise had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 206)

[e939597] Mr. President: [...] Petitions, Memorials and Remonstrances. Reports of standing committees? I want to call the attention of the members to the fact that we have been in session now about thirty-eight days and we have only eleven working days. There are some very important committees that have never made any report. Among them are committee number 8 on state and school lands, committee number 10 on private corporations and banks, committee number 11 on railroads, committee number 12 on agriculture, irrigation and water rights, and committee number 13 on mines and mining. If we cannot get reports on these propositions we are going to be crowded for time, and I am going to suggest that tomorrow we will expect a report from each of these committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[e939599] Mr. President: [...] Petitions, Memorials and Remonstrances. Reports of standing committees? I want to call the attention of the members to the fact that we have been in session now about thirty-eight days and we have only eleven working days. There are some very important committees that have never made any report. Among them are committee number 8 on state and school lands, committee number 10 on private corporations and banks, committee number 11 on railroads, committee number 12 on agriculture, irrigation and water rights, and committee number 13 on mines and mining. If we cannot get reports on these propositions we are going to be crowded for time, and I am going to suggest that tomorrow we will expect a report from each of these committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 431)

[*e939601*] Mr. Cobb: I move that we take a recess until 2 o'clock to enable these committees to have a morning session. These sessions have run up to 11 o'clock and 11:30 o'clock. In the afternoon sessions when we adjourn everyone feels tired and does not feel like working on a committee.

(The Records of the Arizona Constitutional Convention of 1910, Pages 431-432)

[*e939605*] Mr. President: Gentlemen, do you think if you take a recess until 2 o'clock you will be able to report tomorrow morning on these committees?

Mr. Winsor: Would it not be worth while to find out if some committees are prepared to have a meeting?

Mr. President: I will ask the chairman of committee number 8 on state and school lands. The chairman of that committee is not here.

Mr. Jones (Yavapai): I can speak for the committee on suffrage and elections. We will have the final report this afternoon if we adjourn this morning.

Mr. President: There is committee number 8 on state and school lands. That is an important committee and has never made a report, and there is number 10 on private corporations and banks. When are they going to report?

Mr. Roberts: Committee number 10 will be able to report this afternoon.

Mr. Feeney: I want to hear from the Committee on State and School Lands.

Mr. President: How about committee number 11?

Mr. Jones (Maricopa): We had our railroad proposition ready to present three weeks ago, and it was then decided that provision should be made for public service corporations and railroads combined, and sub-committees were appointed. It was impossible to get them together last week, but we will have our proposition ready to submit this afternoon, and we do not require any adjournment.

Mr. President: I will ask committee number 12.

Mr. Orme: If we can get together for half an hour we can make our report, but it has been impossible for us to get together.

Mr. President: State and school lands. I would like to know when they are going to report.

Mr. Coker: Just as soon as we can get the members away from other committees.

Mr. President: We will have to have it tomorrow morning.

Mr. Coker: Day after tomorrow. If the legislative committee and judiciary committee get through their propositions we can get our members together long enough to make our report.

(The Records of the Arizona Constitutional Convention of 1910, Page 342)

[*e939607*] Mr. Jones (Maricopa): At the night session we had the other night almost everyone admitted that more was accomplished in that meeting than we had accomplished at any one session before. I, therefore, move that commencing with tonight we have night sessions until the work is completed.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 432)

[e939611] Mr. President: The chair will put it in this way that you hold a night session by motion each day.

(The Records of the Arizona Constitutional Convention of 1910, Page 432)

[e939613] Mr. Jones (Maricopa): I move that when we adjourn this afternoon we adjourn to meet at 7:30 this evening.

(The Records of the Arizona Constitutional Convention of 1910, Page 432)

[e939616] Mr. Osborn: I would like to call the attention of the members to the fact that Dr. McCormack has invited the constitutional convention to be present at his lecture tonight, and it would probably be of great benefit to hear him.

Mr. Moeur: I think it would be a great benefit to Arizona if we get through with this convention and let the doctor lecture next year.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e939618] Mr. President: The question, gentlemen, is that this afternoon when the convention takes a recess it will be until 7:30 p.m. Those in favor will signify by saying "aye;" those opposed "no."

Mr. Cunniff: It seems to me that this is hardly the proper time to vote on that, for we may not have a great deal to do tonight. Every day should take care of itself, and when we adjourn we can decide.

Mr. President: I think the suggestion of the gentleman from Yavapai is well taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e939620] Mr. Ellinwood: I move that we adjourn until 2 o'clock this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e939623] Mr. Baker: Before that motion is put I would like to inquire what committee has charge of the preparation of a bill for the special election of the election under the Enabling Act.

Mr. President: Mr. Ingraham is on that committee.

Mr. Baker: That is going to be one of the most difficult propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e948446] Mr. President: The chair will declare that the motion to take a recess until tonight will be out of order, and the motion to adjourn until 2 o'clock will be in order.

[Editor's Note: Although the President rules that the motion to recess is out of order, the Minutes record that the Convention stood at recess until 2 p.m. Moreover, the President's comment that the members 'stay here and work' suggests it was indeed recess because business could be conducted in recess but not during an adjournment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e948447] Mr. Standage: I would like to inquire what has become of the militia and public defense committee, and if they have made a report?

Mr. Tuthill: The gentleman from Greenlee wishes to state to the convention that he is still here.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e939624] Mr. President: Those in favor of taking a recess until 2 o'clock will answer "aye;" those opposed "no." The "ayes" have it. This afternoon I hope all these committees will be able to report so that we can do good and effective work. I want these important committees to have a meeting.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e939628] Mr. Winsor: I wish that the president would suggest that no member leave the building so that they will be here if they are wanted.

Mr. President: I think that is a good suggestion too. Everybody stay here and work.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

## 1.61 Friday, 18 November 1910, at 14:00 (s16131)

[e939637] Mr. President: The convention will please come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939639] Mr. President: The convention will please come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939688] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 22 and respectfully recommends that the Proposition herewith submitted by the Committee to be known as Committee Substitute Proposition Number 22 be substituted for Proposition Number 22 and that said Committee Substitute Proposition Number 22 be adopted by the Convention. C.M. Roberts, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939692] [Editor's Note: Substitute Proposition Number 22 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939693] [Editor's Note: Proposition Number 22 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939697] Mr. President: What is your pleasure?

Mr. Cunniff: I move that the substitute be referred to the committee on printing.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939703] Mr. President: If there are no objections it will be ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939787] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 101 and respectfully recommends that said Proposition Number 101 be indefinitely postponed inasmuch as the substance thereof is contained in Committee Substitute Proposition Number 22.

That it has examined Proposition Number 67 and respectfully recommends that said Proposition Number 67 be indefinitely postponed inasmuch as the substance thereof is contained in Substitute Proposition Number 22.

That it has examined Proposition Number 53 and respectfully recommends that said Proposition Number 53 be indefinitely postponed.

That it has examined Proposition Number 105 and respectfully recommends that said Proposition Number 105 be indefinitely postponed inasmuch as the substance contained in Proposition Number 105 is contained in Committee Substitute Proposition Number 22.

That it has examined Proposition Number 37 and respectfully recommends that said Proposition Number 37 be indefinitely postponed as Committee Substitute Proposition Number 22 embraces the substance of that contained in said Proposition Number 37.

That it has examined Proposition Number 118 and respectfully recommends that said Proposition Number 118 be indefinitely postponed inasmuch as Committee Substitute Proposition Number 22 covers the substance embraced in said Proposition Number 118.

C.M. Roberts, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939793] [Editor's Note: Proposition Number 101 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939796] [Editor's Note: Proposition Number 67 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939799] [Editor's Note: Proposition Number 53 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939801*] [Editor's Note: Proposition Number 105 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939805*] [Editor's Note: Proposition Number 29 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939809*] [Editor's Note: Proposition Number 37 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939813*] [Editor's Note: Proposition Number 118 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939817*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939822*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939829*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(Editorial, Page 434)

[*e939837*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939843*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939847*] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939854] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(Editorial, Page 434)

[e939856] Mr. President (commenting about Propositions 101, 67, 53, 105, 29, 37, 188): It will go over and come up when the other propositions are before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939960] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 61 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 61 and that said Substitute Proposition be adopted. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 434-435)

[e939965] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939966] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939978] Mr. President: Gentlemen, do you want that substitute proposition printed?

Mr. Short: Do I understand that in the first part of that it says "any male" or "any person?"

Secretary: "any male person."

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e939995] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940020] [Editor's Note: Substitute Proposition Number 61 was referred to the Committee of the Whole alongside the Committee report.]

(Editorial)

[e940026] [Editor's Note: Proposition Number 61 was referred to the Committee of the Whole alongside the Committee report.]

(Editorial)

[e940063] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 125 and that the Proposition herewith submitted be substituted for said Proposition Number 125 and that said Substitute Proposition be adopted. J. Weinberger, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940069] [Editor’s Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e940074] [Editor’s Note: Proposition Number 125 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e940088] Mr. President: Do you want that printed?

Mr. Cunniff: I move that that be printed.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940090] Mr. President: If there is no objection the usual number of copies will be printed; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940191] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Mines and Mining begs leave to report it has examined Proposition Number 64 and respectfully recommends that Committee Substitute Number 64 be adopted.

That it has examined Proposition Number 138 and respectfully recommends that it be indefinitely postponed, as the subject matter therein contained is covered by Committee Substitute Number 64.

That it has examined Proposition Number 130 and respectfully recommends that it be indefinitely postponed as the subject matter therein is covered by Committee Substitute Proposition Number 64. Lamar Cobb, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940192] [Editor’s Note: Substitute Proposition Number 64 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e940194] [Editor’s Note: Proposition Number 64 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e940195] [Editor’s Note: Proposition Number 138 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e940196] [Editor's Note: Proposition Number 130 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940197] Mr. President: It will take the regular course. [To come before the committee of the whole, November 19, 1910.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940291] Mr. President: It will take the regular course. [To come before the committee of the whole, November 19, 1910.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940289] Mr. President: It will take the regular course. [To come before the committee of the whole, November 19, 1910.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940294] Mr. President: It will take the regular course. [To come before the committee of the whole, November 19, 1910.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940296] Mr. President: It will take the regular course. [To come before the committee of the whole, November 19, 1910.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940369] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 6 and respectfully recommends that Substitute Proposition Number 6 submitted herewith be substituted for the said Proposition Number 6 and that said Substitute Proposition be adopted. Mulford Winsor, Chairman. I do not concur in that portion of this Proposition relating to the Apportionment and salaries of Legislators. Elmer W. Coker."

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940377] [Editor's Note: Substitute Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940380] [Editor's Note: Proposition Number 6 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940387] Mr. Cunniff: I move that it be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940405] Mr. President: If there is no objection it will be referred to the printing committee and the usual number of copies ordered printed; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940465] Mr. Winsor, Chairman of the Committee on Legislative Department, Distribution of Powers and Apportionment, made the following report:

Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 89 and respectfully recommends that said Proposition Number 89 be indefinitely postponed inasmuch as the subject matter is now fully covered by Federal Statute. Mulford Winsor, Chairman. I do not concur: M.G. Cunniff.

(The Minutes of the Arizona Constitutional Convention, Page 209)

[e940469] [Editor's Note: Proposition Number 89 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940474] Proposition No. 89 referred to committee of the whole, November 19, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 209)

[e940478] [Editor's Note: The report from the Committee on Legislative was referred to the Committee of the Whole alongside Proposition Number 89.]

(The Minutes of the Arizona Constitutional Convention, Page 209)

[e940580] Mr. Winsor, Chairman of Committee on Legislative Department, Distribution of Powers and Apportionment, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition No. 20 and respectfully recommends that said Proposition No. 20 be indefinitely postponed on the grounds of Public Policy.

That it has examined Proposition No. 35 and respectfully recommends that said Proposition No. 35 be indefinitely postponed, inasmuch as the provision proposed adds nothing to the power of the Legislature.

That it has examined Proposition No. 43 and respectfully recommends that the said Proposition be amendment as follows: insert the word "the" before the word "executive" and insert the word "the" before the word "judicial". And as so amended recommends that the said Proposition be adopted.

That it has examined Proposition No. 45 and respectfully recommends that the said Proposition No. 45 be indefinitely postponed.

That it has examined Proposition No. 55 and respectfully recommends that the said Proposition No. 55 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute No. 6.

That it has examined Proposition No. 39 and respectfully recommends that the said Proposition No. 39 be indefinitely postponed, inasmuch as the Legislature will have the right to make the provisions included within the said Proposition without a constitutional reservation thereof.

That it has examined Proposition No. 93 and respectfully recommends that the said Proposition No. 39 be amended in accordance with the amendments attached and that as so amended said Proposition be adopted.

That it has examined Proposition No. 96 and respectfully recommends that the said Proposition No. 96 be indefinitely postponed inasmuch as the subject matter thereof is contained in Proposition No. 43.

That it has examined Proposition No. 97 and respectfully recommends that the said Proposition No. 97 be indefinitely postponed inasmuch as the subject matter of said Proposition is covered in Substitute Proposition No. 4 submitted by this committee.

That it has examined Proposition No. 102 and respectfully recommends that the said Proposition No. 102 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute No. 6.

That it has examined Proposition No. 115 and respectfully recommends that the said Proposition No. 115 be indefinitely postponed inasmuch as so much of the subject matter thereof as the Committee deems advisable is incorporated in Substitute Proposition No. 6.

That it has examined Proposition No. 131 and respectfully recommends that the said Proposition No. 131 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute Proposition No. 6.

That it has examined Proposition No. 133 and respectfully recommends that the said Proposition No. 133 be indefinitely postpone inasmuch as the matter contained therein legislative and is now covered though somewhat inadequately by the state.

That it has examined Proposition No. 146 and respectfully recommends that the said Proposition No. 146 be indefinitely postponed inasmuch as the subject matter thereof is contained in a Proposition heretofore submitted by the Committee on Judiciary.

MULFORD WINSOR,  
Chairman.

[Editor's Note: The Convention reads through the committee's report, taking each proposition in turn.]

(The Minutes of the Arizona Constitutional Convention, Pages 209-211)

[e940584] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 20, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940587] Mr. President: It will come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940591] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 35, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940594] Mr. President: It will come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940597] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 39, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940605] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940608] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 43, recommending that it be amended as follows: Insert the word "the" before the word "executive" and the word "the" before the word "judicial," and recommended that it be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940610] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940613] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 45, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940615] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940618] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 55, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940633] Mr. President: It will come up in committee of the whole with Proposition Number 6.

Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 43, recommending that it be amended in accordance with the amendments attached, and as amended be adopted.

Mr. Cunniff: There would seem no need of printing as it follows the first paragraph of the proposition verbatim and the second section is a brief substitute of the original proposition.

Mr. President: It will come up in committee of the whole.

[Editor's Note: There appears to be an error in the Journal, as it records the Convention discussing Proposition Number 43 and referring it to the Committee of the Whole twice. For that reason, this text hasn't been modelled. The Minutes attest that the proposition was deferred until Substitute Proposition Number 6 came up before the Convention.]

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940637] Propositions Nos. 20, 35, 39, 43, 45, 93, 97, 133, 146, referred to Committee of the Whole for November 19, 1910.

[Editor's Note: The Records do not mention a decision being made on Proposition Number 93, however it is listed in the Minutes as having been referred to the Committee of the Whole.]

(The Minutes of the Arizona Constitutional Convention, Page 211)

[e940649] Propositions Nos. 20, 35, 39, 43, 45, 93, 97, 133, 146, referred to Committee of the Whole for November 19, 1910.

[Editor's Note: The Records don't mention a decision being made on Proposition Number 93, however it is listed in the Minutes as being referred to the Committee of the Whole.]

(The Minutes of the Arizona Constitutional Convention, Page 211)

[e940656] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 96, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940671] Mr. President: It will come up with Mr. Cassidy's bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940674] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 97, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e940763] Mr. President: Number 40 has already been passed.

Mr. Winsor: That has already been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940766] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940768] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 102, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940769] Mr. President: Substitute Proposition Number 6, is it passed?

Mr. Winsor: No, sir.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940771] Mr. President: It will come up with Number 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940772] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 115, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940773] Mr. President: It will take the same course as the preceding one—come up with Number 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940778] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 131, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940780] Mr. President: It will come up with Number 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940783] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 133, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940787] Mr. President: It will come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940791] Mr. President: It will come up in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940794] Mr. President: It will come up in committee of the whole

(The Records of the Arizona Constitutional Convention of 1910, Page 437)

[e940798] [Editor's Note: The report from the Committee on Legislative was referred to the Committee of the Whole alongside the individual propositions.]

(Editorial)

[e940887] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 2 and respectfully recommends that it be amended as follows: strike out the words “all of that portion of the territory of Arizona included within the following limits” and that it be adopted as so amended and as punctuated in the appended revised copy. M.G. Cunniff, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 438)

[e940892] [Editor’s Note: Proposition Number 2 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e940929] [Editor’s Note: As the Convention deliberate on whether to adopt the amendment to Proposition Number 2 recommended by the Committee on Style, the editors have modeled the amendment onto the proposition.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 438-439)

[e940993] Mr. Cunniff: Mr. President, I can explain that very briefly. The proposition starts off with this statement: “The boundaries of the State of Arizona shall be as follows: ... , and then there is a paragraph that begins “all of the portion of the territory of Arizona included within the following limits, namely: ... .” Of course all of the territory within the following limits are not the boundaries of Arizona. It is unnecessary to have that in, so the proposition now starts: “The boundaries of the state of Arizona shall be as follows; namely, beginning at a point ...”

(The Records of the Arizona Constitutional Convention of 1910, Pages 438-439)

[e940999] Mr. Franklin: I move that it be adopted.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941002] Mr. President: It is moved and seconded that the amendment of the committee on style, revision and compilation be adopted. Those in favor say “aye;” opposed “no.” The “ayes” have it. It will be referred to the printing committee. Those in favor of the final passage will answer “aye” as their names are called.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941024] Mr. Baker: I do not mean to be critical in this matter, but I would like to inquire of the gentleman who introduced this, where he got the name of the “State” of Lower California. Is it not a territory of the Mexican government?

Mr. Webb: In answer to the gentleman I am unable to say whether it is a territory or a state, but the description came from the surveyor general’s office.

Mr. Curtis: Lower California is a territory.

Mr. Franklin: It is my understanding also that Lower California is a territory.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941028] Mr. Cunniff: I move that it be re-referred to the committee on style, revision and compilation for verification and correction of this matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941058] Mr. President: If there is no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941067] Mr. Jones, Chairman of Committee on Railroads announced that a reply had been sent to George A. Olney of Safford, Arizona.

(The Minutes of the Arizona Constitutional Convention, Page 212)

[e941071] Mr. Jones, Chairman of Committee on Railroads announced that a reply had been sent to George A. Olney of Safford, Arizona.

(The Minutes of the Arizona Constitutional Convention, Page 212)

[e941074] Permission was granted to the Committee on Railroads, and on Suffrage and Election to have printed their reports on pending Proposition without further reporting to the Convention.

(The Minutes of the Arizona Constitutional Convention, Page 212)

[e941076] Permission was granted to the Committee on Railroads, and on Suffrage and Election to have printed their reports on pending Proposition without further reporting to the Convention.

(The Minutes of the Arizona Constitutional Convention, Page 212)

[e941077] Mr. President: Gentlemen, we will now resolve ourselves into a committee of the whole, and the gentleman from Cochise, Mr. Parsons, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941080] Mr. President: Gentlemen, we will now resolve ourselves into a committee of the whole, and the gentleman from Cochise, Mr. Parsons, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941085] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e942367] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942368] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942369] Mr. Parsons: Mr. President: Your committee of the whole begs leave to report that it has examined Propositions Numbers 72, 9, 141, 48, 134, 76, 137 and reports as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942370] [Editor's Note: Proposition Number 9 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942371] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942372] [Editor's Note: Proposition Number 134 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942373] [Editor's Note: Proposition Number 48 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942374] [Editor's Note: Proposition Number 76 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942376] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942377] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942378] [Editor's Note: The Report from the Committee on Labor on Propositions number 48, 134, 147, 76, 141, 9, and 72 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942379] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention each recommendation in turn.]

(Editorial)

[e942381] Mr. President: One at a time.

Mr. Parsons: With reference to Proposition Number 72 that further consideration thereof be postponed until the employers' liability laws are under consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942382] That Proposition No. 72 be postponed until Employer's Law is before the Committee of the Whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942383] Mr. Parsons: Number 9 was amended by adding after "hours" in line 2 the word "and no more," and striking out the word "work" after the word "hours," and as amended recommends that it pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942384] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopted the suggested amendments to Proposition Number 9.]

(Editorial)

[e942385] Mr. President: Those in favor will answer "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942386] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopted the suggested amendments to Proposition Number 9.]

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942390] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942396] Mr. Parsons: Number 141 was amended by striking out the word "minor" and to amend line 2 by adding "or about" after "in" in line 2, and add "or ore reduction, mill or any" after "mine."

Mr. President: Those in favor of the adoption of the report of the committee of the whole on Proposition Number 141 will answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942397] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopts the suggested amendments to Proposition Number 141.]

(Editorial)

[e942398] Mr. Winsor: The gentleman is mistaken. It was amended in full.

Mr. Parsons: That is true. It was amended by substituting Mr. Winsor's amendment.

Mr. President: Those in favor of the adoption of the report of the committee of the whole on Proposition Number 141 will answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942399] Mr. Ingraham: I move the proposition be re-referred to the committee on labor.

Mr. President: Those in favor will answer "aye;" those opposed "no." Call the roll on the motion to re-refer.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942400] Mr. Goldwater: I rise to a point of order. Has the committee of the whole made a report?

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942401] Mr. President: They have made a report.

Mr. Goldwater: I did not hear it, except by sections.

Mr. President: They are reading it by sections.

Mr. Goldwater: Why not let the committee make a full report?

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942402] Mr. Parsons: We recommend that Number 141, the amendment as offered by the gentleman from Yuma, Mr. Winsor, be recommended to pass. Proposition Number 134 we recommend that it do not pass; Proposition Number 148 we recommend that it pass as amended. Proposition Number 76 we recommend that it pass as amended. Proposition Number 137 we recommend that it pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942403] Mr. President: The question comes up on the report of the committee of the whole. Those in favor of accepting the report of the committee of the whole will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942404] Mr. Osborn: I want to offer an amendment to the report of the committee of the whole; Proposition Number 137 I would like to have re-referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942405] Mr. President: When we get down to that Mr. Osborn, I will take it up. Proposition Number 141, shall it be engrossed and have a third reading—

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942406] Mr. Goldwater: I move that the consideration of this report be postponed and that the convention stand at recess until 9:30 tomorrow morning.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942407] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942408] Mr. Ellinwood: I move we adjourn.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e942409] Convention stood adjourned to 9:30 a.m., November 19, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

## 1.62 Saturday, 19 November 1910, at 09:30 (s16136)

[e939718] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e939720] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e939722] Roll call as follows:

Present—Baker, Bolan, Cassidy, Cobb, Coker, Colter, Connelly, Crutchfield, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jones, A. M., Jones, F. A. Keegan, Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tuthill, Webb, Weinberger, Winsor, Wood, Mr. President.

Absent—Cunniff, Tovrea, Wells.

Excused—Bradner, Cooper, Doe, Jacome, Kingan, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 217)

[e939723] Mr. President: The convention will now rise for the invocation by the chaplain.

(The Records of the Arizona Constitutional Convention of 1910, Page 460)

[e939730] Reverend Crutchfield: Our gracious heavenly Father we are commanded to always pray and to pray for all men everywhere, and this day we do lift up our voices in prayer for all men and for all people, but we especially pray for guidance this day among the men of this convention, those who have the making an arranging for a new state government, that they may have the great cause of liberty at heart and that they may be Godly men, men who love all

mankind and will take no action save it be for the good of the people. We pray that they may be men who will do something, men who have the interests of the state above all other interests and will seek only to adopt such measures as will be for the greatest among of good for all the people of the state. Oh Lord we have come to place in this work where men are being tried and where they have many questions to decide and we pray Thee to give them wisdom and guidance in this work. We have learned somewhere that when men do love their God and do call upon his name in Faith and with humble hearts, that they are lifted up to a higher and better life and now Oh Lord in this manner we do approach Thee and we do thank Thee for all Thy favors and blessings to us in the past and for the blessing of health and happiness. We thank Thee that Thou hast spared the lives of these men and blessed them in their business affairs at home and in the health of their families, that no great sickness or sorrow has come to them, and we ask of Thee that Thy blessings shall so continue upon the men of this Convention, until their work is finished and throughout all the time and we ask these blessings all in the name of our Jesus, our Redeemer, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 460-461)

[e939731] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e939733] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e939739] The sergeant at arms announced that Mr. Tovrea, Mr. Wells and Mr. Cunniff had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 217)

[e942462] Mr. President: Gentlemen of the convention, we will take up the work where we left off, that of the recommendation of the committee of the whole on Proposition Number 141.

Mr. Feeney: As a member of the labor committee, I am willing to admit that the discussions we have heard have brought out a great deal of light upon the labor law that we did not anticipate, and Proposition Number 141 is not what we want exactly, nor is Number 127. It is something like this: You can and you cannot; you will and you won't; you'll be damned if you do and you'll be damned if you don't. We would be glad to have it referred back.

[Editor's Note: The Records' reference to Proposition Number 127 is a mistake and should read Proposition Number 137. Proposition Number 127 regards water rights and is never referred to the Committee on Labor.]

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942468] [Editor's Note: Though the recommendation on Proposition Number 137 had not formally come up for discussion, the Convention decided to re-refer it alongside Proposition Number 141, for which reason, the editors have proposed the Committee of the Whole recommendation at this point. In re-referring the proposition, the Convention rejects the Committee recommendation.]

(Editorial)

[e942469] [Editor's Note: In considering the Committee of the Whole's recommendation, the Convention considered the suggested amendments to Proposition Number 137.]

(Editorial)

[e942466] Mr. Cunniff: I move that those propositions be referred back to the Committee on Labor.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942467] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942472] Mr. President: Proposition Number 134.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942473] Mr. Parsons: I move that Proposition Number 134 be indefinitely postponed.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942474] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942475] Mr. President: Proposition Number 48 should be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942476] [Editor's Note: By considering the Committee of the Whole's recommendation, the Convention considered the suggested amendments to Proposition Number 48.]

(Editorial)

[e942477] Mr. Parsons: I move that it be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942478] Mr. Baker: Mr. President, I want to say one word about this matter. I believe that what appears before the words "state, county or municipal works;" is unconstitutional. I do not believe that you can provide that no one except Americans can be employed to work upon any state, county or municipal labor. An employer, or a corporation or a firm has the right to say who shall not work, but this bill I believe will be voted unconstitutional, and I believe just as my colleague said "That it may be impossible to secure American labor," and I move an amendment by striking out the words "county and municipal works."

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[e942479] Mr. President: I would like to ask the gentleman from Maricopa if we have a law providing for labor on public highways? Under this law it would be impossible to do so.

Mr. Baker: The whole bill is bad and I do not think it should go in at all.

Mr. Cunniff: I question the belief that this is unconstitutional. If this is reasonable at all the labor would be directed by the state, and the work could be done only by the power of the state. I do not think it could be called unconstitutional to protect its own laborers or American labor. I do not think there would be any need to fear a shortage of American labor if they would give the right salary. If this were the case they could always secure citizen labor where now they are compelled to take the cheaper labor of Mexicans and other foreigners. I would renew my motion found in the brackets of the proposition, but I will wait to offer an amendment until I hear from the gentleman from Maricopa county.

Mr. Jones (Maricopa): Mr. President, I would like to hear the gentleman from Maricopa explain just what difference he finds in the word "works" and "work."

Mr. Baker: There is no explanation.

Mr. Moeur: We have again come to a question which seems to me to be unconstitutional. If you want to strike out these words and there is no employment excepted this is borrowing from the immigration department and it is unconstitutional.

Mr. Bolan: It seems to me this gentleman's argument that there is no labor or employment that should be withheld from aliens and that there are not enough laborers without aliens is a mistaken contention. I have had a great deal of experience in this territory and I have never found a scarcity of American labor if you will pay then the right price for their labor. I do not think it would work a hardship on anyone if this proposition were adopted as it is, and I for one am perfectly willing that this bill should pass.

[Editor's Note: Though Cunniff speaks to his intention to move an amendment in the brackets of the proposition, that text does not survive.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 461-462)

[e942494] Mr. Franklin: It seems to me, or I would suggest that it should read, "No persons except those who are taxed."

Mr. Bolan: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 462)

[e942482] Mr. Baker: I would accept that but I still believe that the first amendment should carry.

Mr. Orme: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 462)

[e942483] Mr. President: It has been moved and seconded that in line 3, we strike the words "county and municipalities."

Mr. Jones (Maricopa): Mr. President, this bill simply means nothing.

Mr. Baker: I move to strike out the words "counties and municipalities" and leave in the words "state works and employment."

Mr. President: Gentlemen, do you now understand the amendment?

Mr. Connelly: I do not think that there will ever be any trouble in the securing of American labor, for if there are wages sufficient to the needs there will be workmen. (applause) If there are offers of only \\$.00 per day then you will need the cheap laborer, but if you will pay the citizen the right amount of wages you never need fear the scarcity of workmen.

(The Records of the Arizona Constitutional Convention of 1910, Page 462)

[e942484] Mr. President: Gentlemen, you have heard the amendment offered by Mr. Baker, to strike out the words "counties and municipalities." Those in favor of the motion answer "aye;" those opposed "nay." The secretary will call the roll.

Roll call showed 20 "ayes" and 25 "nays."

Mr. President: The amendment is lost. Did the gentleman wish to make an amendment?

(The Records of the Arizona Constitutional Convention of 1910, Pages 462-463)

[e942485] Mr. Cunniff: I am convinced that the gentleman from Cochise is right, and I withdraw the amendment I first mentioned.

[Editor's Note: Though Cunniff speaks to his intention to move an amendment in the brackets of the proposition, that text does not survive.]

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942486] Mr. President: I suggest that Mr. Bolan make the amendment suggested by Mr. Franklin "excepting Indians not taxed."

Mr. Bolan: I move that in the first line, after the word "persons," the words "Indians not taxed" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942487] Mr. Cunniff: I beg to say that amendment covers a class of people who are under government protection and are not citizens, and I think it is a useless provision.

Mr. Moeur: Half of the men pay no taxes and you cannot discriminate between working men who do and who do not in this matter.

Mr. Webb: Mr. President, these Indians are government wards, and are provided for in every respect, and I am opposed to being placed on an equality with them. They are granted large portions of land or reservations and provided with livestock and I, myself, have driven thousands of head of cattle to them as a gift from the government, and they give no care nor do the cattle profit them anything, where if they were the property of citizens they would increase the population ten fold, and just so with their land, they do not improve it, but make desert land out of that which the American citizen would make a garden, and when it comes to placing them on an equality with the American citizens, I am opposed to the measure.

(The Records of the Arizona Constitutional Convention of 1910, Page 462)

[e942488] Mr. President: What will you do with Proposition Number 48?

Mr. Bolan: I move the adoption of Proposition Number 48.

Mr. Cunniff: I second the motion.

Mr. President: Gentlemen, it has been moved and seconded that Proposition Number 48 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942489] Mr. Jones (Maricopa): I would call the attention of the members to the fact that this will prohibit officers of the penitentiary from making convicts work as they are no longer citizens of the United States. I think that the committee adopted the proviso that I made.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942490] Mr. Short: I rise to a point of order, this is entirely out of the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942491] Mr. Jones (Maricopa): Mr. President, I rise to a point of order. If my memory is correct, the proposition was read and passed yesterday.

(Editorial)

[e942492] Mr. President: The secretary will call the roll on the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942493] Mr. President: The secretary will call the roll on the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942495] Mr. Cassidy: Mr. President, I move the amendment that it include, after the word "citizens" the word "ward." That is purely class legislation and I am opposed to class legislation.

(The Records of the Arizona Constitutional Convention of 1910, Page 463)

[e942496] Motion of Mr. Cassidy to amend line one, page one by inserting after the word "citizen" the words "or ward"; lost.

(The Minutes of the Arizona Constitutional Convention, Page 217)

[e942497] Motion of Mr. Parsons to adopt recommendation on Proposition No. 48 as amended, carried by the following vote:

Ayes—Bolan, Cobb, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Feeney, Goldwater, Ingraham, Jones, A. M., Keegan, Morgan, Osborn, Parsons, Roberts, Short, Sims, R. B., Simms, Mit, Tovrea, Webb. Weinberger, Winsor, Wood, Mr. President. Total 25.

Nays—Baker, Cassidy, Colter, Curtis, Ellinwood, Franklin, Hutchinson, Jones, F. A., Kinney, Langdon, Lovin, Lynch, Moeur, Moore, Orme, Pusch, Scott, Standage, Tuthill, Wells. Total 20.

Excused—Bradner, Cooper, Doe, Jacome, Kingan, White, Wells.

[Editor's Note: Wells is noted as both voting against and being excused. The editors presume that in one of these instances, "Wells" should read "Wills." However, in the absence of a clearer record, they have both been marked "uncertain."]

(The Minutes of the Arizona Constitutional Convention, Pages 217-218)

[e942498] [Editor's Note: With the adoption of the proposition, the unresolved amendments were dropped.]

(Editorial)

[e942499] [Editor's Note: With the adoption of the proposition, the unresolved amendments were dropped.]

(Editorial)

[e942500] [Editor's Note: With the adoption of the proposition, the unresolved amendments were dropped.]

(Editorial)

[e942525] Mr. Franklin: I would just like to explain that I would have voted for this bill if it had not been amended, but since it was amended I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942526] Mr. President: Gentlemen, the motion is carried. The question now comes: shall it be engrossed and have a third reading? Those in favor of it being engrossed and having a third reading will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942530] Mr. President: [...] Gentlemen, the question now comes up on the adoption of Proposition Number 76 as amended by the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942531] [Editor's Note: By considering the Committee of the Whole's recommendation, the Convention considered the suggested amendments to Proposition Number 76.]

(Editorial)

[e942532] Mr. President: [...] Gentlemen, the question now comes up on the adoption of Proposition Number 76 as amended by the committee of the whole. Proposition Number 76 as amended by the committee of the whole. Those in favor of adopting the proposition will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942533] Mr. President: [...] Gentlemen, the question now comes up on the adoption of Proposition Number 76 as amended by the committee of the whole. Proposition Number 76 as amended by the committee of the whole. Those in favor of adopting the proposition will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942534] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" those opposed "nay," when the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942535] Roll call showed 22 "ayes" and 25 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942536] Mr. President: The motion is lost: Shall Proposition Number 76 be adopted as amended?

Mr. Cunniff: I move that the proposition be referred to the Committee on Labor.

Mr. Cassidy: I second the motion.

Mr. President: It has been moved and seconded that Proposition Number 76 be referred to the committee on labor. Those in favor of the motion will answer "aye;" those opposed "nay," as the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942537] Mr. Jones of Yavapai moved to amend to indefinitely postpone.

(The Minutes of the Arizona Constitutional Convention, Page 218)

[e942538] Mr. Jones of Yavapai moved to amend to indefinitely postpone. Lost by the following vote:

Ayes—Cassidy, Cobb, Colter, Curtis, Ellinwood, Hutchinson, Jones, F. A., Lynch, Moeur, Orme, Pusch, Scott, Short, Simms, Mit., Standage, Tuthill, Webb, Wells. Total 18.

Nays—Baker, Bolan, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Feeney, Franklin, Goldwater, Ingraham, Jones, A. M., Keegan, Kinney, Langdon, Lovin, Moore, Morgan, Osborn, Parsons, Roberts, Sims, R. B., Tovrea, Weinberger, Winsor, Wood, Mr. President. Total 27.

Excused—Bradner, Cooper, Doe, Jacome, Kingan, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 218)

[e942539] Mr. Cunniff: I move this proposition be recommitted to the Committee on Labor.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942540] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942544] [Editor's Note: With the decision on Proposition Number 76, the Convention concluded its consideration of the Report from the Committee of the Whole on Proposition Numbers 72, 9, 141, 134, 48, 76, and 137.]

(Editorial)

[e942545] [Editor's Note: With the decision on Proposition Number 76, the Convention concluded its consideration of the Report from the Committee of the Whole on Proposition Numbers 72, 9, 141, 134, 48, 76, and 137.]

(Editorial)

[e942546] [Editor's Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that it was returned from the Committee on Printing and Clerks prior to the Convention going into the Committee of the Whole.]

(Editorial)

[e942547] [Editor's Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that it was returned from the Committee on Printing and Clerks prior to the Convention going into the Committee of the Whole.]

(Editorial)

[e942682] [Editor's Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that the Report from the Committee on Public Debt, Revenue and Taxation on Proposition Number 106 was referred to the Committee alongside the Substitute Proposition.]

(Editorial)

[e942683] [Editor's Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that the original proposition was referred to the Committee alongside the Substitute Proposition.]

(Editorial)

[e942548] Mr. President: The committee of the whole. Gentlemen, we have some business for consideration by the committee of the whole, and if there is no objection the convention will now resolve itself into a committee of the whole, and the gentleman from Yavapai, Mr. Jones, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942549] Mr. President: The committee of the whole. Gentlemen, we have some business for consideration by the committee of the whole, and if there is no objection the convention will now resolve itself into a committee of the whole, and the gentleman from Yavapai, Mr. Jones, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942550] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e942580] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942581] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942582] Mr. Jones (Yavapai): Mr. President: The committee of the whole begs leave to report progress and requests leave to sit again this afternoon.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942583] Mr. President: Those in favor answer "aye;" all opposed "no." The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942030] [Editor's Note: The records of the Convention do not state when the Report from the Committee on Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(Editorial)

[e942032] [Editor's Note: The records of the Convention do not state when Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(Editorial)

[e942035] [Editor's Note: Substitute Proposition Number 113 is considered jointly by the Committee on Railroads and the Committee on Public Service Corporations Other than Railroads. The records of the Convention do not state when Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report. We may assume that Proposition Number 133 was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e942040] [Editor's Note: The records of the Convention do not state when Substitute Proposition Number 113 was sent from the Committee on Railroads to the Convention. However, it is returned to the Convention from the Committee on Printing on November 23. In the absence of a clear record, the editors have chosen to represent the substitute proposition as referred to the Committee on Printing on November 19, the date written on the report.]

(Editorial)

*[e942584]* Mr. Parsons: I move we take a recess to 2 o'clock.

Mr. Osborn: I second the motion.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

*[e942585]* Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

**1.63 Saturday, 19 November 1910, at 14:00 (s16196)***[e942586]* Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

*[e942587]* Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

*[e942588]* Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole. Mr. Jones of Yavapai will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

*[e942589]* Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole. Mr. Jones of Yavapai will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

*[e942590]* [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

*[e942751]* Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

*[e942752]* Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

*[e942753]* Mr. Jones (Yavapai): Mr. President: Your committee of the whole begs leave to report progress as follows: That it has examined Substitute Proposition Number 106, and recommends that it be adopted as amended; that it has examined Proposition Number 56 and recommends that it be indefinitely postponed; that it has examined Proposition Number 126 and recommends that it be indefinitely postponed. Your committee requests leave to sit again at 9:30 Monday morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942754] [Editor's Note: Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942755] [Editor's Note: Substitute Proposition Number 106 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942758] [Editor's Note: Substitute Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942756] [Editor's Note: The Report from the Committee on Public Debt on Proposition Number 106 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942760] [Editor's Note: Proposition Number 56 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942762] [Editor's Note: The Report from the Committee on Public Debt, Revenue, and Taxation on Proposition Number 56 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942761] [Editor's Note: The Minority Report from the Committee on Public Debt, Revenue, and Taxation on Proposition Number 56 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942763] [Editor's Note: Proposition Number 126 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942765] Mr. Cunniff: I move the report be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942767] Mr. Jones (Yavapai): I rise to a point of order. Under the rules the report of the committee is to be placed on the calendar of the convention, and come up under the order of the day.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942769] [Editor's Note: The Convention immediately considered the Committee of the Whole Report, indicating that Jones' point of order was rejected.]

(Editorial)

[e942795] [Editor's Note: Though a decision is not recorded on this motion, the editors have inferred, given the Convention's custom, that the report was adopted.]

(Editorial)

[e942770] [Editor's note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e942773] Mr. President: Shall Proposition Number 106 be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942774] [Editor's Note: By considering the Committee of the Whole's recommendation, the Convention considered the suggested amendments to Substitute Proposition Number 106.]

(Editorial)

[e942775] Mr. President: Shall Proposition Number 106 be engrossed and have a third reading? Those in favor answer "aye;" opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942776] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopted the suggested amendments to Substitute Proposition Number 106.]

(Editorial)

[e942777] [Editor's Note: As the recommendation of the Committee of the Whole was adopted, so was the document containing their suggested amendments.]

(Editorial)

[e942780] [Editor's Note: In proceeding to a third reading with Substitute Proposition Number 106, the report from the Committee on Public Debt was agreed and the original proposition dropped from consideration.]

(Editorial)

[e942779] [Editor's Note: In proceeding to a third reading with Substitute Proposition Number 106, the report from the Committee on Public Debt was agreed and the original proposition dropped from consideration.]

(Editorial)

[e942781] Mr. President: Shall Proposition Number 106 be engrossed and have a third reading? Those in favor answer "aye;" opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942785] Recommendation on Proposition No. 56 adopted and said Proposition indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 224)

[e942786] Recommendation on Proposition No. 56 adopted and said Proposition indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 224)

[e942787] Recommendation on Proposition No. 56 adopted and said Proposition indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 224)

[e942788] [Editor's Note: In adopting the Committee of the Whole recommendation to indefinitely postpone Proposition Number 56, the Convention agreed the Report from the Committee on Public Debt on Proposition Number 56, which also suggested indefinite postponement.]

(Editorial)

[e942789] [Editor's Note: In adopting the Committee of the Whole recommendation to indefinitely postpone Proposition Number 56, the Convention rejected the Minority Report from the Committee on Public Debt on Proposition Number 56, which recommended that the proposition be adopted.]

(Editorial)

[e942790] Mr. President: [...] Proposition Number 126, shall it be indefinitely postponed?

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942791] Mr. President: [...] Those in favor make it known by saying "aye;" opposed "no." The "ayes" have it, and it is so ordered. What is your pleasure gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942792] Mr. President: [...] Those in favor make it known by saying "aye;" opposed "no." The "ayes" have it, and it is so ordered. What is your pleasure gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942793] [Editor's Note: With the decision on Proposition Number 126 the Convention concluded its consideration of the Report from the Committee of the Whole on Substitute Proposition Number 106 and Proposition Numbers 56 and 126.]

(Editorial)

[e942794] [Editor's Note: With the decision on Proposition Number 126 the Convention concluded its consideration of the Report from the Committee of the Whole on Substitute Proposition Number 106 and Proposition Numbers 56 and 126.]

(Editorial)

[e942796] Mr. Weinberger: I move we adjourn until 7:30.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942797] Mr. Cunniff: I move an amendment that it be changed to read 9:30 Monday morning.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942798] Mr. Parsons: Inasmuch as there is loads of work for a great many of the committees to do that will occupy the time tonight and tomorrow, and I have been informed that at least one of our members is to be unavoidably detained, as there is to be a meeting of the Arizona members of the Harvard Alumni, and some propositions will come up which he is interested in, I second the motion to adjourn to 9:30 Monday morning. Let the committees use tonight and tomorrow.

Mr. Connelly: I believe the committee was to arise and report progress. What is the use of having more committee meetings until we get through with the twenty-five propositions now before us?

(The Records of the Arizona Constitutional Convention of 1910, Pages 489-490)

[e942799] Mr. President: Gentlemen, it has been moved and seconded that the convention adjourn until 7:30 p.m., amended to adjourn to 9:30 Monday morning. The secretary will call the roll.

Roll call showed 24 "ayes" and 13 "nays."

Convention adjourned to 9:30 a.m., November 21, 1910

(The Records of the Arizona Constitutional Convention of 1910, Page 490)

## 1.64 Monday, 21 November 1910, at 09:30 (s16139)

[e939785] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 490)

[e939788] Mr. President: The convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 490)

[e939795] Roll call as follows:

Present—Baker, Bolan, Bradner, Cobb, Coker, Connelly, Cooper, Cunniff, Cunningham, Curtis, Ellinwood, Hutchinson, Jacome, Jones, A. M., Keegan, Kinney, Langdon, Lovin, Moore, Orme, Osborn, Parsons, Pusch, Scott, Short, Simms, Mit, Weinberger, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Cassidy, Colter, Crutchfield, Franklin, Ingraham, Jones, F. A., Kingan, Lynch, Morgan, Roberts, Sims, R. B., Standage, Tovrea, Tuthill, Webb.

Excused, Doe, Feeney, Goldwater, Moeur, White.

(The Minutes of the Arizona Constitutional Convention, Page 226)

[e939797] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 490)

[e939804] Reverend Crutchfield: O Lord, our Heavenly Father, we thank Thee that on this bright Monday morning there are so many of us permitted to answer roll call as we enter upon the duties of another week and another day. We thank Thee for the spiritual strength that we got during the day yesterday for rest and refreshment for our souls to be refreshed and our minds to be relieved from, the burden and tension and strain of business, and this morning we come into Thy presence in the beginning of the service and the session of the convention with clear minds and happy hearts and cheerful dispositions to do the work which is before us this day. Now Lord, we pray that these men who have failed to answer roll call this morning may not fail to be ready to answer roll call at the great time when all men shall be called upon to answer for their work done in this world. We pray Thy blessings upon these men that they may have clear perceptions of duty and truth, and clear apprehension of that which they ought to do and may they do it with the hope that it shall be a great blessing to this country. We thank Thee for the hope that we have that some day this world will become like that which was prayed for and prophesied by a great prophet of old when the desert shall blossom as the rose. We pray that these men may have in their hearts and minds a disposition to bring about this great transformation, and to this end help them to formulate such laws as will be conducive to the extension of this very thing that was prayed for and hoped for. Let Thy blessing come upon us all. We need each and every one of us this morning to pray the words that Thou hast taught us to say: Our Father which are in Heaven, hallowed be Thy name, Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil; for Thine is the Power, and the Kingdom, and the Glory forever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 490-491)

[e939807] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 491)

[e939810] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 491)

[e939816] The sergeant at arms announced that Mr. Cassidy, Mr. Colter, Mr. Crutchfield, Mr. Franklin, Mr. Ingraham, Mr. Jones of Maricopa, Mr. Kingan, Mr. Morgan, Mr. Roberts, Mr. Standage, Mr. Webb, Mr. Sims of Cochise had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 226)

[e939842] Mr. President: Reports of standing committees.

Mr. Wood: Mr. President, your Committee on Finance, Accounts and expense has a report.

Secretary (reading): "Phoenix, Arizona, November 19, 1910. Mr. President: Your Committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 19, 1910. Pay roll of members, \$1470; pay roll of attaches 1176.00; printing and delivery of five substitute propositions (25 pages) at \$2.00, total 50.00; stationery and sundries estimated at \$30.00; total for week ending November 19, 1910, \$2726. Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 491)

[e939850] Mr. President: If there is no objection the report will be adopted. Any other reports?

(The Records of the Arizona Constitutional Convention of 1910, Page 491)

[e939858] The sergeant at arms announced that Mr. Lynch and Mr. Goldwater had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 226)

[e939878] Mr. Cunningham, Chairman of Committee on Judiciary made the following report:

Phoenix, Arizona, November 19, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition No. 88 and respectfully recommends that said Proposition be amended to read as follows:

"The legislature or the people shall enact an equitable and sufficient employer's liability law or laws for the protection and safety of employers in all hazardous occupations. And recommend that same be adopted."

Your Committee further recommends that in the opinion of the majority of your Committee the above words will meet all necessary requirements and limitations. That section 2 of said Proposition No. 88 with the above Substitutes

adopted would be surplussage. That sections 3, 4, and 5 are fully covered by other provisions adopted or under consideration.

D. L. CUNNINGHAM,  
Chairman.

We concur: E. E. Ellinwood, A. F. Parsons, J. Weinberger, Fred L. Ingraham,  
A. C. Baker, Alfred Franklin.

(The Minutes of the Arizona Constitutional Convention, Pages 226-227)

[e939882] Phoenix, Arizona, November 18, 1910.

Mr. President:

We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 88 and respectfully recommend that sections 3 and 5 of said Proposition are covered by Proposition Number 50, section 4 by the report of the Committee on Labor. Section 1 and 2 should be adopted.

JAS. E. CRUTCHFIELD,  
H. R. WOOD,  
MORRIS GOLDWATER.

(The Minutes of the Arizona Constitutional Convention, Page 227)

[e939887] [Editor's note: Proposition Number 88 was referred to the Convention alongside the committee's reports.]

(Editorial)

[e939890] Mr. President: If there are no objections it will come up in regular course in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
491-492)

[e939892] Proposition No. 88 and reports thereon referred to Committee of the Whole for November 22, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 227)

[e939894] Proposition No. 88 and reports thereon referred to Committee of the Whole for November 22, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 227)

[e939918] Secretary (reading): Report of Committee on Judiciary on Proposition Number 47 recommending that it be indefinitely postponed; also report of a minority of committee on judiciary on Proposition Number 47, recommending that it do pass.

[Editor's Note: As there is no record of the text of the Report of Committee on Judiciary on Proposition Number 47, the editors have approximated it based on the available information.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939920] Secretary (reading): Report of Committee on Judiciary on Proposition Number 47 recommending that it be indefinitely postponed; also report of a minority of committee on judiciary on Proposition Number 47, recommending that it do pass.

[Editor's Note: As there is no record of the text of the Minority Report of Committee on Judiciary on Proposition Number 47, the editors have approximated it based on the available information.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939921] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the committee reports.]

(Editorial)

[e939922] Mr. President: It will take the same course as the preceding proposition, and will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939923] Mr. President: It will take the same course as the preceding proposition, and will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939925] Mr. President: It will take the same course as the preceding proposition, and will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939975] Mr. Jones, Chairman of Committee on Suffrage and Election [sic], made the following report:

Phoenix, November 18, 1910.

Mr. President:

Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 42 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 46 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 128 and respectfully recommends that it be indefinitely postponed for the reason that it is entirely legislative and should be left to the Legislature.

That it has examined Proposition Number 30 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 111 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 51 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 117 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 108 and respectfully recommends that it be indefinitely postponed.

A.M. JONES,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 227-228)

[e939982] Secretary (reading): Phoenix, November 18, 1910, Mr. President: Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 42 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 42 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939985] Mr. President: It will take the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939987] Secretary (reading): That it has examined Proposition Number 46 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 46 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939988] Mr. President: It will come up tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939991] Secretary (reading): That it has examined Proposition Number 128 and respectfully recommends that it be indefinitely postponed for the reason that it is entirely legislative and should be left to the Legislature.

[Editor's Note: Proposition Number 128 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939993] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939994] Secretary (reading): That it has examined Proposition Number 30 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 30 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e939999*] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940003*] Secretary (reading): That it has examined Proposition Number 111 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 111 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 493)

[*e940007*] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940010*] Secretary (reading): That it has examined Proposition Number 51 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 51 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940013*] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940016*] Secretary (reading): That it has examined Proposition Number 117 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

[Editor's Note: Proposition Number 117 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940019*] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e940023*] Secretary (reading): That it has examined Proposition Number 108 and respectfully recommends that it be indefinitely postponed. A.M. Jones, Chairman."

[Editor's Note: Proposition Number 108 was referred to the Convention alongside the committee's report.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
492-493)

[e940025] Mr. President: It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 493)

[e940028] [Editor's Note: There is no record of this minority report until it appears in the afternoon session of the Committee of the Whole on November 22, 1910. Given the Convention's usual procedure, the editors have inferred that the minority report was likely presented to the Convention alongside the majority report and referred to the Committee of the Whole.]

(Editorial)

[e940033] [Editor's Note: There is no record of this minority report until it appears in the afternoon session of the Committee of the Whole on November 22, 1910. Given the Convention's usual procedure, the editors have inferred that the minority report was likely presented to the Convention alongside the majority report and referred to the Committee of the Whole.]

(Editorial)

[e940037] [Editor's Note: The Committee's Report is referred to Committee of the Whole.]

(Editorial)

[e940062] Mr. Cunningham, Chairman of Committee on Judiciary, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 91 and respectfully recommends that the Proposition be amended by striking out all the words following the word "language" in line three for the reason a majority of your Committee are of the opinion the words stricken out would conflict with the Supreme Law of the land.

A majority of your Committee recommend that as amended that Proposition Number 91 do pass.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, Fred L. Ingraham, Alfred Franklin, A.C. Baker, J. Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 228-229)

[e940066] Phoenix, Arizona, November 18, 1910.

Mr. President:

We, a minority of your Committee on Judiciary begs leave to report it has examined Proposition No. 91 and respectfully recommends that we believe it is just and trust that it is in accord with the United States Constitution.

James E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 229)

[e940086] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940091] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e940094] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e940097] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e940116] D.L. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition No. 50 as amended and respectfully recommends that said amended Proposition No. 50 be further amended by striking out the last sentence to-wit: the words "any contract or argument to waive any right to recover damages for death or injury shall be void," for the reason said words if adopted in this Constitution would limit the rights of contract and deny to persons injured the equal protection of the law and therefore be in conflict with the Constitution of the United States and take away the liberty of the people if valid.

We further recommend that as amended said Proposition do pass.

D.L. CUNNINGHAM,

Chairman.

We concur: A.C. Baker, J. Weinberger, A.F. Parsons, E.E. Ellinwood, Alfred Franklin, S.S. Keegan.

(The Minutes of the Arizona Constitutional Convention, Page 299)

[e940119] Phoenix, Arizona, November 21, 1910.

Mr. President: The undersigned, a minority of your Committee on Judiciary, beg leave to report they have examined Proposition Number 50 and respectfully recommend that said Proposition No. 50 do pass as amended by the Committee of the Whole.

Fred L. Ingraham, Jas. E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 229)

[e940120] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the committee reports.]

(Editorial)

[e940124] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 493)

[e940130] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 493)

[e940132] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 493)

[e940153] Mr. Short, Chairman of Committee of the Whole, announced that Substitute Propositions Nos. 6, 122, and 125 had been printed and returned.

[Editor's Note: The minutes should read Substitute No. 22. not No. 122.]

(The Minutes of the Arizona Constitutional Convention, Pages 229-230)

[e940822] Mr. Short, Chairman of Committee of the Whole, announced that Substitute Propositions Nos. 6, 122, and 125 had been printed and returned.

[Editor's Note: The minutes should read Substitute No. 22. not No. 122.]

(The Minutes of the Arizona Constitutional Convention, Pages 229-230)

[e940828] [Editor's Note: Once Substitute Proposition Number 6 was printed Proposition Number 6 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940845] [Editor's Note: Once Substitute Proposition Number 125 was printed, the report from the Legislative Committee on Proposition Number 125 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940850] [Editor's Note: Once Substitute Proposition Number 22 was printed it was referred to come up in the Committee of the Whole.]

(Editorial)

[e940856] [Editor's Note: Once Substitute Proposition Number 22 was printed Proposition Number 22 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940861] [Editor's Note: Once Substitute Proposition Number 125 was printed, the report from Private Corporations and Banks on Proposition Number 125 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940830] [Editor's Note: Once Substitute Proposition Number 125 was printed it was referred to come up in the Committee of the Whole.]

(Editorial)

[e940832] [Editor's Note: Once Substitute Proposition Number 125 was printed Proposition Number 125 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940836] [Editor's Note: Once Substitute Proposition Number 125 was printed, the report from the Judiciary Committee on Proposition Number 125 was referred to come up in the Committee of the Whole.]

(Editorial)

[e940202] [Editor's Note: Substitute Proposition Number 40 comes up before the Committee of the Whole on this morning. Therefore, while it is not stated, it can be inferred that the proposition was printed and returned before this point.]

(Editorial)

[e940703] [Editor's Note: Substitute Proposition Number 40 comes up before the Committee of the Whole on this morning.]

(Editorial)

[e940370] [Editor's Note: Substitute Proposition Number 40 comes up before the Committee of the Whole on this morning.]

(Editorial)

[e940372] [Editor's Note: Substitute Proposition Number 40 comes up before the Committee of the Whole on this morning.]

(Editorial)

[e940179] Mr Short, Chairman of Committee on Printing and Clerks made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President: The work of the Convention having reached the point where there is very little necessity for Committee Clerks and various other employees, a needless expense of forty or fifty dollars per day is being incurred for employees who have no duties to perform, and the efficiency of some clerks is being impaired on account of idleness on the part of others, the Committee on Printing and Clerks recommends that the services of not less than five Committee Clerks be dispensed with.

E.L. Short, Chairman. F.A. Jones, Wm. F. Cooper

(The Minutes of the Arizona Constitutional Convention, Page 230)

[e940188] Mr. Short: Mr. President, I move the adoption of the committee report.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 494)

[e940200] Mr. Winsor: I think this convention knows the attitude I took upon the convening of this convention in the matter of the employment of clerks. At that time I pointed out that we were very likely to appoint more clerks than we needed. I believe that time has borne out the statement. Regardless of that fact, and overriding my opinion and the opinion of a few others, these clerks were employed. They went to work in good faith, under a moral contract, if no other kind, and I for one am now opposed to the discharging of any clerks with whom we have entered into this moral contract, which to my mind is a binding contract. I think until we get done with our labors they should be retained.

Mr. Webb: I did not hear the reading of the report. I was busy. I do not care to have it re-read as I can get from the remarks of the gentleman just speaking an idea of its contents. I desire to say that there are [a] number of these clerks and employees who came quite a distance, had their railroad fares to pay and will have to pay their railroad fare when they return home. One or two came from California on wire messages, although I believe they are residents of Arizona, but happened to be in Los Angeles, and for this reason it would be very unjust certainly, and so far as I know an unheard of thing to throw them out of employment at this time.

Mr. Short: The position that these gentlemen have taken in regard to these employees is probably all right from their standpoint, but I do not believe that any pension was promised anybody in connection with this constitutional convention, and if they were looking at it from the point of the printing and clerks committee they would take a different view. If they knew how difficult it is to get anything done by some of these clerks, they would realize how necessary it is to dispense with some of them who have absolutely no duties assigned to them because there is nothing to assign, and those who have duties to perform and who are behind in their work and who are willing to do what is right in order to earn their per diem say they do not see why they should be required to work their full time when there are others doing absolutely nothing. You cannot blame these employees for not wanting to do a full days' work when there are others who have nothing to do and do nothing, and from our point of view we think it is absolutely necessary that a number of these clerks be dispensed with or something furnished for them to do.

Mr. Morgan: Mr. President, when I sent for a clerk who is here from Navajo county I was given to understand that he would be given employment as long as the convention lasted, and I would hate to see him sent home until he got through, and I want to say this: if it is the purpose to discharge some of the clerks it is going to mean a lot of argument here, and some of the papers figure it costs us about seventy-six cents a minute to run this convention and we will use up more wealth than it will take to pay these clerks, so I move the report be indefinitely postponed.

Mr. Jones (Maricopa): There is a motion seconded before the house, Mr. Chairman, and I want to say in its support that if it does not carry and this convention wants their work done, when the committee will ask leave to be

allowed to suggest to these unnecessary clerks that they refrain from visiting the capitol.

Mr. Osborn: Have we any unnecessary employees?

Mr. Jones (Maricopa): Yes, sir.

Mr. Osborn: I have been around in Congress in Washington and also the legislature here, and here everyone seems willing to work. And I have asked a number of the different clerks to do things for me and they have always done them willingly.

Mr. Ellinwood: Mr. President, I am sure that I fully appreciate the spirit in which the suggestion is made, but I think it is a mistake. I think the session is not very much longer now, and from now on when you have the compilation and revision and the writing and re-writing of this constitution you will need your clerks, and it is my prediction if you let some of these clerks go now this body will be appointing more clerks before the session is finished.

Mr. Cunniff: Mr. President, I would request the committee on printing and clerks to send me one or two of these unnecessary clerks.

Mr. Short: Mr. President, there is certain work on books and certain work that must be done and that can only be done by a limited number. There are two shifts now that are working on these books. Some of the clerks are doing nothing and the others feel that they are doing the work and getting paid for just what the others should be doing.

Mr. Connelly: Mr. President, I believe the clerks have some say-so in this matter. I believe before anybody is discharged they should be given a certain notice, and I believe they should be given fifteen days notice. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 494-495)

[e940201] Mr. President: Those in favor of adopting the report will signify by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 495)

[e940744] Mr. President: [...] Gentlemen, if there are no objections the convention will now resolve itself into a committee of the whole, the gentleman from Maricopa, Mr. Cassidy, will take the chair.

[Editor's Note: The Committee discussed Propositions Number 73, 100, and 44 in this session, so the editors have represented it as being referred.]

(The Records of the Arizona Constitutional Convention of 1910, Page 495)

[e940753] Mr. President: [...] Gentlemen, if there are no objections the convention will now resolve itself into a committee of the whole, the gentleman from Maricopa, Mr. Cassidy, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 495)

[e940754] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e940914] The president resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Maricopa, Mr. Cassidy.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940917] The president resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Maricopa, Mr. Cassidy.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941608] Mr. Cassidy: "Mr. President, your committee of the whole begs leave to report progress, and ask leave to sit again this afternoon."

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941613] Mr. Cassidy: [...] I move the report of the committee be adopted.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941614] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941617] Mr. Osborn: I move we take a recess until 2 o'clock this afternoon.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941619] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

## **1.65 Monday, 21 November 1910, at 14:00 (s16140)**

[e939789] Mr. President: Convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e939790] Mr. President: Convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[*e939852*] Mr. Coker, Chairman of Committee on State and School Lands, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on State and School Lands begs leave to report it has examined Proposition No. 78 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition No. 78 and that Substituted Proposition be adopted.

That it has examined Proposition No. 28 and respectfully recommends that the same do not pass as it is in conflict with the Enabling Act.

That it has examined Proposition No. 13 and respectfully recommends that the same be indefinitely postponed for the reason that the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Proposition No. 16 and respectfully recommends that the same be indefinitely postponed as the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Proposition No. 129 and respectfully recommends that the same be indefinitely postponed as the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Memorial No. 1, and respectfully recommends that it be adopted.

Elmer N. Coker, Chairman

(The Minutes of the Arizona Constitutional Convention, Page 234)

[*e939861*] Secretary (reading): Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on State and School Lands begs leave to report it has examined Proposition Number 78 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 78 and that Substituted Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[*e939864*] Secretary (reading): Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on State and School Lands begs leave to report it has examined Proposition Number 78 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 78 and that [said] Substituted Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[*e939868*] Mr. President: I will ask the chairman of the Committee on State and School Lands, do you want that printed?

Mr. Coker: The substitute proposition? Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[*e939869*] Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e943652] [Editor's Note: Proposition Number 78 came up in the Committee of the Whole on 26 November.]

(Editorial)

[e939871] Secretary (reading): That it has examined Proposition Number 28 and respectfully recommends that the same do not pass as it is in conflict with the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939873] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939875] Secretary (reading): That it has examined Proposition Number 13 and respectfully recommends that the same be indefinitely postponed for the reason that the matters therein contained have been fully covered by Substitute Proposition Number 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939876] Mr. President: It will take the same course as the other one.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939879] Secretary (reading): That it has examined Proposition Number 16 and respectfully recommends that it be indefinitely postponed as the matters therein contained are fully covered by Substitute Proposition Number 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939881] Mr. President: It will come up in the committee of the whole when the other is printed and returned.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939883] Secretary (reading): That it has examined Proposition Number 129 and respectfully recommends that it be indefinitely postponed as the matters therein contained are fully covered by Substitute Proposition Number 78.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939886] Mr. President: It will take the same course as the other one.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939889] Secretary (reading): That it has examined Memorial Number 1, and respectfully recommends that it be adopted. Elmer W. Coker, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939891] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e940041] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e939990] Mr. Crutchfield, Chairman of Committee on Preamble, and Declaration of rights, made the following report:

Phoenix, Arizona, November 21, 1910

Mr. President:

Your Committee on Preamble and Declaration of Rights, begs leave to report it has examined Proposition No. 94 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition No. 94 and that Substitute Proposition be adopted.

That it has examined Proposition No. 104 and respectfully recommends that it do not pass save as to sections 10, 14 and 23 which are embraced in Committee Report.

That it has examined Proposition No. 116 and respectfully recommends that it do not pass for the matter herein contained is covered in Committee report.

That it has examined Proposition No. 98 and respectfully recommends that it do not pass inasmuch as the matter is covered in Committee Report.

That it has examined Proposition No. 95 and respectfully recommends that it do not pass for the reason that the question of preamble has already been settled by the Convention.

JAS. E. CRUTCHFIELD, Chairman.

We concur: P.F. Connelly, Wm. Morgan.

(The Minutes of the Arizona Constitutional Convention, Pages 234-235)

[e939997] Secretary (reading): Phoenix, Arizona, November 21, 1910. Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report it has examined Proposition Number 94 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 94 and that Substitute Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e940000] Secretary (reading): Phoenix, Arizona, November 21, 1910. Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report it has examined Proposition Number 94 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 94 and that Substitute Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e940004] [Editor's Note: This report came up in the Committee of the Whole on 25 November 1910. Rather than adopting it in the Convention when the Proposition was referred to the Committee on Preamble and Bill of Rights, we have shown it being referred along with the Proposition in order to represent this.]

(Editorial)

[e940008] Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e943454] Propositions Nos. 104, 116, 98 referred to Committee of the Whole to be considered with Substitute Proposition No. 94.

[Editor's Note: The original Proposition Number 94 is considered alongside Substitute Proposition Number 94 in the Committee of the Whole, so it has been referred out of the Convention at this point.]

(The Minutes of the Arizona Constitutional Convention, Page 235)

[e943456] [Editor's Note: This report came up in the Committee of the Whole on 25 November 1910. Rather than adopting it in the Convention when the Proposition was referred to the Committee on Preamble and Bill of Rights, we have shown it being referred along with the Proposition in order to represent this.]

(Editorial)

[e940012] Secretary (reading): That it has examined Proposition Number 104 and respectfully recommends that it do not pass save as to sections 10, 14 and 23 which are embraced in Committee Report.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940014] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940017] Secretary (reading): That it has examined Proposition Number 116 and respectfully recommends that it do not pass for the matter herein contained is covered in Committee report.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940021] Mr. President: It will take the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940024] Secretary (reading): That it has examined Proposition Number 98 and respectfully recommends that it do not pass inasmuch as the matter is covered in Committee Report.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940029] Mr. President: It will take the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940032] Secretary (reading): That it has examined Proposition Number 95 and respectfully recommends that it do not pass for the reason that the question of preamble has already been settled by the Convention. James E. Crutchfield, Chairman. We concur: P.F. Connelly, Wm. Morgan.”

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940035] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940039] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940080] Mr Orme, Chairman of Committee on Agriculture, Irrigation and Water Rights, made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Agriculture, Irrigation and Water Rights, begs leave to report it has examined Proposition Number 66 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 66 and that said Substitute Proposition Number 66 be adopted.

That it has examined Proposition Number 127 and respectfully recommends that it be indefinitely postponed as the substance matter contained therein is covered in Committee Substitute Number 66.

JOHN P. ORME, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 235)

[e940083] Secretary (reading): Phoenix, Arizona, November 21, 1910. Mr. President: Your Committee on Agriculture, Irrigation and Water Rights, begs leave to report it has examined Proposition Number 66 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 66 and that said Substitute Proposition Number 66 be adopted.

That it has examined Proposition Number 127 and respectfully recommends that it be indefinitely postponed as the substance matter contained therein is covered in Committee Substitute Number 66. John P. Orme, Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940085] Secretary (reading): Phoenix, Arizona, November 21, 1910. Mr. President: Your Committee on Agriculture, Irrigation and Water Rights, begs leave to report it has examined Proposition Number 66 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 66 and that said Substitute Proposition Number 66 be adopted.

That it has examined Proposition Number 127 and respectfully recommends that it be indefinitely postponed as the substance matter contained therein is covered in Committee Substitute Number 66. John P. Orme, Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940087] Secretary (reading): Phoenix, Arizona, November 21, 1910. Mr. President: Your Committee on Agriculture, Irrigation and Water Rights, begs leave to report it has examined Proposition Number 66 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 66 and that said Substitute Proposition Number 66 be adopted.

That it has examined Proposition Number 127 and respectfully recommends that it be indefinitely postponed as the substance matter contained therein is covered in Committee Substitute Number 66. John P. Orme, Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e943412] Mr. President: If there is no objection that will be referred to the printing committee and 500 copies ordered printed and the other will not be taken up until that is returned from the printer.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e943414] Mr. President: If there is no objection that will be referred to the printing committee and 500 copies ordered printed and the other will not be taken up until that is returned from the printer.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e940089] Letter from Richard E. Sloan, Governor of Arizona, read and referred to Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 236)

[e940092] Letter from Richard E. Sloan, Governor of Arizona, read and referred to Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 236)

[e940096] Mr. Franklin moved, seconded by Mr. Webb, that the Secretary be instructed to issue requisitions for such necessary supplies as are requested by the members of the convention; carried.

(The Minutes of the Arizona Constitutional Convention, Page 236)

[e940098] Mr. Franklin moved, seconded by Mr. Webb, that the Secretary be instructed to issue requisitions for such necessary supplies as are requested by the members of the convention; carried.

(The Minutes of the Arizona Constitutional Convention, Page 236)

[e940101] Mr. Webb introduced Resolution No. 15 as follows:

"Whereas, the office of the doorkeeper of this Convention has become vacant through the resignation of W.H. Gibbons, and whereas the peace and quiet of this Convention demands the constant attention of such an officer and whereas B.J. Whitesides of Santa Cruz County is so peculiarly well fitted by education and experience to fill this position with credit to himself and honor to this Convention, therefore be it resolved that the said B.J. Whitesides be and is hereby employed by this Convention to act as doorkeeper at a salary of \$5.00 per day."

(The Minutes of the Arizona Constitutional Convention, Page 236)

[*e940105*] Mr. Webb: I move the adoption of the resolution.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[*e940108*] Mr. Jones (Maricopa): I would like to say the position has been filled by one of the numerous attaches who had no other duties and the position is not vacant.

Mr. Morgan: I want to say I have known Mr. Whitesides for years. I have been in sessions of the legislature with him and at other times he has been sergeant-at-arms of the legislature, and the height of his ambition is to be connected in some way with this convention. It was a great disappointment to him to have a Republican elected in Santa Cruz at this time, and I hope that every member of the convention will vote for Mr. Whitesides to fill the vacant place by Mr. Whitesides. We will not ask for any roll call on this question. Any Democratic member of this convention who votes against the proposition we will know it by the blushes on his cheek.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[*e940122*] Mr. President: Those in favor will answer "aye" as their names are called; those opposed will answer "no." The secretary will call the roll.

Mr. Cunniff: I would like to explain my vote. I would like to do anything I could for the gentleman and I am sorry that he has not got a position here, but I cannot vote for that in the face of the report made by the printing and clerks committee this morning, and I vote no.

Roll call showed 36 "ayes" and 10 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[*e940728*] [Editor's Note: Substitute Proposition Number 52 came before the Committee of the Whole in this session. Therefore, while it is not stated, it can be inferred that the substitute proposition had been printed and returned before this point.]

(Editorial)

[*e940131*] Mr. President: We are now ready to take up the order of the day, and if there is no objection the convention will resolve itself into a committee of the whole with the gentleman from Maricopa, Mr. Cassidy, in the chair, to take up unfinished business.

[Editor's Note: Substitute Proposition Number 52 and associated documents came before the Committee of the Whole in this session.]

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[*e940133*] Mr. President: We are now ready to take up the order of the day, and if there is no objection the convention will resolve itself into a committee of the whole with the gentleman from Maricopa, Mr. Cassidy, in the chair, to take up unfinished business.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940135] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e940138] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e940140] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e940295] Mr. Cassidy: Mr. President: Your committee of the whole begs leave to report it has examined Propositions Numbers 147, 122, 83, 59, 65, 10, 11, 130, 138, 20, 35, 39, 96, 45, 89, 97, 133, and 146 and recommend that all of these propositions be indefinitely postponed. Your committee further reports that it has examined Propositions Number 73, 100, 44, and Substitute Number 15, and recommends that these propositions be placed on the calendar of the committee of the whole for tomorrow morning. Your committee further begs leave to report that it has examined Proposition Number 93, and recommends that it be adopted as amended; that it has examined Propositions Number 61, 43, and 40, and recommends that Substitute Proposition Number 61 be adopted, that Substitute Proposition Number 64 be adopted as amended, that Substitute Proposition Number 43 be adopted as amended by the committee of the whole, that Substitute Proposition Number 52 be adopted as amended by the committee of the whole, and that Substitute Proposition Number 40 be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943423] [Editor's Note: Proposition Number 147 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943426] [Editor's Note: Proposition Number 122 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943429] [Editor's Note: Proposition Number 83 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943431] [Editor's Note: Proposition Number 59 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943433] [Editor's Note: Proposition Number 65 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943439] [Editor's Note: Proposition Number 11 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943440] [Editor's Note: Proposition Number 10 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943442] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943444] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943445] [Editor's Note: Substitute Proposition Number 64 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943446] [Editor's Note: Substitute Proposition Number 64 as Amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943448] [Editor's Note: Proposition Number 64 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943450] [Editor's Note: Proposition Number 130 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943453] [Editor's Note: Proposition Number 138 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943458] [Editor's Note: Proposition Number 20 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943459] [Editor's Note: Proposition Number 35 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943461] [Editor's Note: Proposition Number 39 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943463] [Editor's Note: Proposition Number 43 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943465] [Editor's Note: Proposition Number 96 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943466] [Editor's Note: Proposition Number 45 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943469] [Editor's Note: Proposition Number 89 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943471] [Editor's Note: The Report from the Committee on Legislative Department on Proposition Number 89 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e943473] [Editor's Note: Proposition Number 93 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943475] [Editor's Note: Proposition Number 97 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943479] [Editor's Note: Proposition Number 133 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943482] [Editor's Note: Proposition Number 146 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943484] [Editor's Note: Substitute Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943486] [Editor's Note: Substitute Proposition Number 52 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943489] [Editor's Note: The Report of the Committee on Counties on Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943492] [Editor's Note: Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943493] [Editor's Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943494] [Editor's Note: Substitute Proposition Number 40 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943495] [Editor's Note: Proposition Number 40 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943498] [Editor's Note: The Report from the Committee on Counties on Proposition Number 40 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943501] Mr. President: Gentlemen, you have heard the report of the committee of the whole. All those in favor of the adoption of the report answer "aye;" opposed "no." The "ayes" have it. As it will take at least fifteen minutes to take up these separately, a motion to indefinitely postpone the whole number will be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943502] Mr. President: All in favor answer "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943504] Mr. President: [...] All in favor of placing Propositions Numbers 73, 15, 100 and 44 on the calendar as a special order when Substitute Proposition Number 15 is returned from the printer, will answer "aye;" opposed "no."

(Editorial)

[e943505] Mr. President: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943510] Mr. President: [...] Those in favor of passing Substitute Proposition Number 61 as amended answer "aye;" those opposed "no." The "ayes" have it.

(Editorial)

[e943512] [Editor's Note: By adopting Substitute Proposition Number 61, the original Proposition Number 61 was dropped.]

(Editorial)

[e943513] Mr. President: [...] Shall Substitute Proposition Number 64 be engrossed and have a third reading? All in favor? Opposed? The "ayes" have it. Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended?

[Editor's Note: By adopting the Committee report, the Convention adopted the Committee of the Whole amendments to Substitute Proposition Number 64.]

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943514] Mr. President: [...] Shall Substitute Proposition Number 64 be engrossed and have a third reading? All in favor? Opposed? The "ayes" have it. Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended? All in favor answer "aye;" opposed "no." The "ayes" have it.

[Editor's Note: By adopting the Committee report, the Convention adopted the Committee of the Whole amendments to Substitute Proposition Number 64.]

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943516] Mr. President: [...] Shall Substitute Proposition Number 64 be engrossed and have a third reading? All in favor? Opposed? The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e947598] [Editor's Note: When the Convention adopted Substitute Proposition Number 64, the original Proposition Number 64 was dropped in tandem.]

(Editorial)

[*e943518*] [Editor's Note: As the Convention considered and accepted the Committee of the Whole amendments and incorporated them into Substitute Proposition Number 64, the Committee's version of the proposition is represented here as adopted.]

(Editorial)

[*e943527*] Mr. President: [...] Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended?

[Editor's Note: The Committee of the Whole recommended that the proposition be amended according to the report from the Committee on the Legislative Department: to insert the word "the" before the word "executive" and insert the word "the" before the word "judicial."]

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[*e943531*] Mr. President: [...] Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended?

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[*e943535*] Mr. President: [...] Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended?

[Editor's Note: The Committee of the Whole recommended that the amendments to Proposition Number 93 proposed by the Committee on Legislative be adopted. These amendments were appended to the Committee on Legislative report presented to the Convention in the afternoon session on November 18, 1910. These appended amendments, however, have not been located.]

(Editorial)

[*e943539*] Mr. President: [...] Shall Substitute Propositions Numbers 64, 43, and 52, and Proposition Number 93 be passed as amended? All in favor answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[*e943544*] Mr. President: [...] The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[*e943545*] Mr. President: [...] Shall Substitute Number 43 as amended be engrossed and have a third reading? Those in favor say "aye;" opposed "no." The "ayes" have it.

[Editor's Note: No Substitute Proposition Number 43 is mentioned in the Records or Minutes, so the editors have inferred that Hunt misspoke and meant to refer to Proposition Number 43.]

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[*e943547*] Mr. President: [...] Shall Number 93 be engrossed and have a third reading? Those in favor say "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943548] Mr. President: [...] Shall Number 40 as amended be engrossed and have a third reading? All in favor say “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943549] Mr. President: [...] Shall Number 40 as amended be engrossed and have a third reading? All in favor say “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943553] [Editor’s Note: As the Convention considered and accepted the Committee of the Whole amendments and incorporated them into Substitute Proposition Number 40, the Committee’s version of the proposition is represented here as adopted.]

(Editorial)

[e943554] [Editor’s Note: With the adoption of Substitute Proposition Number 40, the Report from the Committee on Counties and Municipalities on Proposition Number 40 was adopted.]

(Editorial)

[e943558] [Editor’s Note: With the adoption of the substitute proposition, the original Proposition Number 40 was dropped.]

(Editorial)

[e943551] Mr. President: [...] Shall Number 40 as amended be engrossed and have a third reading? All in favor say “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943556] Mr. President: [...] Shall Substitute Number 52 as amended be engrossed and have a third reading? All in favor say “aye” opposed “no.” The “ayes” have it. That takes up all our business from the committee of the whole. Every committee should bring in their reports so we will have something to work on.

(The Records of the Arizona Constitutional Convention of 1910, Pages 520-521)

[e943559] [Editor’s Note: As the Convention considered and accepted the Committee of the Whole amendments and incorporated them into Substitute Proposition Number 52, the Committee’s version of the proposition is represented here as adopted.]

(Editorial)

[e943560] [Editor’s Note: With the adoption of the substitute proposition, the original Proposition Number 52 was dropped.]

(Editorial)

[*e943562*] [Editor's Note: With the adoption of Substitute Proposition Number 52, the Report from the Committee on Counties and Municipalities on Proposition Number 52 was adopted.]

(Editorial)

[*e948367*] [Editor's Note: When the Convention adopted the Committee's suggestions the report was implicitly adopted in tandem.]

(Editorial)

[*e943566*] Mr. Franklin: I move we adjourn.

Mr. Webb: I second the motion to adjourn.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[*e943567*] The motion carried.

Convention adjourned to 9:30 a.m., November 22, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

## **1.66 Tuesday, 22 November 1910, at 09:30 (s16153)**

[*e940285*] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[*e940286*] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[*e940287*] Roll call showed a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[*e940288*] Mr. President: The convention will rise while the chaplain offers a prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[*e940290*] Reverend Crutchfield: Oh, Lord, our Heavenly Father, we thank Thee when we see how unworthy we have been and how gracious Thou art to us; Thou has spared our lives and pardoned our mistakes. Thou has dealt with us not according to our sins, but according to the multitude of Thy loving kindness, and this morning we feel like offering gratitude to Thee for His protecting guidance through the day. We would not undertake this day's work until we have put ourselves under the control of the spirit. Control every expression of our lips, and every implementation of our minds. We pray Thee to give direction today to all that is said or done or thought by any of this constitutional convention membership so that they shall have the spirit of Almighty God in the work they have in mind. We pray they may have nothing but the glory of God and the love of their fellows in every pen that is driven, and every word spoken,

and thought given or proposition offered so that they be under the control and guiding influence of Almighty God. To pray Thy blessing on the men in the midst of this weekly work, and when we are all done with the turmoil of human life may we have a happy admittance to the Kingdom, we pray Thee in the Great Redeemer's name. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[e940292] Mr. President: The secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[e940293] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 521)

[e940297] The sergeant at arms announced that Mr. Kingan, Mr. Wells, Mr. Wills and Mr. Tuthill had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page242)

[e940298] Petition from J. C. McIntosh and others of Bisbee, Ariz., read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940299] Petition from J. C. McIntosh and others of Bisbee, Ariz., read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940322] Mr. Ingraham, Chairman of Committee on Public Service Corporations other than Railroads made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Public Service Corporations other than Railroads begs leave to report it has examined Proposition No. 36 and recommends that said Proposition No. 36 be indefinitely postponed, it having been in substance enacted in Section 5 of Proposition No. 52 already adopted by this Convention.

That it has examined Proposition No. 38 and respectfully recommends that said Proposition No. 38 be amended by inserting the word "ratably" after the word "liable" and before the word "for" and that as amended said Proposition do pass.

FRED L. INGRAHAM.

Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940325] [Editor's note: Proposition Number 36 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940327] [Editor's note: Proposition Number 38 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940328] Mr. President: They will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940334] Mr. President: They will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940336] Mr. President: They will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940400] Mr. Tuthill, Chairman of the Committee on Militia and Public Defense made the following report:

Phoenix, Arizona, November 22, 1910.

Mr. President:

Your Committee on Militia and Public Defense begs leave to report that it has examined Proposition Nos. 49, 77, 107 and Resolution from the Common Council of Phoenix and recommends as follows:

That the resolution be referred to Committee No. 1.

That Proposition No. 49 be indefinitely postponed.

That Proposition No. 77 be indefinitely postponed.

That Proposition No. 107 be indefinitely postponed and the Committee Substitute No. 107 be substituted therefor as the provisions of the original are mainly covered by the Substitute.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940401] [Editor's Note: The Communication was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940403] [Editor's Note: Proposition Number 49 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940406] [Editor's Note: Proposition Number 77 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940424] [Editor's Note: Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940409] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940412] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940415] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940418] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940421] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940427] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940422] Mr. President: It will come up in the committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940480] Mr. Cunniff, Chairman of Committee of Style, Revision and Compilation made the following report:

Phoenix, Arizona, November 22, 1910.

Mr. President: Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 2 and respectfully recommends that it be adopted as amended in the appended engrossed copy, the phrase "state of Lower California" having been changed to "territory of lower California" on assurance from the Mexican consul in Phoenix that lower California is a territory of Mexico and not a state.

M. G. CUNNIFF,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 243)

[e941479] [Editor's Note: Proposition Number 2 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940500] Mr. Cunniff: I beg to say the only change is in the word state which has been made "territory". I move it be put on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e940501] Mr. President: It would not seem necessary to have it read again. Those in favor of the proposition will answer "aye" as their names are called; those opposed "no."

Roll call showed 45 "ayes" and 2 "nays."

Mr. President: The motion is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 522)

[e941494] Proposition No. 2 referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 244)

[e940504] Mr. Cunniff, Chairman of Committee on Style, Revision, and Compilation made the following report:

Secretary (reading): Phoenix, Arizona, November 22, 1910. Mr. President: Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 139 and respectfully recommends that Proposition Number 139 shall be amended as follows: Strike out the word 'child.' Add after the word 'eighteen' the word 'years.' Strike out the word 'a' between the word 'of' and 'crime.' Reverse the position of the phrases 'are confined' and 'adult prisoners.' Insert the words 'such' before the word 'minor' in the last line and add 's' to the word 'minor' in the last line. Strike out the word 'offenders' and the Committee further recommends that Proposition Number 139 so amended to read as follows be adopted. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 522-523)

[e940507] [Editor's Note: Proposition Number 139 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940513] [Editor's Note: The Convention proceeded to vote upon the amendments proposed to Proposition Number 139 by the Committee on Style.]

(Editorial)

[e940519] Mr. Cunniff: I move the proposition as amended be adopted.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940522] Mr. President: Gentlemen of the convention, it has been moved and seconded that this proposition be adopted as amended. Those in favor of adopting the amendments answer "aye"; opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940524] Mr. President: [...] Shall it have a third reading? Those in favor will answer "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940527] Mr. President: [...] The "ayes" have it, and the secretary will read the proposition.

Secretary (reading): Proposition Number 139.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940530] Mr. President: Third reading of the proposition. Those in favor of final passage will answer "aye" as their names are called; those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940537] Roll call showed 27 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940555] [Editor's Note: There is no record of when Substitute Proposition 15 was returned to the Convention from the Committee on Printing. However, it came up in the Committee of the Whole on November 22, so must have been returned prior to this point.]

(Editorial)

[e940559] [Editor's Note: There is no record of when Substitute Proposition 15 was returned to the Convention from the Committee on Printing. However, it came up in the Committee of the Whole on November 22, so must have been returned prior to this point.]

(Editorial)

[e940563] [Editor's Note: Proposition Number 15 was referred to the Committee alongside the substitute.]

(Editorial)

[e940602] [Editor's Note: The Report from the Committee on Education on Substitute Proposition Number 15 was referred to the Committee alongside the Substitute Proposition.]

(Editorial)

[e940574] Mr. President: The proposition is passed. Gentlemen of the convention, the convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Cunniff, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940575] Mr. President: The proposition is passed. Gentlemen of the convention, the convention will now resolve itself into a committee of the whole, with the gentleman from Yavapai, Mr. Cunniff, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940576] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e940579] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940581] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940908] Mr. Cunniff: Mr. President, your committee of the whole begs leave to report progress and asks leave to sit again.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940910] Mr. President: If there is no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940912] Mr. Weinberger: I move we take a recess until 1:30 p.m.  
Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940913] The motion prevailed.  
Convention stood at recess until 1:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

## **1.67 Tuesday, 22 November 1910, at 13:30 (s16157)**

[e940303] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
538-539)

[e940305] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
538-539)

[e940309] Mr. President: [...] The convention will now resolve itself into the committee of the whole, and the gentleman from Yavapai, Mr. Cunniff, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Pages 538-539)

[e940311] Mr. President: [...] The convention will now resolve itself into the committee of the whole, and the gentleman from Yavapai, Mr. Cunniff, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Pages 538-539)

[e940313] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e940428] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e940430] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941769] Mr. Cunniff: "Mr. President: Your Committee of the Whole begs leave to report and recommend as follows:

That it has had under consideration Substitute Proposition Number 15 and recommends that it do pass as amended.

Proposition Numbers 44, 73,100, 41, 95 and recommend that they be indefinitely postponed.

Substitute Propositions Numbers 125, 58, 50 and recommend that they be adopted as amended.

Proposition Number 72 and recommend that it be adopted.

Proposition Number 47 and recommend that it do pass as amended in the minority report.

Propositions Numbers 42, 46, 120,30, 111,51,117 and recommend that consideration be postponed until Substitute Proposition Number 21 is before the Committee of the Whole.

Proposition Number 108 and that it do pass.

Proposition Number 91 and that it do pass as amended.

That consideration of Proposition Number 28 and Memorial Number 1 be deferred until Substitute Proposition Number 78 is before Committee of the Whole.

Substitute Proposition Number 88 and that as amended it do pass."

[Editor's Note: The Committee report as recorded in both the Records and the Minutes lists recommendations on Propositions Numbers 58 and 120. This is likely a mistake, as the Committee considered neither of these propositions

in this session. Furthermore, Proposition Number 120 was indefinitely postponed on November 1, 1910, and Substitute Proposition Number 58 was not reported to the Convention by the Committee on Public Service Corporations until November 23, 1910. It seems likely that '120' was a mistake for '128,' which was taken up and postponed during this session, but does not appear in the report, whilst '58' was simply mistakenly inserted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[*e941775*] [Editor's Note: Substitute Proposition Number 15 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941910*] [Editor's Note: Substitute Proposition Number 15 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941913*] [Editor's Note: Proposition Number 15 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941915*] [Editor's Note: Proposition Number 44 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941921*] [Editor's Note: The Report from the Committee on Education on Proposition Number 15 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941928*] [Editor's Note: Proposition Number 73 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941930*] [Editor's Note: Proposition Number 100 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941932*] [Editor's Note: Proposition Number 41 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941935*] [Editor's Note: Proposition Number 95 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941938] [Editor's Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941940] [Editor's Note: Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941944] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941946] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941948] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941951] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941953] [Editor's Note: Proposition Number 72 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941954] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941956] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 47 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941957] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 47 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941959*] [Editor's Note: Proposition Number 108 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941964*] [Editor's Note: The Minority Report from the Committee on Suffrage and Elections on Proposition Number 108 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941966*] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941967*] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941969*] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941987*] [Editor's Note: Minority Substitute Proposition Number 88 as Amended in Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941990*] [Editor's Note: Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941993*] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e941995*] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941981] Mr. President: Those in favor of the adoption of the report of the committee of the whole will answer "aye;" opposed "no." The "ayes" have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 554-555)

[e942005] Mr. President: [...] That Proposition Number 15 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942010] Mr. President: [...] That Proposition Number 15 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942015] Mr. President: [...] That Proposition Number 15 do pass as amended. Those in favor signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942018] Mr. President: [...] Shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942027] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942031] Mr President: [...] Adoption of recommendation that Number 41, Number 73, Number 100 and Number 44 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942034] Mr. President: [...] Those in favor of indefinitely postponing these four proposition will answer "aye;" opposed "no." The "ayes" have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942038] Mr. President: [...] That Proposition Number 125 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942046] [Editor's Note: In this instance, no vote is taken on whether to adopt the proposition as amended before voting on whether or not to engross it for a third reading. Since this lack of a vote seems to be the President's decision, the editors have accepted the amendments using a chairpersonother vote.]

(Editorial)

[e942050] Mr. President: [...] That Proposition Number 125 do pass as amended. Shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942056] Mr. President: [...] That Proposition Number 125 do pass as amended. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942061] Mr. President: [...] Proposition Number 88. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no."

(Editorial)

[e942063] [Editor's Note: In this instance, no vote is taken on whether to adopt the proposition as amended before voting on whether or not to engross it for a third reading. Since this lack of a vote seems to be the President's decision, the editors have accepted the amendments using a chairperson's vote.]

(Editorial)

[e942064] Mr. President: [...] Shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942065] Mr. President: [...] Proposition Number 88. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942068] Mr. President: [...] Proposition Number 72. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942070] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942075] Mr. President: [...] Proposition Number 47. Shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942076] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942079] Mr. President: [...] Proposition Numbers 42, 46, Number 128, Number 30, Number 111, Number 51, Number 117 be deferred and come up with Substitute Proposition Number 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942083] Mr. President: [...] Those in favor signify by saying "aye;" those opposed "no." It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942089] Mr. President: [...] That Proposition Number 108 do pass as amended. Shall it be engrossed and have a third reading?

[Editor's Note: Although the President suggests the proposition pass 'as amended,' there is no record of any amendments being made to it in Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942091] Mr. President: [...] Those in favor signify by saying "say;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942098] Mr. President: [...] That Proposition Number 91 do follow the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942101] [Editor's Note: In this instance, no vote is taken on whether to adopt the proposition as amended before voting on whether or not to engross it for a third reading. Since this lack of a vote seems to be the President's decision, the editors have accepted the amendments using a chairperson's vote.]

(Editorial)

[e942111] Mr. President: [...] That Proposition Number 91 do follow the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942114] Mr. President: [...] Those in favor will signify by saying "aye;" opposed "no." The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942126] Mr. President: [...] Proposition Number 50 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942145] Mr. President: [...] Proposition Number 50 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942149] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942157] Mr. President: [...] Shall it be engrossed and have a Third Reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942161] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942168] Mr. President: [...] Proposition Number 95 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942172] Mr. President: [...] Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942176] Mr. President: [...] Proposition Number 28 and Memorial Number 1 are deferred until the Committee on Public Lands' report is taken up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942178] [Editor's Note: No objection was made to this announcement.]

(Editorial)

[e942180] Mr. Winsor: Mr. President, I ask leave to revert to the order of business reports of the committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e942181] Mr. President: If there is no objection it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943421] Mr. Winsor: This is the final report of the committee on legislative department and we will be glad to be discharged if it is the will of the convention.

Mr. President: Not until the convention is over. If there is no objection the committee will report.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943424] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 103, recommending that the accompanying proposition be substituted for said proposition and that said Substitute Proposition Number 103 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943428] [Editor's Note: Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943430] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943432] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943460] Secretary (reading): Report of committee on legislative Department, Distribution of Powers and Apportionment on Proposition Number 84, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
555-556)

[e943462] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943434] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 140, recommending that the accompanying Proposition be substituted for said Proposition Number 140 and that the said Substitute Proposition Number 140 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943435] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943436] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943437] Mr. President: It will come up in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943467] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 32, recommending that it be indefinitely postponed

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943470] Mr. President: It will come up in committee of the whole tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943478] Secretary (reading): Report of Committee on Legislative Department on Proposition Number 87, recommending that it be indefinitely postponed

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943481] Mr. President: It will take the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943485] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 85, recommending that it be indefinitely postponed

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943488] Mr. President: It will take the same course.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943491] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Appointment on Proposition Number 33 that it has examined section 7 of Proposition Number 33 and respectfully recommends that the said section be amended in accordance with the amendment attached and as so amended do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943496] [Editor's Note: Proposition Number 33 - Section 7 was referred to the Convention alongside the committee's report.]

(Editorial)

[e943499] Mr. President: It will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943500] Mr. President: It will come up tomorrow in committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943503] [Editor's Note: The Report from the Committee on Legislative Department, Distribution of Powers and Appointment on Proposition Numbers 103, 85, 87, 32, 84, 140 and Section 7 of 33 is referred to the Committee of the Whole.]

(Editorial)

[e943506] Mr. Winsor: I move you that when the convention adjourns it adjourns to take a recess until 7:30 o'clock this evening. In making that motion I would like to call attention to the fact that we still have before us nine propositions that we have not acted upon this afternoon, seven of which were deferred to come up with Proposition Number 21. Proposition Number 21 is printed and on our desks and has been all this afternoon. It will take a very slight springing of the rules to place this on the calendar of the committee of the whole for tonight, and since our time is so brief and our work has been so much delayed I think we should by all means do this. The paper that has just reached us says that the New Mexico convention has completed its labors and adjourned, and I think we should keep as near up as we possibly can.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 556)

[e943507] Mr. President: I would like to say to the chairman of the committees, with the exception of the committee on revision, that I would like to have them all have their reports in tomorrow.

Mr. Winsor: Mr. President, I would like to ask unanimous consent that the propositions on our desks in printed form, and that have been here all day, be placed in committee of the whole tonight.

(The Records of the Arizona Constitutional Convention of 1910, Pages 556-557)

[e943509] Mr. President: If there is no objection it will be so ordered. Those in favor of taking recess until 7:30 o'clock, signify by saying "aye;" opposed "no." The "ayes" have it, and it is so ordered.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

## 1.68 Tuesday, 22 November 1910, at 19:30 (s16158)

[e940301] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940302] Mr. President: The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940383] Mr. Colter Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report.

Phoenix, Arizona, November 22, 1910.

Mr. President: Your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition No. 23 and respectfully recommends that said Proposition be indefinitely postponed as it is provided for in the ordinance.

That it has examined Proposition No. 14 and recommends that said Proposition be indefinitely postponed.

That it has examined Proposition No. 145 and respectfully recommends that it do pass.

FRED T. COLTER,  
Chairman.

We concur: A.M. Tuthill, S.L. Kingan, P.F. Connelly, C.C. Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 245-255)

[e940385] [Editor's Note: Proposition Number 23 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940389] [Editor's Note: Proposition Number 14 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940391] [Editor's Note: Proposition Number 145 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940392] Propositions No. 23, 14 and 145 referred to the Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940395] Propositions No. 23, 14 and 145 referred to the Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940398] Propositions No. 23, 14 and 145 referred to the Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940393] Propositions No. 23, 14 and 145 referred to the Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940402] Secretary (reading): "Phoenix, Arizona, November 22, 1910. Mr. President: A majority of your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition Number 54 and respectfully recommends that Proposition do pass as amended. Fred T. Colter, Chairman. We concur: A.M. Tuthill, Fred T. Colter. [Minutes, page 256, I concur except as to percentage in section 1 and 3. I believe that a majority of the Legislature should be sufficient and that ten per cent initiative petition is sufficient. P.F. Connelly.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940404] Secretary (reading): [...] A minority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report it has examined Proposition Number 54, and respectfully recommend that the minority report herewith submitted be substituted therefor and that such minority report do pass. S.L. Kingan, C.C. Jacome.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940408] [Editor's Note: Substitute Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940410] [Editor's Note: Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940413] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940417] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940419] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940444] Secretary (reading): "Phoenix, Arizona, November 22, 1910. Mr. President: We, a majority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report we have examined Proposition Number 132 and respectfully recommend that Substitute Proposition herewith submitted for Proposition Number 132 be substituted and that Substitute Proposition Number 132 do pass. 'There shall be a State Sanitary Engineer, who shall be appointed by the Governor. He shall have such powers and duties as the Legislature may prescribe and shall be highly qualified in sanitation. Fred. T. Colter, Chairman. We concur: A.M. Tuthill, P.F. Connelly, Fred T. Colter [sic].

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940447] Secretary (reading): [...] Phoenix, Arizona, November 22, 1910. Mr. President: We, a minority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report we have examined Proposition Number 132 and respectfully recommend that said Substitute Proposition Number 132 be indefinitely postponed for the reason that I am opposed to the creation of any more state officers. S.L. Kingan."

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940450] [Editor's Note: Substitute Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940453] [Editor's Note: Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940462] Mr. Kingan: I request that you scratch out the reason stated thereon.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940466] [Editor's Note: The editors have inferred that, because Kingan was the only supporter of the minority report, his amendment was accepted.]

(Editorial)

[e940472] Proposition No. 132 and report thereon referred to Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 256)

[e940473] Proposition No. 132 and report thereon referred to Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 256)

[e940477] Proposition No. 132 and report thereon referred to Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 256)

[e940482] Proposition No. 132 and report thereon referred to Committee of the Whole for November 23, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 256)

[e940484] Secretary (reading): "Phoenix, Arizona, November 22, 1910. Mr. President: A minority of your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Number 60 be substituted as herein submitted and respectfully recommend that Proposition Number 60 do pass. "The legislature shall never pass any law discriminating against any school of medicine or method of healing." Fred T. Colter, Chairman. We concur: A.M. Tuthill, Fred T. Colter [sic]."

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940487] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940488] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940491] Mr. President: This will come up for consideration tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940493] Mr. President: This will come up for consideration tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940494] Mr. President: This will come up for consideration tomorrow in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940803] [Editor's Note: There is no record of when Substitute Proposition 6 was returned to the Convention from the Committee on Printing. However, the proposition came up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[e940810] [Editor's Note: Substitute Proposition 6 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940812] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940813] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940643] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Suffrage. However, the proposition came up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[e940646] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Suffrage. However, the proposition came up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[e940648] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Suffrage. However, the proposition came up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[e940651] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Suffrage. However, the proposition came up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[e940655] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940658] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940660] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940662] [Editor's Note: Substitute Proposition 21 and its associated reports and propositions came before the Committee of the Whole in the upcoming session.]

(Editorial)

[e940664] Mr. President: [...] The convention will now resolve itself into a committee of the whole, and the gentleman from Cochise. Mr. Cunningham, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940667] The convention will now resolve itself into a committee of the whole

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940670] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e941434] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941435] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941453] Mr. Cunningham: Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that said proposition, Substitute Number 21, be adopted as recommended by the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941457] [Editor's Note: Majority Substitute Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941459] [Editor's Note: Majority Substitute Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941461] [Editor's Note: Minority Substitute Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941464] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941518] [Editor's Note: Majority Substitute Proposition Number 21 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941525] Mr. Cunningham: Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that said proposition, Substitute Number 21, be adopted as recommended by the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941536] Mr. Cunniff: I move the report be adopted.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941537] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941548] Mr. President: Shall it be engrossed and have a third reading? Those in favor answer “aye;” opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941551] Mr. Connelly: I move we adjourn to 9:30 tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941553] Mr. Connelly: I move we adjourn to 9:30 tomorrow.

The motion prevailed.

Convention adjourned to 9:30 a.m., November 23, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

## **1.69 Wednesday, 23 November 1910, at 09:30 (s16168)**

[e940919] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e940921] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e940922] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e940924] Mr. President: The convention will arise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e940927] Reverend Crutchfield: O Lord, our Heavenly Father, we are brought under a sense of our dependence upon Thee this morning, and a very keen sense of our unworthiness, yet we know of no other source from which to derive strength only from Thee, and we come to Thee this morning ask Thy guidance this day. May we be delivered from every evil thought and thing and expression this day. It is said that “he that ruleth his own spirit is greater than he that taketh a city.” We pray that every one or us may have rule over their spirits this day, so that we shall say nothing that would be contrary to Thy will and for our own good and the good of our fellow citizens. We pray Thy blessing upon this convention this morning. May every man be able to run the race with patience. Let Thy blessing come upon this whole convention and its work this day. We ask in our Great Redeemer’s name. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 571-572)

[e940931] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940934] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940938] The sergeant at arms announced that Mr. Feeney, Mr. Franklin, Mr. Jones of Maricopa, Mr. Standage, Mr. Wells and Mr. Wills had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 262)

[e942055] Mr. Short, Chairman of the Committee on Printing and Clerks, reported that Substitute Proposition No. 6, 21, 22, and 113 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 262)

[e942059] [Editor's Note: Substitute Proposition Number 113 came up for consideration in the Committee of the Whole during the 19:30 session of November 23.]

(Editorial)

[e942044] [Editor's Note: Substitute Proposition Number 113 came up for consideration in the Committee of the Whole during the 19:30 session of November 23.]

(Editorial)

[e942047] [Editor's Note: Substitute Proposition Number 113 came up for consideration in the Committee of the Whole during the 19:30 session of November 23.]

(Editorial)

[e940953] Mr. President: If there is no objection the convention will now resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940954] Mr. President: If there is no objection the convention will now resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940957] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e941250] Mr. President: The convention will come to order. Mr. Crutchfield is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941251] Mr. President: The convention will come to order. Mr. Crutchfield is recognized.

(Editorial)

[e941252] Mr. Crutchfield: Mr. President, your committee of the whole begs leave to report progress, and asks leave to meet again.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941273] Mr. Cunniff: I move the report be adopted.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941274] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941257] Mr. Winsor: I move the convention take recess until 1:30.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941260] The motion prevailed.

Convention stood at recess until 1:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

## **1.70 Wednesday, 23 November 1910, at 13:30 (s16172)**

[e941268] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941269] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941270] Mr. President: [...] If there is no objection, the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941271] Mr. President: [...] If there is no objection, the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941275] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e941276] Mr. President: The convention will come to order and the gentleman from Maricopa will report.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941277] Mr. President: The convention will come to order and the gentleman from Maricopa will report.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941983] Mr. Crutchfield: "Mr. President: Your committee of the whole begs leave to report it has examined Substitute Proposition Number 6 and Substitute Proposition Number 22 and Proposition Number 131, 115, 55 and 102 and respectfully recommends that Substitute Proposition Number 6 be adopted as amended; that Proposition Number 131, 115, 55 and 102 be indefinitely postponed; that Substitute Proposition Number 22 be adopted as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941986] [Editor's Note: Substitute Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941988] [Editor's Note: Substitute Proposition Number 6 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941991] [Editor's Note: Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941992] [Editor's Note: The Report from the Committee on Legislative Department on Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941994] [Editor's Note: The Report from the Committee on Legislative Department on Propositions Number 20, 35, 43, 45, 55, 39, 93, 96, 97, 102, 115, 131, 133, and 146 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941997] [Editor's Note: Proposition Number 131 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941998] [Editor's Note: Proposition Number 115 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941999] [Editor's Note: Proposition Number 55 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942001] [Editor's Note: Proposition Number 102 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942002] [Editor's Note: Substitute Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942003] [Editor's Note: Substitute Proposition Number 6 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942006] [Editor's Note: Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942008] [Editor's Note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e942013] Mr. Crutchfield: Mr. President, I move that Substitute Proposition Number 6 do pass as amended.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942016] [Editor's Note: The Convention considered the Committee's amendments to Substitute Proposition Number 6.]

(Editorial)

[e942022] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942025] [Editor's Note: In adopting the Committee recommendation, the Convention adopted the Committee's amendments to Substitute Proposition Number 6.]

(Editorial)

[e942028] [Editor's Note: In adopting the Committee recommendation, the Convention adopted the Committee's amendments to Substitute Proposition Number 6.]

(Editorial)

[e942029] [Editor's Note: In adopting the Committee recommendation, the Convention effectively adopted the report from the Committee on Legislative Department.]

(Editorial)

[e942026] [Editor's Note: In adopting the Committee recommendation, the Convention effectively dropped the original proposition.]

(Editorial)

[e942033] Mr. President: Shall it be engrossed and have a third reading?

Mr. Parsons: I move that it be engrossed and have a third reading, and be referred to the committee on style, revision and compilation.

Mr. Roberts: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942036] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942039] Mr. Crutchfield: Mr. President, I move that Proposition Number 131, 115, 55 and 102 be indefinitely postponed.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942041] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942042] [Editor's Note: The the adoption of the Committee's recommendation, Proposition Number 131 was indefinitely postponed.]

(Editorial)

[e942043] [Editor's Note: The the adoption of the Committee's recommendation, Proposition Number 115 was indefinitely postponed.]

(Editorial)

[e942045] [Editor's Note: The the adoption of the Committee's recommendation, Proposition Number 55 was indefinitely postponed.]

(Editorial)

[e942049] [Editor's Note: The the adoption of the Committee's recommendation, Proposition Number 102 was indefinitely postponed.]

(Editorial)

[e942090] [Editor's Note: As each of the propositions in the report from the Committee on Legislative Department was resolved as recommended in the report, the report was considered adopted.]

(Editorial)

[e942057] Mr. Crutchfield: Mr. President, I move that Substitute Proposition Number 22 as amended be adopted.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942062] [Editor's Note: The Convention considered the Committee's amendments to Substitute Proposition Number 22.]

(Editorial)

[e942066] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942069] [Editor's Note: In adopting the Committee recommendation, the Convention adopted the Committee's amendments to Substitute Proposition Number 22.]

(Editorial)

[e942071] [Editor's Note: In adopting the Committee recommendation, the Convention adopted the Committee's amendments to Substitute Proposition Number 22.]

(Editorial)

[e942073] [Editor's Note: In adopting the Committee recommendation, the Convention effectively dropped the original proposition.]

(Editorial)

[e942077] Mr. President: Shall it be engrossed and have a third reading?

Mr. Parsons: I move that it be engrossed and have a third reading, and be referred to the committee on style, revision and compilation.

Mr. Roberts: I second that motion.

(Editorial)

[e942078] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942086] [Editor's Note: When the Convention agreed each of the Committee of the Whole's recommendations, the report was considered adopted.]

(Editorial)

[e947590] [Editor's Note: When the Convention adopted the Committee's suggestions the report was implicitly adopted in tandem.]

(Editorial)

[e942093] Mr. Winsor moved that the Convention resolve itself into a Committee of the Whole; seconded by Mr. Short.

(The Minutes of the Arizona Constitutional Convention, Page 273)

[e942094] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 253)

[e942096] Mr. Bolan: Mr. President, I ask for unanimous consent to refer back to reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942097] Mr. President: If there are no objections we will refer back to the reports of standing committees; hearing none, the secretary will read the reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942144] Secretary (reading): "Phoenix, Arizona, November 23, 1910.

Mr. President: Your Committee on Labor begs to leave to report that it has examined Proposition Number 110 and respectfully recommends that it do not pass as the subject matter contained in said Proposition is not necessary. That it has examined Proposition Number 141 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition Number 141, and your committee further recommends that Substitute Proposition Number 141 do pass. That it has examined Proposition Number 86 and respectfully recommends that it do not pass. That it has examined Proposition Number 136 and respectfully recommends that it do not pass, as the matter is entirely covered by Proposition Number 48 as adopted by the Convention. That it has examined Proposition Number 12 and respectfully recommends that it do not pass as the subject matter in [the] Proposition is already covered by matter in [the] Constitution. That it has examined Proposition Number 76 and respectfully recommends that it do not pass as the subject matter is partly covered in Substitute Proposition Number 76 be adopted. That it has examined Proposition Number 137 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition Number 137 do pass. John Bolan, Chairman. We concur: S.B. Bradner, Thomas Feeney, John Langdon, William Morgan."

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942146] [Editor's Note: Proposition Number 110 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942819] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942153] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942156] [Editor's Note: Proposition Number 86 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942160] [Editor's Note: Proposition Number 136 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942162] [Editor's Note: Proposition Number 12 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942821] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942165] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942822] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942174] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942825] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942201] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942182] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942187] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942827] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942196] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(Editorial)

[e942207] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 406)

[e942828] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942999] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e942226] Mr. President: Proposition Number 76, 12, 136, 141, 110 and 137 will be referred to the committee of the whole, November 24, 1910.

[Editor's Note: As Proposition Number 86 was also considered in the Committee of the Whole with these propositions, the editors presume that its omission here is a mistake.]

(Editorial)

[e942230] Mr. Cunningham: I move the report of the committee be adopted.

Mr. Roberts: I second that motion.

[Editor's Note: The recommendations from the Report from the Committee on Labor are later considered by the Committee of the Whole so the editors have chosen not to represent the document as adopted here, but instead referred to the Committee of the Whole alongside the propositions.]

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942239] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942240] Mr. Cunningham: I move that the convention take a recess until 7:30 p.m.

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942242] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

## 1.71 Wednesday, 23 November 1910, at 19:30 (s16175)

[e941577] Mr. President. The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941578] Mr. President. The convention will come to order. A quorum is present. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941665] Secretary (reading): “Mr. President: Your Committee on Public Service Corporations Other than Railroads reports it has examined Proposition Number 58, and respectfully recommends a substitute therefore, and recommends that said substitute, being Substitute Proposition Number 58 be adopted. Concurred in by a majority of the committee. Fred L. Ingraham, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941668] [Editor’s Note: Substitute Proposition Number 58 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e941670] [Editor’s Note: Proposition Number 58 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e941672] Mr. President: If there is no objection the report will be sent to the printing committee, and 500 copies ordered printed. Gentlemen, we have some business to come before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941675] There was considerable more than a quorum at the night session, which was opened by Mr. Osborn rising to a question of personal privilege on behalf of himself and the whole convention.

He said: "Before we go into a committee of the whole, I arise on a question (I do not know whether you would call it a question of personal privilege or not), but I arise to correct an error that has been made, printed and spread broadcast over the land. In Collier's Weekly under date of November 26th, which reached Phoenix today, appears a picture of this convention and accompanying the picture is a short article in which, among other things, appears the following: 'the body consists of fifty-two members, forty-one of whom are republicans and eleven democrats.'

"Now, Mr. President, whether a majority, a large majority, of the members of this convention are democrats or republicans or whether a small number are democrats and a large number republicans, does not mean anything to us because when each and every member here came into this convention I believe he forgot that he was a republican or democrat. (Applause.) He remembered that he was here to make a constitution, not for the democratic party, not for the republican party, not for the socialism prohibition, union labor or any other party, but that he came here to make a constitution for the people of Arizona, irrespective of political affiliations.

"But, Mr. President, the fact remains that the republicans in nearly every county of this territory (in all except two, I believe) fought the principles of direct legislation from every platform, every stump and at every opportunity, and the democrats, who stood for the principles known as the initiative, referendum and recall were elected by an overwhelming majority. They were elected because they stood for the principle that the people should rule.

"Let me say to you, Mr. President, that we have a democratic majority that is not only a democratic majority, but a progressive democratic majority.

"Mr. President, Collier's Weekly was in error when it stated that the republicans had 41 members and the democrats 11. The true facts of the case are, as we all know, that the democrats have 41 members and the stand-pat republicans but 11, and, knowing that Collier's Weekly goes into every city, town, district, and hamlet of this great nation, therefore, in the interest of progression, in the interest of true democracy, I believe the president of this convention should appoint a committee to draw up a resolution to be sent to Collier's Weekly and other papers of this country telling them that the convention that is drawing up the constitution for the new state of Arizona contains not only an overwhelmingly democratic majority, but an overwhelmingly progressive democratic majority, and is a convention that stands for the initiative, referendum and recall; that stands for a rule of the people and for the people." (Applause.)

(The Arizona Republican, November 24, 1910, Page 5)

[e941676] Mr. Ellinwood: I think the Republicans are the ones that have the kick coming.

Mr. Cooper: I just want to say for the Republicans without consultation that they will join in the gentleman's request. We will not only join, but we will assist in every way in our power.

Mr. Osborn: That simply bears out that the Republicans in this convention are fighting the initiative and referendum and do not believe in the recall by the people.

Mr. President: I think if Collier's Weekly had their attention called to this they would make a correction.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941677] Mr. Kingan: I will say that they will be notified without any committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941678] Mr. President: We have some business on the calendar, so we will now resolve ourselves into a committee of the whole, with the gentleman from Graham, Mr. Simms is in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941681] Mr. President: We have some business on the calendar, so we will now resolve ourselves into a committee of the whole, with the gentleman from Graham, Mr. Simms is in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941683] [Editor's Note: This portion of the record is modelled in the Committee of the Whole.]

(Editorial)

[e942973] Mr. President: The convention will come to order and the gentleman from Graham will report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942976] Mr. President: The convention will come to order and the gentleman from Graham will report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942980] Mr. Sims: "Mr. President: Your committee of the whole begs leave to report and recommend as follows: That Proposition Number 105 be indefinitely postponed; that Proposition Number 37 be indefinitely postponed; that Proposition Number 67 be indefinitely postponed; that Proposition Number 101 be indefinitely postponed; that Proposition Number 53 be indefinitely postponed; that Proposition Number 118 be indefinitely postponed; that Proposition Number 29 be indefinitely postponed; that Substitute Proposition Number 113 do pass as amended."

(The Records of the Arizona Constitutional Convention of 1910, Pages 618-619)

[e942981] [Editor's Note: Proposition Number 105 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942987] [Editor's Note: Proposition Number 37 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942991] [Editor's Note: Proposition Number 67 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942993] [Editor's Note: Proposition Number 101 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942995] [Editor's Note: Proposition Number 53 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942996] [Editor's Note: Proposition Number 118 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942998] [Editor's Note: Proposition Number 29 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943009] [Editor's Note: The Report from the Committee on Railroads and Committee on Public Service Corporations on Proposition Number 113 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943000] [Editor's Note: Substitute Proposition Number 113 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943002] [Editor's Note: Proposition Number 113 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943006] [Editor's Note: Substitute Proposition Number 113 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943015] Mr. Sims: [...] Mr. President, I move that this report be adopted.  
Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
618-619)

[e947572] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943023] Mr. President: Those in favor of indefinitely postponing Propositions  
Number 105, 37, 67, 101, 53, 118 and 29, will answer “aye;” those opposed “nay.”

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943025] Mr. President: [...] The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943037] Mr. Sims: Mr. President, I move that Substitute Proposition 113 be  
adopted as amended.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943034] Mr. Sims: Mr. President, I move that Substitute Proposition 113 be  
adopted as amended.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943042] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943045] Mr. President: Shall it be engrossed and have a third reading? Those  
in favor of engrossing it, giving it a third reading and then referring it to the  
Committee on Style, Revision and Compilation, will answer “aye;” those op-  
posed “nay.”

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943048] Mr. President: Shall it be engrossed and have a third reading? Those  
in favor of engrossing it, giving it a third reading and then referring it to the  
Committee on Style, Revision and Compilation, will answer “aye;” those op-  
posed “nay.” The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943049] Mr. Winsor: I move we adjourn until tomorrow morning at 9:30  
o'clock.

Mr. Orme: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e943052] The motion prevailed.

Convention adjourned to 9:30 a.m., November 24, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

## 1.72 Thursday, 24 November 1910, at 09:30 (s16176)

[e941635] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e941638] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e941645] Roll call as follows:

Present—Bolan, Bradner, Cassidy, Cobb, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Morgan, Orme, Osborn, Parsons, Pusch, Scott, Short, Simms, Mit., Webb, Weinberger, White, Wills, Winsor, Wood, Mr. President.

Absent—Baker, Coker, Ellinwood, Franklin, Jones, A. M., Jones, F. A., Roberts, Sims, R. B., Standage, Tuthill, Wells.

Excused—Doe, Moeur, Moore, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941647] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 619)

[e941656] Reverend Crutchfield: Oh, Lord, our Heavenly Father, we thank Thee for the recurring of the annual day of Thanksgiving set apart by the great executive of our country and our state to give thanks to Almighty God for His providential care and His loving protection around and about us. We thank Thee, Lord, that we live in a Christian land where we can worship God under our own vines and fig trees, and that we can worship Thee without any restraint or inquisition. Thou has taught us thou art an powerful being and requirest worship from Thy people. We thank thee that we are free from internal insurrection, free from war and pestilence. We thank Thee that we have sufficient food and raiment to provide for our bodily wants and for our soul. We thank Thee that Thy kind grace and providence has been along with us along from little boys through every danger, seen and unseen. May these men here today with one voice and one heart lift their voices to God with prayer and supplication, saying "Our Father, who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory for ever and ever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 619-620)

[e941663] Mr. Osborn moved, seconded by Mr. Parsons, to dispense with the reading of the minutes

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941667] Mr. Osborn moved, seconded by Mr. Parsons, to dispense with the reading of the minutes; carried.

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941671] Minutes of November 23, 1910 approved as if read.

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941674] Minutes of November 23, 1910 approved as if read.

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941685] The sergeant at arms announced that Mr. Jones of Maricopa, Mr. Wells, Mr. Coker, Mr. Sims of Cochise, Mr. Tuthill, Mr. Jones of Maricopa and Mr. Jones of Yavapai had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 278)

[e941695] Mr. President: Petitions, Memorials and Remonstrances.

Secretary (reading): "Resolution Number 16. Resolved that the secretary is authorized and hereby instructed to request of the director of the census the enumerated population of the several counties of the Territory of Arizona, exclusive of Indians not taxed." Introduced by Mr. Lamar Cobb.

(The Records of the Arizona Constitutional Convention of 1910, Page 620)

[e941699] Mr. Cobb: I move the adoption of the resolution.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 620)

[e941704] Mr. Cobb: I hardly think it is necessary to explain why that should be adopted. Some members claim the total population as published includes Indians not taxed.

Mr. Winsor: That is for the purpose of keeping the apportionment business open.

Mr. Parsons: As suggested by the gentleman from Yuma, if this is for the purpose of continuing the question of apportionment, while I took no part in the debate on that matter yesterday, I simply want to say that inasmuch as the members of Congress who prepared the Enabling Act evidently had some knowledge of the conditions of Arizona, and instead of basing the representation in this convention upon population, they based it upon the vote cast at the last election, and as our committee fixed this apportionment on the same plan and followed the precedent established by Congress in making this apportionment, I think we ought not to adopt any resolution to continue this disturbance.

Mr. Cobb: I beg to call attention to the fact that Congress did not at that time have the population of the various counties of Arizona, and I see no objection to our ascertaining their population.

Mr. Parsons: As to this fact, I beg to say the gentleman from Graham is correct. They knew we had Indians and a number of people who could count cholera plague victims and very little else, enumerated the census. I give Congress credit for that, and I believe they acted wisely and well, and we would do well and act wisely to follow their example.

(The Records of the Arizona Constitutional Convention of 1910, Page 620)

[e941712] Mr. President: So much time was taken up with roll calls yesterday when there was no necessity. Call the roll, Mr. Secretary.

Roll call showed 12 "ayes" and 29 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 620)

[e942088] [Editor's Note: The report from the Committee on Railroads on Proposition Number 34 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942092] [Editor's Note: Proposition Number 34 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942095] [Editor's Note: The report from the Committee on Railroads on Proposition Number 34 was considered in the Committee of the Whole on this day.]

(Editorial)

[e942099] [Editor's Note: Proposition Number 34 was considered in the Committee of the Whole on this day.]

(Editorial)

[e941771] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e941772] [Editor's Note: Proposition Number 142 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e941774] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was considered in the Committee of the Whole on this day.]

(Editorial)

[e941776] [Editor's Note: Proposition Number 142 was considered in the Committee of the Whole on this day.]

(Editorial)

[*e942117*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 25 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942120*] [Editor's Note: Proposition Number 25 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942125*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 25 was considered in the Committee of the Whole on this day.]

(Editorial)

[*e942152*] [Editor's Note: Proposition Number 25 was considered in the Committee of the Whole on this day.]

(Editorial)

[*e942167*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 81 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942171*] [Editor's Note: Proposition Number 81 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942184*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 81 was considered in the Committee of the Whole on this day.]

(Editorial)

[*e942191*] [Editor's Note: Proposition Number 81 was considered in the Committee of the Whole on this day.]

(Editorial)

[*e942241*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942243] [Editor's Note: Proposition Number 109 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942245] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was considered in the Committee of the Whole on this day.]

(Editorial)

[e942249] [Editor's Note: Proposition Number 109 was considered in the Committee of the Whole on this day.]

(Editorial)

[e942271] Mr. President: Gentlemen of the convention, if there is no objection, the convention will now resolve itself into a committee of the whole, with the gentleman from Cochise, Mr. Connelly, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942273] Mr. President: Gentlemen of the convention, if there is no objection, the convention will now resolve itself into a committee of the whole, with the gentleman from Cochise, Mr. Connelly, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942276] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e943275] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e943277] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944220] Mr. President: [...] The gentleman from Cochise, Mr. Connelly,

Mr. Connelly: "Mr. President, Your committee of the whole begs leave to report it has examined Propositions Numbers 34, 142, 25, 109, 81, 36, 38, 77, 49, Resolution from the Committee Council City of Phoenix, Numbers 42, 46, 128, 30, 111, 51, 117, 84, 32, 87 and 85, and recommends that they be indefinitely postponed.

[...]

Mr. Connelly: The committee also reports that it has examined Substitute Proposition Number 107, Section 7 of Substitute Proposition Number 33, Substitute Proposition Number 140 and Proposition Number 103, and recommend that they do pass.

(Editorial)

[*e943282*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 34 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[*e943283*] [Editor's Note: Proposition Number 34 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e943285*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[*e943287*] [Editor's Note: Proposition Number 142 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e943289*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 25 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[*e943298*] [Editor's Note: Proposition Number 25 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e943300*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 81 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[*e943303*] [Editor's Note: Proposition Number 81 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e943310*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[*e943313*] [Editor's Note: Proposition Number 109 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943315] [Editor's Note: The Report from the Committee on Public Service Corporations on Proposition Number 36 and 38 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e943316] [Editor's Note: Proposition Number 36 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943317] [Editor's Note: Proposition Number 38 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943319] [Editor's Note: The Report from the Committee on Militia and Public Defense on Proposition Number 49, 77, and 107 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e943322] [Editor's Note: Proposition Number 49 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943323] [Editor's Note: Proposition Number 77 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943327] [Editor's Note: Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943331] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943338] [Editor's Note: Substitute Proposition Number 107 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943340] [Editor's Note: The communication from the Common Council of Phoenix was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943341] [Editor's Note: The communication from the Common Council of Phoenix was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943342] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943344] [Editor's Note: Proposition Number 128 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943345] [Editor's Note: Proposition Number 30 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943347] [Editor's Note: Proposition Number 111 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943349] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943352] [Editor's Note: Proposition Number 117 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943353] [Editor's Note: The Report from the Committee on Suffrage on Proposition Number 42, 46, 128, 30, 111, 51, 117, and 108 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e944232] [Editor's Note: Substitute Proposition Number 33 - Substitute Section 7 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944235] [Editor's Note: Substitute Proposition Number 33 - Section 7 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944238] [Editor's Note: Substitute Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944241] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944242] [Editor's Note: Proposition Number 84 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944244] [Editor's Note: Proposition Number 32 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944246] [Editor's Note: Proposition Number 87 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944251] [Editor's Note: Proposition Number 85 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944267] [Editor's Note: Substitute Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944270] [Editor's Note: Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944271] [Editor's Note: Substitute Proposition Number 103 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944273] [Editor's Note: The Report from the Committee on Legislative Department, Distribution of Powers and Appointment was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944276] [Editor's Note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each type of recommendation in turn.]

(Editorial)

[e944283] Mr. Connelly: “Mr. President, Your committee of the whole begs leave to report it has examined Propositions Numbers 34, 142, 25, 109, 81, 36, 38, 77, 49, Resolution from the Common Council City of Phoenix, Numbers 42, 46, 128, 30, 111, 51, 117, 84, 32, 87 and 85, and recommends that they be indefinitely postponed.”

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944286] Mr. President: Gentlemen, those in favor of adopting the report of the committee of the whole answer “aye;” those opposed “no.” The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944317] On motion of Mr. Connelly, seconded by Mr. Webb, Propositions Nos. 34, 142, 25, 81, 109, 36, 38, 49, 77, 42, 46, 128, 30, 111, 51, 84, 32, 87, 85, indefinitely postponed.

[Editor’s Note: Propositions Number 117 and the Communication from the Common Council of Phoenix are not listed in the Minutes as indefinitely postponed at this point, but as they are named in the Records and are not mentioned again, the editors have concluded that these documents were indeed indefinitely postponed.]

(The Minutes of the Arizona Constitutional Convention, Page 282)

[e944332] Mr. President: [...] The question comes up on the indefinite postponement of all these bills. Those in favor of indefinitely postponing propositions that have just been read by Mr. Connelly will answer “aye;” opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944334] Mr. Connelly: The committee also reports that it has examined Substitute Proposition Number 107, Section 7 of Substitute Proposition Number 33, Substitute Proposition Number 140 and Proposition Number 103, and recommend that they do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944336] Mr. President: Those in favor of adopting the report of the committee of the whole answer “aye;” those opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944417] [Editor’s Note: When the Convention made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944350] Mr. President: [...] The question comes up on the substitute for Proposition Number 107, that it do pass as amended. Those in favor of that motion will answer “aye;” opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 632-633)

[e944357] [Editor's Note: The motion prevailed.]

(Editorial)

[e944355] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944365] Mr. President: [...] That [substitute section 7 of] Proposition Number 33 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944366] [Editor's Note: The motion prevailed.]

(Editorial)

[e944369] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor answer "aye;" opposed "no." The "ayes" have it; so ordered

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944376] Mr. President: [...] That Substitute Proposition Number 140 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944379] [Editor's Note: The motion prevailed.]

(Editorial)

[e944378] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944383] Mr. President: [...] That Substitute Proposition Number 103 do pass as amended. Those in favor of adopting this report will answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944384] [Editor's Note: The motion prevailed.]

(Editorial)

[e944388] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye" as their names are called; those opposed will "no." The secretary will call the roll on the engrossing.

Roll call showed 227 "ayes" and 15 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944400] Mr. Goldwater: Mr. President, I desire to give notice that on tomorrow I will make a motion for reconsideration of this bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944403] [Goldwater did not make his motion to reconsider Substitute Proposition Number 103 until the following day.]

(Editorial)

[e944405] Mr. Lynch: I move that this convention now take recess until 9:30 tomorrow morning.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944407] The motion prevailed.

Convention adjourned to November 25, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

### 1.73 Friday, 25 November 1910, at 09:30 (s16190)

[e942250] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e942252] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e942253] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e942255] Mr. President: The convention will rise while the Chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e942256] Reverend Crutchfield: Oh, Lord, our Heavenly Father, we come before Thee this bright new day to give to Thee our morning thanks and praise for the protection which has been ours through the night and brought us to the light of the new-born day. [sic] Now, Lord, we start out upon the duties and responsibilities and labors and toils of the day, and we would not dare to go in our own name and trusting in our strength. We pray Thee, therefore, that we may have the guidance of the spirit so that we may begin and continue in the way that will be good for us and for our people. We pray Thy blessing upon these men in the latter part of this convention; may they have acted and still act, in such a way that they shall have the approval of their conscience and the approval of the people who sent them to do this work. May they be able to go home and with confidence and trust look into the fact [sic, face] of their constituents and say, "We have done what you sent us to do. We are frail and

make mistakes and do not do everything we should." Send Thy blessings on the men as they are gathered here. We need Thee every hour, most gracious Lord, and while our faith looks up to Thee, Thou lamb of Calvary, we pray Thee that we may put our trust in Thee. Send Thy blessing upon the homes of these men, their wives and children and their home interests. May the Good Father take care of them in their business. Guide us along life's perilous journey, and at the end lead us into Thy Kingdom. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 633-634)

[e942257] Mr. President: Gentlemen of the convention, the minutes, owing to the holiday, have not been written up, and we will have to dispense with them this morning. We will probably have them after the noon hour. I would also state to the members of the convention that we have been changing one of our phones and put [it] in my office, so when any member wants to use it privately he is at liberty to do so. There are some bills on third reading, before going into committee of the whole, it might be better to dispose of them.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942258] Mr. President: Gentlemen of the convention, the minutes, owing to the holiday, have not been written up, and we will have to dispense with them this morning. We will probably have them after the noon hour. I would also state to the members of the convention that we have been changing one of our phones and put [it] in my office, so when any member wants to use it privately he is at liberty to do so.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942259] Mr. President: [...] There are some bills on third reading, before going into committee of the whole, it might be better to dispose of them.

Mr. Webb: I move the rules be suspended and we put them on third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942260] Mr. Winsor: Would it not be a good idea to do some other work, and wait until the members are all here before we have the third readings? I do not know what is coming up, but it seems to me we ought to have as full attendance as possible on third readings.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942261] Mr. Webb: I did not think about that.

Mr. President: As the order of the day in the committee of the whole we will take up what was left of the work of the 24th, being in all 12 propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942262] Mr. Winsor: I move we go into the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942263] Mr. President: If there are no objections, the convention will resolve itself into a committee of the whole, and the gentleman from Cochise, Mr. Roberts, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942264] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e942265] Mr. President: The convention will come to order. Mr. Roberts is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e942266] Mr. President: The convention will come to order. Mr. Roberts is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e942268] The sergeant at arms announced that Mr. Bolan, Mr. Coker, Mr. Colter, Mr. Crutchfield, Mr. Standage, and Mr. Wills had taken their seats during the session of the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 287)

[e943127] Mr. Roberts: "Mr. President: Your committee of the whole begs leave to report it has examined Propositions Number 23, 60, 14, 132, 145, Substitute Proposition Number 137, Propositions Number 110, 141, 86, 136, 12, and 76 and respectfully recommends that Proposition Number 23 be indefinitely postponed. That Substitute Proposition Number 60 be indefinitely postponed. That Substitute Proposition Number 132 be indefinitely postponed. That Proposition Number 110 be indefinitely postponed. That Proposition Number 86 be indefinitely postponed. That Proposition Number 136 be indefinitely postponed. That Proposition Number 12 be indefinitely postponed. That Proposition Number 14 be postponed until Proposition Number 54 is before the committee of the whole. That Substitute Proposition Number 137 do pass. That Substitute Proposition Number 141 do pass as amended in the committee of the whole. That Substitute Proposition Number 76 be referred to the Committee on Labor to get typewritten copies thereof."

(The Records of the Arizona Constitutional Convention of 1910, Pages 648-649)

[e943128] [Editor's Note: Proposition Number 23 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943140] [Editor's Note: Proposition Number 145 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943129] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943130] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943131] [Editor's Note: Report from the Committee on Schedule on Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943133] [Editor's Note: Substitute Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943134] [Editor's Note: Substitute Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943178] [Editor's Note: The Report from the Committee on Schedule on Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943180] [Editor's Note: The Minority Report from the Committee on Schedule on Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943142] [Editor's Note: The Report from the Committee on Labor on Propositions Number 110, 141, 86, 136, 12, 76, and 137 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e943146] [Editor's Note: Proposition Number 110 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943147] [Editor's Note: Proposition Number 86 was referred to the Convention alongside the Committees report.]

(Editorial)

[e943149] [Editor's Note: Proposition Number 136 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943153] [Editor's Note: Proposition Number 12 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943156] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943158] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943159] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943162] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943174] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943176] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943183] Mr. Roberts: [...] Mr. President, I move that the report of the committee of the whole be adopted.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943184] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943185] [Editor's Note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e943186] [Editor's Note: The Convention considered the Committee's recommendations on Propositions Number 23, 60, 132, 110, 86, 136, and 12.]

(Editorial)

[e943187] Mr. Roberts: I move that the Propositions Numbers 23, 60, 132, 110, 86, 136, and 12 be indefinitely postponed.

Mr. Cunningham: I second the motion.

[Editor's Note: Though Roberts says Proposition Number 60, it seems more likely that he meant Substitute Proposition Number 60, as the Committee recommendation was to indefinitely postpone Substitute Proposition Number 60, and the Convention continued to consider Proposition Number 60 in a future session.]

(Editorial)

[e943189] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943192] Mr. Roberts: I move that Proposition Number 14 be postponed until proposition Number 54 is before the committee of the whole.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943194] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943197] Proposition No. 145 ordered engrossed and to have a third reading and referred to the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 288)

[e943199] Proposition No. 145 ordered engrossed and to have a third reading and referred to the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 288)

[e943201] Proposition No. 145 ordered engrossed and to have a third reading and referred to the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 288)

[e943203] Mr. Roberts: I move that Substitute Proposition Number 137 do pass.

Mr. Ellinwood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943205] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943207] Mr. President: Shall it be engrossed and have a third reading?

Mr. Webb: I move that Substitute Proposition Number 137 be engrossed, have a third reading and be referred to the Committee on Style, Revision and Compilation.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943208] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943212] Mr. Roberts: I move that Substitute Proposition Number 141 be adopted.

Mr. Bolan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943216] [Editor's Note: In considering the Committee's report on Substitute Proposition Number 141, the Convention considered the Committee's recommended amendments to Substitute Proposition Number 141.]

(Editorial)

[e943214] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943217] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943218] Mr. President: Shall it be engrossed and have a third reading?

Mr. Weinberger: I move that Substitute Proposition Number 141 be engrossed, have a third reading and referred to the Committee on Style, Revision and Compilation.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943219] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943228] Mr. Roberts: I move that Proposition Number 76 be referred to the Committee on Labor, copies typewritten and place upon the desks.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943231] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943234] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943243] [Editor's Note: There is a discrepancy in the source material on whether the original Proposition Number 76 or Substitute Proposition Number 76 was re-committed. The report document says it was the substitute, whereas Roberts' motion as recorded in the Records and the Minutes says it was the original.]

(Editorial)

[e943246] [Editor's Note: As the Convention finished its consideration of the recommendations on the propositions from the Committee of the Whole report, the Report from the Committee on Labor was implicitly dropped.]

(Editorial)

[e943249] [Editor's Note: When the Convention considered each of the Committee's recommendation, the Committee report was implicitly adopted.]

(Editorial)

## 1.74 Friday, 25 November 1910, at 13:30 (s16202)

[e942829] Mr. President: Gentlemen of the convention, we will call the convention to order, and then, if there is no objection, we will take a recess for fifteen minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942831] Mr. President: Gentlemen of the convention, we will call the convention to order, and then, if there is no objection, we will take a recess for fifteen minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942834] Mr. President: Gentlemen of the convention, we will call the convention to order, and then, if there is no objection, we will take a recess for fifteen minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942838] Recess taken for fifteen minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942840] [Editor's Note: The Convention took a recess.]

(Editorial)

[e942843] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942847] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942854] Mr. President: [...] Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942858] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942888] Mr. Cunningham: Mr. President, I move that we suspend the rule requiring a proposition to lay on the desk of members one day, as we have a number of printed copies of propositions on our desk, and the secretary has a calendar made up undated, with which he will be able to supply the members. This will greatly expedite the work of the convention, if the members so desire. I move that the rules be suspended.

[Editor's Note: The Minutes specify that Parsons seconds the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942891] Mr. President: If there is no objection, it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 650)

[e942970] Mr. Cunniff: Under the order of the day I should like to take up a little matter. I want to put before the convention a suggestion for a seal, which has been suggested by Mr. E.E. Motter of Phoenix. I have the report of the Committee on Style, Revision and Compilation concerning another design of seal submitted to us, with the recommendation that the design be accepted. On this matter it may be of interest if I read some data which has been furnished by the Arizona historian, Miss Hall:

(The Records of the Arizona Constitutional Convention of 1910, Pages  
650-651)

[e942975] Mr. Cunniff: [...] The following extract from "Adventures in Apache Country, a Tour Through Arizona and Sonora," by J. Ross Browne, published by Harper and Brothers in 1869 will also be of interest: (page 27) "Let us take a look at the official seal of the Territory designed by Mr. Secretary McCormick: An honest miner stands with his left hand in his pocket feeling for the profits of his day's labor. The expression of his countenance is indicative of a serious frame of mind; he gazes into the future, and sees gold and silver a long way off. His spade stands ready to dig it and his wheelbarrow to wheel it. As yet he has struck nothing very rich, but it will come by and by. In the background you see the two prominent peaks of Bill Williams' mountain, where he contemplates prospecting next year; or possibly these may be dirt piles which he has already thrown up, and not yet washed for lack of water. The appropriate motto is 'Ditat Deus.'" In reference to this seal there is a pun. "'God reigns' in Arizona—even in dry weather." Now it has been taken for granted that this motto means "God reigns," but I have looked up the meaning of this verb and find the meaning is "enriches." I would move that the matter be referred to some appropriate committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e942979] Mr. Winsor: I move you that the chair appoint a select committee of three to investigate this matter of a seal.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e942982] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e942986] The Chair announced the committee would be appointed later.

[Editor's Note: Because the the delegates were in the plenary session at this point, rather than the Committee of the Whole, the Minutes err in referring to the Chair here. It was more likely the Hunt, the president of the Convention, speaking.]

(The Minutes of the Arizona Constitutional Convention, Page 289)

[e942988] Mr. President: We have some propositions to come up for third reading. Do the gentlemen want third readings? Objection was made this morning that not all were here.

Mr. Weinberger: I move we proceed with the third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e942994] Mr. President: If there is no objection, we will proceed with the third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e943007] Mr. Winsor: There is nothing on the calendar. We have no calendar for third reading, and we have no way of knowing what is coming up. The rules require a calendar.

Mr. President: The secretary will read the propositions up for third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 651)

[e943098] Secretary (reading): Proposition Number 47, introduced by Mr. Parsons, of Cochise County, relative to labor contracts.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943107] Mr. President: Third reading of the proposition. Those in favor of the proposition will answer "aye" as their names are called, and those opposed will answer "no." The secretary will call the roll. This is on third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943108] Roll call showed 32 "ayes" and 12 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943132] Mr. President: The proposition is passed. It will be referred to the committee on compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943175] Secretary (reading): Proposition Number 108, introduced by Mr. Bradner of Cochise County, relative to elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943177] Mr. President: Third reading of the proposition. Those in favor of the proposition will answer “aye” as their names are called; those opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943179] Mr. Cunniff: I should like to say a word: I was in the chair in the committee of the whole when this was taken up, and there was very little discussion about the matter. Now, if it is true that under the direct primary law, provision has been made in other state requiring a fee to go in with the petition for placing names of candidates on ballots, this is done for the purpose of checking the sending in of the names of irresponsible people who are not really candidates, and to prevent jocular petitions, but not for the purpose of stopping bona fide nominations. I happened to live in the State of Wisconsin the year the first direct primary law was passed there and the matter of requiring a fee seemed at that time a very wise provision to keep irresponsible persons from loading up the ballot. It seems to me that the whole business might be left to the legislature as to whether or not to demand a fee.

Mr. Bradner: I think it has been already decided a primary election is not an election; therefore that would not apply.

Mr. Parsons: If the gentleman from Yavapai is sincere, as I believe he is, and if he wants this money or property qualification in order to prevent those who are not bona fide candidates, I think the only way is to require a certain number of persons to sign the petition. I think that is true now of the primary election law we have, and I think it is a very wise provision, and does not smack anything of a property qualification for voting, and I would be very much more in favor of a petition of a certain number of voters in the district to be represented by the candidates rather than have a property qualification.

Mr. Cunniff: I think the points made by both the gentlemen are good, and I thank them for the advice.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943181] Mr. President: Call the roll. Those in favor will answer “aye;” opposed “no.”

Roll call showed 42 “ayes” and 2 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e943191] Referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 289)

[e943260] Secretary (reading): Proposition Number 72, introduced by Mr. Ellinwood.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
652-653)

[e943266] Mr. President: Third reading of the proposition. Those in favor of the proposition will answer "aye" as their names are called; those opposed "no." The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e943268] Mr. Franklin: With reference to Proposition Number 72, in my opinion it is absolutely repugnant to the employer's liability act passed by this convention, and if this is adopted it absolutely does away with it, in my opinion. I therefore vote no.

Mr. Orme: I have the same objection to this bill as has Mr. Franklin, and that it is absolutely uncalled for. I therefore vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e943270] Roll call showed 26 "ayes" and 17 "nays."

Mr. President: Gentlemen of the convention, I will have to declare this proposition lost. There are only 26 votes for it.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e944505] Secretary (reading): Proposition Number 140, introduced by Mr. Keegan, relative to juvenile courts.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e944512] Mr. President: Third reading of the proposition. Those in favor of the proposition will answer "aye" as their names are called; those opposed "no." The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e944514] Roll call showed 46 "ayes" and no "nays."

Mr. President: The proposition has passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 653)

[e944534] Referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 290)

[e944541] Mr. Winsor: Mr. President, I rise to ask the President to reconsider the ruling by which the Chair declared Proposition Number 72 defeated. Now personally I am opposed to that proposition and I would be very glad to see it defeated, but in the fear that a precedent will be established that might work an injustice, that it might work an injustice to this proposition even, I want to speak with regard to the subject. Subdivision 1 of Rule 53, page 10, is the only place where the statement is made that no section shall be embodied in the constitution or become a part thereof without it receives the

approval by an aye and nay vote of the majority of the members elected to the constitutional convention. Now reading from the beginning of the rule, which traces the progress of propositions from the beginning to the end, you will find that this requirement is not invoked until after the constitution has been compiled by the Committee on Style, Revision and Compilation and is to be at that time taken up section by section. It is at this stage of the game that each proposition must receive the approval of a majority of the members elected. Each adoption before that is merely a tentative adoption; but upon the final reading and adoption it shall be necessary for a proposition to have the votes of a majority of the members elected. Now it can be readily seen that if this rule applied as it has been construed by the chair, the absences of a few members might defeat a proposition when the majority favored it; so I think, in the interest of justice, that this proposition should be considered as tentatively adopted, and come up in its proper order after it has been reported by the Committee on Style, Revision and Compilation. I can state positively that it was the intention of the committee on rules to make the requirement in question apply only to the final roll call, after the completed constitution has been referred to and compiled by the Committee on Style, Revision and Compilation. Then each section must be considered separately, and any section that does not receive the vote of a majority of the members elected is not a part of the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages 653-654)

[e944544] Mr. Franklin: Mr. President, I may be in error about this, but it was my idea concerning these rules when I recommended their adoption that this applied to third reading. In order to be finally adopted this proposition should receive a majority vote of the members elected to this constitutional convention.

Mr. Winsor: I would like to call the attention of the gentleman from Maricopa to the fact that this is not final adoption. This is merely tentative adoption, and the proposition is still subject to amendment. It would be a poor rule that would not work both ways, and it can easily be seen if this proposition were not subject to amendment at this time, by the same rule if it received at this time a majority of votes it could not afterwards be taken out of the constitution. Now it certainly can be removed from the constitution by a majority vote at any time afterward until the constitution is finally adopted, and therefore it should be allowed to go in if it receives a majority vote at this time.

Mr. Franklin: I am not clear from the discussion as to the powers of the Committee on Style, Revision and Compilation. My understanding when I agreed to these rules was this: That when propositions were finally adopted by this convention, they were to be submitted to the Committee on Style, Revision and Compilation, if it should be the sense of a majority of the elected members. That after that it was referred to the Committee on Style, Revision and Compilation, if it should be the sense of a majority of the elected members. That after that it was referred to the Committee on Style, Revision and Compilation to correct sentences, verbiage, and those little details we are not especially concerned with, so that it should preserve the sense of this convention. I do not conceive it, sir, that this Committee on Style, Revision and Compilation can take the law we have adopted and change it in its sense or meaning, but it must

be as we have adopted it, and I understand it, when they make their report they will report what has been adopted by this convention with such changes. Therefore I think that on final reading and on final passage it should receive the approval of a majority of this convention, and that is my understanding.

Mr. President: I would first like to ask Mr. Goldwater, who I believe was a member of this rules committee, what his understanding was.

Mr. Goldwater: My understanding was that after these propositions had come back from the committee of the whole they would be acted upon by the convention. Then it went to the Committee on Style, Revision and Compilation. When they reported it back, it was still subject to amendment, and then it was again sent back to the Committee on Style, Revision and Compilation in order that it might have its proper place in the constitution; in other words, then they would to compile the various propositions and make them up into a whole, and when they returned the constitution properly compiled, then the convention would adopt it section by section by a vote of the majority of the members elected, but at any other time a majority of the members present at the session could carry the proposition. I think this was the intent of the rules committee.

Mr. Cunningham: I am opposed to the particular measure now under discussion, but in the spirit of fairness and fair play I am convinced that this measure has passed this convention. I do not think it makes any difference what the members of the Committee on Rules intended to do. I think the rules themselves should be controlling, and I think it a fair construction of these rules shows their meaning to be that a majority of the members elected is required only after the measure has come back from the style, revision and compilation committee in the form of a complete constitution. I do not see how any other meaning can be given to these rules.

(The Records of the Arizona Constitutional Convention of 1910, Pages 654-655)

[e944546] Mr. President: The chair will so rule.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944547] Mr. Cobb: I would suggest it would be a good idea to allow these bills to continue on third reading until they receive a majority vote either for or against. There won't be more than a few with the vote so close.

Mr. President: The chair will declare that he was in error in declaring that 27 votes were necessary for passage on third reading. Proposition Number 72 will be declared carried. I am glad to have this come up at this time, because it will settle this point.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944553] Mr. President: [...] Proposition Number 72 will be referred to the committee [on] compilation, and when it comes back you have another chance to vote on it.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944558] Mr. Cobb: I rise to a question of information. I understand the chair decided although the last proposition received only 26 votes it was approved.

Now, suppose there were only forty members present, and the majority voted against the approval of the proposition, they would kill it, and not have 27 against it. I think that decision is wrong. I think you should have 27 votes either for or against.

Mr. Franklin: As I understand it, on the report of the Committee on Style, Revision and Compilation, we have a vote upon their report. We do not have a vote upon the adoption of the proposition; we adopt the report of the committee.

Mr. President: And then you have a vote on the proposition by sections.

Mr. Franklin: What will be adopted, the report of the committee, or the proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944573] Mr. Goldwater: Before you go into the committee of the whole, I would like to make my motion for reconsideration of Substitute Proposition Number 103.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944810] Mr. Goldwater: Before you go into the committee of the whole, I would like to make my motion for reconsideration of Substitute Proposition Number 103.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e944812] Mr. Goldwater: This is the proposition which carried yesterday on which I gave notice I would move for reconsideration. In support of this motion to reconsider I want to say I know of no better argument in favor of the motion than the bill itself. It seems to me the very fact that this bill was drawn up so very poorly (with all due respect to the committee that reported it) shows what we really need is some one who can draw up the proposition. Now, in the first place, I object to the bill because it provides a salary of \$2,600. The Territory of Arizona is employing now two librarians on the measly salary of \$600; in other words, each of the two librarians here and at the Court ... [portion missing] ... with a Republican secretary would be an anomaly and ought not to be allowed. The third thing about this bill is that it provides that the president of the senate shall be a member of this bureau. The bill makes no provision for when these offices shall expire nor when they begin. Imagine a man coming here from Yuma and being elected president of the senate (I cannot very well imagine such a thing happening) and after the legislature adjourns, the president of the senate goes home. He is not going to live in Phoenix unless somebody pays him and when the next legislature is about to convene this president of the senate is supposed to say what officers the legislature shall employ and who they shall be, but at the moment the legislature does convene it goes to work and elects its officers. You will then have two presidents of the senate, both of whom will want to appoint these officers, and the question is which president the bill provides for, the one whose term is expiring, or the one who has just been elected. I am opposed to the bill entirely; I think it is crudely drawn up, and does not provide what the gentleman wants. If you want a Bureau of Legislative Research such as they have in Wisconsin, that would be a different proposition, and I am in favor

of that, but I do not think this proposition covers that at all, and I therefore move the reconsideration.

Mr. Winsor: Mr. President, before that vote is taken, I want to say that the efforts that have been put forth on the part of certain newspapers to appoint me to this office of legislative secretary are entirely misplaced. I appreciate the honor very much, but I do not think there are enough people in Arizona to make me take that office. I can think of a great many who are better qualified for the position than I am, and I want to say that I have absolutely no designs upon the place at all.

Mr. Cunniff: Mr. President, I would like to explain that this bill was drawn up by Mr. Cassidy, who spent a long time on it, and did work on it before this convention convened. He corresponded with people in various parts of the country, and it seems to me he has done an excellent job, one of which the delegates of this convention might be proud—without any views of any personal advantage therefrom,—simply a loyal member of this convention and a loyal citizen of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Pages 655-656)

[e944815] Mr. President: Call the roll.

Roll call showed 30 "ayes" and 15 "nays," excused 2.

Mr. President: The motion is carried. The question will be reconsidered.

(The Records of the Arizona Constitutional Convention of 1910, Page 656)

[e944831] Mr. Goldwater: Mr. President, I move that the bill be re-referred to the committee that report it so that they may bring it in again.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 656-657)

[e944834] Mr. Webb: Mr. President, I move to amend and move that the proposition be indefinitely postponed.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 567)

[e944838] Mr. Jones (Yavapai): I do not like to see this proposition indefinitely postponed. I think this proposition is one of the most important ones we have acted on, and I am taking my position from the position that has been taken by this convention. I do not expect that the future legislature will be any more competent than is this convention, but I do say that we have done some things here in the appointing of attaches that I am really ashamed of. The other day, just after our Committee on Printing and Clerks reported to us that we have five extra clerks—employees that were doing nothing and were of no use in this convention—we turned around on top of that and created another job and appointed a man to the position.

Mr. Osborn: Mr. President, we did not create any more jobs. This was to fill a vacancy.

Mr. Webb: Mr. President, I desire to agree with the gentleman from Yavapai that probably future legislatures will not be much different from this aggregation. God grant that they may be as bright, as earnest, as able and as sincere, (applause) in their efforts to carry out the wishes of the people of Arizona. That is my prayer. The gentleman from Yavapai pointed out an inconsistency in this proposition that should appeal to all of you and convince you all that it was an absurdity. I ask you, gentleman of the majority, Democrats, had you had a constitutional secretary, who had been preparing and gathering and accumulating information for your benefit in this convention, and had he happened to be a Republican, how many of you gentlemen of the majority, would have gone to him for your information, your guidance and your inspiration for action on the floor of this convention, and the same to you, gentlemen of the minority, had he been Democratic. I can readily understand how shy you would have fought off his presence in seeking information [sic], and it might be that he would be of the opposite party, and again, while it is possible that this proposition might be worked out as the gentleman from Yavapai, Mr. Goldwater, seems to think it might be, in a way that would be satisfactory, it appeals to me this way: We are starting out as children, as it were in statehood life. We do not know all our needs. Conditions here are different from those in the older states. We do know that our taxes are burdensome enough at the present time. We do know that statehood will increase that burden, and I say leave it, then, to these future legislators that we hope and trust will be just as able and as sincere as you gentlemen are, leave it to them to fill these wants as rapidly as it is demonstrated they are needed in the new state. Therefore, I am opposed to this for the reason it is inconsistent, and would be entirely unsatisfactory, and I think the proper thing to do is to leave it to the future legislators of the State of Arizona.

Mr. President: Those in favor of the indefinite postponement answer "aye;" opposed "no." The secretary will call the roll.

Mr. Colter: I would like to explain my vote on this proposition. I am going to vote "aye" on this proposition because I think we are not getting at this in the proper way. I think the convention or the legislature should have the power to choose their own clerks. It looks to me as if it would be in favor of bringing it up in a different form so as to have qualifications— every attache to have a standard.

Mr. Connelly: I would like to explain my vote. The gentleman from Apache explained his vote because he was entitled to fully half of Apache county at the next legislature. He got three attaches in this convention with one delegate, and Cochise County with ten delegates only got seven. I am opposed to that kind of a proposition, and I vote "no."

Mr. Orme: Mr. President, I want to explain my vote. I am opposed to creating so many territorial offices. We have offices for forty or fifty men, and the taxpayers have it to pay. I am opposed to establishing any more offices in any way, shape or form. I vote "aye."

Mr. Webb: Mr. President, I desire to explain my vote. I deny the right of any member on this floor to give Apache credit for the apportionment of all the attaches that came from Apache County. Graham County claims the credit for one of them, and possible two of them. I vote "aye."

[e944846] Roll call showed 28 “ayes” and 19 “nays.”

Mr. President: The proposition has been indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943422] [Editor’s Note: Substitute Proposition Number 94 is referred to the Printing Committee on the 21st of November, but comes up in the Committee of the Whole on the 25th. Therefore, the editors have shown it being received into the Convention from the Committee on Printing at this point, before being referred out to the Committee of the Whole.]

(Editorial)

[e943427] [Editor’s Note: Substitute Proposition Number 94 is referred to the Printing Committee on the 21st of November, but comes up in the Committee of the Whole on the 25th. Therefore, the editors have shown it being received into the Convention from the Committee on Printing at this point, before being referred out to the Committee of the Whole.]

(Editorial)

[e943318] Mr. President: [...] If there are no objections, the convention will now resolve itself into a committee of the whole, with the gentleman from Graham, Mr. Lynch in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943325] Mr. President: [...] If there are no objections, the convention will now resolve itself into a committee of the whole, with the gentleman from Graham, Mr. Lynch in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943328] [Editor’s Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e944875] The President resumed the chair.

Mr. President: The convention will come to order, and the gentleman from Graham will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e944877] The President resumed the chair.

Mr. President: The convention will come to order, and the gentleman from Graham will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e944879] Mr. Lynch: “Mr. President: Your Committee of the Whole begs leave to report it has had under consideration Sections 1 to 24 of Substitute Proposition Number 94, begs leave to report progress and asks leave to sit again.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e944884] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e944887] Mr. Lynch: I move that the convention take a recess until 7:30 p.m.  
Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e944888] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

## 1.75 Friday, 25 November 1910, at 19:30 (s16207)

[e943080] Convention called to order by President. Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 294)

[e943082] Convention called to order by President. Quorum present.

(The Minutes of the Arizona Constitutional Convention, Page 294)

[e943272] Secretary (reading): Mr. President, your Committee on Labor begs leave to report it has had under consideration Proposition Number 76, and respectfully reports that same has been typewritten as ordered by this convention. Your committee recommends that the following paragraph be added: "Suitable legislation shall be added to carry the same into effect." John Bolan, Chairman. We concur: Except to Sections 1 and 3. Thos. Feeney, S.B. Bradner.

[Editor's Note: It is unclear whether this report refers to Substitute Proposition Number 76 or Proposition Number 76.]

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e943280] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943281] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943136] The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e943137] The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e943139] The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e943141] The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e943144] The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e943161] Mr. President: Gentlemen of the convention, we shall resolve ourselves into a committee of the whole, and the gentleman from Gila, Mr. Weinberger, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e943164] Mr. President: Gentlemen of the convention, we shall resolve ourselves into a committee of the whole, and the gentleman from Gila, Mr. Weinberger, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e943165] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e944720] The President resumed the chair.

Mr. President: The committee come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944721] The President resumed the chair.

Mr. President: The committee come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944722] Mr. Connelly: Mr. President, can I go on the journal as voting no on this proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944723] Mr. President: It can still be amended. A motion to re-refer can be in order if you want it. The gentleman from Gila, Mr. Weinberger.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944724] Mr. Weinberger: Mr. President, Your committee of the whole begs leave to report that it has examined Substitute Proposition Number 94 and respectfully recommends that it be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944725] [Editor's Note: Substitute Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944728] [Editor's Note: Substitute Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944726] [Editor's Note: Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944727] [Editor's Note: The Report of the Committee on Legislative Department on Proposition Number 94 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e944729] [Editor's Note: The Committee of the Whole's recommended amendments came up for consideration alongside the report.]

(Editorial)

[e944730] Mr. Cunniff: Mr. President, I move that the report of the committee be adopted.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944731] Mr. President: Those in favor will answer "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944732] Mr. President: [...] Shall it be engrossed and have a third reading? Roll call on this, or your motion to reconsider will be in order if you are not satisfied with section 21. Those in favor, shall it be engrossed and have a third reading—

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944733] Mr. Baker: I want to vote against this proposition of engrossing.

Mr. Kingan: Mr. President, I think that was passed. This bill of rights originally handed to the committee read "capital offenses" and I was going upon that presumption when I vote for this measure a while ago.

Mr. Baker: You will find it in every constitution as far as I know.

Mr. Kingan: It should be "capital offenses."

Mr. President: The question comes up, shall the bill be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944734] Mr. Feeney: I move we suspend the rules. I think the majority of the members in this convention realize the argument here. I ask unanimous consent to suspend the rules and make an amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944735] [Editor's Note: The Convention proceeded to propose amendments to Substitute Proposition Number 94.]

(Editorial)

[e944736] Mr. Crutchfield: I voted to sustain the section as it is and for the satisfaction of the gentleman I move a reconsideration of section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944737] Mr. Osborn: Can any member of this convention tell me what earthly good a bill of rights is anyway?

Mr. President: The question comes up, shall it be engrossed and have a third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944740] [Editor's Note: The Convention proceeded to propose amendments to Section 21.]

(Editorial)

[e944738] Mr. Sims: Mr. President, I wish to move an amendment in line 5, page 5, after the words "except in capital offenses" strike out "for murder and treason."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944741] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 681)

[e944742] Mr. President: Shall it be engrossed and have a third reading? Those in favor will answer "aye" as their names are called and those opposed will answer "no."

The secretary will call the roll.

Roll call showed 35 "ayes" and 9 "nays."

Mr. President: The proposition is passed. It comes up for engrossment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 681-682)

[e944743] Mr. Cunniff: I move the convention adjourn until the usual hour tomorrow morning.

Mr. Langdon: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e944744] The motion prevailed.

Convention adjourned to 9:30 a.m., November 26, 1910

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

## 1.76 Saturday, 26 November 1910, at 09:30 (s16213)

[e943263] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943267] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943269] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943271] Mr. President: The convention will please rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943273] Reverend Crutchfield: We that [sic, thank] Thee again this morning our heavenly Father that we are alive and that we have been permitted to meet again for the labors of the last day of the week. We thank Thee that Thou hast brought us together again in the flesh to meet face to face one with another and greet each other in love and peace, and we are glad that all is as favorable as it is. We ask Thee to be with us this day and grant a rich out-pouring of Thy Spirit upon these men that whatsoever they may do may be done righteously with the view of accomplishing good only. Bless them that the[y] may not be persuaded from doing right regardless of these men with measures and cause

that their suggestions may not mean anything nor that they will be wielded for evil against the work of this convention. Keep the love of liberty and freedom in our hearts and cause that nothing binding upon the just rights of men and institutions will ever be written into this constitution. May we ever strive to live right so that when we are called by the Great Redeemer we may be prepared to meet the Judgments of a righteous God. Save us from sin, Oh Lord, and bring us back into Thy presence again all of which we ask in the name of Jesus, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943274] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943276] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e943636] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Numbers 78, 66, 54, and 94 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943640] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Numbers 78, 66, 54, and 94 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943286] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Numbers 78, 66, 54, and 94 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943278] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Numbers 78, 66, 54, and 94 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943284] Mr. Short, Chairman of Committee on Printing and Clerks, announced that Propositions Numbers 78, 66, 54, and 94 had been printed and returned.

(Editorial)

[e943294] Mr. President: Committee of the whole.

Mr. Webb: Mr. President, before this convention goes into the committee of the whole, I desire to move that the vote by which Proposition Number 60 was indefinitely postponed be reconsidered.

Mr. Simms: I second that motion.

[Editor's Note: Though Webb is recorded as moving to reconsider Proposition Number 60, it was actually Substitute Proposition Number 60 that was indefinitely postponed. That Substitute Proposition Number 60 was reconsidered is corroborated by the Minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 682-683)

[e943297] Mr. President: The secretary will call the roll. Those in favor of the motion will answer "aye"; those opposed "nay."

Roll call showed 24 "ayes" and 16 "nays."

The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943299] Mr. Webb: I move that Proposition Number 60 be placed on third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943302] Mr. Coker moved, seconded by Mr. Jones of Maricopa, that Substitute Proposition No. 60 be made a special order for 2 p.m., November 26th, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943321] Mr. Ingraham: I move that it be taken up Monday morning.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943324] Mr. President: If there are no objections it will come up Monday morning.

Mr. Short: I am opposed to the making of this a special order when there have been other matters just as important discriminated against.

Mr. Winsor: This should come up in regular order and not be granted a special order for there are other measures to be considered both this afternoon and Monday evening which are just as important.

Mr. Cunniff: I would like to say that I am sorry that this matter should come up again as I thought we had settled that dangerous bill. I do not see any reason why Arizona should open wide her doors to all sorts of quack doctrines and especially to contain some of it in her constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943329] Mr. Lynch: I would renew my motion to strike out the words "other methods of healing." Those are the only words that are obnoxious. Without these words the bill is all right and permits all institutions and recognized methods, but with it the bill is dangerous.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943330] Mr. President: The question comes up on the amendment, Those in favor of the amendment will answer "aye;" those opposed "nay." The motion is lost. The question now comes up on the motion for a third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943334] Mr. Coker: I would like to ask the chair if my motion for postponement to this afternoon was out of order.

Mr. President: No. Those who wish this proposition postponed until this afternoon will say "aye;" those opposed "nay", when the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943336] Roll call showed 26 "ayes" and 20 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943351] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 300)

[e943354] Mr. President: The motion is carried and the proposition will be postponed until this afternoon.

[Editor's Note: Substitute Proposition Number 60 actually came up in the Committee of the Whole on 28th of November, at 09:30.]

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943360] Mr. President: The motion is carried and the proposition will be postponed until this afternoon. If there are no objections the convention will now resolve itself into the committee of the whole and Judge Wells will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943366] Mr. President: The motion is carried and the proposition will be postponed until this afternoon. If there are no objections the convention will now resolve itself into the committee of the whole and Judge Wells will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943369] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e943372] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943373] The President resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943917] Mr. Wells: “Mr. President, the committee of the whole to whom was referred the following propositions begs leave to report that they have disposed of them as follows: That Numbers 116, 104 and 98 be indefinitely postponed. That Numbers 66, 127, 78, 28, Memorial Number 1, Proposition Numbers 13, 16 and 129 be considered at the same time and taken up this afternoon; that Number 34 do pass as amended; that Number 14 as included in Proposition Number 54 do pass as amended; that Number 76 be indefinitely postponed.”

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943919] [Editor’s Note: Proposition Number 116 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943920] [Editor’s Note: Proposition Number 104 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943921] [Editor’s Note: Proposition Number 98 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943922] [Editor’s Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943923] [Editor’s Note: Proposition Number 76 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943924] [Editor’s Note: The Report of the Committee on Labor on Substitute Proposition Number 76 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943925] [Editor’s Note: Substitute Proposition Number 54 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943926] [Editor’s Note: Substitute Proposition Number 54 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e943928] [Editor's Note: Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943929] [Editor's Note: The Minority Report on Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943930] [Editor's Note: The Report from the Committee on Schedule on Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943931] Mr. President: You have heard the report of the committee of the whole. All in favor of its adoption will anser "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943932] [Editor's Note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e943933] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943935] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943937] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943938] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943939] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943940] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(Editorial)

[e943942] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943943] Mr. President: [...] The question will come up on the indefinite postponement of Numbers 116, 104, 98 and 76. All in favor answer "aye" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943945] Mr. President: [...] That Substitute Number 54 including Proposition Number 14 do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943946] [Editor's Note: By considering the Committee of the Whole's recommendation, the Convention considered the suggested amendments to Substitute Proposition Number 54.]

(Editorial)

[e943948] Mr. President: [...] That Substitute Number 54 including Proposition Number 14 do pass as amended. All in favor answer "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943949] Mr. President: [...] That Substitute Number 54 including Proposition Number 14 do pass as amended. All in favor answer "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943951] [Editor's Note: By adopting the Committee of the Whole's recommendation, the Convention adopted the suggested amendments to Substitute Proposition Number 54.]

(Editorial)

[e943952] [Editor's Note: When the Convention adopted Substitute Proposition Number 54, the original Proposition Number 54 was dropped in tandem.]

(Editorial)

[e943954] [Editor's Note: When the Convention adopted Substitute Proposition Number 54, the Minority Substitute Proposition Number 54 was dropped in tandem.]

(Editorial)

[e943955] [Editor's Note: When the Convention adopted Substitute Proposition Number 54, the Report from the Committee on Schedule on Proposition Number 54 was adopted.]

(Editorial)

[e943956] Mr. President: [...] That Propositions Number 66, 127, 78, 28, 13, 16 and 129 and Memorial Number 1, be postponed until this afternoon

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943957] Mr. President: [...] That Propositions Number 66, 127, 78, 28, 13, 16 and 129 and Memorial Number 1, be postponed until this afternoon. All in favor answer "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943958] Mr. President: [...] Mr. President: [...] Shall Number 54 be engrossed and have a third reading? All in favor answer "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e944221] [Editor's Note: When the Convention its consideration of each of the Committee recommendations, the report was adopted.]

(Editorial)

[e943962] Mr. Cooper: I move we stand at recess until 1:30 p.m.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943963] The motion prevailed.

Convention stood at recess until 1:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

## 1.77 Saturday, 26 November 1910, at 13:30 (s16215)

[e943291] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943292] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943293] Mr. President: The convention will come to order. Gentlemen of the convention if there is no objection the convention will resolve itself into the committee of the whole, with the gentleman from Cochise, Mr. Tovrea, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943295] Mr. President: The convention will come to order. Gentlemen of the convention if there is no objection the convention will resolve itself into the committee of the whole, with the gentleman from Cochise, Mr. Tovrea, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943296] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e944190] Mr. Tovrea: "Mr. President: Your committee of the whole begs leave to report it has examined Substitute Number 78, and respectfully recommends that it be adopted as amended; and that it has examined Propositions Number Substitute 66 and 127, and respectfully recommends that they be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944200] [Editor's Note: Substitute Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944202] [Editor's Note: Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944203] [Editor's Note: Proposition Number 127 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944272] [Editor's Note: The report from the Committee on Agriculture on Propositions Number 66 and 127 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e944204] [Editor's Note: Substitute Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944206] [Editor's Note: Substitute Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944207] [Editor's Note: Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944210] Mr. President: Gentlemen, you have heard the report of the committee of the whole. All in favor of adopting it answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944197] [Editor's Note: The editors have created a blank version of the Committee of the Whole's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e944211] Mr. President: [...] The committee recommends that Propositions Numbers Substitute 66 and 27 be indefinitely postponed. Those in favor "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944214] On motion of Mr. Tovrea, seconded by Mr. Parsons, Proposition No. 127 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944215] On motion of Mr. Tovrea, seconded by Mr. Parsons, Proposition No. 127 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944216] On motion of Mr. Cunniff, seconded by Mr. Short, Substitute Proposition No. 66 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944218] On motion of Mr. Cunniff, seconded by Mr. Short, Substitute Proposition No. 66 was indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944219] Mr. President: [...] The committee recommends that Propositions Numbers Substitute 66 and 27 be indefinitely postponed. Those in favor "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944223] Mr. President: [...] The committee recommends that Substitute Proposition Number 78 be adopted as amended. Those in favor will answer "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944224] [Editor's Note: By considering the Committee's report on Substitute Proposition Number 78, the Convention considered the Committee's amendments.]

(Editorial)

[e944225] Mr. President: [...] The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944227] Mr. President: [...] The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944228] [Editor's Note: By adopting the Committee's report on Substitute Proposition Number 78, the Convention simultaneously adopted the Committee's amendments.]

(Editorial)

[e944229] [Editor's Note: When the Convention adopted Substitute Proposition Number 78, the original Proposition Number 78 was dropped in tandem.]

(Editorial)

[e944231] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944233] Mr. President: [...] Shall it be engrossed and have a third reading? All in favor answer "aye;" opposed "no." Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944234] Roll call showed 28 "ayes" and 8 "nays."

Mr. President: The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944253] The Special Committee on Election Ordinance made their report through Mr. Ingraham, their Chairman, which was referred to the Committee on Printing and Clerks and one hundred copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944254] The Special Committee on Election Ordinance made their report through Mr. Ingraham, their Chairman, which was referred to the Committee on Printing and Clerks and one hundred copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944261] Mr. Tuthill: I move that we adjourn to 9:30 o'clock Monday morning.  
Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 714)

[e944262] The motion prevailed.

Convention adjourned to 9:30 o'clock, November 28, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 714)

## 1.78 Monday, 28 November 1910, at 09:30 (s16232)

[e943970] Mr. President: The convention will come to order and the secretary will call the roll.

(Editorial)

[e943971] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 714)

[e943972] Roll call showed quorum present.

(Editorial)

[e943973] Mr. President: The convention will rise for prayer.

(Editorial)

[e943974] Reverend Crutchfield: Oh Lord we thank Thee this Monday morning that we are permitted to meet in this convention in health of body and mind. And now as we are in the last week of this convention in which many things will come up in review and as there might have been some things written in the constitution that ought not to have been written and some things left out that ought to have been put in. We pray that these men in their review of the past propositions may have sight on these subjects as to enable them to formulate a conservative constitution that our great country may look upon with approbation. Oh Lord, we are not willing to believe President Taft will turn down our constitution on account of such a small matter as the Recall, Initiative and Referendum which is written in the constitution as the people of the great State of Arizona desire to be governed by. Perhaps next week it will be on the headlines of all the newspapers in this territory and the country a [word unclear]. What the constitutional convention failed to do and what they ought to have done. But let none of us be alarmed; the question of women's suffrage is not dead, neither is the prohibition question dead, but public sentiment will ultimately be adjusted in the course of time. Now, Lord give these men a measure of the Spirit to guide them on this work this week. And at last when we have all finished our work on earth, receive us all into heaven where we will praise Thee forever. Amen.

(Editorial)

[e943975] Letter from Frank Philos Cooke of Phoenix, Arizona, read.

(The Minutes of the Arizona Constitutional Convention, Page 311)

[e943977] [Editor's Note: The letter was not mentioned again.]

(Editorial)

[e943978] Mr. President (reading): Resolution Number 17, introduced by Mr. Cooper of Pima County: WHEREAS, This convention by its acts, has created numerous offices and has fixed the salaries and emoluments therefor, and WHEREAS: It is neither ethical nor right that those who have participated in this work should receive the benefit and advantages thereof; therefore, BE IT RESOLVED: That no member of this convention shall be eligible for election to any office, either state, county, precinct or municipal, created by this constitution, for a period of five years from and after the admission of Arizona as a state. (laughter and applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 714-715)

[e943979] Mr. President: [...] (laughter and applause) If there are no objections it will be referred to the Committee on Militia and Public defense. Reports of committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages 714-715)

[e943995] Secretary (reading): Report of Committee on Finance. "Phoenix, Arizona, November 28, 1910. Mr. President: Your Committee on Finance, Accounts and Expenses begs leave to submit the following report for the week ending November 26th, 1910. Pay roll of Members \ \$1470.00; Pay roll of Attaches \ \$1166.00; Printing and delivery of ten substitute propositions (54 pages at \ \$2.00) 108.00; Stationery and sundries, estimated at \ \$100.00. Total for week ending November 26, 1910 \ \$2844.00. Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e943997] [Editor's Note: The Report of the Committee on Finance was received without comment.]

(Editorial)

[e944006] Mr. Cunniff: Mr. President, I should like to make a report for the Committee on Style, Revision and Compilation so far as we have gone. We have worked all the time including holidays and Sundays, with the exception of the time that we are in session, and you all know the time we have spent in session. However, we are prepared to report on the following: Substitute Proposition Number 4 on the initiative and referendum, the proposition on distribution of powers and the proposition on ordinance. These reports I shall now turn in to be considered in their regular order of business.

(Editorial)

[e944007] [Editor's Note: Substitute Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944027] Phoenix, Arizona, November 28, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Committee Substitute Proposition No. 119 as amended by the Committee of the Whole, has compared the amended copy with the Enabling Act and recommends that in the appended revised and engrossed form said Proposition be adopted.

That it has examined Substitute Proposition No. 43 and respectfully recommends that with the heading 'Distribution of Powers' and the words "Legislative" "Executive" and "Judicial" beginning with capitals it be adopted as in the appended engrossed copy.

M.G. CUNNIFF,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 312)

[e944029] [Editor's Note: Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944787] [Editor's Note: The Committee on Style amendments to Proposition Number 119 were referred to the Convention.]

(Editorial)

[e944030] [Editor's Note: Proposition Number 43 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944032] [Editor's Note: The Committee on Style amendments to Proposition Number 43 were referred to the Convention.]

(Editorial)

[e944280] The sergeant at arms announced that Mr. Jones of Maricopa, Mr. Kingan, Mr. Winsor had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 312)

[e944847] Mr. President: Introduction of propositions.

Secretary (reading): Substitute Proposition Number 66, introduced by the Committee on Irrigation and Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e944848] Mr. President: Substitute Proposition Number 66 will come up in the committee of the whole tomorrow.

[Editor's Note: Though the substitute was referred at this point, Orme proposed an amendment to it on 29 November before it came up in the Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e944281] [Editor's Note: Substitute Proposition Number 58 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Printing Committee by this point.]

(Editorial)

[e944282] [Editor's Note: Substitute Proposition Number 58 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Printing Committee by this point.]

(Editorial)

[e944285] [Editor's Note: The Report from the Committee on Public Service Corporations on Proposition Number 58 was referred to the Committee.]

(Editorial)

[e944287] [Editor's Note: Proposition Number 58 was referred to the Committee.]

(Editorial)

[e944358] [Editor's Note: Proposition Number 60 was referred to the Committee.]

(Editorial)

[e944288] Mr. President: [...] The convention will now resolve itself into the committee of the whole and the gentleman from Navajo, Mr. Scott, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e944290] Mr. President: [...] The convention will now resolve itself into the committee of the whole and the gentleman from Navajo, Mr. Scott, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e944291] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e944443] The President resumed the chair.

Mr. President: The gentleman from Navajo, Mr. Scott.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944445] The President resumed the chair.

Mr. President: The gentleman from Navajo, Mr. Scott.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944448] Mr. Scott: Mr. President, your committee of the whole begs leave to report progress, and asks leave to sit again.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944451] Mr. President: Those in favor of accepting the report of the committee of the whole will signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944452] The sergeant at arms reported that Mr. Cassidy, Mr. Colter, and Mr. Ellinwood, Mr. Lynch, Mr. Osborn, Mr. Tuthill had taken their seats during the session of the Committee of the Whole.

[Editor's Note: Based on the voting records in this session of the Committee of the Whole, it appears that more than just the delegates listed in this excerpt from the Minutes took their seats during the Committee of the Whole session. The roll call at the beginning of the day lists Cassidy, Colter, Ellinwood, F.A. Jones, Kingan, Osborn, Tuthill, Wells, and Winsor as absent. Then, before the motion to adjourn, the sergeant at arms announced that Cassidy, Colter, Ellinwood, Lynch (who was not listed as absent in the roll call), Osborn, and Tuthill had taken their seats. That leaves Colter, F.A. Jones, Kingan, Wells, and Winsor as absent. However, each of these delegates participated in votes during the session. The only delegate who was consistently absent in the voting record is Wills. For this reason, only Wills is listed as absent in this attendance record.]

(Editorial)

[e944454] Mr. Webb: Mr. President, I move the convention stand at recess until 1:30 p.m.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944455] The motion prevailed.

Convention stood at recess until 1:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

## 1.79 Monday, 28 November 1910, at 13:30 (s16244)

[e944459] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944461] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944463] Mr. President: The convention will come to order. The convention will resolve itself into a committee of the whole to finish unfinished business, and the gentleman from Navajo, Mr. Scott, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944464] Mr. President: The convention will come to order. The convention will resolve itself into a committee of the whole to finish unfinished business, and the gentleman from Navajo, Mr. Scott, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944465] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e944495] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944496] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944497] Mr. President: Gentlemen, we have our minutes. If there are no objections the secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944501] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944504] Mr. Short: Mr. President, the absent delegates have arrived. I move we now go into the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944510] Mr. President: If there are no objections the convention will go into committee of the whole, with Mr. Scott in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944511] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e944605] Mr. President: The convention will come to order and the gentleman from Navajo county, Mr. Scott, will report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944606] The convention will come to order and the gentleman from Navajo county, Mr. Scott, will report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944604] Mr. Scott: "Mr. President: Your committee of the whole begs leave to report after consideration of the following propositions they be disposed of as follows: Propositions Number 28, 13, 16, 129 be indefinitely postponed. Memorial Number 1 do pass; Substitute Proposition Number 60 do pass; Substitute Proposition Number 58 do pass as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944612] [The Report from the Committee on the State and School Lands was referred to the Convention alongside the committee's report.]

(Editorial)

[e944607] [Editor's Note: Proposition Number 28 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944608] [Editor's Note: Proposition Number 13 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944609] [Editor's Note: Proposition Number 16 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944610] [Editor's Note: Proposition Number 129 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944479] [Editor's Note: Memorial Number 1 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944480] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944482] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944613] [Editor's Note: Substitute Proposition Number 58 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[*e944614*] [Editor's Note: Substitute Proposition Number 58 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[*e944615*] [Editor's Note: Proposition Number 58 was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[*e945754*] [Editor's Note: In considering the Committee's report, the Convention also considered the Committee's amendments to Substitute Proposition Number 58.]

(Editorial)

[*e944839*] Mr. President: Those in favor of adopting the report of the committee of the whole say "aye;" those opposed "nay." The motion is carried, and the report is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[*e944830*] Mr. President: [...] The question comes up on Propositions Number 28, 13, 16, and 129. All those in favor of indefinitely postponing those propositions will answer "aye;" opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 731-732)

[*e944832*] Mr President: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[*e947560*] [Editor's Note: When the Convention adopted the Committee's suggestions the report was implicitly adopted in tandem.]

(Editorial)

[*e944835*] Mr. President: [...] The question now comes up on the adoption of Memorial Number 1. Those in favor of adopting Memorial Number 1 will say "aye;" those opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[*e944836*] Mr. President: [...] The question now comes up on the adoption of Memorial Number 1. Those in favor of adopting Memorial Number 1 will say "aye;" those opposed "nay." The "ayes" have it and it is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[*e944491*] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor of engrossing and giving it a third reading say "aye;" those opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944492] Mr. President: [...] The motion is carried and the Memorial is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 731-732)

[e947509] Substitute Proposition No. 60 ordered engrossed and to have a third reading and referred to Committee on Style, Revision and Compilation.

[Editor's Note: The Records do not account for what happened to Substitute Proposition Number 60.]

(The Minutes of the Arizona Constitutional Convention, Page 318)

[e947513] Substitute Proposition No. 60 ordered engrossed and to have a third reading and referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 318)

[e944840] Mr. President: [...] The question is now on the adoption of Substitute Proposition Number 58 as amended. Those in favor of so adopting it say "aye;" those opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944844] Mr. President: [...] The question is now on the adoption of Substitute Proposition Number 58 as amended. Those in favor of so adopting it say "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944849] Mr. President: [...] Shall it be engrossed and have a third reading? All those in favor of engrossment and third reading of Substitute Proposition Number 58 say "aye;"

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944850] Mr. President: [...] Shall it be engrossed and have a third reading? All those in favor of engrossment and third reading of Substitute Proposition Number 58 say "aye;" the "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944865] Mr. President: [...] Gentlemen, we have some propositions for third reading and the secretary will please read them. Secretary (reading): Proposition Number 137.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944869] Mr. President: Third reading of the proposition. Those in favor of the final passage say "aye;" those opposed "nay," when the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944882] Roll call showed 40 "ayes" and 7 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944905] [Editor's Note: Substitute Proposition is referred to the Committee on Style.]

(Editorial)

[e944886] Secretary (reading): Proposition Number 145.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944889] Mr. President: Third reading of Proposition Number 145. Those in favor of the final passage say "aye;" those opposed "nay."

(Editorial)

[e944894] Mr. Franklin: It seems to me that if this is carried we will have restrictions on two kinds of people, Negroes and Chinese. Why should you not have Indians and Japanese included? The proposition does not go far enough.

Mr. Weinberger: I think that this is a matter that can well be left out of the constitution.

Mr. Baker: I have never explained my vote before in this convention that I can remember, though there have been many who have done so. I believe in the restrictions of marriages to all races that are obnoxious, but I think that this bill is not sufficient to cover all classes. I have a perfect abhorrence of an alliance between the Negro and the Caucasian race and the same with the Chinese, but I think these restrictions should be placed upon all obnoxious marriage relations between undesirable races and never tolerated. Therefore, I vote no against this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944902] Roll call showed 13 "ayes" and 34 "nays."

Mr. President: The proposition is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944910] Mr. Webb: I move indefinite postponement of the proposition.

Mr. Orme: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944912] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944915] Mr. Cunniff: I move that the convention now refer to reports of standing committees and take up the reports made this morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944916] Mr. President: If there are no objections we will take up the reports made this morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944922] Secretary (reading): Substitute Proposition Number 4, report of the Committee on Style, Revision and Compilation.

Mr. Winsor: I move the report of the committee be adopted.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
732-733)

[e944926] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944932] Mr. Winsor: I want to make an amendment. Beginning with the word "and" in line 10, page 6, strike out the balance of the paragraph.

Mr. Weinberger: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944934] The motion lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944935] Mr. Cassidy: I was requested by the Committee on Style, Revision and Compilation to offer the following amendment to Substitute Proposition Number 4, by inserting [at] the end of line 11, page 11, the following words: "Until otherwise provided by general law, said cities and towns may prescribe the basis on which said percentage shall be computed."

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944937] Mr. Cunniff: It was decided by the Committee on Style, Revision and Compilation that any oversight should be amended or filled in when the bill came before the convention, and it is probable that some member of the committee can furnish the amendment needed.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944938] Mr. President: All those in favor of the amendment say "aye;" those opposed "nay." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944940] Mr. Parsons: I desire to move that the Committee on Style, Revision and Compilation be authorized to insert in line 10, page 6, in the blank space the word or figure "fifteen."

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944944] Mr. Cunniff: I move to amend that the Committee on Style, Revision and Compilation be authorized to fill the blank with the figure "20."

Mr. Curtis: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944948] Mr. Weinberger: It seems to me that that conflicts with the amendment already adopted.

Mr. Parsons: I think the gentleman is mistaken.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944950] Mr. President: The question now comes up on the motion of the gentleman from Cochise, Mr. Parsons. All those in favor of the motion to fill in the blank with the word "fifteen" say "aye;" those opposed "nay." Answer on roll call.

Roll call showed 27 "ayes" and 22 "nays."

Mr. President: The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944960] [Editor's Note: With the adoption of Parsons' amendment, the competing amendment was dropped in tandem.]

(Editorial)

[e944965] Mr. Winsor: I move that the blank be filled in on page 7, line 15, with the word "fifteen." In line 9 with the figure "eight."

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944967] Mr. Cassidy: I ask that this question be divided, and voted upon separately.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944969] Mr. President: If there are no objections we will divide the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944972] Mr. President: If there are no objections we will divide the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944976] Mr. President: If there are no objections we will divide the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944979] Mr. President: If there are no objections we will divide the question. Those in favor of filling the blank on line 15, page 7, with the word "fifteen" say "aye;" those opposed "nay." The motion is carried and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 733)

[e944981] Mr. Cassidy: I move to amend the motion to fill the blank on page 11, line 9, with the word "eight" and that the word "ten" be substituted.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e944983] Mr. President: All those in favor of the amendment offered by Mr. Cassidy to fill in the blank on line 9, page 11, with the word "ten" will rise; those opposed now rise. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e944988] The president then put Mr. Winsor's motion to fill the blank on said line with the word "eight" which was lost by the following vote:

Ayes—Bolan, Bradner, Coker, Connelly, Cunniff, Cunningham, Feeney, Ingraham, Jones, A.M., Jones, F. A., Kinney, Morgan, Parsons, Roberts, Sims, R. B., Tovrea, Weinberger, Winsor, Wood, Mr. President. Total 20.

Nays—Baker, Cassidy, Cobb, Colter, Cooper, Crutchfield, Curtis, Ellinwood, Franklin, Goldwater, Hutchinson, Jacome, Keegan, Kingan, Langdon, Lovin, Moore, Orme, Osborn, Pusch, Scott, Short, Standage, Tuthill, Webb, White, Wells. Total 27.

Absent—Lynch, Simms, Mit.

Excused—Doe, Moeur, Wills.

(Editorial, Pages 319-320)

[e944997] Mr. Baker: I move that the blank be filled in with "ten."

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e944998] Mr. President: All in favor will answer "aye;" contrary "no." The "ayes" have it, and it is so ordered. Are there any other amendments to be offered? We will call the roll on the final passage of the bill as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e945001] Mr. Cunniff: I desire to amend by inserting on line 13 after the words "referendum petition" the words "on state or county measure."

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e945003] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e945009] Mr. President: Any further amendments? If not, we will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 734)

[e945070] Mr. Wells: Mr. President, this is upon the final passage of the measure, I presume? After this, no further amendments can be made?

Mr. Winsor: The gentleman is mistaken. This will be subject to amendment until final passage of the measure.

Mr. Wells: I wish to be heard on the final passage, whether it is now or at some later time. If no further amendments can be made, I had possibly better make it now. If I may have the indulgence of the convention, probably it will

relieve my mind of the position I occupy. Before proceeding in this matter an explanation is necessary. When this question came up, the president indicated that it was an important measure, the most important measure at this session, and that you would entertain a full discussion upon the proposition without limitation as to time because of its importance and the fact it is well for us to understand it from all points of view. With a view of not imposing on your indulgence I reduced what remarks I intended to make to writing, but for the purpose probably of seeking the perfect and true light upon this matter someone got into my desk and carried away my speech, and left there a few scattered notes. Now I am not getting angry because of the carrying away of that speech and not returning it, for I believe it will furnish a good deal of light upon the subject to whoever get[s] it if he will read it; but therefore I ask the indulgence of the convention if I should be scattered in my remarks because the line having been taken away, I am left in somewhat a scattered condition.

Now I am not going to discuss this proposition upon its merits from the view point of partisan sentiment or partisanship in any way. In fact, I will not discuss it on the merits at all, and the reason of it is this: That the very large majority of this convention are acting upon the passage of this bill under instructions or pledges, and hence it divests the proposition of all consideration by discussion or by logical conclusion; in other words, action by machinery, and if I may illustrate: Corn is poured in the hopper and the crank is turned, and the grain becomes grist. The question presents itself to us all individually and collectively, do we want statehood? I say, "Yes," I believe it is the intention of the territory at large. In 1864, this month, and I believe this day the first territorial convention was in session at Prescott. I was not a member of that distinguished body, but I was in attendance, and I know that at that time there was a resolution passed asking Congress and the President of the United States (Lincoln was President at that time) for statehood at the very earliest moment it could be granted, and from that to the present time, every territorial legislature has considered and passed the same request, and it has been diligently worked upon by every delegate from the first to the last. Coming to the present time the opportunity is now given for us to have statehood. Where do we get the authority, and shall we pursue that authority? The authority comes from Congress, and I may be permitted here to read the authority for the results of this convention if it should result in statehood: "That the delegates to the convention thus elected shall meet in the hall of the house of representatives in the capital of the Territory of Arizona at 12 o'clock noon on the fourth Monday after their election, and they shall receive compensation for the period they actually are in session, but not for more than sixty days in all; after organization they shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be and is hereby, authorized to form a constitution and provide for a state government for said proposed State, all in the manner and under the conditions contained in this Act. The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence."

Now, Mr. President, that brings it home in this way. It does not make any difference to us whether it is in line with what we would like to have for an enacting clause, yet this is the enacting clause. I believe every member of

Congress at the time the Enabling Act was passed, whether Democrat or Republican voted for it, and for all the conditions imposed by this Enabling Act, and hence every item and condition required to be performed is required to be performed by this convention. Do you believe it? Yes, I believe every man here believes it from his actions, and from his actions his mind is read, and his intentions are read. Note, if you will, the action taken by this convention when we considered the irrevocable ordinances. We were cautioned that every single line should be included in the ordinance; "every sentiment expressed there, include in your ordinance. Do not depart one step, one iota, one fraction; if you do, you are in opposition to the will of Congress, and it will be fatal." Not only did your action in following the Enabling Act exactly in your ordinance show the intention and understanding of the convention, but today in Proposition Number 145 the same intent is carried out, and you eliminated from that proposition the extended idea that you must not interfere with the color line because of civil rights involved. Were you right in those actions? Yes, I say, and I believe emphatically so. You believed it, gentlemen, or you would not have so acted. Then, if the conditions of the Enabling Act are so strong in these particulars, why not the whole? If there is an infraction in part, why not an infraction in the whole? It is conclusive to me that your minds are made up that you must not depart from the conditions of this Enabling Act. That brings me down to the real question at issue. Have we departed, or do we propose by the initiative and referendum to depart, from the Enabling Act? Let us see. We can get to this conclusion logically by investigating and analyzing the requirements. Some months ago when the question of initiative and referendum was mentioned and it became a political issue, or rather a partisan issue, the proposition appealed to me very strongly, because it was getting down next to the people. But when it appeared the probability was I might attend this convention and that I might assume responsibilities that had not come upon me in my life before, I took the subject up for an analysis and investigation with the view of knowing how it might be applied and what might be the extent of its application. I found, however, that it would affect the form of the national government; I pursued the subject and became satisfied that it was an innovation, and that, if adopted in its final results, would mean a disintegration of our national government, for it would be the inception. When I came to that conclusion, I told my views to my friends, and the result was, (I do not say solely caused by that) that I am here with you today. From that I resolve this conclusion with reference to the initiative and referendum, and the position in which I stand here today. I feel that I am environed by no conditions that curtail in any degree the freedom of my thought and action and hence I believe I am able to discuss this measure and this proposition as it would affect the people of this territory. As I said before, I believe it is a change of the form of government known as the republican form of government. Gentlemen, I ask how many in this convention understand fully the republican form of government from its inception? I did not until I began these investigations. Go with me in mind, if you please, back into the past, to the origin or commencement of our Republic. The original thirteen colonies decided upon forming a confederation for their protection, and in 1776 on the 10th of May a convention convened which consisted of representatives and delegates from these states and provinces. What was the purpose and object of that convention? It was to adopt such a government as should conduce to the peace and safety of their constituents in particular and of America in general.

That is the first movement, the first step made by the colonies. That convention besides the Declaration of Independence prepared and signed as a result of their deliberations the Articles of Confederation. What was the purpose of these Articles? The third article answers that: "The said States hereby severally enter into a firm security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them or any of them, on account of religion, sovereignty, trade or any pretense whatever." That was the compact that was made at the first session of the United States Congress, in 1777 [sic]. Now they lived under that contract for nine years and from their experience decided it was not strong enough. Why? Because the more populous states dominated the less. The State of New York had the only custom house, and if they made a closer corporation, New York would have to surrender that. The State of Virginia had vast public lands, which composed her wealth. It was determined if they joined a closer confederation she would have to surrender those lands, and thus each state had something to surrender to the whole, which constituted the consideration passing to all and from all. It then became a contract and compact, so much so that neither party had the right to withdraw from that compact or change that contract unless it was consented to by the other contracting parties. That was the logical conclusion. That constitution for a closer compact was written in 1787. By whom? Why, of delegates, or representatives sent there by the people who could not come themselves. As the result, I read the United States constitution: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, at that convention by those delegates a form of government was inaugurated and established. In the first article we find these words: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives. The House of Representatives shall be composed of members chosen every second year by the people of the several states. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof." We know that the legislatures of the state are chosen by the people, and hence it is the result of the action of the people. This is the first section. Does it stop there? The form is not complete, because it says there must be an executive. That executive shall [be] the President of the United States, whose term shall be four years, thus preventing the possibility of monarchy. Section 7 provides "Every bill which shall have passed the House of Representatives and the Senate shall before it becomes a law be presented to the President of the United States." The other part of this form of government is the judicial. We have a legislative, executive and judicial, and that constitutes the republican form of government. The Constitution provides further: With this vast territory we have here, of course, there will be new states admitted. We will vest Congress with the power of creating new states, and that power reads in this manner (Section 3, Article 4) "New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state formed by the junction of two or more states." Section 4 of the same article reads "The United States shall guarantee to every state

in this Union a republican form of government, and shall protect each of them against invasion." Under our territorial organic act the government consists of the executive, judicial and legislative departments, and when the state is admitted into the union the very same form is preserved. This system continued in existence, and the war of 1812 which came later resulted favorably to the maintenance of the present form of government. Also in 1860 some of the states decided they would withdraw from the confederation, but the remaining parties to the contract said "No, you cannot withdraw because there is a contract made between you and us, and we want you to perform your part of the contract and remain in the Union. You are a wealthy country, your states are wealthy. You are vigorous. You are brave. You are patriotic. In the future there will be a sinking of the Maine, and our western seas will be patrolled by a strong, armed state, which will attempt to land their hordes on our western shores, and we need your strength, your valor, your patriotism." They returned these states to the Union, and the various constitutions adopted have had the same provision, dividing the powers of the government into the executive, judicial and legislative departments. And if you will go from New York or Maine on the east to Washington on the west, you will find the same republican form of government. You go on the south to the Carolinas clear through to California, and you will find the same republican form. After the adoption of the Constitution there arose a school of law writers, and upon the question of constitution these law writers are regarded as an authority in all our larger schools, in Yale, in Harvard, and in all of the law universities. Now let us for a moment notice what these writers, who have spent their years in the study of this subject, have to say about this republican form of government, because it is important in the analysis of this republican form of government to be guided by those who have been before us and who have investigated the subject.

Bouvier, for instance, who is regarded as a great law authority, says: "A republican form of government is one where the powers of the sovereignty are delegated to a body of men elected from time to time to exercise them for benefit of the whole nation."

Now we have Mr. Black, an equal authority. He says: "The United States is a federal republic. So also each of the states is a republic, and the Constitution guarantees to each the continuance of republican government. The will of the people is made manifest through representatives chosen by them to administer their affairs and make their laws."

Daniel Webster says: "The republican form of government guaranteed by Congress is a government in which the Supreme power resides in the whole body of the people, and is exercised by representatives elected by them."

Madison says: "A government which derives all its power directly or indirectly from the great body of the people and is administered by persons holding their offices during pleasure, for a limited period or during good behavior, is a republican form of government."

Now, the Supreme Court of the United States in passing upon this subject, adopted Webster's definition, in 139 United States Reports, page 278, there it lays down this doctrine: The guaranty necessarily implies a duty upon the part of the states; this is to provide a republican form of government." The question is, did it? Now let us see; let us take this initiative and referendum, and compare it with the Enabling Act. Now comparison sometimes brings conviction when no other method will do it, and when I say conviction I mean this: While gentlemen

are acting under pledges and feel they cannot, because of political reasons divest themselves of their pledges, I say I am not going to discuss it upon its merits, but I present it to them in this shape, as a question of expediency, and the people of the territory are interested in that matter of expediency and I believe when we consider it from that point I do not believe there will be much difficulty in arriving at a conclusion. Let us take this initiative and referendum and measure it by the Constitution of the United States, with the idea as to republican form of government, (and I say we have followed that from its inception to this hour.) Measure it by these requirements and see if it does not take away the republican form of government. The first section of the initiative and referendum reads as follows: "The legislative power of the state shall be vested in a legislature, consisting of a Senate and House of Representatives." Now gentlemen, consider the Organic Act, and the Constitution of the United States, and consider the constitution of all the other states in the Union except Oklahoma, and measure this section by those and see what the result is: "The legislative power of the state shall be vested in the legislature, consisting of a Senate and House of Representatives, but the people reserve to themselves the power to propose and enact or reject such laws and amendments at the polls, independent of the legislature, and also reserve power at their own option, to approve or reject at the polls any act, item, section, or part of any act of the legislature." Now further on we find "The veto power of the Governor shall not extend to measures initiated by or referred to the people." Now, there is a deviation there. First, it takes away from this republican form of government this method provided by the Constitution of the United States and the Enabling Act. It returns it to the people. I am not going to say the people are not able to take care of themselves or to represent themselves, and are not the best judges as to what applies to their particular section, but I will say that at the time the constitution was prepared, and ever since there was a state organized, the people conferred upon the legislatures the right to make the laws without reservation, and Oklahoma is the first state that passed a constitution wherein she reserved the right to legislate in place of the legislature. Did she do it? Yes. But is that a guide for us? I say "no." There were restrictions in our Enabling Act which were not restrictions in that Enabling Act for Oklahoma. There the votes had to be certified to the Governor, and the Governor issued his proclamation of the result of the votes, and by operation of law the state was admitted into the Union. With us it is different, Congress having had in view the experience in Oklahoma, and we know with what difficulty the constitution of Oklahoma was passed by President Roosevelt. I might say in parentheses it was opposed by President Taft. I know what is entering into the minds of my friends, "For God's sake, do not threaten us with Congress or the President." Now I am not going to threaten you with Congress or the President, but I will say this Enabling Act was passed by every member of Congress and signed by the President, and it is probable they will go back on themselves and reverse themselves because 200,000 people out in the West want the will of the balance of 100,000,000 reversed. I merely offer that as an argument, and as I say, as my speech was taken from me I can only present this in the form of an argument. The State of Oregon has a constitutional amendment with this initiative and referendum, and it has brought upon the state a great deal of trouble. This very measure, the initiative and referendum, and the business interests of the State of Oregon that have grown up under it, is now in a lawsuit before the Supreme Court of

the United States. And judging from a brief in that case prepared by the ablest lawyers on the Pacific coast, I have no more idea that the Supreme Court of the United States will affirm the judgement of the Supreme Court of Oregon than I have—I believe they will reverse it, on the ground that the republican form of government is abridged. The only way, or the proper way, to have it properly an amendment to the state constitution is to amend the United States Constitution, changing this form of government. Now that brings us down to the question of expediency. If we wait until the Supreme Court of the United States passes upon that Oregon case, we may wait for a considerable length of time, and if it should be adverse to the proposition here, then the opportunity may have gone. Now, my remedy is this (of course I do not suppose every gentleman present is going to agree with me)—To defer action until that time, or write our constitution in a way in which it will not meet the opposition of Congress or President but will conform to the Enabling Act, the same as the other clauses.

Mr. Winsor: Will the gentleman yield to a question? In the event the Supreme Court of the United States should declare the initiative and referendum to be unconstitutional, and the initiative and referendum were in the constitution of Arizona, would that affect any other portion of the constitution of Arizona?

Mr. Wells: That is not for us to say. It is entirely for the President and Congress to say. Let me read what they say in the words of the Enabling Act, and I think it will be a perfect answer to the gentleman's question: "and thereupon said convention is hereby authorized to form a constitution and provide for a state government for said proposed state all in the manner and under the conditions contained in this act." Now, gentlemen, you have said you must be careful with the irrevocable ordinances to conform with the spirit of Congress as shown in the conditions of this act, and furthermore in reference to the color line you must conform to the conditions of this Enabling Act, nor must you not conform to any part of it that requires a republican form of government?

Mr. Cunniff: Will the gentleman from Yavapai yield to a question? Do you think the referendum is also not republican, as well as the initiative?

Mr. Wells: Yes, the initiative and referendum is not a republican form of government. It is in line with the decisions of the supreme court of Oregon, and that is the conclusion that is reached by the gentlemen who are in favor of the initiative and referendum, in my judgement, and that is that it does not take away but it adds to. I do not care whether it adds to or not. For the people of the state who have said: "we delegate to a representative form of government the power to legislate," the referendum changes that power and takes it away.

Mr. Cunniff: Will the gentleman yield to another question? If Congress accepts the New Mexico constitution, and the President accepts it, then the President and Congress will be accepting a constitution that is not in republican form?

Mr. Wells: I say this, that if the initiative and referendum is adopted by the State of New Mexico, the referendum takes away the right of the people to make laws. It takes away the right of the governor to veto a law, and in that it is a change from the republican form of government.

Mr. Cunniff: Does the gentleman say that if Congress and the President accept the New Mexico constitution as it now appears with the referendum in it, on petition of the people of New Mexico, then Congress and the President

will be accepting a constitution that is not republican in form?

Mr. Wells: I do not know whether the State of New Mexico has adopted such a referendum law or not.

Mr. Cunniff: Yes, they have, I have a copy of it here.

Mr. Wells: I do not know the wording, but it is a good proposition of taking away the legislative power of the legislature and the veto power of the governor. It is such a variation from the republican form of government that it will not be accepted.

Mr. Baker: I would like to ask, what does he do with the clause in the initiative and referendum law that declares that it shall never be construed as forbidding the legislature from passing any enactment?

Mr. Wells: That has no effect whatever on the measure. It does not say that the legislature shall pass all laws. If it contained a measure that the legislature should pass all laws I should say that measure had no weight, but as it is here, the legislature shall pass some laws. I believe like this, that if this constitution is not accepted, or if there is a delay made in this constitution, all of this grand donation may pass from us, and if the constitution is not accepted it will be because the constitution of the territory will contain the initiative as well as the referendum, and hence they are not parallel cases at all. If the gentlemen would strike out the initiative part of that and leave the referendum alone, possibly they will not make as much objection to it. If we delay in getting this constitution adopted and getting statehood, the probability is that there will be nothing left when the time comes for us to make this selection of land. There are 73 million acres of land in the territory; 25 million have been selected and taken away. There are approximately 40 million left, and how much of that 40 million are made available? If we get statehood we make the selection. If it is rejected, we lose it altogether. As I say, it is the desire of the people of Arizona to have statehood at once that we may avail ourselves of this donation, and I must say that this is an unpopular side of the question, and the Chairman, because of its being the minority side of the question, has given us an opportunity to present our views, and those are our views insofar as I understand it. I am going to say this: I do not know if any of these gentlemen have changed their minds upon this question, but I say the Republicans are in line.

Mr. Franklin: Will the gentleman yield? I have listened with a great deal of interest to your argument, and also that of the other gentlemen, on that side of the question, but it appears to me from the authorities and the political writers and the decisions that there is quite a distinction between a republican form of government and a representative government. I wish you would enlighten me on that distinction, as to representative government. If there is one, what is it?

Mr. Wells: The representative government is contained in the republican form of government. It is defined as the government of the people through its representatives. As was in the first Congress of the United States,—as was in the constitution of the Congress that adopted the Constitution of the United States,—the people were represented by a delegate of those people to go there and make those laws, and that, as I understand it, would be a representative form of government. Today, our legislature has power to make all laws. Our executive has the power to veto all laws, to govern the people, whether they be of the minority or of the majority. Now, as I was going to say, the Republicans are in line to accept statehood, and the responsibility is upon the Democratic members here. What, gentlemen, agreeable retrospective will be afforded, which

as years and years go by, having us standing on the apex? The young men will appreciate it more than the older of us. In time the mantle of power and wisdom is thrown over our shoulders, and they will gather around us,—those who have grown weary and tired of the commonplace stories of our former life, and we can say to them: “Cheer up! Hear the real story of Arizona!” In the background of my memory there is a tablet clear as crystal and as spotless as the purest Egyptian gem. My noblest days are recorded upon it. Across its face are letters sculptured so indelibly that neither the ages nor eternity can rub them out, and they are written as follows: “In the year of our Lord nineteen hundred and ten, at the constitutional convention which gave the constitution and statehood to Arizona, I voted to maintain and perpetuate the sovereignty intact of the greatest nation on earth, the government of the United States of America.” (applause)

Mr. Cobb: A few days ago a distinguished member of the minority across in his place and in seeming seriousness stated that he had some time since been informed that it was the purpose of the majority to exclude him and his able associates from participation in the preparation of the constitution we are here assembled to construct.

This came as quite a surprise for I have noted that they have not only taken an active part in the debates, as the record will show, but they have decided the fate of a number of Propositions and important questions. The very first that came before this convention, that of keeping a verbatim report of our proceedings, was decided by the minority in its favor. After having hovered between life and death for three more days, when the minority was as badly divided as the majority, the distinguished gentleman from Pima came to its rescue in a brief but earnest appeal, as a result of which, or prompted by an inspiration from above, the unanimous vote of this small but active minority was cast solidly for the keeping of a verbatim report.

A few days later we listened with a great deal of interest to the arguments of the gentlemen from Pima and Coconino regarding the constitutionality of the initiative and referendum, and if I understood the gentlemen right, they said that they had no hope of changing the opinion of a single delegate; they knew the initiative and referendum would be incorporated in the constitution framed by the convention. Then why these voluminous arguments? Was it necessary for set and lengthy speeches, with most numerous citations of authorities to explain their votes on this question, when it could have been done in these three words, “it is unconstitutional?” I believe the gentlemen are perfectly honest in their opinion, (they have unquestionably convinced themselves) but if they are so desirous of statehood why are they so anxious to get in the record, afforded by the verbatim report, lengthy arguments against the very thing they claim to be most desirous of securing? Is it purely for home consumption or are they [sic.] briefs to be filed with the President of the United States against the admission of the State of Arizona into the Union?

The long list of opinions cited of courts and learned men was most impressive, and the definition of a republican form of government by Noah Webster seemed to have been quoted with especial emphasis. This was taking advantage of the old man; he died, poor old soul, long before the necessity arose to revise his definition. Delegated government had not then reached the refined state of commercialization which it has today.

As I understand it, definition of words or phrases are based upon good

usage; certainly then the initiative and referendum in operation in twenty odd states, one half of the Union, has some right to [a] place in a republican form of government. Would the successors to Mr. Webster be in contempt of court, should they now recognize this fact by so recording it? I suppose it is alright to be wedded to precedent, but if our forefathers had not become divorced we would be here, in convention assembled, clad in garments so brief that modesty forbids their enumeration. Woman would still be man's chattel, and we would quickly settle the suffrage question with an axe handle, then get maudlin drunk with no favor of segregation, county option or state-wide prohibition, nor being buttonholed by the secretary of the anti-saloon league. Witches would still be burned at the stake and that lost and almost forgotten art might still be included in the curriculum of Harvard University. Human slavery would still be a benevolent institution and I would be back in Georgia, counting my negroes by the hundreds, instead of working here for the dear people of Arizona for four dollars a day.

Mr. Chairman, for forty odd years the Republican party continued their lease of government control, largely through the use of that magic name, "Lincoln." Every successful GOP officeholder rode into office juggling with his name. The great emancipator was quoted as the best, the highest and the undisputed authority on all political subjects.

This was before the Republican party had constructed, to the present towering height, its Babel tower of trusts, on that great foundation, protective tariff. Now his name is known in only one Republican tongue. The doctrines which he taught are characterized by all other members of that great tribe as socialistic. What was Lincoln's definition of a republican form of government?—"A government of, for and by the people."

The Enabling Act of Oklahoma says if the President finds the constitution republican in form, he shall approve it. There were no other strings tied to it, that question and that question alone was he to decide. "If it was republican in form he should approve it. It contained the Initiative and Referendum, yet President Roosevelt approved it. Of course all the Republicans in Oklahoma said he would not, just as they are here predicting that our constitution will not be approved. He did approve it, and along with his approval he told how reluctant he was to do so, how he would like to smite it with the big stick, but not one word about its being unconstitutional, and Mr. Taft was at the same time a member of his cabinet and reputed to be his most confidential advisor. They were both so opposed to this constitution that the President sent Mr. Taft out to Oklahoma where he spoke all over the state against its adoption. But not one word did he say, not the slightest intimation or suggestion that it might be unconstitutional. However, this was possibly before Mr. Webster's definition had been resurrected. Here are the opinions of the two greatest Republican presidents, Lincoln and Roosevelt, and they are cast aside by these good Republicans as of no weight. In light of the history of the Oklahoma constitution, I think it fair to assume that Mr. Taft's opinion coincided with that of his illustrious predecessor.

The gentlemen from Pima and Coconino tell us that the question of the constitutionality of the initiative and referendum in the Oregon Constitution is now before the supreme court, that it probably will not be decided for some time; and further that the President will not take action on the Arizona Constitution which could possibly be construed as deciding a question which was pending in the Supreme Court. I agree with them, every one can see the impropriety of the

chief executive expressing an opinion either by word or deed on a subject which is before the Supreme Court, therefore I hold there is only one thing he can do, approve the Constitution of Arizona, as his predecessor did the Constitution of Oklahoma. Owing to his intimate association with Mr. Roosevelt at that time, the prominent part he took in fighting the adoption of that instrument without mentioning this question of constitutionality of the initiative and referendum, the presumption must be that he did not at that time believe them repugnant to a republican form of government. Just the moment he holds up our constitution, giving as his reasons therefore that he will await the decision of the Oregon case, it would be heralded all over the country that the President did not think the Oregon law constitutional. There would not be a man in the United States who would construe his action otherwise.

Furthermore, the President has repeatedly said that he favored statehood for Arizona. Suppose he should withhold his approval of the constitution until after this Oregon case was decided and the Supreme Court should decide it adversely to the people of Oregon, he would then be compelled to withhold statehood from us. On the other hand, should he follow precedent, which is so sacred to those of judicial temperament, and approve the work of this convention, we will have statehood, and our initiative and referendum law will stand or fall, just as it will in all other states, by the decision of the Supreme Court. I have no fear of losing or delaying statehood by incorporating these provisions in our constitution. Have we not always been told that President Taft was a broadminded man, and do we not know that he is getting broader every day? A few months ago he recognized only those Republicans who spoke the "stand pat" tongue, then he heard from a Congressional district in New York and another in Massachusetts some more; then the news of elections in Vermont and Maine, and he broadened some more, then came the primaries in Michigan, Iowa, Kansas, Washington, California and other states, almost without number, and he broadened to such an extent that he opened his arms, resumed that almost forgotten smile that "wouldn't wear off" and welcomed them all back, saying that all Republicans looked alike to him; then on November 8th, came the deluge. Nothing has since been heard from the White House, but we are daily expecting the announcement that Mr. Taft would gladly accept a nomination on the Democratic ticket, provided the platform endorsed the initiative and referendum.

Mr. Webb: Mr. Chairman, I desire to say that I happen to be in a position to know that that speech was written three weeks ago.

Mr. Cobb: I will have to withdraw the confidence that I imposed in my friend.

Mr. Parsons: Mr. Chairman, I am sitting in a neighborhood where nothing has been stolen from my desk. The remarks that I have committed to paper are not in reply to the gentleman this afternoon but to three eminent gentlemen who preceded him some days ago, but I put them in writing simply that "I might not forget a few things I did want to say," and I will say, Mr. President, it is with no little timidity that I dare to enter this tournament of intellectual activity in competition with veterans of so large experience and well earned renown, nor should I have dared to raise my voice in an attempt to reply to the eminent gentlemen of the minority in this convention, who have so earnestly, sincerely and eloquently assailed and condemned the principles of government expressed in this initiative and referendum proposition, were it not for the fact that I

have great faith in the truth of that statement of our much-admired author, Shakespeare, when he said: Thrice is he armed who hath his quarrel just." Relying upon this truth, and having absolute confidence in the rectitude of my position on this issue, I have the temerity (perhaps I should say the audacity) to suggest that they may be in error in their opinions upon this subject. One thing is certain, Mr. President, whatever the result of my attempt may be upon the minds of my hearers, I shall at least have had the pleasure of experiencing "that stern joy which warriors feel, in foremen worthy of their steel."

I desire further to say, that in the discussion of any question, there is one absolutely necessary prerequisite or condition precedent, viz. that our premise be clearly established and the issue well defined. In the matter under consideration there can be no doubt or misunderstanding as to these essential requirements.

Thanks to the most commendable frankness of our opponents, the issue is clear-cut and well defined. They have declared their position so clearly that "he who runs may read" and "a wayfaring man though a fool need not err therein." This being true, if we of the majority are deceived thereby, then do we furnish proof of the falsity of that proverb of Solomon wherein he said: "Surely in vain the net is spread in the sight of any bird."

We are told by each of the gentlemen who has spoken against this proposition, that they are opposed to the initiative and referendum on two grounds, and for two reasons, so far as it applies to state government. First, because it is unconstitutional in that it is in conflict with section 4 of Article 4 of the Federal Constitution, which provides that the United States shall guarantee to each state a republican form of government, and second, because if such provision shall be incorporated in our constitution it will result in deferring or defeating statehood.

Now, Mr. President, as I view it, these two contentions of our opponents might be very appropriately catalogued under the heading which Josh Billings suggested for certain remarks made by some of his neighbors about him, viz. "Important if true." Two of these gentlemen, if not all three of them, asserted that this guaranty of a republican form of government did not apply to any subdivision of, but to the state as a whole alone. This I think is a fair statement of the position taken by the opponents of this proposition, as expressed by their spokesmen.

It is not my purpose to enter into an elaborate or detailed argument upon the legal construction or definition to be given this term "republican form of government," upon which our opponents hinge their whole case, practically; suffice it to say that in my judgement, where there are conflicting definitions, that one is safest and best to be adopted which in its application is most in accord with the general purpose of those who inserted that term or expression in our Federal constitution, and which does the least violence to other well-established principles of law.

I believe it will be conceded by all that the one great desire of the people, at the time that constitution was adopted, was to abolish the old form of government, that of force, commonly called a monarchy, and institute in its stead a government by consent, or by the people. They dared deny that ancient infamy, that the right to rule was a God-given right, restricted to the royal race, and that the mere accident of birth should give one person precedence or place him in power above his fellows, and announced in lieu thereof, as the basis of their new form of government, that governments are instituted to secure the

people their rights, and derive their just powers from the consent of the governed, and I do not believe it will be seriously contended that the manner of the expression of that consent, whether in person or by representatives, was deemed material further than as it might serve the convenience and will of the people who ordained that constitution, for remember it begins: "We the people of the United States do ordain and establish this constitution." This being true, my contention is that the best definition of the term under discussion is one that recognizes republican and democratic as synonymous terms, and a republican form of government is one where the people at large retain the supreme power and act either collectively or by representation.

The construction contended for by the gentlemen of the minority is repugnant to reason in this: they admit that the supreme power is vested in the people, but insist that they can only assert this power through representatives or agents. Thus are we presented with the unique legal proposition, viz. that an agent has more power than a principal who has supreme power. The statement of this proposition is its own refutation. If their argument be tenable then the creature may be greater than his creator, all of which we deny.

Replying further to this claim of unconstitutionality of the initiative and referendum, I desire to call attention to the fact that in 1896 and 1898, when South Dakota was attempting to incorporate these provisions in her constitution, this same argument was urged with all the ability of the ablest advocates the money of the special interests could command, and the same may be said of every other state that has since that ate either adopted or advocated the adoption of this form of government whereby the people might be enabled to have their will enacted into law and that law fully and fairly enforced. If there had been any such defect in this proposition as our friends contend for, it certainly seems that it would not have been allowed to have gained the foothold it has without an adverse decision from the court of last resort.

But this is not all. This is not a question for judicial determination. It is well understood and well settled by the courts that this is purely a political matter, and that the jurisdiction over and the enforcement of this guarantee belongs to Congress, as will appear by the following: "When the senators and representatives of a state are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character is recognized by the proper constitutional authority, and its decision is bonding upon every other department of government, and could not be questioned in a judicial tribunal." *Luther vs. Borden*, 7 Howard (48 United States), decided in 1848, reaffirmed in *Texas vs. White*, 7 Wallace (74 United States) 700, 1869, and again in *Taylor vs. Beckham*, 178 United States 548, in 1900.

Thus it appears the law on this point has been well settled for more than sixty years last past.

Congress has recognized the right of the senators and representatives from the several states which have adopted the initiative and referendum, including the Republican states of Maine, South Dakota, Montana, Oregon, Utah, Nevada and the two Democratic states of Oklahoma and Arkansas, and we do not see why we should not receive the same recognition.

I desire to call attention to the further fact that the federal constitution of Switzerland had the same provision as that referred to in our own, when the initiative and referendum was adopted in the several states or cantons over there, and they have not yet found that is conflicts with such provision. But,

on the contrary, one of our most eminent students of political economy in his visits to that country has to say that the people of every rank and condition in life are so well pleased with the initiative and referendum that they would resist any effort to deprive them of it with as much vigor and enthusiasm as they would the invasion of a foreign foe.

As to the stock argument against this proposition to the effect that it may defer or defeat statehood, I have only to say, that if eight Republican states have been allowed to adopt it without suffering for their progressive spirit, and with the great number of other states which are agitating its adoption, I am perfectly willing to leave it to President Taft and Congress to reject it if they deem it wise, but I have no hesitation in saying, especially in the light of the late elections, that they could take no shorter course to political suicide. We are not approaching them in the role of mendicants asking alms, nor do we "crook the pregnant hinges of the knee that thrift may follow fawning," but we are simply demanding our rights, of which we have been so long deprived by a system of petty politics, wherein partisanship has been held paramount to patriotism. Having said this much in reply to the objections raised by our friends of the minority, I desire to call attention to one other peculiar phase of their remarks. They tell us in apparent candor and seriousness to write our constituents and inform them that we have been instructed on this subject by the representatives of the minority, and that we have seen a great light as it were, and that we beg to be released from our pledges to carry out their instructions given us before we were sent here. We thank the gentlemen for the implied compliment that we are acting as instructed, but we are still compelled to refuse to accept the advice given by them so freely and doubtless with the best intentions. They doubtless felt that they were commissioned to deliver such a message, and will probably consider us the basest of ingrates in not accepting it, but speaking for myself I can only say that it will require much more evidence than they have produced to convince or convict me, and I believe in this, I voice the sentiments of the entire majority of this body.

In looking for anything like a parallel to this incident I have been somewhat troubled and the nearest thing that I can call to mind is that of the case of one Saul of Tarsus versus disciples of Christ, reported in the Book of the Acts of the Apostles. This man Saul was a politician at Jerusalem, evidently of the "standpat" or "reactionary" brand who went on a political mission to Damascus to get out an injunction against the so-called Christians and compel them to refrain from following a certain carpenter of Nazareth named Jesus, with full authority to cast into prison any who should dare to disobey the injunction. This carpenter had had the audacity to denounce the standpat office holders of that day as oppressors and robbers of the widows and orphans, as vipers and whited sepulchers, and had with a whip driven from the temple those who sold doves and money changers and told them they had converted a house of prayer into a den of thieves, and rebuked and confounded the grafters who tempted him by telling them to render unto Caesar the things that are Caesar's and unto God the things that are God's. And sought to instill in their minds the great truth of the universal fatherhood of God and brotherhood of man. I say, this man Saul, on politics bent while on his way to Damascus had a wonderful vision and saw a great light, much I imagine as our greathearted friends of the minority think they have shown us, but with this difference in the result. Saul was converted and became the great apostle of liberty and in his defense of his

course at a later date, before King Agrippa, he described his experience and added that he had not been disobedient to the heavenly vision.

This is where we differ from Saul. We do not recognize this as a Heavenly vision. I presume our friends who have made so commendable an effort to shed some light upon the benighted minds of the majority, will consider us incapable of seeing or receiving a vision, but here again they are in error. We do have visions, but our definition of a vision, is having ideals, and looking forward with the eye of faith and seeing these ideals realized. And let me say that every member of this majority as he contemplates the completed product of the labors of this convention, with an efficient and practicable provision for the exercise of the right of the initiative and referendum incorporate therein, does look forward to the time, when under its benign influences he sees his beloved State of Arizona occupying her proud position among the sisterhood of states, the admired of all admirers, and known to the world at large as a Commonwealth in which the only sovereign recognized shall be the freely expressed and honestly declared will of the people, and the only scepter honored shall be the freeman's ballot or the patriot's strong arm. And then shall we have realized the utopian dreams of More, the poet, who sang of a land of wholesome laws and happy men.

Mr. Cooper: Mr. President, I do not want to occupy more than about a minute or two. I do not care to enter into any discussion of this matter. I do not care to explain any further the position of the minority, nor do I care to answer any of the insinuations that have been cast upon our sincerity. I simply want to say this, that a good many years ago and many times in my life I have read recipes for manufacturing rabbit pie. Some have been good, some have been bad, and some have been indifferent, but the main fundamental principle of every rabbit pie was to have a rabbit before you began construction of the pie. Now when there is a possibility of our getting our rabbit, and a possibility after we have got our rabbit of constructing our pie, with all the frills and all the condiments that make it palatable, I cannot see why we take any chances. The rabbit we are after is statehood, and a plain, simple method is described in the Enabling Act. When we get our rabbit we can put in our dumplings, onions, potatoes, and spices, and why on earth we cannot take that straightforward road, when we have the opportunity, after we have caught our rabbit, of putting in initiative and referendum and anything else we please,— why we should take the chance of losing the rabbit and losing the pie, is more than I can understand.

Mr. Cunniff: Mr. President, neither I nor my associates from Yavapai feel like taking up any time in discussion. We covered months ago this matter that the other side of the chamber has been giving us this afternoon, and it is rather too late to be using any time in talk, when the convention has so much to do this week. The only reply that we of the majority, in accordance with our instructions, have to make, lies there on the secretary's table.

Mr. Winsor: Mr. President, with the gentleman from Pima, Mr. Cooper, I believe in catching our rabbit before we cook it, but I remember that in my youthful hunting experience, I have frequently caught such tough old jackrabbits that I discarded them without cooking or eating them. I therefore vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Pages 734-751)

[e945072] Roll call showed 36 "ayes" and 6 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945106] Mr. Colter: Mr. President, the Committee on Miscellaneous is ready to report.

Mr. President: Bring in your report. Read the report.

Secretary (reading): Report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 8, recommending that the proposition submitted be substituted therefor and that the substitute do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945109] [Editor's Note: Substitute Proposition Number 8 was referred to the Convention alongside the committee's report.]

(Editorial)

[e945112] [Editor's Note: Proposition Number 8 was referred to the Convention alongside the committee's report.]

(Editorial)

[e945114] Mr. Kingan: That is a long technical report, and I ask that it be printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945116] Mr. President: If there are no objections it will be referred to the Committee on Printing and the usual number of copies printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945120] Mr. Coker: I move we adjourn until 9:30 tomorrow morning.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945122] The motion prevailed.

Convention adjourned to 9:30 a.m., November 29, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

## 1.80 Tuesday, 29 November 1910, at 09:30 (s16242)

[e944456] Mr. President: The convention will come to order.

(Editorial)

[e944457] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e944458] Mr. President:[...] The secretary will call the roll.

Roll call showed quorum present.

(Editorial)

[e944460] Mr. President: The convention will please rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e944462] Reverend Crutchfield: O Lord our kind and merciful heavenly Father we thank Thee again for Thy blessing upon us this day and that we have been permitted to meet again in Convention assembled for the duties of another day. We thank Thee for the blessings that surround us every day [,] for the privileges we have of worshipping thee as the heart chooses and we all in accord offer up this prayer: Our Father which art in heaven, hallowed be Thy name; The kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil for Thine is the Kingdom and the Power and the Glory forever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e944466] Mr. President: We will now have the reading of the minutes.  
Secretary reads minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944467] Mr. President: Are there any corrections or alterations? If not they will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944471] The sergeant at arms announced that Mr. Bolan, Mr. Cassidy, Mr. Cobb, Mr. Colter, Mr. Crutchfield, Mr. Ellinwood, Mr. Franklin, Mr. Jones, A.M., Mr. Kingan, Mr. Moeur, Mr. Morgan, Mr. Pusch, Mr. Roberts, Mr. Sims, R.B., Mr. Webb, Mr. Wells, had taken their seats.

[Editor's Note: F.A. Jones, not A.M. Jones, was marked absent during the morning roll call. In any case, both Mr. Joneses were present at this time.]

(The Minutes of the Arizona Constitutional Convention, Page 321)

[e944474] Mr. Short, Chairman of the Committee on Printing and Clerks announced that Proposition No. 148 had been printed and returned.

(The Minutes of the Arizona Constitutional Convention, Page 321)

[e944477] Mr. President: Gentlemen, we have one proposition to come before the committee of the whole, Proposition Number 66.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944478] Mr. Orme: Mr. President, I wish you would wait until I can get the committee together.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944481] Mr. President: If there are no objections we will wait for you and take up other business. We will have the third reading of Memorial Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944506] Secretary (reading): Memorial Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944507] Mr. President: Mr. Webb, do you want a roll call upon this measure?  
Mr. Webb: I do not care.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944508] Mr. President: The question comes up on the adoption of Memorial Number 1. Those who are in favor of the adoption say "aye;" those opposed "nay." The "ayes" have it and the Memorial Number 1 is adopted.

[Editor's Note: With the adoption of Memorial Number 1, the memorial was referred to the Committee on Style for incorporation into the draft Constitution.]

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e947526] Secretary (reading): Proposition Number 60.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944515] Secretary (reading): Proposition Number 60.

Mr. President: Third reading of Proposition Number 60. Those in favor of adopting Proposition Number 60 will answer "aye;" those opposed "nay," when the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e947538] Mr. Tuthill: I dislike to say anything upon this question and was very much in hopes that I would not need to do so, but I feel that it is my duty to speak further upon the measure that is about to be adopted, and I would like to read first from a Medical Report of the Carnegie Foundation of the United States and Canada. [Portion of the report read not found.] In this volume also there us a statement made with regard to the Still School of Osteopathy, organized in 1898. [Portion of the report read not found.] Now gentlemen, I believe that Arizona has living within her boundaries men who are strictly high class physicians and that you cannot go anywhere and find any better or more willing to give honest good service to people with whom they are dealing than are the physicians in Arizona. Men of science and education fitted and prepared to do that which the people demand of them and not one of them should have the privilege of practicing without thorough examination by a board which should grant them the same privileges to all, if they merit it, by their examination. Any osteopath should be able to qualify in an examination that is given here.

Mr. Morgan: One hundred years ago doctors forbade a fever patient taking a drink of water, but one day a patient broke loose and drank a whole gallon of

water and ever since that time doctors have given fever patients all the water they could drink.

Mr. Webb: I am astonished by the position taken by my colleague here, Dr. Tuthill. I have known him a long time and always found him to be a good, kind and courteous man and I have supposed him to be desirous of placing all people on an equal footing, and I believe that he is now laboring under misapprehension of facts, but if he is not willing to allow the same liberality and freedom to others of a learned profession as himself and the medical profession, or there would have been no discussion upon this bill and no vote against it. This bill does not ask for special privileges for anyone. All we ask [is] that there be placed no restriction upon the practice of medicine or healing and that there be no discrimination, for, gentlemen, I believe that in Arizona there is a doctor's trust and if you vote against the adoption of this measure you will vote for that trust but if you vote for it you will be granting a right, a liberty and a privilege to all learned and professionals which should not be abridged.

Mr. Morgan: That is right.

Mr. Webb: There is entirely a misapprehension of facts, for we are asking only equal rights and not special favors.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
752-753)

[e947541] Mr. Wood: I amend by adding the following words: "Provided that no person shall be permitted to advertise his or her method of healing or ability to heal."

(The Records of the Arizona Constitutional Convention of 1910, Page 753)

[e947544] Mr. Colter: I would like to offer an amendment as follows: "Provided, however, that every practitioner have a good and thorough knowledge of physiology and anatomy."

Mr. Morgan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 753)

[e947552] Mr. Jones (Yavapai): I would like an explanation on the constitutionality of the bill.

Mr. Tuthill: In answer to the gentleman from Graham I will say that there is not a doctor's trust in Arizona and the examinations for practicing physicians are open to all, but this bill will open wide the doors to all and every kind of quackery and fake that might wish to come into this state and palm off their sparse wisdom upon the people at the risk and sacrifice of many lives. The medical doctors here have the interest of the people at heart and we only desire to protect the rights of the class that are worthy to practice. I have passed an examination here and could do it again if it were necessary, and I also passed an examination in California some time ago and I am only asking that all doctors be admitted to practice in just the same way. I ask that this matter be left out of the constitution for I consider it a dangerous measure.

Mr. Webb: I may have been somewhat hasty in stating that there is a doctor's trust in Arizona and if I was wrong I am willing to beg the pardon of the gentleman, but this I do know, that there is discrimination among the

medical doctors in Arizona. On the board of examiners there are three members from the same college as Dr. Tuthill, and the other two men are of the same profession. These men have discriminated against other learned people who do not practice the same method of healing, and to protect these people who are worthy of recognition we ask that the measure here be adopted.

Mr. Morgan: All I want is to see that such men as Bernarr McFadden be permitted to practice here for I think that if there is any man worthy of recognition it is he.

Mr. Tuthill: I have no objection to other learned people practicing in this territory and I would say that as far as Mr. McFadden is concerned I think that he would find no barriers in the way at all were he to come here.

Mr. Moeur: I think that the words of the gentleman from Graham county are far-fetched. We do not discriminate against any authorized doctors or methods of healing. Our interests are those of humanity and we are endeavoring to live up to our profession and what the people expect of us.

Mr. Webb: Since we are here in this convention saying "Thou shalt not, thou shalt not," then it is time for the members of this convention to make clear and plain on some of the most important matters that of making provision, whereby some of the best institutions and the people who represent them may not be discriminated against in the state as they have been heretofore in this territory. I still think this measure should be adopted since it does not place any restrictions on the legislature as to prescribing any examination or method of practice except that it provide that all methods shall be recognized. If an examination is to be given to all alike then there should be provision made by law where each profession can be recognized on the board as near as possible or at any rate that laws are such that those representatives who are members of the board cannot discriminate against those who are not members or against institutions or colleges, represented in this state.

Mr. Cunniff: The talk upon this measure does not appeal to me so much from the point of view of who shall or shall not practice, or the doctor's trust, but I would say that Oklahoma never did so wild a thing as to place such a measure in her constitution. I insist that the bill is dangerous, for it is too broad. It would permit all kinds of quackery to come into the state and secure the confidence of the people, and then perhaps in a year or so fizzle out leaving their patrons in a condition nothing short of deplorable. Children, and the healing and prevention of disease among them, should not be left to the experimentation of all sorts of doctors and to all sorts of methods of healing. The door is opened too wide by this provision. Any enlightened people should fear such a law and, therefore, I do hope that the measure will not prevail.

I have no objections to the gentleman referred to by Mr. Morgan, Dr. McFadden, for I should be glad to see such men as he practicing in this state, and I believe that Mr. Morgan is sincere as is also the gentleman from Apache in desiring to make some provision of this nature in the constitution. I believe also that the other members who are defending this measure are laboring under a misapprehension. And I want to say that I believe that the legislature will take care of this subject in the interests of all who are worthy to practice their methods or their profession here.

One of the greatest discoveries of the age was the discovery of the germs that exist and that cause and spread disease. The methods of preventing and destroying these germs was the most wonderful discovery of the 19th century.

Yet one of the schools defended here denied the very existence of germs. I believe that every doctor should be able to understand thoroughly how to diagnose a case and determine the cause. And if a man be not an experienced doctor or have insufficient knowledge of the human body (the physiology and anatomy as well as other scientific principles governing the human body) then he is not worthy to practice in any state. I do not believe in opening the doors too wide and admitting all classes and kinds of practitioners.

Mr. Wells: I did not intend to speak again upon this measure if it was brought to debate but I cannot let it pass without adding that I believe that if a bill is not passed it will leave the way open for the medical profession to control matters as they do now. They have full control and if they have not a trust they certainly do discriminate and disrespect [sic] the rights and wishes of both a high class of people and learned people, too, who should be allowed to practice in this State. I claim the right to choose whom I desire to administer to me or my family in sickness and I do not think any man or any doctor has any right to disclaim that right just because I choose someone who has not taken the examination prescribed by the medical profession or because they force men who are learned to have a license after their own make and issue before they can come into my home or any other to administer according to my wishes. With regard to the great discoveries made in the nineteenth century I will say that I do not think that any method can do the work that the old methods adopted and used so many years by mothers in regard to the care and cure of children. I think that the measure should be passed and I do not believe that it is necessary to be alarmed over the quackery or fakes that might come into the state, for I think that the people are amply able to judge as to who is worthy of patronage and who is not [;] at least they can soon determine that fact and I dare say that they will not be tabooed any more by this law than they are by the medical profession today.

Mr. Lynch: I have maintained before a number of times and I do maintain now that if this bill were amended by striking out the latter part which says, "Any other method of healing," that the bill would be a good measure but as it is now it is dangerous. With that part in it you are locking the doors of the legislature against protection upon these very important matters, and without the lines I move you to strike out you have protection to all institutions and learned people who should be allowed to practice in the state and omitting the opportunity for any quacks or fakes.

Mr. Parsons: I desire to ask the gentleman from Yavapai, Judge Wells, a question, if he will yield. I want to ask you Judge, under your knowledge of the law, if you think if we pass this Proposition Number 60, that our state legislature would be authorized to pass any law requiring any practitioner of medicine or healing to undergo an examination and receive a certificate from any authorized board in this state?

Mr. Wells: My idea is this: That the legislature could not pass an act that would restrict the practice of medicine or any method of healing.

Mr. Parsons: That is it your idea that if we adopt this proposition in the constitution there will be no provisions enacted by our legislature regulating the practice of medicine, but each person will be perfectly free to practice, and each individual perfectly free to employ whom he will?

Mr. Wells: I do not think it goes that far. I think they would have the right to enact a medical bill, but as far as these other methods were concerned they

would not discriminate against them.

Mr. Parsons: By not discriminating against them, I understand the legislature might pass certain requisites that all must comply with, and not discriminate in favor of, any.

Mr. Wells: That involves this problem—to determine what a medical school is. What I understand by it, is a school of learning which teaches healing and sends out representatives. Now, the board of medical directors has no knowledge of the learning of the Christian Scientists or mental science healers, because they are not educated in that school, and hence they would give an examination with their own school of treatment, and not what the other school had taught.

Mr. Parsons: Then I understand the state should appoint a board composed of representatives from all the schools, who should examine the Christian Scientists and other healers upon the qualifications as taught in schools of that class.

Mr. Wells: I think there should be represented on that board every school of healers in order to examine such school according to the knowledge of that particular school.

Mr. Parsons: I simply desire to know, and asked these questions for information that we might understand, what the intent and significance of the remarks of the gentleman was, and I heartily and sincerely thank the gentleman from Yavapai in making this statement, and I simply call attention to this fact. If we are to have our legislature establish any standard by which admission to the bar shall be determined, and admission to practice medicine should be determined, and if we are to have, according to the explanation given by the gentleman from Yavapai, Judge Wells, as many members as we are to have various schools of healing, it seems to me, as has been said by the gentleman from Greenlee, Dr. Tuthill, that at present our system is satisfactory. Each representative of the various schools would say, we have passed an osteopath, an allopath, etc., and you now must pass this candidate from our school, who is qualified under our regulations. It seems to me that this would be a dangerous proposition.

Mr. Morgan: I would like to ask the gentleman from Graham, Mr. Lynch, and the gentleman from Greenlee, Dr. Tuthill, if this proposition be not passed, whether in case Jesus Christ was to come to Arizona if it would not prevent him from healing?

Mr. Tuthill: Will the gentleman yield to a question? If the territory of Arizona did not license Jesus Christ to practice, it would not bother you at all, would it Mr. Morgan?

Mr. Morgan: In answer to the gentleman from Greenlee, I would say that if I was troubled with any disease, and Jesus Christ could cure me, it would interest me to a considerable extent.

Mr. Tuthill: I do not think Mr. Morgan presented that question seriously, but I want to make this point once more: We now have a medical board which offers an examination that any competent practitioner of medicine no matter [to] what school he belongs, can take. When I took the examination there were eight or nine applicants, belonging to three schools. We all took the same questions and there was not one question asked as to treatment, and if you put this proposition in, you will reverse that.

Mr. Ellinwood: I have in my hand a copy of the constitution of the United States, annotated, and I think it will be of some interest to read one or two references to the decisions which apply to this matter. As I see it, any provision

you may put in the constitution could not in any manner discriminate against any school of healing or method of practicing medicine. Section 1 of the fourteenth amendment to the Constitution provides: Nor shall any state deny to any person within its jurisdiction the equal protection of the law." Under this provision this matter has arisen in the courts on several instances, and a statute making it indictable to practice medicine without an examination by the state board of medical examiners and a license therefrom which was prospective and applying to all persons in the future, is held to be valid, as it applies equally to all persons in the same class. Citing North Carolina, Michigan, Washington, Wisconsin and Maine. "A statute regulating the practice of medicine in the state which exacts reasonable qualifications and excludes no one who possesses them is not void as discriminating against Christian Scientists in that it prescribed that no one possessing certain qualifications may practice osteopathy and does not make special provision for those who wish to practice Christian Science." 72 Ohio

"A statute regulating the practice of medicine does not deny a magnetic healer the equal protection of the law in examining physicians and surgeons alike in qualifying to practice in the state." [portion may be missing] All holding that these general examinations being open to all people there is no discrimination under the Constitution of the United States.

Mr. Colter: I would like to ask Mr. Ellinwood if he thinks the legislature could not make a high standard even if this were put in the constitution to prevent anyone practicing in the future.

Mr. Ellinwood: I do not think so.

(Editorial, Page 753-757)

[e947553] Mr. Colter: I offered an amendment thinking that possibly it might do away with quacks and people of that kind, but after hearing the discussion and giving it some more thought, I withdraw the motion I made, with the consent of my second, as I think the legislature can still make sufficiently high standards.

(The Records of the Arizona Constitutional Convention of 1910, Pages 757-758)

[e944528] Mr. Morgan: I move that this Proposition Number 60 be indefinitely postponed.

Mr. Lovin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 758)

[e944531] Mr. President: Are you ready for the question?

Mr. Webb: I simply desire to say, if I understood rightly the reading of the Constitution and decisions by Mr. Ellinwood, it simply bears out my position, that this law will not be discriminatory. I would not have spoken had not the gentleman from Greenlee spoken again. The very organization of the board of examiners certainly suggests discrimination. Out of five members, three belong to one school. Two other schools are represented, and the others are not.

Mr. Wells: Just one word in reply to Dr. Tuthill. Anyone presenting himself to this medical board expecting to get recognition, must come in the manner

of the practitioner of medicine. The board is constituted of three schools, and they will gauge everything by their own standards. The present medical bill was drawn with especial care to prevent anybody from practicing in Arizona who does not come from one of these three schools, and anyone who does not pass the examination of this board and get a medical certificate, and practices, without that certificate, is guilty of a misdemeanor and subject to arrest, trial, and punishment and fine, and if you will look at the Statute of 1903 you will find it expressly so stated. And I know persons who have been prosecuted because of that statute, and this is what we want to relieve from and what we believe this proposition will give relief from.

(The Records of the Arizona Constitutional Convention of 1910, Page 758)

[e947556] Mr. Morgan: For good and sufficient reasons, I withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 758)

[e944536] Mr. Coker: I make the same motion: That Proposition Number 60 be indefinitely postponed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 758)

[e944539] Mr. President: The secretary will call the roll. All in favor will answer "aye;" opposed "no."

Roll call showed 38 "ayes" and 12 "nays."

Mr. Webb: Mr. President, I desire to change my vote from "no" to "aye." From past experience I believe that tomorrow I may be able to carry this proposition unanimously. I wish the record to show I make the change for the purpose of reconsideration solely.

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 758)

[e947559] [Editor's Note: When the Convention adopted the proposal to indefinitely postpone Substitute Proposition Number 660, the motion to adopt it was dropped in tandem.]

(Editorial)

[e944754] Mr. President: The motion is carried. Third reading of Proposition Number 94.

Secretary (reading): "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Number 94, and respectfully recommends that the appended amendments be adopted, and that the said proposition in the appended engrossed copy be adopted and revised therein.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e944755] Mr. Webb: I make in good faith this motion, believing there is no single thing in this entire proposition that in any way affects our constitution or the State of Arizona. I have been informed by those who have carefully

studied it, and have personally examined it, and can find no single word that is necessary. I therefore move that further consideration of the entire proposition be indefinitely postponed.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 758-759)

[e944756] Mr. Ingraham: Mr. President, I can explain my position best perhaps by reverting to the history of the United States. It is well known that when the Constitution of the United States was first drawn up there was no Declaration of Rights. It is also a fact that that Constitution was more largely the work of the Federalists, or what we would in modern times call the "stand-patters" in that convention. The Democratic party (though perhaps not called that; they were called the Republican party in those days) imposed a bill of rights upon the Constitution of the United States in the first ten amendments, which were adopted immediately after the adoption of the main instrument. They were adopted as the result of an agreement or compromise by which the Democrats in the country supported the Constitution in the way that would be satisfactory to the other party. The principles that were included in this Declaration of Rights have been, I take it, one of the most important portions of the Constitution of the United States. In that Declaration of Rights was preserved those principles for which the English and American people had struggled for centuries; the right of habeas corpus, the right to bear arms, the right of freedom of worship, the right of freedom of the press, the provision against excessive bail, and against cruel and unusual punishment. These have been salutary principles, valuable to the history and to the jurisprudence of the United States, and this Declaration of Rights in the Arizona constitution in a similar way will be just as valuable in the jurisprudence and history of this territory. Gentlemen may say these principles are all in the Constitution of the United States, and therefore are absolutely unnecessary here now. That is a mistake; that is not the law, and I want to state it is so mainly that the mistake will not occur again, that the first ten amendments to the United States Constitution, which is the Bill of Rights, have no application to the state law; they are restrictions upon the power of the United States; they are not restrictions upon the states, and they are not aimed to affect state affairs.

(The Records of the Arizona Constitutional Convention of 1910, Page 759)

[e944757] Mr. Jones (Maricopa): I want to read very briefly from the "Equity Series: published in Philadelphia, in the interests of improvement in government and especially those methods that will result in a more perfect democracy. Here is what they have for a Bill of Rights: "Having confidence in the people of the State for self-government, they are hereby granted the power to enact such laws on any and all subjects as in their wisdom they may deem right and proper." In all state constitutions except Michigan there is a clause entitled "Bill of Rights" which are usually restrictions upon legislation. The number of these declarations vary greatly. Michigan has no bill of rights; Georgia 5, while Wyoming and North Carolina have 37. They usually run from 20 to 30, while liberty has been just as well preserved in Michigan or Georgia as in Wyoming or North Carolina. It is therefore reasonable to presume no bill of rights is necessary. I therefore move

an amendment that the proposition under consideration be stricken out, and that this bill of rights be substituted. I offer the substitute I have just read as an amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 759-760)

[e944758] Mr. Baker: The authority from which the gentleman reads, to which I have been a subscriber for some time, has in my opinion made a mistake in its statement concerning bills of rights. I find this statement in "Stimson on Federal and State Constitutions": "These bills of rights have already been discussed. They are not merely political. Every state without exception has one though Michigan in her last constitution chops up this bill of rights and distributes its provisions around under their proper headings." So it seems the very state he refers to, Michigan, while its provisions do not appear under that name, has distributed them around under proper headings. I doubt very much whether all the provisions of the bill of rights ought to be stricken out altogether, though I have been adverse to some that have already been stricken out.

Mr. Lynch: As has been stated by the gentleman from Yuma, contrary to the little document published by the "Equity Series" there is a bill of rights in the United States Constitution, and all writers refer to it as the "Bill of Rights." They are the first ten amendments adopted immediately after the adoption of the Constitution, and were adopted because the State of Virginia and one or two other states would not come into the Union until the State of New York adopted this Bill of Rights. The absolute importance and necessity has been shown by the gentleman from Yuma. Take the writ of habeas corpus. This says it cannot be suspended or denied by the powers of the state. Now you strike that out and in a federal procedure the writ could not be denied under the federal constitution, but under a state proceeding I take it if there was an application for habeas corpus you could not get it without some reference thereto in the state constitution. The same would apply to excessive bail. Without this provision, prohibitory bail could be required in the state proceedings. For these reasons it seems absolutely necessary that we have some bill of rights, and I think the one drawn up is about right.

(The Records of the Arizona Constitutional Convention of 1910, Page 760)

[e944760] Mr. President: The question will first be on the indefinite postponement of this proposition. All in favor will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 760)

[e944759] Mr. President: [...] The question will now come up on the amendment of the gentleman from Maricopa, Mr. Jones. Those in favor of adopting the amendment as offered by the gentleman from Maricopa will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 760)

[e944761] Mr. Ellinwood: Mr. Chairman, I move an amendment to section 13, after the end of the sentence, making the section read, "the privileges of the writ

of habeas corpus shall not be suspended by the authorities of the state unless when, in case of rebellion or invasion, the public safety may require it.”

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 760)

[e944762] Mr. Connelly: Mr. President, in case of rebellion or war would this have anything to do with the military law being enforced in the state?

Mr. Lynch: In reply, I would state to the gentleman that during the Civil War the privileges of the writ of habeas corpus was suspended in many states at many times.

Mr. Ingraham: Mr. President, I am opposed to the amendment for the reason that the suspension of the writ of habeas corpus is opposed to the spirit of republican government. It smacks of Prussia or military Germany. It is true that the writ of habeas corpus was suspended for a brief time by the United States government during the Civil War, and there was not any act of the Lincoln administration that brought down upon its head more severe criticism than the suspension of the writ of habeas corpus, although the stress of the time was as great as could ever come upon any country or state. It was only through the consummate tact of Abraham Lincoln that that criticism did not result in great injury to the cause of the North. At the time the severest criticism was aroused there was a man from Indiana, I believe, Vallandigham by name, who was confined. The writ of habeas corpus had been suspended, and when that criticism was most severe, Lincoln had him taken to the Confederate lines, given a kick, as it were, and sent into the country to which he belonged. The action was so apropos and placed the matter in such a ridiculous light that the criticism thereafter was considerably lessened. I cannot think of any case in which the State of Arizona would be compelled to shut up a man in a dungeon and not give him the benefit of the constitution and the laws of the State of Arizona. I cannot dream of our being under such circumstances here. The suspension of the writ of habeas corpus means practically [words missing].

(The Records of the Arizona Constitutional Convention of 1910, Pages 760-761)

[e944763] Mr. Crutchfield: Mr. President, now there are places in this constitution where we declare—and nobody is ready to deny it—that every man shall have the right to a speedy and open trial, and then upon top of that, and in the face of that clear recognition of the rights of men, wish to circumscribe the privilege and rights of men by making a loophole, a way whereby by calling a certain situation a rebellion, or treason, or something of that kind, violate this right. The committee studied over this matter probably more than any other one section, and why the gentlemen propose to widen the scope of the privilege of the writ I cannot say. If they are going to try to increase it. I will move to amend section 13 by striking out at the end of the line “by the authorities of the state.” I so move.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 761)

[e944764] Mr. President: I would suggest to the gentlemen to vote on the first amendment first.

Mr. Crutchfield: I have no objection.

Mr. President: The question is up on the amendment of the gentleman from Cochise.

Mr. Ellinwood: I ask for roll call.

Mr. Baker: Mr. President, I would like to read to the convention the history of other constitutions on this matter. I find on examination that the provision made by the gentleman from Cochise is that it shall never be suspended except in case of invasion or rebellion in the following states: Arkansas, Colorado, California, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Montana, Louisiana, Maine, Michigan, Minnesota, Nevada, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, New Jersey, Washington, Wisconsin and Wyoming. It is left out in the following states: Alabama, Georgia, Maryland, Missouri, North Carolina, Oklahoma, Texas, West Virginia.

Mr. Feeney: It is left out in the old Democratic states. In the past history of our country that will take a long time before we outlive it, and I absolutely object because the suspension may be allowed by the federal statutes and by the President, but in the state I object to this being there because it never has been suspended except for a time that it might be the weapon of privileged interests.

(The Records of the Arizona Constitutional Convention of 1910, Pages 761-762)

[e944765] Mr. President: Call the roll on the adoption of the amendment proposed by Mr. Ellinwood. Those in favor will answer "aye" as their names are called; opposed "no." The secretary will call the roll.

Roll call showed 16 "ayes" and 32 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944766] Mr. Crutchfield: Mr. Chairman, I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944767] Mr. Cunniff: Mr. President, I move you that section 16 as it appears in the report of the committee of the whole be inserted instead of section 16.

Mr. Short: I second the motion.

[Editor's Note: It is unclear what text Cunniff refers to here, as the Convention adopted the Committee of the Whole amendments to Substitute Proposition Number 94. For this amendment, the editors have instead proposed the text of the section as it appears in the final Constitution.]

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944768] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944769] Mr. Jones (Maricopa): Mr. Chairman, I would like to have some of the committee explain the purpose of injecting the language in section 27 into the bill of rights. What is it designed to accomplish?

Mr. Crutchfield: Mr. President, I do not know that the question was put to me, but the purpose of this, as I take it, is to emphasize the value of the

fundamental principles and call attention to the fact that they are the real basis for all laws. It only gives emphasis to the fundamental and gives it preference.

Mr. Ingraham: Mr. Chairman, I think the Committee on Style, Revision and Compilation will make that the opening sentence of the bill of rights. I think the very fact that certain gentlemen on the floor of this convention have moved that this entire bill of rights be stricken out is the best illustration of the necessity of impressing upon our minds the truth of section 27. It seems to me that will make an excellent opening sentence to this declaration of rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944770] Mr. Cunniff: Mr. President, I move you that section 27 as it appears in the bill of rights, be made section 1 of the bill of rights.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 762)

[e944771] Mr. Jones (Maricopa): Mr. President, I move to strike that out. It looks as if we were trying to teach a primary class, and we would draw a picture of a mule and then say "this is a mule." I think it is absurd.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944772] Mr. Cunniff: The constitution is a declaration of policy and there is no declaration of policy we can make that is more valuable than this.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944773] Mr. President: The question will come up on the amendment offered by Mr. Jones of Maricopa that we strike out section 27. Those in favor will answer "aye;" opposed "no." The nays have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944774] The question will come up on the amendment of the gentleman from Yavapai that section 27 will be made section 1 of the bill of rights. Those in favor signify by saying "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944775] Mr. Cunniff: Mr. Chairman, I move that the proposition be adopted as amended.

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944776] Mr. President: Those in favor will signify by saying "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944777] Mr. President: [...] The question comes up on the third reading of the proposition. Call the roll on the third reading—final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944778] Mr. President: [...] Those in favor of the passage of Proposition Number 94 as amended will answer “aye” as their names are called; those opposed will answer “no.” The secretary will call the roll.

Roll call showed 41 “ayes” and 7 “nays.”

Mr. President: Proposition Number 94, bill of rights, is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944780] Secretary (reading): Proposition Number 43.

Mr. Cunniff: Mr. President, I move that the proposition as amended be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944781] Mr. President: It has been moved and seconded that Proposition Number 43 be adopted as revised. Those in favor signify by saying “aye;” opposed “no.” The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944782] Mr. President: [...] Third reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944783] Mr. President: [...] Those in favor of the proposition will answer “aye” as their names are called; opposed “no.” The secretary will call the roll on final passage.

Roll call showed 44 “ayes” and 3 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944788] Mr. Cunniff: The next is Ordinance, which is the only one left on the table. I think the only amendment we have made was where we cut out the words “by Congress.”

Mr. Ingraham: I move that we change the word “the foregoing” to “this” at the beginning of section 13.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944789] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944792] Mr. Ingraham: Mr. President, in Oklahoma, you will remember they had only one election at which the constitution was ratified and state officers elected. Under the provisions of our Enabling Act we must first have a ratification election and later another election for state officers, so it will work out best to have election Ordinance Number 1 relate to the first election, which will be the ratification, and election Ordinance Number 2 relate to the election of officers.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
763-764)

[e944791] Mr. Cunniff: I move that Substitute Proposition Number 119 be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944793] Mr. President: If there is no objection, the motion will be considered carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944794] Mr. President: [...] The question will come up on the final passage. Call the roll, Mr. Secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944795] Roll call showed 46 “ayes” and no “nays.”  
Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e947563] [Editor’s Note: When the Convention adopted the Committee’s suggestions the report was implicitly adopted in tandem.]

(Editorial)

[e944796] Mr. Osborn: I move to take a recess until 2 o’clock.  
Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944797] The motion prevailed.  
Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

## 1.81 Tuesday, 29 November 1910, at 14:00 (s16251)

[e944808] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944809] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944851] Mr. Chairman: [...] Gentlemen of the convention, the only thing before us this afternoon, so far, until the Committee on Style, Revision and Compilation makes a report, is consideration of Proposition Number 66.

Mr. Orme: Mr. President, I move that that number be changed to 149.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944852] Mr. President: It has been moved and seconded by Mr. Orme that Proposition Number 66 be amended to read Proposition Number 149. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944816] Mr. Cobb: Mr. President, was not that committee instructed to bring in a report?

Mr. President: They are going to bring in a typewritten copy.

Mr. Feeney: Mr. President, I move we take a recess subject to the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944817] Mr. President: If there is no objection the convention will stand at recess subject to the call of the gavel. Hearing none, it is so ordered.

Recess taken.

(Editorial)

[e944818] [Editor's Note: The Convention took a recess.]

(Editorial)

[e944819] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944820] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944821] [Editor's Note: The report on water rights that the Convention was awaiting during its recess was received and referred to the Committee of the Whole for consideration alongside Substitute Proposition Number 66.]

(Editorial)

[e944822] Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Moeur, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944823] Mr. President: [...] If there are no objections the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Moeur, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944824] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e944825] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944826] The president resumed the chair.

Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944990] Mr. Moeur: "Mr. President, Your committee of the whole begs leave to report it has examined Proposition Number 149 and respectfully recommends that it be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944992] [Editor's Note: Proposition Number 149 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944996] [Editor's Note: Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945000] [Editor's Note: The Report on Water and Water Rights was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e945002] Mr. Jones (Yavapai): I move the report of the committee be adopted.

Mr. Moeur: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 739)

[e945004] Mr. President: Those in favor will answer "aye;" and those opposed "no." The secretary will call the roll.

Roll call showed 24 "ayes" and 20 "nays."

Mr. President: The report of the committee of the whole has been adopted and Proposition Number 149 indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e945007] Mr. Winsor: I move that the president appoint a select committee of three to which shall be referred the matter of water and water rights, with instructions to bring in a proposition declaring the common law doctrine of riparian water to be of no force or effect, and validating the existing rights to the use of water.

(The Records of the Arizona Constitutional Convention of 1910, Pages 769-770)

[e945010] Mr. Cunniff: I move to amend that the words “and nothing more” shall be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 770)

[e945011] [Editor’s Note: The amendment was not mentioned again.]

(Editorial)

[e945012] Mr. Baker: I move an amendment that the matter be referred to the Committee on Agriculture and Water Rights, with instructions as announced.

(The Records of the Arizona Constitutional Convention of 1910, Page 770)

[e945013] Mr. Winsor: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 770)

[e945014] Mr. Baker: I think we ought to do that out of respect to the honorable committee of the convention. I do not think we would be justified, with several honorable gentlemen on this committee, to slap them in the face in this manner.

Mr. Parsons: I agree with the gentleman from Maricopa that the convention ought to respect its committees, but I believe it is a poor rule that will not work both ways, and when a committee fails to respect the convention, it forfeits its right to respect. We have just done what Judge Baker asked us to do, and the committee ignored the request of the convention, and I say, let the matter rest where it is. I say if we are men, and have any respect for our own dignity, we should not do this. I do not believe in it, and I shall oppose it.

Mr. Winsor: I think if we are men we ought to be able to determine these questions on their merits and not like children, and if this provision should be in the constitution (and it has several times been declared the sense of the convention that it ought to be) we should put it there without consideration for any little difference that may be caused by the action of any committee.

Mr. Ingraham: I want to say just a word, that the Committee on Agriculture and Water Rights has the right to bring in as many propositions new or old as they care to.

Mr. Moeur: Has the Committee on Water Rights the right to bring in something under a different name when they have not got the right name?

Mr. Ingraham: They brought this in as Proposition Number 149, a new proposition. That is the right of any committee in this convention.

Mr. President: Gentlemen of the convention, we have consumed two hours, and the question now is shall the convention refer the matter back to the committee?

Mr. Orme: Mr. President, I would rather it be referred to some other committee. After you put the question, I wish to arise to a question of personal privilege.

(The Records of the Arizona Constitutional Convention of 1910, Page 770)

[e945015] Mr. Winsor: I renew my motion that it be referred to a committee to be appointed by the president.

(The Records of the Arizona Constitutional Convention of 1910, Page 770)

[e945016] Mr. Webb: I want to suggest that possibly the articles of the Utah constitution will meet with unanimous consent. They are just two lines. "All existing rights to the use of any of the waters in this state for any useful or beneficial purposes are hereby recognized and confirmed."

(The Records of the Arizona Constitutional Convention of 1910, Pages 770-771)

[e945017] Mr. Winsor: My motion went a little further than that. In any event the gentleman's suggestion would have to be introduced as a new proposition under the rules.

Mr. Webb: Not if you give unanimous consent.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945018] Mr. Cunniff: I move that the proposition read by the gentleman from Graham be copied verbatim from the Utah constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945019] Mr. Ingraham: I object. That is an infraction of the rules.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945020] Mr. Webb: I move the rules be suspended and this be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945021] Mr. Winsor: Mr. President, are we going to do things without any system?

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945022] Mr. President: The question will come up on the motion of the gentleman from Yuma, to refer this matter to a committee of three to be appointed by the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945024] Mr. Webb: I move as a substitute that the rules be suspended and the article in the Utah constitution on "water rights" be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945025] Mr. Winsor: Before this is done, I will wager that no such proceeding as that has ever been heard of in a constitutional convention or in any legislative body. There is no proposition before us, and nothing on the secretary's desk. There is absolutely nothing in an official way to act upon. I would like to know by what process the gentleman proposes to take his proposition up.

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945026] Mr. President: Those in favor of the motion of the gentleman from Yuma will answer "aye;" opposed "nay." The "ayes" have it and it is so ordered

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e947470] [Editor's Note: Although it is not stated, the Editors have inferred that Proposition Number 66 was referred to the Special Committee on Water and Water Rights.]

(Editorial)

[e947472] [Editor's Note: Although it is not stated, the Editors have inferred that the Report on Water and Water Rights was referred to the Special Committee on Water and Water Rights.]

(Editorial)

[e945027] [Editor's Note: With the adoption of the motion to create a Committee on Water and Water Rights, the competing motions were dropped.]

(Editorial)

[e945028] [Editor's Note: With the adoption of the motion to create a Committee on Water and Water Rights, the competing motions were dropped.]

(Editorial)

[e945029] [Editor's Note: With the adoption of the motion to create a Committee on Water and Water Rights, the competing motions were dropped.]

(Editorial)

[e945031] [Editor's Note: With the adoption of the motion to create a Committee on Water and Water Rights, the competing motions were dropped.]

(Editorial)

[e945033] Mr. Curtis: I suggest that this committee look over the New Mexico constitution. They may have some good ideas.

Mr. Cunniff: May I ask if there were any instructions to this committee?

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945035] Mr. Orme: I have been accused here by the gentleman from Cochise County of voting against all labor propositions. I want to state to the gentleman from Cochise County that I have labored more years before he was ever born than he will hereafter. I want to say to him I came to this territory 35 years ago, and since then I have labored from that day to this. I came here a poor boy, not even having a roll of blankets. I have gone to work, and worked, and employed as many laborers as any man in Salt River Valley. I have never employed a man out of work but he has wanted to come back and work for me. I have always been a friend of labor from beginning to end. I am a laboring man, and have always been. I have been in this territory for years helping to build up this commonwealth as best I could, being an honored and respected citizen. I have always been a Democrat. I voted the Democratic ticket 33 years ago, and I have never deviated from it. I have never been attacked on my Democracy in any

way, shape or form. I say when I was elected to this convention I had the right to cast my vote as I saw fit, and I have redeemed every promise and every plank in the platform on which I ran. I claim the right to vote on every proposition as my conscience dictates. I claim I was elected to draw up a plain constitution with no radical elements in it, and I propose to carry that out as my conscience dictates. I am a laboring man, and have as much respect for the laboring man as any man in the country. I look after the tramps and men in my charge, and they all come to me and say I am their friend. I am never above speaking to these poor unfortunates. I have always helped men again and again to labor in this territory. I have labored myself, and I always expect to labor, and I deny the right of any man to say I oppose labor in any way, shape or form. I deny the right of any man to say I cannot vote on any proposition that comes up here according to the dictates of my conscience and according to the rules, and I defy any man to say I am not a Democrat now and forever. I have lived here for years, and raised a family; I expect to bury my bones in the territory. I came here with a hearty wish to draw a constitution for the people of Arizona as best we could, and second to none, and I propose to use my best endeavors to do so, and no man has a right to attack me in the way I vote. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 771-772)

[e945036] Mr. Lynch: Mr. President, just one word from me personally with reference to a remark I made, which I think was misunderstood. When I made a statement with reference to the Maricopa County delegation about a certain proposition, I referred to them in a representative capacity. I have the highest regard for the ability and intelligence of the gentleman from Maricopa County, especially with reference to irrigation. Now when the irrigation measure was first published we had a storm of disapproval from water people in the district we represent and some of them came to us individually and asked us to fight this for certain grounds we have endeavored to make plain. We have done so. We want the fairest irrigation measure, and we want it for the interest not of any particular party or section, but for the people at large.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945037] Mr. Orme: I did not refer to the gentleman from Graham in any way, shape or form. They have a perfect right to vote as they see fit.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945038] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945039] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945041] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945052] Mr. Cunniff: If there is no objection, I would like to revert to the head of "Reports of standing committees," as the Committee on Style, Revision and Compilation wishes to report now on Substitute Proposition Number 140, and Substitute Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945053] Mr. Cunniff: If there is no objection, I would like to revert to the head of "Reports of standing committees," as the Committee on Style, Revision and Compilation wishes to report now on Substitute Proposition Number 140, and Substitute Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e945051] Secretary (reading): Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 140, and respectfully recommends that as revised and incorporated in Substitute Number 82 it be adopted. Your committee further begs leave to report it has examined Substitute Proposition Number 82, being the judiciary proposition, and respectfully recommends that the appended amendments be made thereto, and that the said proposition as amended and revised in the appended engrossed copy be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
772-773)

[e945054] Secretary (reading): Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 140, and respectfully recommends that as revised and incorporated in Substitute Number 82 it be adopted. Your committee further begs leave to report it has examined Substitute Proposition Number 82, being the judiciary proposition, and respectfully recommends that the appended amendments be made thereto, and that the said proposition as amended and revised in the appended engrossed copy be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
772-773)

[e945055] Mr. Winsor: Mr. President, I move that the report of the committee be adopted.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945056] Mr. Cunningham: Mr. President, in our printed copy in line 22, page 3, appears the word "cause." That has in the committee's report been changed to "case," and the same thing in line 24, the last word of that section. It is very doubtful whether that is intended to work the effect that the gentleman making the change expected.

Mr. Winsor: I would suggest that the report of the committee be adopted, after which any amendments desired may be introduced.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945057] Mr. President: Those in favor of adopting the report on the committee will answer "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945058] Mr. Cunningham: I move the word "case" in section 3, lines 22 and 24 be changed to the word "cause."

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945060] Mr. President: Those in favor of that motion will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945059] Mr. Goldwater: Mr. President, I would like to ask a question for information. On page 8, line 5, it says that justices of the peace may be made police judges of incorporated cities. The title we have in Prescott is police recorder. How would this affect the proposition?

Mr. Cunningham: The City of Prescott works under a special charter and created the office for that city of police recorder.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945062] Mr. Lynch: There are also police judges in incorporated cities, and this provision is that a justice of the peace may be a police judge. I want to move an amendment that the word "term" on page 3 in line 8 be changed to "time" for the reason that all the judges have the same term, and also in line 12.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945064] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945065] Mr. Winsor: Mr. President, I propose an amendment to section 10, line 15, page 8, as follows: Before the word "each" insert the words "until otherwise provided by law," and on line 16 strike out the word "six" and insert the word "five."

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945066] Mr. Connelly: I move that that be amended by striking out the word “five” and inserting the words “forty-one hundred.”

[Editor’s Note: As both the Minutes and the Arizona Republican agree on forty-two as the amendment, the editors have followed their account.]

(The Records of the Arizona Constitutional Convention of 1910, Page 773)

[e945067] Mr. Cunningham moved, seconded by Mr. Parsons, to adjourn until 7:30 p.m., November 29, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 239)

[e945068] Mr. Coker: I move we adjourn until 9:30 tomorrow morning.

Mr. Feeney: I second the motion.

(Editorial)

[e945069] The motion prevailed.

Convention stood adjourned to 9:30, December 1, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

## 1.82 Wednesday, 30 November 1910, at 09:30 (s16255)

[e944854] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944855] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944856] Roll call as follows:

Present—Baker, Bolan, Bradner, Cobb, Connelly, Cooper, Crutchfield, Cunningham, Ellinwood, Feeney, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A.M., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moore, Morgan, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B., Simms, Mit, Tuthill, Webb, Weinberger, White, Winsor, Wood, Mr. President.

Absent—Cassidy, Coker, Colter, Cunniff, Curtis, Franklin, Jones, F.A., Orme, Osborn, Standage, Tovrea, Wells, [sic]

Excused—Doe, Moeur, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 330)

[e944858] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944859] Reverend Crutchfield: [words not found.]

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944861] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944863] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944891] The sergeant at arms announced that Mr. Cassidy, Mr. Coker, Colter, Cunniff, Ellinwood, Jones, F.A., Moeur, Orme, Osborn, Standage, Tovrea, Wells, Wills, had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 330)

[e944895] Mr. President: Gentlemen of the convention, we have Proposition Number 148 to be considered in the committee of the whole. If there are no objections the convention will now resolve itself into the committee of the whole, and the gentleman from Pima, Mr. Kingan, will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944896] Mr. President: Gentlemen of the convention, we have Proposition Number 148 to be considered in the committee of the whole. If there are no objections the convention will now resolve itself into the committee of the whole, and the gentleman from Pima, Mr. Kingan, will take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944897] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e946036] The president resumed the chair.

Mr. President: The convention will come to order. The chair recognizes the gentleman from Pima, Mr. Kingan.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946037] The president resumed the chair.

Mr. President: The convention will come to order. The chair recognizes the gentleman from Pima, Mr. Kingan.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946039] Mr. Kingan (reading): "Mr. President, Your committee of the whole begs leave to report progress and asks leave to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946041] Mr. President: Those in favor of adopting the committee's report will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946046] Mr. Parsons: Mr. President, I move we take a recess until 2:00.  
Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
785-786)

[e946047] Amended by Mr. Connelly to fix the hour at 1:30 p.m.; lost.

(The Minutes of the Arizona Constitutional Convention, Page 332)

[e946049] Amended by Mr. Connelly to fix the hour at 1:30 p.m.; lost.

(The Minutes of the Arizona Constitutional Convention, Page 332)

[e946053] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

### **1.83 Wednesday, 30 November 1910, at 14:00 (s16257)**

[e944942] Mr. President: The convention will come to order. The chair will declare a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e944945] Mr. President: The convention will come to order. The chair will declare a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e944952] Mr. Cunningham: Mr. President, I should like to call the attention of the members of the convention to rule 33 of our standing rules, subdivision H, as it appears on page 10, as this is the last day before pay stops at which this condition shall arise.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e944955] Mr. Winsor: Mr. President, as a matter of fact, this rule would not apply at all. The date has not been fixed for final adjournment. The fact that our pay stops on a certain date does not affect the date of final adjournment at all.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e944958] Mr. President: The rule can be suspended, I guess.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e945008] Secretary (reading): Report of special committee instructed to bring in report covering the common law doctrine of riparian water rights, submitting sub-committee Proposition Number 150, and recommending that it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e944999] [Editor's Note: Proposition Number 150 was referred to the Convention alongside the report from the Special Committee on Water and Water Rights.]

(Editorial)

[e945023] Mr. President: This report will come up in committee of the whole tomorrow...

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e945190] [Editor's Note: Proposition Number 150 was referred to the Committee of the Whole alongside the report from the Special Committee on Water and Water Rights.]

(Editorial)

[e945030] Mr. President: This report will come up in committee of the whole tomorrow. If there are no objections, gentlemen, the convention will resolve itself into a committee of the whole to go on with the business that was being considered when we took a recess. The gentleman from Pima, Mr. Kingan, takes the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e945032] Mr. President: This report will come up in committee of the whole tomorrow. If there are no objections, gentlemen, the convention will resolve itself into a committee of the whole to go on with the business that was being considered when we took a recess. The gentleman from Pima, Mr. Kingan, takes the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e945034] [Editor's Note: This portion of the records is modelled in the Committee of the Whole.]

(Editorial)

[e945071] The president resumed the chair.

Mr. President: The convention will now come to order and the gentleman from Pima will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e945094] Mr. President: The convention will now come to order and the gentleman from Pima will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946316] Mr. Kingan (reading): "Mr. President, Your committee of the whole begs leave to report it has had under consideration Proposition Number 148 and respectfully recommends that Proposition Number 148 be adopted as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946404] [Editor's Note: Proposition Number 148 - Election Ordinance 2 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946321] [Editor's note: Proposition Number 148 - Election Ordinance Number 2 as amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946411] [Editor's Note: By considering the Committee's report on Proposition Number 148 - Election Ordinance 2, the Convention considered the Committee's amendments.]

(Editorial)

[e946341] Mr. Kingan [...] Mr. President, I move the adoption of the report.  
Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946425] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946433] Mr. President: Shall it be engrossed and have a third reading? Those in favor of engrossing and giving the proposition a third reading say "aye;" those opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946439] Mr. Chairman: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e945089] Secretary (reading): Substitute Proposition Number 82.

Mr. President: This is the third reading of Substitute Proposition Number 82.

Mr. Winsor: Mr. President, I move an amendment to section 10, line 15, page 9, as follows: insert the words "until otherwise provided by law;" and in line 16, strike out the word "six" and insert the word "five."

[...]

Mr. Jones (Yavapai) [Minutes, page 334, indicate Colter]: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e945096] Mr. Parsons: I ask for a division of the question.

Mr. Winsor: This is not a question that can be divided.

Mr. Jones: (Yavapai): I second the motion of the gentleman from Yuma.

Mr. President: All those in favor of the amendment offered by the gentleman from Yuma will answer "aye" as their names are called, and those opposed will answer "nay."

Mr. Colter: I would like to ask the gentleman from Yuma a question.

Mr. Winsor: You have the privilege so far as I am concerned.

Mr. Colter: I would like to know if in cutting down the salary of the judges that you intend to make a uniform cut on all salaries. If so, I am in favor of it.

Mr. Winsor: That is a secret.

(The Records of the Arizona Constitutional Convention of 1910, Pages 789-790)

[e945110] Mr. President: Call the roll.

Roll call showed 27 "ayes" and 21 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 790)

[e945118] Mr. Winsor: In line 15, I move to strike out the word "five," as it applies to the judges of the superior courts in Yavapai, Maricopa, Cochise and Gila counties and insert the word "four" in line 22.

Mr. Colter [Minutes, page 334, indicate Jones of Yavapai]: I second the motion.

[Editor's Note: Goff's editorial note that the Minutes say this motion was seconded by Jones is incorrect. This motion that the Minutes describes as seconded by Jones is, in fact, a different motion by Winsor, made after a discussion on dividing the question.]

(The Records of the Arizona Constitutional Convention of 1910, Page 790)

[e945121] Mr. Ellinwood: I ask for a division of the question.

Mr. President: The gentleman asks for a division of the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 790)

[e945127] Mr. Winsor: In reply to the request for a division of the question, I desire to withdraw my motion for the purpose of submitting it in such form that it cannot be divided and there can be no confusing of the real question at issue. In the different classes of counties it is necessary or proper to have graduated scale of salaries for judges, whether that be higher or lower I shall propose what I consider a reasonable and equitable scale.

(The Records of the Arizona Constitutional Convention of 1910, Page 790)

[e945128] Mr. Lynch: This question does not need any debating whatever. If the people want judges who are not qualified, for no qualified judge will accept an office at such a salary, then there should be a way of allowing them to say what kind of judges they want. You have put pinhead commissioners upon a high salary and now want to lower the salary of judges—the most important office in the state.

Mr. President: Those in favor of dividing the question say “aye;” those opposed “nay,” as their names are called.

Mr. Parsons: Now, Mr. President, if there are any counties in this territory or state that do want to have low salaried judges and secure poor judges, then I say they should have the opportunity to vote for such a salary, but I also state that there are counties which do not want to place the salary so low that no judge but a poor, inexperienced and unqualified man will have it, but we want the salary so fixed that it will give to that high class of judges ample remuneration for their good service. I know not what all the counties want, but as for Cochise we do not want any such salaries attached to our judges, and we ask for a division of the question.

Mr. Connelly: I think that the salary of judges in Arizona is too high and I can see no use in trying to get something that you have not got the money to pay for. Nothing in the constitution compels the judges to take these jobs, and they do not have to take them if they do not want them. Oklahoma only pays \\$4,000 for her supreme judges; \\$3,000 for her superior judges and in South Dakota the supreme judge only receives \\$2,500 a year. You are doubling the salary here in some cases and making the salaries to exceed those of states with much greater population. We have 200,000 people where other states have millions, yet you would pay the judges double the salary they pay. I do not believe in paying big salaries when we have nothing to pay with.

(The Records of the Arizona Constitutional Convention of 1910, Page 790)

[e945132] Mr. Ellinwood: I understand the question is whether the motion shall be divided or not, and as I read rule 28, I infer that the motion will take a two-thirds vote.

Mr. Winsor: I insist there is nothing to divide. I have withdrawn my original motion and my amended motion provides for a scale of salaries, which, while it might be amended, cannot be divided. Those who want higher salaries [should vote] against my motion; and if they do not they can so express themselves.

Mr. President: The secretary will call the roll and those who are in favor of a division of the question will answer “aye;” those opposed “nay.”

Mr. Goldwater: I think I understood there was no need of taking a vote on the question of division.

Mr. President: Call the roll.

Mr. Ellinwood: There is no question on the division.

Mr. President: Call the roll.

Mr. Webb: I submit to the decision of the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945134] Mr. Ellinwood: I rise to a point of order, I do not see how it can be amended by saying “scale shall be as follows.” What is to be put into that?

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945137] Mr. Winsor: Mr. President, if the gentleman desires to be so extremely particular on that point I will so arrange my previous amendment to fit his fastidious taste.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945142] Mr. Parsons: I rise to a point of order. He has no right to make a revision of the question, for he has exhausted his rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945143] [Editor's Note: Instead of revising the motion, Winsor offered an amendment in lieu of his previous motion.]

(Editorial)

[e945148] [Editor's Note: In response to the motion for division, Winsor moved an amendment in lieu of his original amendment that while "might be amended, cannot be divided" (p. 791).]

(Editorial)

[e945228] Mr. Winsor: In lieu of my previous motion I move that the scale of salaries of superior court judges of the counties of Arizona be as follows: Maricopa, Yavapai, Cochise, Gila and Pima per year each \ \$4,000; Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, Greenlee and Mohave counties per year each \ \$3,000.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945237] Mr. Weinberger: I do not know just how to amend that motion.

Mr. Kingan: I will just state that the amendment offered by the gentleman does not even refer to section 10. He says he is to amend section 10 and I cannot see where he has added to or taken anything from it.

Mr. President: He will have to revise his motion.

Mr. Winsor: I shall be glad to do so, but I am sure that every gentleman knows just what I am trying to do.

Mr. President: There is nothing before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945241] Mr. Cunningham: I move the section be approved as it stands.

Mr. Lynch: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 791)

[e945174] Mr. Lynch moved, seconded by Mr. Ellinwood that the Convention take a recess until 7:30 p.m., November 30th, 1910.

[Editor's Note: Given the discrepancy in the order of events between the Journal and the Minutes and the fact that only the Minutes records this motion to take a recess, it is unclear where exactly in the timeline this motion took place.]

(The Minutes of the Arizona Constitutional Convention, Page 335)

[e945176] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 335)

[e945337] Mr. Cassidy: I have an amendment to offer to section 10. I move that the following words be stricken: "that in no case shall salaries of the superior court judges be fixed at a smaller amount than herein named."

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 791-792)

[e945343] Mr. President: Gentlemen, you have heard the motion of the gentleman from Maricopa county, Mr. Cassidy. All in favor say "aye;" those opposed "nay" when the roll is called.

Roll call showed 34 "ayes" and 16 "nays."

Mr. President: The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945345] Mr. Winsor: My motion lies on the secretary's desk.

Secretary (reading): "Amendment to section 10. I move that the scale of salaries of superior court judges of Arizona at line 22 be: Maricopa, Yavapai, Pima, Gila and Cochise counties \ \$4,000; Graham, Coconino, Apache, Navajo, Santa Cruz, Pinal, Greenlee and Mohave counties \ \$3,000."

Mr. President: Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945346] Mr. Ellinwood: I rise to a point of order. This is not striking out or adding to.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945347] Mr. President: That point of order is not well taken, and I would say, gentlemen, that this is a matter that affects the whole territory. Call the roll on the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945720] Mr. Cobb: So you refuse to divide the question. If so I shall decline to vote on it.

Mr. Feeney: If there are any members who want a judge for less than \ \$5,000 I am willing they should have him, but as for me I want no such scab judges and I shall vote no.

Mr. Lynch: Like my fellow member, Mr. Feeney, I want no scabby, low salaried judges, and I vote no.

Mr. Moeur: Believing that the salary of judge is still too high, I vote "aye," anyhow.

Mr. Parsons: Because I am not in favor of this measure and cannot vote on it intelligently, I refuse to vote, or I ask to be excused from voting.

Mr. President: The gentleman is excused from voting.

Mr. Webb: I would like to be excused from voting since I cannot cast an intelligent vote.

Mr. President: The gentleman is excused.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945722] Roll call showed 31 “ayes” and 16 “nays.”

Mr. Cunningham: I would like to have the amendment read.

Mr. Winsor: The amendment reads as follows: “Maricopa, Yavapai, Pima, Gila and Cochise counties \ \$4,000; Coconino, Apache, Navajo, Mohave, Santa Cruz, Pinal, Graham, and Greenlee counties \ \$3,000.”

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945728] Mr. Cunniff: I move you that it is the sense of the convention that section 10 as read by Mr. Winsor be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e945738] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 792)

[e947444] [Editor’s Note: By adopting Cunniff’s proposal to adopt Winsor’s amendment, Cunniff’s motion is implicitly dropped.]

(Editorial)

[e945739] Mr. Cunningham: I move to amend section 10, where the words “four thousand” appears to read “five thousand in Cochise, Maricopa, Yavapai and Gila counties.”

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
792-793)

[e945743] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 793)

[e945746] Mr. Cunningham: I move you that section 10 be referred to the committee, because we are paying Mohave and Santa Cruz counties the same salary as judges of Graham and Greenlee and more than Cochise, according to the work they do.

(The Records of the Arizona Constitutional Convention of 1910, Page 793)

[e945748] Mr. Cunniff: I would like to know what committee you would refer it to unless it be to the judiciary committee.

Mr. Cunningham: No, sir. The judiciary, as far as I am concerned, refuses to have anything to do with it.

Mr. Connelly: I do not see why Mohave and Santa Cruz should not have as much as Graham and Greenlee if they do the same work.

Mr. Lynch: I would like to ask the gentleman from Cochise if this same argument would apply to county officers.

Mr. Connelly: I have no doubt of it, if they were put back where they belong—Graham and Greenlee together, and Pima and Santa Cruz.

Mr. Lynch: I wonder if you would be willing to have Cochise put back into Sonora.

Mr. Connelly: Not just now.

Mr. President: What is your pleasure, gentlemen?

Mr. Kingan: It seems to me that the question of salaries of judges is one of the most important and serious questions that comes before this convention, and it seems to me that these members who so strongly opposed the paying of adequate salaries and securing the best-qualified judges do not realize the importance of the matter that they have passed upon here. If any one of these men had their lives or property, or the lives of their mothers, fathers, sisters or brothers, in danger, and should he come before a judge, then would they realize the importance of having a qualified man as judge, and a man competent to sit in judgement upon such cases and not a mere blacksmith. If it is blacksmiths you are wanting, then you can get them for the magnificent sum of \ \$3,000 or \ \$4,000 a year.

Mr. Colter: I would like to ask the gentleman a question, if he will yield.

Mr. Kingan: I yield.

Mr. Colter: I would like to know what has become of all the blacksmith judges we have had in Arizona in the past. (loud applause)

Mr. Cunniff: It seems to me that this question is being uselessly discussed, when you take into consideration that the salary of the territorial judges is now \ \$5,000 per year, and they have the work of four counties, while under this constitution they will have but one.

(The Records of the Arizona Constitutional Convention of 1910, Page 793)

[e945751] Mr. Lynch: I move that Substitute Proposition Number 82 as amended do pass.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 793)

[e945752] Mr. President: Those in favor of the motion will answer "aye;" those opposed "nay," as the secretary calls the roll on the final passage of Substitute Proposition Number 82.

Roll call showed 37 "ayes" and 13 "nays."

Mr. President: The motion is carried and Substitute Proposition Number 82 is passed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 793-794)

[e946476] Mr. Cunniff moved, seconded by Mr. Winsor, that in view of the fact that Proposition No. 140 was incorporated in Substitute Proposition No. 82, that Proposition No. 140 be considered adopted.

(The Minutes of the Arizona Constitutional Convention, Page 336)

[e946480] Mr. Cunniff moved, seconded by Mr. Winsor, that in view of the fact that Proposition No. 140 was incorporated in Substitute Proposition No. 82, that Proposition No. 140 be considered adopted. Carried.

Substitute Proposition referred to Committee referred on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e946520] Substitute Proposition referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 336)

[e946546] Mr. Cunniff, Chairman of the Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, November 30, 1910

Mr. President:

Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition No. 33 and respectfully recommends that the amendment appended be adopted, that in the appended engrossed copy the said Proposition be adopted as amended and revised.

M. G. CUNNIFF, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 336)

[e946547] [Editor's Note: Substitute Proposition Number 33 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[e946603] [Editor's Note: The Committee considered the report's recommendation to adopt the revised version of section 7 into Substitute Proposition Number 33.]

(Editorial)

[e946609] Mr. Cunniff: The report of the Committee on Executive includes Proposition Number 33, as reported by the legislative committee in the printed copy. I move you that Substitute Proposition Number 33, with section 7, as amended, and adopted by the committee of the whole, be adopted and revised.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946620] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946638] Mr. Winsor: I would like to offer the following amendment to section 7, at the end of the second paragraph add the following: "After final action by the governor or following the adoption of a bill notwithstanding his objections, it shall be filed with the secretary of state." I find that on looking at the course bills will take in the legislature that there is no provision for their final disposition after action has been taken by the governor. The legislative proposition provides that bills shall be filed with the governor or sent to the governor after passage by the legislature, but no provision is made for their final filing with any officer, and it is to supply this deficiency that I propose this amendment.

Mr. Cunniff: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946644] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946647] Mr. Weinberger: To ascertain how consistent the members are, I am going to propose this amendment: On page 5, line 10, substitute for the word "five" the word "four," and on page 5, line 11, substitute for the words "four thousand" the words "thirty-five hundred."

Mr. Keegan: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946654] Mr. Coker: I move an amendment that the word "four," as amended by Mr. Weinberger, be replaced by the word "two."

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946656] Mr. President: All those in favor of the amendment of the gentleman from Pinal will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946659] Mr. Lynch: I move to amend the motion of the gentleman from Gila by substituting the word "six" in line 10, in place of the word "four," and on line 11, the words "four thousand" in place of "thirty-five hundred."

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946662] Mr. President: All those in favor of the amendment of the gentleman from Graham will answer "aye;" opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946670] Mr. President: [...] Now the question comes up on the motion of the gentleman from Gila. All in favor will answer "aye;" opposed "nay." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 794)

[e946671] Mr. Connelly: If I am not mistaken, the last two lines are still "twenty-five hundred." Is that correct?

Mr. President: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Pages 794-795)

[e946672] Mr. Connelly: I move you in lines 14 and 15, the words "twenty-five hundred" be stricken out, and "three thousand" be substituted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946674] Mr. Connelly: I move you in lines 14 and 15, the words “twenty-five hundred” be stricken out, and “three thousand” be substituted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946679] Mr. Short: I have an amendment to offer in section 6. On page 3, line 17, after the word “term” insert the following: “and in case of like inability of the secretary of state to discharge the duties of the office, the powers and duties of the office shall in like manner devolve upon the state auditor.” We have no provision in case of the death or inability of the secretary to act in this capacity. I think that it is necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946682] Mr. Lynch: In case of death of the auditor, what will we do?

Mr. Weinberger: That is a matter that can be left to the legislature, and I suggest it be left to the legislature. We hope the governor and secretary of state will not both die before the legislature meets.

Mr. Ingraham: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946683] Mr. President: All in favor of the motion answer “aye;” opposed “no.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946684] Mr. Lynch: I move you that committee Substitute Proposition Number 33 as amended do pass.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946685] Mr. President: This is the third reading. All in favor will answer “aye,” as their names are called; opposed “no.” The secretary will call the roll. Roll call showed 42 “ayes” and 8 “nays.”

Mr. President: The proposition has passed. Is there any other proposition up for third reading?

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e947221] Mr. Cunniff: The Committee on Style, Revision and Compilation begs leave to report on substitute paragraph 7 of Substitute Proposition 33. In the interest of order I should like to make a motion following the report. The report is as follows:

”Your Committee on Style, Revision and Compilation begs leave to report it has examined substitute paragraph 7 of Substitute Proposition 33, and respectfully recommends that it be adopted a revised and amended in the accompanying draft of Substitute Proposition Number 33.”

(Editorial, Page 795)

[e947223] [Editor's Note: Substitute Section 7 of Substitute Proposition Number 33 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[e947229] [Mr. Cunniff:] I move that the substitute paragraph 7 of Substitute Proposition Number 33 be adopted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e947239] Mr. Winsor: What has become of section 19?

Mr. Cunniff: That was taken out to be put in another place.

Mr. Crutchfield: I think it should be in this bill. It belongs in this bill.

Mr. Cunniff: It was the sense of the committee that it should be incorporated elsewhere.

Mr. Winsor: May I ask where it is proposed to incorporate it?

Mr. Cunniff: I believe that it was the sense of the committee to incorporate that along with the fellow-servant or employe's liability proposition or some other document of that kind.

Mr. Weinberger: I believe this and other sections were to be put under the head of "miscellaneous."

Mr. Winsor: I think this is not [a] final compilation . It should be left in until we have a third reading.

Mr. Cunniff: I will suggest that after it is read the gentleman from Yuma can amend.

(The Records of the Arizona Constitutional Convention of 1910, Pages 795-796)

[e947232] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e946253] Mr. Cunniff, Chairman of the Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition No. 6 and respectfully recommend that the appended amendment thereto be adopted and that said Proposition as amended and revised in the appended engrossed draft be adopted.

M.G. CUNNIFF,

Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 338)

[e946254] [Editor's Note: Substitute Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946255] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that the report of the Chairman of the Committee on Style, Revision and Compilation be adopted.

(The Minutes of the Arizona Constitutional Convention, Page 338)

[e946260] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 338)

[e946257] Mr. Cobb: Mr. President, I move as an amendment to section 1 that it be referred back to the legislative committee, and that the legislative committee be increased by a member from Pima County, Greenlee County, Coconino County and Mohave County.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 796)

[e946258] Mr. President: You have heard the motion of the gentleman from Greenlee, Mr. Cobb, that section 1 be referred to the committee on legislative, and that the committee be increased by a member from Pima County, Greenlee County, Coconino County, and Mohave County.

Mr. Lynch: Mr. President, I would suggest that if he would frame his motion that it be referred to a select committee composed of the present committee together with the other members, it would avoid an infraction of the rules.

Mr. Cobb: Well, a select committee of the present legislative committee and the other four members which I named. The second day of the session of this convention, a resolution was introduced which provided for a certain number of committees and a certain number of members on these committees, and some of the committees were to be composed of thirteen members. Mr. Winsor introduced a resolution, I believe, and it was his understanding that there was to be one member from each county on these committees which had thirteen members, and I think this was the sense of this convention, but here we find the legislative committee with three counties that were not represented. I do not say anything about Greenlee County, because Greenlee was not considered at that time, and it does not seem to have been considered very much since, but Pima and Mohave had no representation on that committee, and I think it is manifestly unfair that this apportionment should be arranged by that committee without their having representation.

Mr. President: I would like to ask the gentleman from Yuma if the committees which have thirteen members were to have representation from each county.

Mr. Winsor: I shall have to deny the authorship of that motion. If it had been my idea, and I had been the author of this plan for the organization of committees, I should have proposed that there be fourteen members instead of thirteen, in order that the gentleman from Greenlee be on each committee.

Mr. Cobb: This apportionment is based upon the vote taken in 1908. We have had one election since 1908. The committee did not take that vote nor did it take the census. It seems that it took what was satisfactory to certain members of the committee. I telegraphed to the Director of the Census a few days ago, asking for the population of the several counties of Arizona. I have

not as yet heard, and I do not think that this apportionment should be made until we know the population of the several counties.

Mr. Winsor: Mr. President, I just want to say in opposition to the motion that this is simply prolonging the agony. I believe the gentlemen representing counties which did not have representation on the legislative committee, with the single exception of the gentleman from Greenlee, will admit that the committee endeavored in all earnestness to do entire justice to every county in the territory, and the members of that committee played no favorites whatever with any county. The committee acted in good faith, and I do not believe there is any need to reopen the subject.

Mr. Webb: Mr. President, I would like to call attention to the fact that the principal reason for asking for this is that three counties had no representation on that committee, and I personally have not heard the slightest complaint from a single one of them. I do not know whether the gentleman is appearing now as their champion or paid attorney, but I have heard no complaint from the representatives of these counties. I desire to add that this representation, as reported out by the committee, was not entirely satisfactory to me, but we worked hard over it, and we did finally those things that seemed right to every county in the territory.

Mr. Parsons: Mr. President, there is a phase of this matter suggested by the gentleman from Greenlee, Mr. Cobb, that I think we should consider in connection with the remarks made by my colleague from Cochise today, that we are nearing the limit of the time when we ought to get through the work of this convention. This is one of the most important propositions, on which has been spent a great deal of labor and if it is handed to another committee I think it will require just as much work to remodel it as it did before. They can not well be ready to report it back before our sixty days have elapsed, and I certainly think the motion should not prevail.

(The Records of the Arizona Constitutional Convention of 1910, Pages 796-797)

[e946259] Mr. President: Call the roll. Those in favor of the motion of the gentleman from Greenlee, Mr. Cobb, will answer "aye" as their names are called; those opposed will answer "no."

Roll call showed 6 "ayes" and 43 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 797)

[e946261] Mr. Osborn: Mr. President, I would like to offer an amendment to section 1 of this proposition, and that is that in line 2, where the figure "19" occurs before the word "members" it be changed to "14," and where the figure "2" occurs before the word "senators" it be changed to read "1."

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 797)

[e946262] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 338)

[e946263] Mr. Coker: Mr. Chairman, in line 12, where the figure "1" occurs I move that the figure "2" be substituted therefor, and in the second line "35" be made to read "36."

(The Records of the Arizona Constitutional Convention of 1910, Page 797)

[e946266] Mr. Osborn: Mr. Chairman, just one more motion and I am through. In line 9 before the word "representative," where the figure "6" occurs, I move it be stricken out and the figure "7" inserted in lieu thereof, so that it will read "Maricopa county, 2 Senators, and 7 Representatives." I want to appeal directly to my friends from Cochise County to support this motion. Maricopa has, lacking 103 people, as many as Cochise by the last census, and everyone I think will admit that the population of Maricopa County is stable. They are here year in and year out. We admit it has a big population, and it is a great county, and I believe the members from Cochise County sent up here to represent their county are our friends. I have a very friendly feeling toward "dear old Cochise," but I do believe that Maricopa is entitled to have the same representation in the lower house as the county of Cochise.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 798)

[e946267] Mr. Webb: Mr. President, I have no argument to make against Maricopa County or any other county. I should like to have seconded the motion made by my friend from Pinal, but this representation was based upon a certain vote cast, and if that be made the basis, and we did make it the basis, it has been made fairly. If it is not right to make it the basis, it has been made fairly. If it is not right to make it the basis, then the entire representation should be changed. The difference between Maricopa and Cochise was 5,400 votes for Cochise and 4,600 for Maricopa. Pinal—the gentleman from there honestly thinks he is entitled to more representation, but on the vote on which we based this he had only 807 votes, so he is hardly entitled to one. Do not change this representation unless you change the basis upon which it was made, because if the basis be right then the apportionment and the division is right.

Mr. Cobb: I would like to ask a question. On what vote was this representation based?

Mr. Webb: The last general election of the territory.

Mr. Osborn: No.

Mr. Cobb: Why was it not based on the last election?

Mr. Webb: For the reason that it seemed to be the consensus of opinion that nothing like the entire vote of the territory was cast in this last election, and there was a very spirited contest at the election two years ago. In some counties I noticed that within ten votes of the registration was polled two years ago.

Mr. Osborn: Mr. Chairman, I do not believe it is fair to base this on the vote cast. I do not believe they can cite a single state in the Union that bases its representation on the votes cast, and I want to call attention that two years ago Cochise County did cast some 800 more votes than Maricopa, but I do not believe we should take that as a basis to figure on. In this last election Maricopa polled 4,300 and Cochise some 3,700 votes, so we beat them in the last election

some 600 votes. So is it any more fair to take two years ago than it is to take two months ago?

Mr. Cunniff: Mr. President, it seemed to the members of the legislative committee that they had to bring in a report before this convention that was based on some definite basis. The committee did bring in such a report as that, and if there are changes to be made in one place there should be changes made in another place. And if this motion at present before the convention prevails, and "dear old Cochise" votes to give one more representative to Maricopa, I should say that I am very fond of "dear old Maricopa," and I shall make a motion that "dear old Yavapai" get one more, too.

Mr. President: Call the roll.

Mr. Kingan: Mr. President, I would like to say just a word in explanation of my vote. "Dear old Pima" is not satisfied with this proposition, either, but we had better endure the evils we have than risk those we know not when they will be. (laughter) I therefore vote no.

Mr. Short: This seems to be a case of misplaced confidence.

Mr. Cobb: I wish to call attention to the fact that this convention has robbed the cradle and the grave. Pima the oldest county, and Greenlee, the youngest.

Mr. Winsor: Mr. President, I take exception to the terms "the cradle and the grave," especially the latter, for I take it the gentleman classes the members from Maricopa as "dead cases," whereas it is obvious that no such affliction can truthfully be applied to them.

(The Records of the Arizona Constitutional Convention of 1910, Pages 798-799)

[e946269] [Editor's Note: Coker's motion was not mentioned again.]

(Editorial)

[e946271] Roll call showed 10 "ayes" and 39 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 799)

[e946272] Mr. Winsor: Mr. President, I move as an amendment that the words "sent to the Governor" be stricken out and the words "presented to the Governor for his approval or rejection" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 799)

[e946273] Mr. Cunningham: The bill provides, as I remember, in another place for that. This was intended when the bill was finally filed, it ought to be filed with the secretary of state.

Mr. Winsor: This particular provision is for the disposition of the bill after it is passed, and there is no other provision covering this point anywhere in any proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 799)

[e946274] Mr. President: Those in favor of the amendment offered by the gentleman from Yuma, Mr. Winsor, will answer "aye;" opposed will answer "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 799)

[e946275] Mr. Cunniff: I move that in section 12, as it appears in the engrossed copy, everything be stricken out beginning with the phrase “and no bill shall be passed or become law” in the second line of the typewritten copy—the remainder reading “unless it shall have been printed and upon the desks of the members at least three calendar legislative days prior to its final passage, providing that in case of urgency this provision may be dispensed with in each house by a vote on roll call of two-thirds of all the members elected thereto.” In the careful scrutiny that was given to that amendment when it was introduced by Mr. Ellinwood, we were in considerable doubt about the meaning, and this as the meaning we finally extracted after hours of study and discussion. The more our examination went on the more the idea grew in my mind that I was quite right in opposing this amendment when it was brought up in the first place, because, if through any inadvertence a bill did not happen to be printed and on the desks of all the members, the bill would then pass to the governor, according to the terms of this section. It would then be null and void, because the phrase reads not only that “it shall not be passed in either house” but that “it shall not become a law.” If this is in here it will nullify any law if the bill lacked an hour of being printed the required number of days. I consider it dangerous, and I therefore would move that it be stricken out.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 799-800)

[e946276] Mr. Ellinwood: Mr. President, I do not wish to enter into any discussion of this matter. That paragraph was taken from New York, Oklahoma and Michigan. It simply gives a chance for the public as well as the members to know what is going on in the legislature by requiring that bills be printed and on the members’ desks for three days before final action is taken on the measure. I read you the other day from the Michigan constitution of 1908 where they print the bills so that the members will know what is being done, and any bill before it is finally passed must be printed and on the members’ desks. I cannot see how it could be construed otherwise than a wise provision. I think it is eminently a proper matter.

Mr. Winsor: Mr. President, I also had my grave doubts about the propriety of this provision when it was presented, and the more I think of it the more dangerous it appears to me. It appears to me that it might be absolutely impossible to pass a bill at all, inasmuch as the slightest sort of an amendment or correction of a word or of a punctuation mark would alter the bill. Therefore if it should pass after being altered it would not have been upon the desks of the members in its final form for the required three days and it might be declared unconstitutional on that account. I hope that the amendment proposed by the gentleman from Yavapai will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 800)

[e946277] Mr. President: You have heard the motion. Those in favor of striking out that part of the motion will answer “aye;” those opposed “no.” The “ayes” have it. Any other amendments? If not, we will call the roll on the final passage of the bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 800)

[e946278] Mr. President: You have heard the motion. Those in favor of striking out that part of the motion will answer “aye;” those opposed “no.” The “ayes” have it. Any other amendments? If not, we will call the roll on the final passage of the bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 800)

[e946279] Roll call showed 36 “ayes” and 11 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 800)

[e947241] Mr. Cunniff: Mr. President, we have now passed and adopted the Preamble, Bill of Rights, Boundaries, Distribution of Powers, Initiative and Referendum, Legislative Department, Executive Department, and Judiciary, which comes pretty close to making half of the constitution. I have recited the propositions in about the order in which they will appear in the constitution, but any subsequent insertion of matter in those articles can be made or any matter removed and placed elsewhere as appears proper. Therefore, I move that these propositions that I have mentioned, Preamble, Boundaries, Declaration of Rights, Distribution of Powers, Initiative and Referendum, Legislative Department, Executive Department, Impeachment, and Judiciary, be referred to the Committee on Printing and sent to the printer, and the usual number of copies printed.

[Editor’s Note: As the passed propositions had been referred to the Committee on Style for enrollment, they are unable to be represented as referred to the Committee on Printing here.]

(The Minutes of the Arizona Constitutional Convention, Pages 800-801)

[e947242] Mr. President: If there are no objections, the usual number of copies will be ordered printed. Those in favor will answer “aye;” those opposed will answer “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e947244] Mr. Cunniff: I wish to mention one other matter that perhaps it would be advisable for the convention to act upon. It is merely a matter of form. The Committee on Revision, after putting in a number of propositions where the word “section” was written out in full, had a meeting of the committee last Sunday and decided that it was advisable to abbreviate that word, writing it “Sec.,” and in propositions that have been introduced subsequently have it so abbreviated. I, therefore, move that in the engrossing the word “Sections” be abbreviated.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e947246] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e947247] Mr. Tuthill: I move we adjourn until 9:30 o'clock tomorrow morning.  
Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e947248] The motion prevailed.  
Convention stood adjourned to 9:30, December 1, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

## 1.84 Thursday, 01 December 1910, at 09:30 (s16263)

[e945077] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e945078] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e945079] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e945080] Mr. President: The convention will rise for prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 801)

[e945081] Reverend Crutchfield: O Lord of heavenly Father we come before Thee this morning to make our wants known for we are told that if we do make our wants known they shall be granted if it be Thy will, for if we were left to ourselves for direction the doors of criticism are open for many men on the outside and perhaps some on the inside have said that we need not pray for our wants in this Convention. [sic] We are commanded for what we need. Some papers have said that we need not pray for the men in business nor for food or raiment, but now O Lord we should pray for food and for raiment and offer thanks for them and we do this morning in this Convention pray for food and raiment whether Democrats or Republicans it make[s] no difference, for they are all deserving and they are all grateful for these blessings. If the soul is in close communication with the body, we should have our bodies comfortable so that the soul will be fed by a healthy body and mind, for the soul must have food, so therefore we ask for the comforts of life for all. We pray for the merchants, the bankers, the doctors, the lawyers, and the cowmen, and for all classes of men, that they may be prepared to do their work and they might rely on Thee for help, but cause that they might not depend wholly on Thee, but that whatsoever they may have they may go to work and do it. Now O Lord we are near the end of this Convention work and we would ask Thee to grant unto these men Thy Holy spirit to guide them in all they may have to do to finish up this work, and that they may have wisdom even to the end of this great labor

and that it may be acceptable to the people and to the parties who may have the approval of the Constitution for this State and as one in heart and mind and voice [we pray] the Prayer of Thy only Begotten son: Our Father who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven; Give us this day our daily bread and forgive us our debts as we forgive those who trespass against us, and lead us not into temptation, but deliver us from evil for Thine is the Kingdom and the Power and the Glory forever, Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 801-802)

[e945082] Mr. President: We will have the reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945083] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945084] Mr. President: Here is a letter addressed to the convention.

Secretary (reading): Letter from Eugene S. Ives, of Tucson, Arizona, regarding section 9, Substitute Proposition Number 113.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945085] Mr. Jones (Maricopa): Has Mr. Ives any authority to send in a proposition?

Mr. President: It is only a suggestion by communication.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945086] Mr. Winsor: I move you that the communication be laid on the table until Substitute Proposition 113 is before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945087] Mr. Cunniff: I move you that the communication be referred to the Committee on Railroads and Public Service Corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945088] Mr. President: If there are no objections, the letter will be so referred. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945095] Mr. Cunniff: I have a report which is incomplete but can easily be finished. The preamble, the legislative, distribution of powers, and apportionment and executive committees have not engrossed copies, but you can read from the printed copies and make corrections. I think it would be expeditious to have these propositions, which are now ready printed at once, and those which are not quite ready will be so by noon. It will hurry matters up to have this printing done as fast as they are finished by the committee. These constitute over half of the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945097] Mr. President: If there are no objections the engrossed copies will be referred to the printing committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945111] Mr. Cunniff: "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 18 and respectfully recommends that the appended amendments be adopted and that the said proposition as amended and revised in the appended engrossed draft be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945113] [Editor's Note: Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945136] [Editor's Note: The list of appended amendments is not included in the records. For this reason, the editors have compared the current version of the text with the amendments proposed to it in the 1 December session and made the changes necessary for the amendments to be applied.]

(Editorial)

[e945115] Mr. Winsor: I move that the report of the committee be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 802-803)

[e945119] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945138] [Editor's Note: The list of appended amendments is not included in the records. For this reason, the editors have compared the final version of the text with the current version and subtracted the amendments named in the records in order to arrive on the text represented in this amendment event.]

(Editorial)

[e945140] Mr. Winsor: Now, Mr. President, I move that in section 2, line 14, the letter "s" as it now stands be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945145] Mr. Cunniff: It was the sense of the Committee on Style, Revision and Compilation to make this plural.

Mr. Winsor: I believe that it is wrong.

Mr. Wood: I would like to ask the gentleman from Yuma a question. Would it not be possible to have more than one nomination for the same office, which would require the plural form of this word?

Mr. Cunniff: The committee examined that phrase and it was the sense of the committee to employ the plural form.

Mr. Winsor: You could just as well use the words "justices of the peace."

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945150] Mr. Winsor moved, seconded by Mr. Short to amend line 14, page 2 by striking out the letter "s" from the word "nominations"; lost.

(The Minutes of the Arizona Constitutional Convention, Page 343)

[e945154] Mr. Ingraham: In line 5, page 2, I move the following words be added: "The electoral district may include the entire state."

Mr. Goldwater: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945155] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945160] Mr. Webb: There was quite a debate on the question of whether the name of the other candidates [should] be printed on the other ballots. I offered then an amendment and I think that I now have a better plan which I am now offering. I move that section 5 be referred back to the Committee on Style, Revision and Compilation for the amendment on the line I suggest. I think that all agree with me that it is best to be fair in all things and no doubt you will all agree with me when I say that it is true that party lines are not so defined now as they were years ago, but there are many old electors of this territory who will not vote for a member of the opposing political power. Many Democrats have said and do say with no little feeling of pride that they never voted anything but the Democratic ticket in their lives and would never change their policy, and the same with Republicans. Now I do not believe in forcing them to do so by such a measure, for if they must exercise their suffrage in this vote they would surely have to vote for the opposing party and I do not think it is right to adopt such a measure in this proposition.

[Editor's Note: Webb refers to the section as Section 5, though once the first two sections are combined via the Committee on Style amendments, that section becomes Section 4.]

(The Records of the Arizona Constitutional Convention of 1910, Page 803)

[e945162] Mr. Cunniff: Will the gentleman yield for a question? The point the gentleman wishes to cover is contained in the minority report, is it not?

Mr. Webb: I beg the gentleman's pardon. That was voted down; the majority of you gentlemen were against me, and that is ancient history with me. I have given one reason why I say it is unfair. The incumbent becomes a candidate. If he is a Democrat, and if he thinks that he ought not to be recalled he will not vote for a Democrat. The only fair way is to say "Recall, yes; Recall no." If more votes are "no" than "yes" then all right, but it does not compel a Democrat to vote for a Republican, or vice versa. You can vote for some candidate, but keep the name of the incumbent off the ticket, and thus not bring political prejudices against him as well as judgement of his official record. My purpose in having it referred was that they might so change it that the ballot will be "Recall, yes; Recall, no."

Mr. Weinberger: I rise to a point of order. I do not care in what form he puts his motion. It was included in the minority report, and has already been voted down.

Mr. Webb: Mr. President, I rise to point out this question has never been presented on the floor of this convention.

Mr. Parsons: There is one thing we all must admire in the gentleman from Graham, and that is, what my old grandfather used to call "stick-to-it-ive-ness." There is no wonder he has served as the representative of such an intelligent county in the legislature and that he represents them here, because I believe those gentlemen knew what I have learned since I came here. If he has anything to do he keeps on fighting until he carries it out, if it takes all summer. His resourcefulness and his masterly knowledge of parliamentary law allow him to present it in some form that it will be accepted. Now I admire that spirit, and it is that which has put Arizona where she is, but there must be a limit, a time to say that that is enough. I made an objection yesterday (and I fortunately had the assistance of the gentleman from Graham) and prevented our apportionment bill being sent back to committee on account of the fact that our time was limited, and I now renew that objection as to this bill, because I do not believe it would make any difference in the result of the action of this convention, and I hope the motion will not carry.

Mr. Ellinwood: I want to say that the gentleman from Graham, as I read parliamentary law, is thoroughly right. I refer to page 186, Roberts' Rules of Order.

Mr. Lynch: In reply to the gentleman from Gila County, let me say that this convention has frequently taken up propositions and passed them, and upon redeliberation determined they were in error, and honestly, conscientiously and fearlessly undone what had been done on even the day before. If the motion of the gentleman from Graham comprehends this right, let us have a change of position. I believe we may have been wrong, and the motion ought to prevail in the interests of fairness and right.

Mr. Cunniff: It seems to me we ought to act now, and not waste time by re-referring it to a committee.

Mr. Webb: It is impossible for me to prepare an amendment at this moment that would be satisfactory even to myself.

Mr. Cunniff: We ought to make progress; our time is very short, and if we have no substitute, although I heartily advocate this idea, it seems we ought to vote on this at once, and save delay if we have nothing better before us.

(The Records of the Arizona Constitutional Convention of 1910, Pages 803-804)

[e945164] Mr. President: Those in favor of the motion of the gentleman from Graham will answer "aye;" opposed "no." The secretary will call the roll.

Roll call showed 16 "ayes" and 30 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 805)

[e945168] Mr. Cunniff: Mr. President, I wish to move an amendment on page 3, lines 12 and 13, strike out the words "in not more than two hundred words" and in line 14 after the word "statement" insert the words "in not more than

two hundred words," the idea being that the statement be made on the petition in not more than two hundred words, and that the same statement be copied on the ballot, without having to boil it down.

(The Records of the Arizona Constitutional Convention of 1910, Page 805)

[e945171] Mr. Weinberger: I will say that the Committee on Style and Revision thought that would be wise and delegated Mr. Cunniff to make that amendment, as we did not think we had the right to make that amendment in the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 805)

[e945175] Mr. President: All in favor will say "aye;" opposed "no."

The ayes have it, and it is so ordered. Any other amendments, gentlemen? If not, we will call the roll on the third reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 805)

[e945179] Mr. Cassidy: I have a motion here, which I will ask the secretary to read.

Secretary (reading): "That Substitute Proposition Number 18 as amended be referred to the committee on separate submission, and that said committee be instructed to make such changes only as may be necessary to submit said proposition to the separate vote at the time of election for ratification of this constitution, and that when said changes have been made, said committee report said proposition to the convention."

Mr. Orme: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 805)

[e945182] Mr. President: You have hear the motion offered by the gentleman from Maricopa; are you ready for the question?

Mr. Winsor: I just want to say a word. There was a time during the discussion of this matter when I rather favored the idea of separate submission of the matter of the recall, but since carefully looking over the character of of the people who are behind the movement (and I do not refer to the gentleman from Maricopa, Mr. Cassidy, in any sense) I have altered my view, and I am unalterably opposed to separate submission.

Mr. Orme: It is a well known fact that we were sent here to draw a constitution on which to become a state, and from all information that I can receive in any way, shape or form, this recall proposition if put in the constitution will absolutely prevent us from getting statehood. Now, we came here for a certain purpose, statehood, first. It is true the delegation from Maricopa advocated the recall, but it is not in our platform, and we are not bound, and if that will interfere with our best interests in becoming a state as soon as possible, I am opposed to the recall, and I am in favor of putting it up to the people, but I am most assuredly opposed to putting it in under these conditions.

Mr. Webb: I desire to say I have looked carefully over the field to see what class or character of people may be advocating separate submission, but if I did so it would not affect me a particle in the way I vote. I vote as seems to me right, affected by nothing except the wishes of the people who sent me here, if those wishes have been voiced so I know unquestionably what they wish. First,

I want to say frankly that I would not consent to leave the recall out. I would not consent to eliminating the judiciary from the recall. Though not specifically pledged, I believe I was by inference pledged. I want my position understood on that, but I think nearly all the gentlemen here will acknowledge it is a fact that if the judiciary is included in the recall, it will be one of the strongest arguments with the President of the United States against the approval of our constitution. Now I believe you will agree that, believing that the only safe thing to do, I assert, the right thing to do is to place and leave that responsibility where of right it belongs—with the people. Submitting it separately is certainly taking no power from the people, it is adding to the power of the people. If you include this as now in the constitution proper, they have but one way of indicating their wishes—to vote for the adoption of the entire constitution, or reject it all. Submit this separately, and they can accept the constitution and reject this proposition if they so desire. Now I should prefer not to be responsible for the defeat of statehood. I should hate to think my vote on this proposition should defeat statehood. The will of the people should control in all things, and the responsibility should rest where it belongs. If it goes as the separate distinct act of the people themselves, and not the act of the majority of fifty two members of this convention, it will appeal more strongly to the President of the United States.

Mr. Parsons: I want to say I differ somewhat in my opinion from the gentleman from Graham as to it making any difference from what source the information comes or the class of people opposing this proposition. It is personal to me. Word has been coming through the press and in other ways that there has been a vast change of sentiment in Cochise County, and one article said seventy-five percent of the labor vote that was responsible for the election of the ten Democrats who have had the privilege of sitting in this convention, are now opposed to the recall if the judges are included. My son has written me that they even went so far in their efforts as to circulate a petition, and among the arguments they used to get signers in that county was, "Your father in that convention is opposed to the proposition." I believe there is as much truth in that as any other statement they make, because from the most reliable sources I have there is nobody knocking except the men who tried to keep us out of this convention. The gentleman from Maricopa said "from the best information he could get." I hold in my hand a publication issued in this city, and I take it there is here some information he did not get. There seems to be a society or club organized in the City of Phoenix and known as the "Maricopa Club" as I am reliably informed, and their membership is sufficiently large so they have a directorate of twenty members. At a meeting held a few nights ago at which there were sixteen directors present they adopted a resolution to strengthen the backbone of the Maricopa County delegation, so there would be no backsliding from the principles on which they were elected. I will read from the article: "That was a significant vote taken the other evening in the Maricopa Club when the question of recall was submitted for an expression of opinion.

"Of the twenty directors of the organization sixteen were in attendance. These were highly representative of the business life of the city. They included many of the solid men of Phoenix.

There was an open discussion of matters which are of the greatest importance to the city and to the territory at large. Chief among the topics touched upon was the recall—not as to whether or not the recall is a good thing, for that

question has long since been answered in the affirmative by the progressive members of the club as well as by the people in great majority throughout the Territory. The question, therefore, was not whether the members of the board favored recall, but whether they favored the extension of the recall to the judiciary.

When the vote was counted it was found that fifteen out of the sixteen members present and three-fourths of the total board had declared themselves unqualifiedly in favor of inclusion.

This vote is highly instructive. It shows to a marked degree that the sentiment of the public has not changed one iota since the election of last September. At that time the people placed themselves upon record as favoring the initiative, the referendum and the recall. They did not say that they favored the recall in a restricted sense. They wanted the recall, and that is what the delegates from Maricopa County were elected to provide. The vote of the board was instructed to be conveyed to the constitutional convention, as an evidence of the faith which the business men of Phoenix and of the entire Territory have that their delegates will vote as their constituents have instructed them to vote.

To this expression, significant though it is, on the part of the Maricopa Club, the Arizona Gazette can add the assurance of the great mass of voters for whom it made the fight last summer, that their faith in the great principle of direct legislation as enunciated in the recall has been strengthened from day to day since that time, and that they will desire and will stand for no half-way measures. If the Constitutional Convention, the Maricopa delegation, or any member thereof sees fit to alter in any degree the plain and well defined wishes of the people upon this subject, we venture the prediction which is certain to be fulfilled in fact, that such a member or delegation will make the mistake of his or its political life."

Now, Mr. President, I want to say we get this from a source we know to be correct, that is, from the laboring men who were responsible for the election of the ticket that represents Cochise County here. They say "stand by your colors." We would rather you would not give us anything in the way of a recall if it is not in the constitution. That is what we stand for, and we were sent here and sent here for that purpose.

Mr. Wood: It has been my custom for a number of years to devote a little spare time each day to the reading of periodicals, but since my election to this convention I have devoted that time to the reading of my platform. A short time ago there was some talk as to the possibility of altering the recall, and I decided to look at the press of the territory. First I clipped this: "The press of Arizona is doing its level best to give the constitutional convention the best advice it has. The advice comes from the great body of the people, and can be relied upon, and we suggest to this convention that it give some heed to this call from the people of Arizona."

Only two days ago I clipped this from the Arizona Democrat: "Editor Blighton will get a square deal from Chief Justice Kent and the people of Maricopa county. The Democrat is more than surprised at the attitude of Judge Campbell in this Blighton matter, and we want to impress upon that gentleman that the people of Arizona have rights that even the judiciary had better give attention, and one of them is a fair trial for all men charged with an offense.

The demand for the insertion of the recall in the constitution of Arizona and its application to the judiciary is brought about by the overt acts of the Arizona

judiciary, and the record of the Tucson court in this Blighton affair goes a long way to convince the public that the courts ought to be subject to the recall.

The Democrat has had some experience with the Tucson courts, and we confess it left a strong taste of recall, or something worse, with us.”

I then clipped this from a paper in the northern part of the territory: “It is noticed that there is a great outcry over the proposition to make judges subject to the recall. It is not the intention of this article to discuss the merits or demerits of the laws in a free country. If we have the recall it should reach, in its provisions and scope, every official elected by the people. If the constable is subject to the recall, so should be the justice of the peace, and if the justice of the peace is subject to the recall so should be the district attorney, and if the district attorney is subject to the recall so should be the judge. In heaven’s name, why not? Since when did a man being made a judge render him infallible? Does the history of the world show that judges as a class have been better than other men chosen to sit in the high places? Are we, in a republic, to have an official infallibility dogma, a class law which gives one set of men kingly prerogatives while others are barred from such special favors and exemptions before the law? Some have complained of the evils of judge made-law, but no law has been made or will be made which is more evil than a proposed class law which says that one official is amenable to a law for the common good and that another official belongs to such an infallible class that he can not be made amenable to that law. We say that those who insist that the recall be made a general and not a class act did their whole duty as they saw it, and this paper goes on record as saying that they saw it right. The recall and its workings is not the question we are handling. The question is whether or not our laws shall be for all the officials and all the people, or whether a political infallibility dogma shall arise which shall cause the creation of an officialdom greater than the law and the people behind the creators of the law. The very existence of a republican form of government hinges on the principle involved in this question.”

And this comes from a Southern paper: “We iterate, the delegate who comes home from that convention unable to point to an uncompromising fight against any impairment of the recall will come home discredited.” [There may be additional words missing.]

Mr. Cassidy: Mr. President, I feel that a great many of the delegates have a misapprehension as to the question before the convention. I prepared the motion and put it in writing and sent it up to the clerk’s desk, in order that there might be no possibility of any mistake as to what it said or what it meant. I appeal to the delegates that there is no word in that motion which says anything about exempting the judges or excluding anybody else. The question is simply whether this recall proposition shall be submitted to the separate vote of the people—the recall proposition unimpaired, not with judges exempt, but unimpaired. I have heard no reason given in this discussion why it should not be submitted separately, and I have heard reasons stated which would seem to indicate that it ought to be submitted separately. Now, some of the members of this convention say that the people demand this thing by an overwhelming majority, and we find others in this convention who say that the people do not want this in at all. Gentlemen, is it not a fact that there is such a difference of opinion as to what the people want, the very best argument we can use is that this thing should be submitted separately, so that they can say whether they want it or whether they do want it or whether they do not want it. If there is any

doubt in the Territory of Arizona whether the people want this or not, then let us submit it to the people separately and give them the chance to say whether they do or whether they do not want it. I am in favor of submitting it separately for the very reason that there has been a great deal of discussion throughout the territory recently as to the position the people take on this question, and I want to find out whether the people really want this proposition or whether they do not. I want to give them an opportunity to vote on the proposition unimpaired and unconnected with anything else in this constitution, so when they do vote there can be no possibility of anybody mistaking what the people want. Now, it is said that if this proposition goes through it may have some effect as to whether we shall get statehood or not. I think that is one reason why we should submit this proposition separately. If there is any question of expediency, let that question also be considered by the people. Give them the chance by separate submission. I have not heard any argument why this proposition should not be separately submitted.

Mr. Webb: I desire to say I have not looked carefully over the field to see what class or character of people may be advocating separate submission, but if I did so it would not affect me a particle in the way I vote. I vote as seems to me right, affected by nothing except the wishes of the people who sent me here, if those wishes have been voiced so I know unquestionably what they wish. First, I want to say frankly that I would not consent to leave the recall out. I would not consent to eliminating the judiciary from the recall. Though not specifically pledged, I believe I was by inference pledged. I want my position understood on that, but I think nearly all the gentlemen here will acknowledge it is a fact that if the judiciary is included in the recall, it will be one of the strongest arguments with the President of the United States against the approval of our constitution. Now I believe you will agree that, believing that the only safe thing to do, I assert the right thing to do is to place and leave that responsibility where of right it belongs—with the people. Submitting it separately is certainly taking no power from the people; it is adding to the power of the people. If you include this as now in the constitution proper, they have but one way of indicating their wishes—to vote for the adoption of the entire constitution, or reject it all. Submit this separately, and they can accept the constitution and reject this proposition if they so desire. Now I should prefer not to be responsible for the defeat of statehood. I should hate to think my vote on this proposition should defeat statehood. The will of the people should control in all things, and the responsibility should rest where it belongs. If it goes as the separate, distinct act of the people themselves, and not the act of the majority of fifty-two members of this convention, it will appeal more strongly to the President of the United States.

Mr. Parsons: Will the gentleman yield for a question? Who would that not apply with equal force to the initiative and referendum and all other progressive propositions? (applause)

Mr. Webb: I do not expect as much applause on my speech, but I intend to answer him. I am pledged to the initiative and referendum. My people have spoken; I know their wishes. On the recall, as it applies to the judiciary, they have not spoken, and I am not specifically pledged, although by inference I may possibly be. I am not certain even of that, if you favor in your hearts the initiative, referendum and recall you cannot deny that the people should have the right to settle this mooted question as all others. Are you afraid to trust

them? If they vote it down, it should not go in the constitution. If they vote for it, it will go in the constitution. Now, gentlemen, I am always going to raise my voice for those things that appear right, with an utter disregard, with all due respects, to whether that is the will of the majority. I agree with the articles read by the gentleman from Yavapai, except the last, which was a threat. There is nothing that makes me fight harder for a proposition than a threat. If the gentleman from Maricopa had not made the motion, I should have done so, for the simple purpose of going on the record, to show I am not afraid to leave it to the people.

Mr. Feeney: Do you recall a conversation you had with me in Bisbee in the presence of Mr. Bolan?

Mr. Webb: I recall it, but not the exact words.

Mr. Feeney: I remember specifically. I asked you as to your position on the initiative, referendum and recall.

Mr. Webb: And I told you I was in favor of them. I stated in my opening remarks that I would not consent to leave the matter out. There is not a stronger advocate for them than myself on the floor of the convention.

Mr. Moeur: I had not intended to take any part in this discussion this morning, but my colleague says we did not have the initiative, referendum and recall in our platform. We advocated the recall from the housetops, and on every opportunity. I was of half a mind to reconsider my vote on this and vote against it, but as long as the Arizona Democrat is on the other side, I know I am right. (laughter) We pledged ourselves to the people of Maricopa county in our platform to give them the initiative, referendum and recall, and I shall stand here and vote for the recall until I drop dead, if necessary.

Mr. Wood: The platform on which I ran specifically state the recall must be embodied in the constitution, and that is why I am going to stay with it in the constitution.

Mr. Ingraham: This matter as far as Yuma county is concerned, has been settled. Like the gentleman from Maricopa who last spoke, as he states the case was in Maricopa County, s it was in Yuma county, and the question of the recall was thrashed out thoroughly on the stump, so the people understood the situation. In a county where the Republicans usually carried one-third of the candidates, and where the Democratic majority scarcely ever exceeded fifty and was only ten or fifteen, we were elected by three hundred majority and that is the answer of Yuma County. (applause)

Mr. Cunniff: I attended a caucus of the delegates to the Yavapai County Democratic Convention on the night before the convention, and I made the same argument in almost the same words that the gentleman from Graham has employed here today in favor of separate submission, and out of ninety odd in the caucus, I got just one vote, and that my own. Also, although a minority report was offered in that convention to exclude the recall, the majority report which included it was overwhelmingly passed. There is absolutely no question about where the Democrats of Yavapai County are instructed to stand on this question.

Mr. Weinberger: I will say, as far as Gila County is concerned, the people did not send us down here to refer this matter back to them. They sent us down here to put it in the constitution.

Mr. Keegan: I want to reiterate the statement of Mr. Weinberger. That is exactly our position.

Mr. Crutchfield: As I understand the platform on which I ran as delegate from Maricopa County, our instructions were explicit and plain. It read something like this: "That we should make it mandatory on the legislature to pass a suitable recall measure." I think that in their expression there was not a shadow of doubt, of their purpose. They desired that we put this in the constitution, and upon that platform they elected us by large majorities. I do not believe our pledges would be carried out by separate submission of this question. I think the only question possible is one of policy, and, as a politician, a man might desire to throw the responsibility on the people, but, as a man who should use his own judgement, I believe that as delegates to this convention we should take that responsibility on ourselves. It may be I am influenced in this by an entire indifference to personal political fortunes, but, as to policy, I believe we should use our own judgement and that of our people [who] have sent us up here. Our instructions are explicit and plain.

(The Records of the Arizona Constitutional Convention of 1910, Pages 805-812)

[e945188] Mr. President: Call the roll. All those in favor of the amendment offered by the gentleman from Maricopa, Mr. Cassidy, will answer "aye;" opposed "nay."

Roll call showed 11 "ayes" and 36 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945193] Mr. President. The motion is lost. It comes up on third reading. Those in favor of the passage of the proposition will answer "aye," as their names are called; those opposed "no." The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945194] Mr. Standage: Mr. President, I would like to explain my vote on this matter. I voted "aye" on the vote we just had on this. I also vote "aye" on this. I want the people to have the recall in some way. I was in favor of submitting it to the people.

Mr. Wells: Mr. President, I am not opposed to the recall generally, but, as applied to the judiciary, I am utterly opposed. I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945198] Roll call showed 35 "ayes" and 11 "nays."

Mr. President: The proposition is passed.

Mr. Cunniff: Mr. President, the committee on revision has nothing further to offer at this moment.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945202] Mr. President: If there is no objection, the convention will resolve itself into a committee of the whole. We have Proposition Number 8 and Substitute Proposition Number 150. The chair will call on the gentleman from Pima, Mr. Cooper, to take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945204] Mr. President: If there is no objection, the convention will resolve itself into a committee of the whole. We have Proposition Number 8 and Substitute Proposition Number 150. The chair will call on the gentleman from Pima, Mr. Cooper, to take the chair.

(Editorial)

[e945205] Mr. Cooper: If you will excuse me; I am not physically able to stand the exertion.

Mr. President: Will Mr. Pusch, then, take the chair?

Mr. Pusch: If you will excuse me, I am not capable.

Mr. President: Mr. White please take the chair.

Mr. White: I wish to be excused.

Mr. President: Then the gentleman from Maricopa, Mr. Orme, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945207] Mr. President: Then the gentleman from Maricopa, Mr. Orme, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945208] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e945209] The President resumed the chair.

Mr. President: The convention will come to order. The gentleman from Maricopa, Mr. Orme, is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945210] Mr. President: The convention will come to order. The gentleman from Maricopa, Mr. Orme, is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945299] Mr. Orme: "Mr. President, your committee of the whole begs leave to report that it has examined Substitute Proposition Number 8 and recommends that it do pass as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e947486] [Editor's Note: The Report from Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 8 was referred to the Convention.]

(Editorial)

[e945298] Mr. Orme: "Mr. President, your committee of the whole begs leave to report that it has examined Substitute Proposition Number 8 and recommends that it do pass as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945301*] [Editor's Note: Substitute Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e945302*] [Editor's Note: Substitute Proposition Number 8 as amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e945305*] [Editor's Note: In considering the report from the Committee of the Whole, the Convention simultaneously considered the Committee's amendments to Substitute Proposition Number 8.]

(Editorial)

[*e945306*] Mr. President: Those in favor of adopting the report of the committee will answer "aye;" those opposed will answer "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945307*] Mr. President: [...] The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945309*] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945310*] Mr. President: [...] The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945311*] Mr. Bolan: Mr. President, I move we take a recess until 2 o'clock.  
Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[*e945312*] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

## 1.85 Thursday, 01 December 1910, at 14:00 (s16268)

[e945129] Mr. President: The convention will come to order. A quorum is present. We will first take up the records of committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945130] Mr. President: The convention will come to order. A quorum is present. We will first take up the records of committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945167] Mr. President: [...] We will first take up the records of committees.

Mr. Cunniff: Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Propositions Numbers 40, 47, 50, 61, 62, 64, 68, 91, 93, 107, 108, 125, 141, and respectfully recommends that the appended amendments be adopted and that the propositions be adopted in the appended engrossed form.

[Editor's Note: The Records state that the Report included Proposition Number 68 but the Minutes do not. However, a separate Committee report was made, and Proposition Number 68, placed on final passage on 7 November 1910, the Editor's have inferred that the Minutes are correct.]

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the propositions.]

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945169] [Editor's Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945170] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945173] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945177] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945178] [Editor's Note: Proposition Number 62 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946026] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945180] [Editor's Note: Substitute Proposition Number 64 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945183] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945322] [Editor's Note: Proposition Number 93 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945872] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945184] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945185] [Editor's Note: Proposition Number 108 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945838] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945186] [Editor's Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945187] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945191] Mr. Cunniff: [...] Mr. President, I move you that the report of the committee be adopted.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 815-816)

[e945192] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 816)

[e945195] [Editor's note: The editors have created a blank version of the Committee on Style's report in order to replicate the process of the Convention considering each recommendation in turn.]

(Editorial)

[e945197] The Convention began consideration of Substitute Proposition Number 40.

(The Minutes of the Arizona Constitutional Convention, Page 344)

[e945200] Mr. Cunniff moved, seconded by Mr. Coker, that the amendment to Substitute Proposition No. 40 recommended by the Committee on Style, Revision and Compilation, and the report of said Committee thereon be adopted.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the proposition.]

(The Minutes of the Arizona Constitutional Convention, Page 344)

[e945201] Mr. Cunniff moved, seconded by Mr. Coker, that the amendment to Substitute Proposition No. 40 recommended by the Committee on Style, Revision and Compilation, and the report of said Committee thereon be adopted. Carried.

(Editorial)

[e945203] Mr. Parsons moved, seconded by Mr. Ellinwood, that the following be added to said Substitute Proposition to be known as Section No. 4:

Section 4. A county seat may be removed by a majority of the qualified electors of the county, voting on the proposition in favor of such removal, and a majority of the votes cast on the proposition may relocate a county seat. Provided that if at an election where a majority of the votes as above set forth vote for a removal of the county seat, but no place has a majority of the votes for relocation of the county seat, a second election submitting the relocation of the county seat may be held, at which second election only the names of the places having received in the previous election the highest and second highest votes for relocation of the county seat shall be placed on the ballot and voted for. A proposition for removal shall not be submitted in the same county more than once in four years."

(Editorial)

[e945206] Mr. Parsons: Mr. President, when this matter was before the committee of the whole, the question of the adoption of paragraph 5 as it appears in the printed copy was considered, and I think hastily. I now desire to offer an amendment to the report, beginning in line 13 on page 1 of this report and extending to and including line 4 of the following page, be inserted as a part of the proposition.

Mr. Ellinwood: I second the motion.

Mr. Parsons: It reads: [read motion]. I desire to say in support of my motion that as our law now stands it requires a petition signed by one-fourth of the electors who own one-third of the taxable property. It seems we have been eliminating questions of property qualification and we have been endeavoring to substitute men, rather than dollar signs, as units in our form of government, and as this provision provides for a majority of the electors settling this question, I think we will be acting wisely if we add this to it. As the law now stands, I think we will be justified in putting into our constitution a modification of the law as it is on our statute books, and I therefore make this amendment.

Mr. Roberts: Mr. Chairman, this committee of the whole decided the other day that this matter was purely legislative and it seems to me that it is no time to reconsider it here. It seems to me the action of this committee has been proper and fair.

[Remarks by Sims of Cochise not located.]

Mr. Roberts: I appeal to you as Democrats not to impose upon us a big fight at this time.

Mr. Cobb: I am heartily in sympathy with this amendment and I think it would pass. We have had this same fight over in Graham, and the result was the county was divided.

[Remarks by Parsons of Cochise not located.]

Mr. Cunningham: [words missing] ... take up the time of the other members, when Cochise county alone is in the squabble? I have always stood for what I considered fair. I am not saying this is fair or unfair. The law has always insisted that a vote of the majority of the citizens of a county can change a county seat. What do you want to write those things in the constitution for?

Mr. Parsons: Let me ask Mr. Cunningham a question. I would like to ask him what the population of Tombstone was in 1879.

Mr. Cunningham: I was not a citizen of that county at that time.

Mr. Sims: My understanding is that it was about 25,000. There are about 1,000 there now.

Mr. Chairman: Those in favor of the amendment as offered by the gentleman from Cochise, Mr. Parsons, will answer "aye" as their names are called; those opposed will answer "no."

Mr. Doe: Mr. President, I desire to explain my vote. I shall vote no, but solely on the grounds that I deem it purely a matter for legislative enactment and not a proper matter to be brought into the constitution.

[Editor's Note: The Records note this debate as pertaining to Proposition Number 47, when, given the context and the fact that the Minutes attributes the debate to Substitute Proposition Number 40, was clearly in reference to Substitute Proposition Number 40. Furthermore, as this debate occurred in the Convention, the speech attributed to the Chairman was a mistake and was presumably given by the President.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 816-817)

[e945213] Roll call showed 22 "ayes" and 24 "nays".

Mr. President: The motion is lost. Ay other amendments to be offered?

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945216] Mr. Short: I have an amendment here I would like to offer. After the word "thereof" in line 8 in section 3, insert the words "for a term of two years."

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945219] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 344)

[e945221] Mr. Cassidy: Mr. President, I have an amendment here to offer, adding this at the end of the last section: "The board of supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and salaries so fixed shall remain in full force and effect until changed by general law."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945222] Mr. Cassidy: The purpose of this motion is that when we are admitted into the Union, the sheriff, unless we put in a provision of this kind, will have no salary until after the legislature meets, nor justices of the peace or constables.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945226] Mr. Colter: I would like to amend that by including the school superintendent of Apache County.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945227] [Editor's Note: The amendment does not seem to have received a second, as the Convention immediately proceeded to vote on Cassidy's amendment.]

(Editorial)

[e945229] Mr. President: You have heard the amendment as offered by Mr. Cassidy. All those in favor will answer "aye;" those opposed with answer "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945232] Mr. Cobb: Mr. President, I move that where the words "county surveyor" appear, they be stricken out. I do this for the reason that I doubt if there is more than two counties in the territory that have enough work for a county surveyor to insure the election of a competent man. I think it is much better to leave it to the board of supervisors to appoint a good competent man to do the work when they have work to do.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945234] Mr. President: It is on the motion of Mr. Cobb.

(The Records of the Arizona Constitutional Convention of 1910, Page 817)

[e945235] Mr. Cunningham: I rise to a point of order. The result of the vote has been announced and a motion to reconsider would have to be made.

(The Records of the Arizona Constitutional Convention of 1910, Pages 817-818)

[e945236] Mr. President: Gentlemen, you have heard the motion of the gentleman from Greenlee, to strike out the words "county surveyor."

[Editor's Note: The President's comment implies that no action was taken upon the point of order.]

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945239] Mr. Weinberger: I think that we have to have a county surveyor.

Mr. Cobb: We do not have a county surveyor, as the board of supervisors can have any work done that is needed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945240] Mr. President: Are you ready for the question? Those in favor of the motion of the gentleman from Greenlee say "aye;" those opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945251] Mr. Cunningham: I move that the report of the committee be adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945253] Mr. Cunniff: I move you that the matter be re-referred to the committee on style, revision and compilation.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945254] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945255] The Convention then took up Proposition No. 47.

(The Minutes of the Arizona Constitutional Convention, Page 345)

[e945276] Mr. Cunniff: I ask unanimous consent to have Proposition Number 47 re-referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945280] Mr. President: If there are no objections, the proposition will be referred to the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945284] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Substitute Proposition Number 141, relative to child labor.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the proposition.]

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945287] Mr. Cunniff [...] Mr. President, I move the report of the committee be adopted.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945289] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945292] Mr. Cunniff: Mr. President, I move that Substitute Proposition Number 141 as amended be adopted by the convention.

Mr. Parsons: I second the motion.

[Editor's Note: As the committee records do not survive, the editors do not know the content of the Committee on Style's proposed amendments to the proposition.]

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945300] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945303] Mr. President: Call the roll on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945304] Roll call showed 47 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945724] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation relative to Proposition 93, section 1, line 3, strike out after the word "house" the words "to an." Section 2, line 1, strike out the word "passed" and insert the word "enact."

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945726] Mr. Cunniff: [...] Mr. President, I move you that the report of the committee be accepted.

Mr. Roberts: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945727] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945905] Mr. Ellinwood: I move to strike out section 1. I think it is going too far for this constitutional convention to say the legislature shall not allow anyone on the convention floor. Suppose the President of the United States or the governor, or perhaps a governor from some other state, should visit the legislature, would it not be the duty and an act of courage to admit them? I think that it should be left to the legislature to adopt such measures for themselves.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 818-819)

[e945908] Mr. Parsons moved, seconded by Mr. Roberts, to amend the motion that after the word "legislature" in the first line of section 1, the following words be inserted: "without the consent of a majority of the members thereof."

[Editor's Note: The Records describe Parsons' amendment as an amendment to Ellinwood's amendment. However, given the context and the Minutes record of the amendment, it was clearly an amendment to section 1.]

(The Minutes of the Arizona Constitutional Convention, Page 819)

[e945915] Mr. Webb: I desire to speak against that measure. I think that such a measure as this can safely be left to the legislature. There have been times when I would be glad to have had some of my friends take seats beside me in the legislative room and I think that it ought always to be the case, that when friends of the members are here for a brief visit, they should be allowed to take a seat beside the member whose guest they are. It was once customary for chairs to be provided for the wives of the members beside the desks of members, and I think that is a very good custom and should be permitted now, and I am in favor of leaving it to the legislature to make such rules governing who shall or who shall not be allowed in the legislative chambers.

Mr. Feeney: I desire to add my opinion in this matter for I think that it is very probable that the members of the state legislature will come to these halls with exactly the same feeling of loyalty and patriotism that the members of this convention came and that they will be such men as we could safely trust to make their own laws and rules governing those who should be given privileges in the halls of the legislature. This right should not be denied them to make their own rules and for this reason I seconded the Ellinwood amendment.

Mr. Parsons: I desire to say that if the gentlemen feel this way, then they will forever bar the legislature from making any laws against lobbying or, that is, they will give them the right to permit such work as lobbying and there will be no means of preventing it whatsoever, but if the amendment I proposed prevails, then it will give the members who might be opposed to the third house from having any such work in the legislature, but not preventing them from having their wives or their friends visiting them in the halls of the legislature.

Mr. Webb: I think that the whole section should be stricken out as the amendment would permit them to do just as they please just the same as though there were no restrictions at all, and I can see no reason of placing a measure in the constitution which will allow the legislature to do just as they please with the law as without it.

(The Records of the Arizona Constitutional Convention of 1910, Page 819)

[e945916] Mr. President: Gentlemen, the question now comes on the amendment offered by Mr. Parsons. Those in favor of the motion will say "aye;" those opposed "nay." The "nays" have it. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 819)

[e945919] Mr. President: [...] The question now comes upon the motion of Mr. Ellinwood to strike out section 1. Those in favor of the motion will say "aye;" opposed "nay" on the roll call.

Mr. Moeur: I do not think that it is within the province of this convention to make such a law. God knows if they have not better sense than the members of the convention have, then they won't pass any law that would prevent them from doing just as they please and I am in favor of striking out the whole section.

Mr. President: Call the roll, secretary.

(The Records of the Arizona Constitutional Convention of 1910, Pages 819-820)

[e945923] Roll call showed 33 "ayes" and 13 "nays." Motion carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945749] Mr. Webb: I move that further consideration of Proposition Number 93 be indefinitely postponed.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945750] Mr. President: The secretary will call the roll, and those who are in favor of postponement will say "aye;" those opposed "no."

Roll call showed 24 "ayes" and 25 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945925] Mr. Jones (Maricopa): I move that the word "regulate" be stricken out and the word "prohibit" inserted.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945928] Mr. Cunniff: The Committee on Style, Revision and Compilation had a long discussion on that question and it was decided that it was quite impossible to prohibit lobbying but that it could regulate lobbying and for this reason the word "regulate" was employed.

Mr. Wood: One of the state constitutions of the Union says: "Lobbying is hereby declared to be a crime."

Mr. Ingraham: I agree with the gentleman from Yavapai, Mr. Cunniff, in the meaning of the word lobbying. If a friend of mine makes an argument concerning a proposition before the convention or has anyone read a letter in the house, he is lobbying. But there is a difference in lobbying. We should welcome some kinds of lobbying, for we are anxious to know what the people want and we are anxious for light on questions that concern the people and the public,

and for this reason we should welcome lobbying in the sense of learning what the people want and what is the most good for the general public, but lobbying should be regulated by law in order to prevent lobbying from becoming a crime.

Mr. Osborn: I believe it was incorrect.

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945944] Mr. Short: Is section 1 stricken out of the proposition entirely? I would like to offer an amendment to lines 1 and 2, section 1, and make it read as follows: “floor of either house of the legislature.” We do not mind lobbying on the streets but in the houses we do.

[Editor’s Note: The Records and the Minutes provide a conflicting and confusing account of Short’s amendment. The Records say that Short’s amendment was intended to apply to Section 1 of the proposition. However, an amendment to strike out the section had already been agreed. Furthermore, the Minutes claim that Ellinwood, who proposed the amendment to strike out the section, seconded Short’s amendment to the stricken section, which seems unlikely. It seems most plausible that the Minutes recorded this amendment correctly and that the amendment was intended to be applied at the end of Section 2. This hypothesis is further supported by the fact that the amendment is adopted, and an amendment to a stricken section could not be adopted without a motion to reconsider the stricken section. Indeed, as this proposition is incorporated into the Constitution as Article XXII, Section 19, we are able to determine that the amendment was applied to Section 2.]

(The Records of the Arizona Constitutional Convention of 1910, Page 820)

[e945937] Mr. President: The gentleman from Maricopa, Mr. Jones, has an amendment.

Mr. Jones (Maricopa): I would like to have that word “regulate” changed to read “prohibit.”

Mr. President: Those in favor of the motion of the gentleman from Maricopa may say “aye;” those opposed “nay.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 820-821)

[e945945] Mr. President: [...] The question comes up on the motion of Mr. Short. Those in favor of this motion will say “aye;” those opposed “nay.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 820-821)

[e945947] Mr. Jones (Maricopa): If we are going to regulate this I now renew my motion to strike out the word “regulate” and insert the word “prohibit.”

Mr. President: Those in favor of the motion of the gentleman from Maricopa say “aye;” those opposed “nay.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945950] Mr. Cunniff moved, seconded by Mr. Ellinwood to further amend Section 2, by adding at the end of said Section the following words: "and further regulate the practice of lobbying."

[Editor's Note: The Records describe this motion as intending to strike out "and further regulate the practice of lobbying." However, as those words do not exist in the document at this point but do exist in Article XXII, Section 19 of the Constitution, it is clear that the Minutes' account of the amendment is correct.]

(The Minutes of the Arizona Constitutional Convention, Page 346)

[e945953] Mr. President: Those in favor of the motion of Mr. Cunniff will say "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945955] Mr. Short: There has been something left out—"on the floor of either house." I will send that phrase up.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945771] Mr. Osborn: They do not have to do it, and I do not see any use of making such a provision and then leaving it to their choice. I move that the proposition be indefinitely postponed.

Mr. Standage: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945773] Mr. President: Are you ready for the question? Those in favor of indefinite postponement will say "aye;" and those opposed "nay." Roll call, secretary.

Roll call showed 22 "ayes" and 27 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945778] Mr. Lynch: I move the proposition be now adopted as it reads.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945779] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945780] Mr. President: The secretary will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945782] Roll call showed 39 "ayes" and 10 "nays."

Mr. President: The proposition is passed.

[Editor's Note: In the Minutes, Kingan is noted as both voting against the motion and being absent.]

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945789] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Proposition Number 50.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the proposition.]

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945792] Mr. Cunniff: [...] I move you that the proposition be adopted as in the engrossed copy.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945794] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945796] Mr. President: Roll call on final passage.

Roll call showed 45 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945797] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Proposition Number 125.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the proposition.]

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945817] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Proposition Number 125. I move the proposition be adopted as revised and amended.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945818] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945826] Mr. President: The secretary will now call the roll on the final passage.

Roll call showed 45 "ayes" and 1 "nay."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945828] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Proposition Number 108.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945840] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Proposition Number 108. I move you that the report of the committee be adopted.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945841] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945842] Mr. Ingraham: I move you that after the word "election" the word "primary" be added.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945845] Mr. Ingraham: In defense of my amendment, I should like to say that charging fees for primary elections is contrary to the plan of American government. There is an old adage the truth of which, I have no doubt, you will all admit, that "the office should seek the man, not the man the office." However, in the stress and competition of modern political life it becomes necessary for nearly every candidate to get out in the campaign, and in stumping make speeches for the election of himself and his colleagues. Even this we must admit is an unfortunate lapse from the practice of the early days. But what can we say of a law which compels a candidate to pay money for the privilege of running for office—in other words, buy the right to run for office? The fee fixed by law for precinct officers is only \$5; in the county, city or territorial elections it is \$25. Now, this is a very small sum of money, but if you take the number of justices of the peace, constables, county officers and state officers throughout the state, you will see that it is a tremendous tax upon each political party. This, I think, is contrary to the American plan—wholly un-American. If the state can exact \$5, it can exact ten times as much. It is robbery, and I am opposed to the whole system.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945846] Mr. Parsons: I desire to offer an amendment to the amendment of the gentleman from Yuma if he will accept it. After the word "primary," add the words "within the state of Arizona or any political subdivision thereof."

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945847] Mr. Ingraham: I accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945850] Mr. Cunniff: I would like to vote for half of the motion but the other half I do not want to vote for. In this matter I can see no bearing on the subject in the State of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945851] Mr. Ingraham: I withdraw my acceptance of the amendment of Mr. Parsons.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945852] Mr. Parsons: I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945854] Mr. President: All those in favor of the amendment offered by the gentleman from Yuma, say “aye;” those opposed “nay.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945861] Mr. President: [...] If there are no further amendments, we will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945864] Roll call showed 39 “ayes” and 9 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945957] Mr. Moeur: I think the “aye” vote will probably give the number of gentlemen who will be running for office in the near future.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
822-823)

[e945962] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Substitute Proposition Number 61.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945968] Mr. Cunniff: [...] I move the report of the committee be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910)

[e945971] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945974] Mr. President: Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945992] Mr. Webb: Mr. President, I desire to say I am inclined to believe that will apply to school teachers. I vote for no safety, anyway. Quite a number of gentlemen have told me it applied to school teachers. I desire to change my vote from “nay” to “aye.” I am afraid too many will change to allow reconsideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945990] Roll call showed 37 "ayes" and 10 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945995] Mr. Cunniff: Report of Committee on Style, Revision and Compilation on Substitute Proposition Number 107, on militia. I think the substitute was never printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e945998] Mr. Cunniff: Report of Committee on Style, Revision and Compilation on Substitute Proposition Number 107, on militia. I think the substitute was never printed. I move the report of the committee be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946000] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946004] Mr. Tuthill moved, seconded by Mr. Goldwater, to strike out the word "the" at the end of line 1, Section 2, of the engrossed Proposition.

(The Minutes of the Arizona Constitutional Convention, Page 349)

[e946005] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 349)

[e946008] Mr. President: Call the roll on the final passage of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946009] Roll call showed 47 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946011] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation on Substitute Proposition Number 64, on mine inspector, although the revision committee has made one or two minor corrections.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946012] Mr. Cunniff: [...] I move the report be accepted.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946013] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946014] Mr. Moeur: Is any salary provided for this gentleman?

Mr. Cunniff: There is no salary.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946015] Mr. President: The secretary will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946016] Roll call showed 44 “ayes” and 2 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946019] Mr. Cunniff: The next is Proposition Number 62. It has not been printed, but has been revised by the committee, and has nearly the same form as the original, with much of the original left out.

[Editor’s Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style’s proposed amendment to the propositions.]

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946022] Mr. Cunniff: The next is Substitute Proposition Number 62. It has not been printed, but has been revised by the committee, and has nearly the same form as the original, with much of the original left out. Mr. President, I move the report of the committee be accepted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946023] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946030] Mr. Ellinwood: I move to strike out the word “a” before “city” and insert in lieu thereof “an incorporated city or town.”

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 824)

[e946032] Mr. Crutchfield: The question occurs to me is this not doing away with what we were intending to prevent in this clause? It occurs just as much outside of incorporated cities.

Mr. Ellinwood: I am moved by the same spirit as the gentleman from Maricopa, but it seems to me if you leave the word “town” it may be a cross-road with very few inhabitants, and to put the constable or justice in that place on a salary would be more burdensome than the fee system.

Mr. Crutchfield: I withdraw my objection.

Mr. Jones (Yavapai): I agree with the gentleman from Maricopa that the abuse of this fee system is just as large outside of the incorporated cities and

towns, and I do not know but it is more. It is most assuredly true that the burden of taxation caused from taking people to jail and paying railroad expenses and keeping them in jail amounts to more in these outlying districts than it does in the cities and towns where the county jail is right in the town and the district attorney is a resident of the county seat. I, therefore, hope the amendment of the gentleman from Cochise will not prevail.

(The Records of the Arizona Constitutional Convention of 1910, Page 824)

[e946033] Mr. Ellinwood: I think the gentleman from Yavapai is correct in that we have a great many towns of considerable size that are not incorporated. My attention has just been called to a town in my own county, Benson, which is a town of 1,000 population, and the cost of maintaining the justice office is several thousand dollars. It would probably be better to strike out that entire sentence: "all justices of the peace and constables whose precinct includes a town or city or part thereof," and therefore, with the consent of my second I will withdraw my former motion

(The Records of the Arizona Constitutional Convention of 1910, Page 824)

[e946035] Mr. Ellinwood: [...] It would probably be better to strike out that entire sentence: "all justices of the peace and constables whose precinct includes a town or city or part thereof," and therefore, with the consent of my second I will withdraw my former motion, and move to strike out those words.

(The Records of the Arizona Constitutional Convention of 1910, Page 824)

[e946038] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 350)

[e946040] Mr. Webb: I seconded the motion of the gentleman from Cochise, and had he not withdrawn the motion, I should have withdrawn my second, for the reason there has come to my mind a town of several thousand in my county where the fee system has been abused, although that town is not incorporated, but even this last motion is not satisfactory, for I know of a dozen small towns where the office does not average ten dollars in one year, and has not done so. My idea would be, if there is no objection that I can see at this moment, to make it read "including cities and towns with a population of 250 or more."

Mr. Colter: I second the motion. That was what I was going to say.

(The Records of the Arizona Constitutional Convention of 1910, Page 824)

[e946042] Mr. Winsor: It has occurred to me, that inasmuch as we have placed the sheriff's office on a salary, we have done away with the deputy sheriffs. Every sheriff places a deputy in almost every precinct where there is a constable, and a great deal of business that now goes to this deputy sheriff would devolve on constables.

Mr. Webb: That is not true of the precincts in my county.

Mr. Winsor: Possibly not there, but I think that would be so in a great many cases, and there will be more business for the constables hereafter than there has been heretofore, inasmuch as considerable business has been by the

deputy sheriffs, and it seems to me very much in the interest of saving to have all the justices of the peace and constables on salary, which in a small precinct could be a minimum salary.

Mr. Weinberger: I want to say if the proposed amendment prevails, the justice will still be paid fees, because a justice is not a county officer; he is a precinct officer.

(The Records of the Arizona Constitutional Convention of 1910, Pages 824-825)

[e946048] Mr. Ellinwood: Mr. Chairman, my own idea of the proper system is the same system the United States government employs as to the United States commissioners. They allow him fees up to a certain amount, and after that the fees must be turned into the public treasury. The territory should provide that the justice of the peace should receive fees up to \ \$100 a month if his business warranted it, and after that the fees go into the public treasury. I think the committee on revision has a clear idea of our views, and I move we re-refer it to them to draw up another provision.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946051] Mr. Winsor: The gentleman from Cochise states the committee has a pretty clear idea of the views of this convention. I have not, and would like to know what they are.

Mr. Ellinwood: I say they can probably bring in a proposition that would suit.

Mr. Cunniff: I would like to say that as one of the committee, that I have not.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946052] Mr. President: All in favor of the motion will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946090] [Editor's Note: Webb's amendment is not recorded as being voted upon.]

(Editorial)

[e946058] Mr. Cunniff: I would submit that that proposition as it stands represents the opinion of the convention to the best knowledge and information of the committee on the day it was passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946057] Mr. Winsor: I move the bill be placed on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946062] Mr. Weinberger: As a member of the committee on revision I could not improve on it, and I do not believe the other members could.

Mr. Colter: I know it would work a hardship on the justices of the peace in any county, and I would say seven-eighths of them do not get ten dollars a year.

Mr. Jones (Yavapai): I think anybody whose salary did not amount to more than ten dollars ought to have his office abolished.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946068] Mr. President: Call the roll on final passage.

Roll call showed 44 "ayes" and 2 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946088] Mr. Cunniff (reading): Report on Committee on Style, Revision and Compilation on Proposition Number 91. There are one or two slight amendments.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the propositions.]

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946094] Mr. Cunniff: [...] I move the report of the committee be accepted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946095] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946097] Mr. Lynch: I move the proposition be indefinitely postponed.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e946103] Mr. Cobb: Mr. President, I am opposed to this proposition. The county which I represent produces about eighty million pounds of copper. It is the second largest producer in Arizona, and one-half of the men employed underground cannot speak the English language intelligibly. If this provision is adopted, I fear it will close down practically all, if not all, of the mining companies in that district. Now some of them may recover, but one I know that produces at least one-fourth of the total, or twenty million, I doubt if it would ever get on its feet again. The present cost of production is about twelve cents, which leaves them a very narrow margin. I hope we will leave this to the legislature. I am in sympathy with this, and I hope to see the day when it can be safely passed, but I hope it will not be put in the constitution.

Mr. Parsons: May I ask the gentleman a question? What mine is it you have reference to that produces twenty million pounds that would have to shut down if it had to comply with this requirement?

Mr. Cobb: I do not care to mention the name.

Mr. Tuthill: Mr. President, I am not particularly interested in whether or not it shuts down a company or not, but there is one phase of the question proposed that some members of the convention do not take into consideration at all. Now, in my own town there are at least one thousand Mexicans employed in the mines, who do not speak English. Some of these men have been in that town for twenty-five years; they have their families there; they have their little homes which they are constantly improving. Should this pass, it will absolutely say to them, "You cannot work." All they know is mining; and I would ask a careful consideration of this problem from that standpoint.

Mr. Connelly: Mr. President, I think one idea that the former speakers have overlooked is the safety it gives to the rest of the miners compelled to work out the financial part of it. In the mud mill in a smelter in Douglas an accident was caused by some man who did not speak English in starting the mill, and not being able to stop it, or to understand what orders were given him. This is more of a safety appliance than an act the United States could pass for the safety of the fellow employees.

Mr. Moeur: I think this is a very good proposition, but I think it should apply where there are, say 91 percent white men working. What difference does it make whether you speak English if you talk good Mexican, and all the men working in that mine speak Mexican? They might be American citizens and entitled to employment. We have, sometimes, to dig a well around Tempe, and we have to have Mexicans; white men would not do it. I do not think the bill is fair.

Mr. Tuthill: I want to say in answer to the gentleman from Cochise, about a year ago we checked up the percentage of accidents for the last five years, and found that our percentage, as near as we could determine from those of which we could obtain figures, was the lowest in the territory.

Mr. Lynch: I would say in the town of Morenci the conditions are that probably 90 percent of the men who work underground are Mexicans and Italians. They are under the control of shift bosses who also speak Mexican as well as English. Their whole work is conducted by American people, but the work is done by the Mexicans. There is a great deal of work that no white man will do. I seriously believe this is too drastic, as it means absolutely shutting down the mines of Metcalf and Morenci, and the ruin of the county of Greenlee. I am absolutely opposed to it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 826-827)

[e946112] Roll call showed 26 "ayes" and 19 "nays."

Mr. President: The proposition has been indefinitely postponed.

Mr. Cunniff: The convention has now gone over all the matters that the Committee on Style, Revision and Compilation has ready

(The Records of the Arizona Constitutional Convention of 1910, Page 826)

[e946119] [Editor's Note: The Convention had finished considering the report from the Committee on Style.]

(Editorial)

[e946121] Mr. Osborn moved that the Convention adjourn until 9:30 a.m., December 2, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 351)

[e946123] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 351)

[e946129] Mr. President: Gentlemen of the convention, the only proposition is Proposition Number 150 in committee of the whole. If there is no objection, the convention will go into a committee of the whole, with the gentleman from Santa Cruz, Mr. Curtis, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e946131] Mr. President: Gentlemen of the convention, the only proposition is Proposition Number 150 in committee of the whole. If there is no objection, the convention will go into a committee of the whole, with the gentleman from Santa Cruz, Mr. Curtis, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945388] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e945390] The president resumed the chair.

Mr. President: The chair recognizes the gentleman from Santa Cruz, Mr. Curtis.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945393] The president resumed the chair.

Mr. President: The chair recognizes the gentleman from Santa Cruz, Mr. Curtis.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945396] Mr. Curtis: Mr. President, your committee of the whole begs leave to report that it has examined Proposition Number 150, and respectfully recommends that Proposition Number 150 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945398] [Editor's Note: Proposition Number 150 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945403] [Editor's Note: The Report from the Special Committee on Water and Water Rights on Proposition Number 150 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945404] Mr. Curtis moved, seconded by Mr. Wood, that the report of the Chairman of the Committee of the Whole be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e945405] Mr. President: Those in favor of adopting the report of the committee answer "aye;" those opposed "no." The "ayes" have it, so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945406] Mr. President: [...] Shall it have a third reading? Those in favor of that motion answer "aye;" those opposed "no."

(Editorial)

[e945407] Mr. President: [...] The "ayes" have it; so ordered. It will come up tomorrow.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945408] Mr. Parsons: I move that we now adjourn until 10 o'clock tomorrow morning.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945409] The motion prevailed.

The convention adjourned to 9:30 a.m., December 2, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

## 1.86 Friday, 02 December 1910, at 09:30 (s16271)

[e945317] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, page 829)

[e945320] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945323] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945324] Mr. President: A quorum is present and the members will please rise for the chaplain's prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945325] Reverend Crutchfield: O Lord our heavenly father we thank Thee this morning that we are alive and that while we slumbered and slept that no harm came to us to mar our peace and our sweet slumbers, and that no sickness or death crept into our homes to take away our loved ones. We thank Thee that when we awoke this morning that we looked on the light of a new day and with thankful hearts we praise Thee for all Thy blessings and that when we arose from our slumbers that we are permitted to go forth in peace to our labors, while ma[n]y thousands have gone down to death. Now, O Lord, we do thank Thee for all blessings for we know they all emanate from Thee and we ask that Thou wouldst guide us in all our walks of life and in every act of our lives. Keep us from doing wrong, and when any of us do commit those things which are wrong and are sorry and repentant, forgive us, O Lord, for our sins for we are weak and need Thee to lead us every day. Inasmuch as we have once again met in this convention for the labors of finishing the framing of a constitution for a new State we would ask for Thy Holy spirit to guide these men in all that they may do that they may adopt not one measure save it be for the good of the people and the state and the nations where in it might affect the Nation. [sic] We pray for the blessing of heaven to rest upon each and every member and let no one go astray. Now, O Lord, take us into Thy kind care and keeping [word unclear] save us from sin, forgive us when we do sin and when the end shall come save us all in Thy kingdom above. All blessings we ask in the name of Jesus. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945326] Mr. President: The secretary will now read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945327] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945336] Mr. President: Reports of standing committees.

Mr. Jones (Maricopa): I have a report.

Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Sub-committee on Railroads and Public Service Corporations Other Than Railroads begs leave to report it has examined Mr. Ives' communication concerning Substitute Proposition Number 113 and respectfully submits that section number 9 does no injustice to telephone companies."

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e947376] [Editor's Note: Mr. Ives' letter was referred to the convention alongside the committee report.]

(Editorial)

[e945338] Mr. President: If there are no objections, the report will be laid on the table until Proposition Number 113 comes before the convention for third reading. Third reading of propositions.

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e947378] [Editor's note: The letter from Mr. Ives was postponed for debate alongside the committee report.]

(Editorial)

[e945467] Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 150 and respectfully recommends that it be adopted unamended. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945466] Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 150 and respectfully recommends that it be adopted unamended. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945470] On motion of Mr. Cunniff, report was adopted.

(The Minutes of the Arizona Constitutional Convention, Page 353)

[e945471] On motion of Mr. Cunniff, report was adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 353)

[e945472] Mr. Ingraham: I would like to call the attention of the legal fraternity to one phrase used in the proposition, "riparian water rights." The "common law doctrine of riparian rights," is the correct form, I think, rather than "common law doctrine of riparian water rights.

Mr. Jones (Yavapai): The gentleman from Maricopa introduced that and I think he must have understood that it was correct.

Mr. Ingraham: I just wanted to know and called the attention of the legal fraternity to that point.

Mr. Lynch: The riparian water rights is an entirely different right.

Mr. Weinberger: To be exact I think the word "water" should be stricken out, and I suggest that it be eliminated.

Mr. Wood: As a member of that special committee, I would say that we deemed that the word as it is used here can in no way harm the meaning of the sentence and it was decided to leave it there.

Mr. Doe: I think that it is not important enough to cause any dispute as the use of the word can be of no harm whatsoever if it is left in the measure.

Mr. Cunniff: It was referred to the Committee on Style, Revision and Compilation, and in our discussion we decided that the use of the words "water rights" was unimportant, but "riparian rights" might mean the fourth right, so the committee decided to leave the word in.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945476] Mr. President: Call the roll on third reading for final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945480] Roll call showed 46 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945484] Mr. President: If there are no objections, the proposition will be placed on final passage. Those in favor say "aye;" those opposed "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945485] Mr. President: [...] The "ayes" have it. Proposition Number 150 is passed. Is the chairman of the Committee on Style, Revision and Compilation ready to report?

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945512] Mr. Cunniff: I have a report on Proposition Number 9. "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 9 and respectfully recommends that the following amendments be adopted: Line 4—strike out the word "and: and capitalize the "t" of "the" beginning a new sentence therewith. Line 5—strike out "pass" and insert "enact." Line 6—strike out "to" and insert "shall." And that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945515] [Editor's Note: Proposition Number 9 was referred to the Convention alongside the committee's report.]

(Editorial)

[e945518] [Editor's Note: The Committee on Style amendments to Proposition Number 9 were referred to the Convention alongside the Committee's report.]

(Editorial)

[e945521] Mr. Cunniff: [...] Mr. President, I move you the report of the committee be accepted.

Mr. Ellinwood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945528] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945530] Mr. President: If there are no objections, the secretary will call the roll on third reading for final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945531] Roll call showed 45 "ayes" and no "nays."

Mr. President: Proposition Number 9 is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 380)

[e945584] Mr. Cunniff (reading): “Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 48 and respectfully recommends that the following amendments be adopted: Section 1, line 1. Strike out “that;” capitalize the “n” of “no.” Section 2, line 4. Strike out the words “appropriate legislation,” insert “laws.” Line 5—insert after “and” the word “shall.” Line 6—strike out “thereof” insert “of said section” and that the appended engrossed form be adopted.”

(Editorial)

[e945585] [Editor’s Note: Engrossed Proposition Number 48 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e945586] [Editor’s Note: The Committee on Style amendments to Proposition Number 48 were referred to the Convention alongside the Committee’s report.]

(Editorial)

[e945587] Mr. Cunniff (reading): “Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 48 and respectfully recommends that the following amendments be adopted: Section 1, line 1. Strike out “that;” capitalize the “n” of “no.” Section 2, line 4. Strike out the words “appropriate legislation,” insert “laws.” Line 5—insert after “and” the word “shall.” Line 6—strike out “thereof” insert “of said section” and that the appended engrossed form be adopted.”

Mr. Bolan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 830-831)

[e945588] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945593] Mr. Short: After the word “citizens” in line 1, section 1, I move to insert the words “or ward.”

Mr. Cunningham: I second that motion.

(Editorial)

[e945594] Mr. Parsons: You should go down and insert the same in line 2.

Mr. Cunniff: I do not think it should be amended by striking out the word “citizen.”

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945595] Mr. President: Call the roll, secretary.

Roll call showed 29 “ayes” and 18 “nays.”

Mr. President: The amendment has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945596] Mr. Ingraham: Mr. President, I move as an amendment at the point where it speaks of road work. I have not the line before me, but amend it so it will read “street work or other public work.” The reason is that, especially down near the Colorado River, municipalities, towns or counties find it necessary frequently to do levee work. Labor from the penitentiary has been used on this levee work.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945597] Mr. President: You have heard the amendment offered by the gentleman from Yuma, Mr. Ingraham. Those in favor will answer “aye;” opposed will answer “no.” The “ayes” have it, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945598] Mr. President: [...] Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945599] Mr. Lynch: Under the provision of this bill you could not employ a Mexican laborer to cut wood for a school house. I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945600] Mr. Lynch: Under the provision of this bill you could not employ a Mexican laborer to cut wood for a school house. I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945601] Mr. Cunniff: Mr. President, I have turned over these subsequent propositions to the secretary. I think I am needed in my place on the floor. There is a proposition that is of use to the laboring man of this state. I have had no opportunity to speak against the amendment which was first offered and against which I made a fight when the proposition was up on the floor. The proposition is one that was put in the constitution of Utah and other states in the interest of labor, and it is finally lost.

Mr. Lynch: You can use your tax laws—your road law—to compel a Mexican to go out and work assessment on the road, but you won’t hire him on the road and pay for him.

Mr. Bolan: I don’t think we can force him to go out unless he is a citizen of the United States.

Mr. Wills: I voted “no” on that because we have Indians in our county that have to live as well as anybody else. I would rather have them work than have them stealing.

(The Records of the Arizona Constitutional Convention of 1910, Pages 831-832)

[e945607] Secretary (reading): “Phoenix, Arizona, December 2, 1910, Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 137 and respectfully recommends that the word ‘legislation’ therein be stricken out and the word ‘laws’ be inserted and that the word “carry” be stricken out and the word ‘put’ be inserted and that the appended revised and amended form of said proposition be adopted. M. G. Cunniff, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945608] [Editor’s Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e945609] [Editor’s Note: The Committee on Style amendments to Substitute Proposition Number 137 were referred to the Convention alongside the Committee’s report.]

(Editorial)

[e945610] Mr. Cunniff: I move that the proposition as revised and amended be adopted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945611] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945613] Mr. Ellinwood: Mr. President, I move to strike out the word “labor.”

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945616] Mr. Cunniff: I move an amendment to the amendment of the gentleman from Cochise, Mr. Ellinwood, that after the word “black list” the words “of working men” be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945615] Mr. Franklin: I do not understand why the word “labor” is put there. As I understand, they do not blacklist labor; they black list a man for something he has done.

Mr. Ellinwood: That is the reason I move to strike it out. I am opposed to blacklists, whether it be labor of anything else.

Mr. Feeney: Mr. President, the object of putting “labor” in there, and the object of writing it into the constitution is to apply to blacklists, that is, used against labor, and one of the reasons was that the gentleman of the business association here claimed it would stop the listing of the R.G. Dun lists and the exchange of credit lists between stores.

Mr. Franklin: Mr. President, I have never seen a blacklist, but I cannot conceive a possibility where there could be a blacklist of labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945617] Mr. President: The amendment of the gentleman from Cochise, Mr. Ellinwood, to strike out the word "labor" and the amendment of the gentleman from Yavapai, Mr. Cunniff, to insert the words "of working men." It strikes me that if you will withdraw your amendment we will vote on the other one first. If there are no objections, the last amendment will be withdrawn.

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945619] Mr. Kingan: Mr. President, I do not know exactly what the word "blacklist" means.

Mr. President: Mr. Feeney, will you give the gentleman a little light?

Mr. Feeney: Yes, I know what it means. I am on several of them myself. There really should be written in there an amendment referring to the blacklisting of men of organization, of the labor organizations. The blacklist is a list exchange between corporations especially, and between labor and the public; listing a man for violating certain ethics of corporations and of labor. It is done for the purpose of preventing their employment.

Mr. Short: Mr. President, there is a kind of so-called blacklist that is gotten out by the railroads. A railroad corporation has many miles of line. A division superintendent will get out at the end of the month what is called a personal record, or where they have the merit system it comes under that heading, and in that he will say: "John Smith, telegraph operator; 36 years of age; dark complected; weighs 148 pounds; discharged on account of failure to deliver train order." That is all that is said. That is sent to all other division superintendents. He does not say that this mans hall not be employed on any other division, in fact, I do not believe it is customary to send it to any other line of railroad other than his own company. If John Smith comes along looking for a position on another division, the first thing that they do is to go to the records and see if John Smith's name appears there as having been discharged for one reason or another. I doubt if you can prohibit an officer from advising other officers that John Smith has been discharged.

Mr. Doe: Mr. President, could this term be construed as going further than as explained by Mr. Feeney, or might it be construed as going to the extent of covering a clerk who gives reference to a former employer and the contemplated employer writes to the former employer for information, and that information is unfavorable to the clerk. I have no objection if it is merely such a blacklist as Mr. Feeney suggests. If it goes further I should have to vote no.

Mr. Feeney: The credit association may exchange information as to their creditors, but I do not believe it has ever been construed as a blacklist. A blacklist applies to whether you are a union man or not.

Mr. Cunniff: Mr. President, I do not wish to insist on the amendment I offered, but in order that something may appear in the record, I might say that the word "boycott" is a comparatively recent word. It is not many years old, and was derived, as many of us know, from the name of a man. It took some time for the word "boycott" to become a word of common acceptance, but now nobody questions what the word "boycott" means. The word "blacklist," as commonly understood, is a phrase that is used as the antithesis of "boycott," a boycott being an agreement that certain people will not so business

with certain other people. "Blacklist" is used as a term in antithesis with that, as meaning an agreement on the part of certain employers to circulate information about certain classes of employees, and advise others not to hire these employees. It seems to me that if this Convention takes the attitude that the boycott should not be legalized, the Convention should take the attitude that the blacklist should not be legalized. Now that the gentleman from Cochise, Mr. Ellinwood, has offered an amendment that the word "labor" be stricken out, I would advocate that the phrase be left just as it is.

Mr. Bolan: Mr. President, quite a few of the gentlemen of this convention have employed men to labor for them. Some of you have had men working for you that did not come up to the requirement that you deemed necessary and you discharged them. A man who will suit one man will probably not suit another. The idea of this blacklist is just simply to keep one man from injuring a man and keeping him from getting work.

Mr. Ellinwood: Mr. President, take the word "labor." In the mechanics' lien law the word "labor" is always construed to mean manual labor. Now, I am utterly opposed to a blacklist of any kind against any man, whether he be a laboring man, or our good friend from Maricopa county, the preacher. I think the blacklist is vicious. I think the word black list is sufficient and it is broad enough to cover everybody. If it prevents men from their labor it is a vicious thing, and I am in favor of this proposition as enunciated by the gentleman from Yavapai.

Mr. Franklin: Mr. President, I am in favor of voting for this if it will accomplish the object which we intend it to accomplish.

Mr. Jones (Maricopa): When this proposition came up before, I raised the question of the descriptive term "blacklist," and it seemed at the time it was coming into common usage in connection with the interchange of lists between merchants. I think any corporation or any employer of labor knows what the common acceptance of the word "blacklist" is. The most obnoxious form in use is in connection with the suppression of organized labor. A man is not blacklisted for inefficiency, but he might be where there is some labor trouble and he is active in the interest of labor. He is passed down the line and he finds it impossible to secure employment any place. I am in favor of the suppression of the blacklist as it is used against the laboring man.

Mr. Feeney: I don't think there should be any hair splitting over this question. Many men who have been blacklisted have been men of families and have been made wanderers on the face of the earth because of this system of blacklist.

Mr. President: Gentlemen, the question comes up on the amendment offered by the gentleman from Cochise, Mr. Ellinwood, to strike out the word "labor."

Mr. Ingraham: Mr. President, I would say that the word "labor" was inserted there to meet the demands of those gentlemen who are so afraid that information concerning financial standing of persons would be prohibited by this. It seems to me that the objection that has been made to this term "labor" is quibble. It is a labor blacklist as distinguished from a commercial blacklist.

(The Records of the Arizona Constitutional Convention of 1910, Pages 832-834)

[e945623] Mr. President: Call the roll. Roll call showed 15 "ayes" and 33 "nays".

(The Records of the Arizona Constitutional Convention of 1910, Page 834)

[e945625] Mr. President: [...] If there are no further amendments the roll will be called on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 834)

[e945626] Mr. Orme: Mr. President, I would like to ask for information. Suppose a man resigns his position, has the company a right to give him a recommendation? Does it prohibit them from giving him a recommendation?

Mr. Feeney: No, absolutely no.

Mr. Orme: Where a man was discharged for drunkenness, incompetency or neglect of duty, does it prohibit the company from exchanging this class of lists?

Mr. Feeney: It never was so construed.

Mr. Ellinwood: This is a proposition that I wanted to vote for, but with this word "labor" retained, if it means anything, it is the grossest sort of legislation, and I regret exceedingly that I cannot support this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Pages 834-835)

[e945628] Mr. President: Call the roll on final passage.

Roll call showed 46 "ayes" and 3 "nays".

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 835)

[e945632] Mr. Sims: Mr. President, I wish to move reconsideration of Proposition Number 48. At the time I voted on that proposition I was under the impression that it might impair our constitution in some way, but since looking it up I have changed my mind. As it is in other constitutions, I do not see why we should not have it in ours.

(The Records of the Arizona Constitutional Convention of 1910, Page 835)

[e945633] Mr. Cunniff: I beg to say that the original proposition was taken word for word from the constitution of Idaho, and provisions of this kind are in the constitutions or laws of most of the states.

Mr. Parsons: This was from Wyoming.

Mr. Cunniff: Well, it is in Idaho, too, and it would be a very bad thing if this were killed. It was killed by a very slight margin.

Mr. President: Do you want the roll called? Those in favor of reconsideration will answer "aye" as their names are called; opposed "no." The secretary will call the roll on the motion to reconsider Proposition Number 48.

(The Records of the Arizona Constitutional Convention of 1910, Page 835)

[e945636] Roll call showed 25 "ayes" and 24 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 835)

[e945640] Mr. Ellinwood: I would like to ask the proponents what they would do in the case of a Chinese or Mexican interpreter.

Mr. Parsons: He would not be employed on any public works.

Mr. Ellinwood: That is "employment of any kind."

Mr. Cunniff: I should like to say in answer to the gentleman from Cochise that the people who had such an interpreter would get one who had the intention of becoming a citizen.

Mr. Weinberger: I will say, in answer to the gentleman from Cochise, that the interpreter is in attendance on the court under a subpoena, the same as the witness, and it makes no difference whether he is a citizen or not.

Mr. Colter: I want an amendment to work Mexicans. [sic] Up in Apache county we cannot get our road works done without Mexicans.

Mr. Lynch: Before this is passed, let me show briefly what would be the result of the proposition. In the first place, the gentleman from Yavapai states this appears in the constitution of Wyoming. Maybe it is, but Wyoming does not have possibly three per cent of its inhabitants who are not citizens of the United States. It appears in other states where there are very few people who are not citizens of the United States. In Arizona it is different. We have thousands of non-citizens in the territory. We force these people to pay poll tax and then when we have work to do we will not let them do any of it. Does that look right and proper? I say that touches all public work you have. You have got to have labor on your roads; otherwise you would have no roads. No board will employ foreign labor if they can get American labor. On public work they pay the same price to one as to the other. Take your schools, you have Mexicans or foreigners employed to do work around your schools that you cannot get done by Americans. It seems to me this is unjust, unreasonable and unnecessary, and I hope it will be voted down.

Mr. Feeney: There are one million American laborers idle today, and I believe if you pay living wages you can always get American laborers to work on public buildings and roads, You can in Cochise County. The gentleman speaks of Wyoming; he does not recall the big coal mines that have hundreds and thousands of foreign workers who are not, and who do not intend to become American citizens.

Mr. Ingraham: It seems to me that it comes with bad grace from the gentleman from Graham County, Mr. Lynch, to argue against this proposition because of the poll tax, when this convention, as I remember it, voted that we should not hereafter collect any poll tax and did it over the vote of the gentleman from Graham County. I try to take a broad view of this question, looking after the interests of the state now and for years to come. Through the town of Yuma the Southern Pacific takes trainload after trainload of low-browed, small-brained people of various foreign nationalities, and I am glad every time I see them that they are going through; that they are going to the State of California, and not staying in the Territory of Arizona. I tell you that the great employing agencies, chiefly the great corporations, of this country are inflicting upon this country a curse similar to that inflicted by the slave trade before the Civil War. Every train load bears a race problem, the fruits of which will be reaped for hundreds of years. They are entailing Arizona and the other states of the Union in order to get cheap labor, a curse that is similar to the race problem in the South, if not so severe, at least very similar; and I say that when we have a proposition of this kind, which enables us to check this curse to some extent, it is our duty to check it. Let me say also that the Fourteenth Amendment to the United States Constitution, which provides against class legislation, prohibits the state from regulating many things that are very nearly within the police power. A

proposition we had up yesterday, introduced by Mr. Kinney, which prohibited the employment in underground or other hazardous places of people not able to speak English intelligibly,—though I voted for that proposition I am afraid it would have been unconstitutional, yet I was willing to take the risk. In many mines there are more people who speak Spanish, Italian or Slavonian [sic] than who speak English. In these mines, the employment of English-speaking people would be a menace to the other employees, and therefore it might have been argued the employment of English speaking people ought to be prohibited in such mines and that position might have been taken by the courts, because they always take the horn of the dilemma against labor. I say it is unfortunate for the welfare of the state that many of its powers are clipped in that way, but here we have an opportunity in a clearly legal way to check the influx of the lowest class of foreigners, to guard the future welfare of Arizona, and we ought to accept that opportunity. (applause)

Mr. Lynch: I may not be entirely familiar with what is good grace or good form in casting consistent votes in this convention, but I wish to say this, that it is a peculiar conception of good grace on the part of many men from whose names I would judge that their fathers, as I did, came here in the hold of an emigrant ship a few years ago and carved out their fortunes and built up this nation and made it possible for us to build this constitution for this new state. Would it be good grace to pass a law here that sixty years ago would have made them outcasts?

Mr. Feeney: I suppose that was directed at me, but I would say my father declared his intention to become a United States citizen at the age of seventeen years.

Mr. Lynch: And probably voted at that age. (laughter)

Mr. Feeney: Yes, and probably voted at that age. I want those emigrants' children to become Americans and assimilate American freedom and American liberties.

Mr. Orme: The conditions in this county probably differ from almost any other county in the territory. We do a great deal of road work, \ \$40,000 or \ \$50,000 a year, most of it hauling cement and gravel on the roads. There is not one white man's team on the roads. It is utterly impossible to get white men for this work around here, and this would absolutely prevent out hiring teams to do our county work. It will prevent the building of this bridge across the river, where there are thirty men working in water up to their armpits. White men would not try under any circumstances to take such a position. It would be utterly impossible in this county to do any county road work with white people. If they were here we would employ them, but it is utterly impossible to get white help. Lots of these Mexicans have been here twenty or twenty-five years, and it would keep them from working, and allow them to fill up our jails, and it would be an absurd proposition for any man from this county, at least, to vote for this proposition, which would kill public work in this county.

Mr. Bolan: The sentiment of the gentlemen from Maricopa and Graham counties seems to be that this bill is to cut out Mexicans. That is not the idea. We have quite a number of Mexican citizens in our county, and I venture to say it is the same in Maricopa and Graham Counties. This bill is not intended to prevent them from getting public work. If they want to work they can declare their intention to become citizens. I cannot, for the life of me, see the ground on which the gentlemen oppose this, and I hope it will pass.

Mr. Connelly: It seems, from what I understood Mr. Orme to say, if they have Mexicans who have lived here twenty-five years and have not declared the intention to become American citizens, it would be best to get rid of them. The gentleman from Graham is a lawyer; he had to pass an examination, and now he sits behind that qualification and keeps others from practicing unless they pass a like examination, yet when the laboring man tries to put up a qualification he says that is wrong. I do not see why any laboring men should not have their qualifications raised. Although three per cent of the laborers are Mexicans, I will bet there are not three per cent of the lawyers Mexicans, and it is just because they have a qualification that keeps them from getting in.

Mr. Webb: I desire to explain my vote. I am going to vote "no" for the reason that there is a question in my mind whether a person who cannot speak a word of English could express his intention to become a citizen. If they could not, this is unfair, and if they could, this would be inoperative, for the reason that if I wanted to employ one hundred Mexicans I would let them declare their intention without having any idea of becoming citizens.

Mr. Wills: As I believe in equal rights to all, and special privileges to none, I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Pages 835-838)

[e945642] Roll call showed 27 "ayes" and 22 "nays."

Mr. President: The Proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945648] [Editor's Note: Proposition Number 48 was referred to the Committee on Style.]

(Editorial)

[e945644] Mr. Parsons: I move the convention stand at recess until 2 p.m.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945645] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

## 1.87 Friday, 02 December 1910, at 14:00 (s16274)

[e945356] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945358] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945359] Mr. President: [...] Gentlemen, if there are no objections, the convention will stand at ease until the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945360] Recess taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945362] [Editor's Note: The Convention took a recess.]

(Editorial)

[e945364] Mr. President: The convention will come to order and the chair will recognize Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945365] Mr. President: The convention will come to order and the chair will recognize Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Page 838)

[e945401] Mr. Cunniff: Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 52 and respectfully recommends that the appended amendments be adopted and that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Pages 838-839)

[e945402] [Editor's Note: Substitute Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946392] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e946393] Mr. Ingraham: Mr. President, the antecedent of the first "thereto" in this proposition is the old charter and the antecedent of "therewith" is the new charter. I think this is confusing.

Mr. Cunniff: It will be if that is the case. You keep that in mind and we will make the correction.

(The Records of the Arizona Constitutional Convention of 1910, Page 839)

[e945410] Mr. Cunniff: [...] Mr. President, I move the report of the committee be accepted.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 839)

[e945417] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 839)

[e945420] Mr. Franklin: I move you Mr. President, that all of the matter contained in this Substitute Proposition Number 52 as amended by the Committee on Style, Revision and Compilation after section 1 be stricken out and that a provision be inserted [section 2] as follows: "Provided that any city containing now or hereafter a population of more than thirty-five hundred may frame a charter for its own government in such manner and with such powers and limitations as may be prescribed by law," and that in section 1 on line 4, thereof, the word "article" be stricken and the word "constitution" carried out, which brings it direct to the people.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 839)

[e945421] Mr. President: Those who are in favor of the amendment offered by the gentleman from Maricopa, Mr. Franklin, will say "aye;" those opposed "nay." Coll the roll.

Mr. Jones (Maricopa): Mr. President, before this is put to a vote, I would like to say that in my opinion this is one of the best things we will have in the constitution. I know the city of Phoenix has been for five years trying to regulate the rates of public utility companies, and has been trying to do dozens of things a city should do, and we have been told we were without power. Besides, this has evidently had a good deal of attention and provides a good clear way in which all cities can regulate their own affairs and adopt their own charters. I think it gives them absolute home rule, and further, I think sections 5, 6 and 7 are very essential. I should hate to see this defeated.

(The Records of the Arizona Constitutional Convention of 1910, Page 839)

[e945423] Roll call showed 16 "ayes" and 31 "nays."

Mr. President: The motion is lost. Are there any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 358)

[e945425] Mr. Kingan: Part of section 2 was stricken out in the committee of the whole. I can see good reason for that being in, Mr. President. As it now reads, the term "provided by law" is used, and by that we mean act of the legislature or, under the initiative and referendum, an act of the people. Therefore the cities and towns would continue to have their present rights and powers until changed by the law. Suppose a charter then in existence gives a city certain rights and powers. They would continue until changed by law. Is it not

somewhat ambiguous, therefore, and doubtful, to say these rights shall continue until changed by law, and then in the next section wash out any modification or alteration, provide for an entire new charter which, of course, would abrogate them. It seems to me that the words “except as otherwise provided by this constitution” or words equivalent thereto, at the end of section 6, would clear up any ambiguity. I do not make a motion, but I simply call attention to the matter.

(The Records of the Arizona Constitutional Convention of 1910, Pages 839-840)

[e945427] Mr. Cunniff: I should like to move an amendment at that point. We discussed that very thoroughly in the committee, but did not feel authorized to make the change, and I move these words be added: “subject to the provisions of this constitution.” This is a phrase which would cover any restriction the constitution placed on the laws as then existing or any conditions on the powers of the city, which might be made by the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945430] Mr. Winsor: Mr. President, carrying out the line of thought suggested by the gentleman from Pima, Mr. Kingan, and to clear up any ambiguity that may exist in this proposition, I move as an amendment to the amendment proposed by the gentleman from Yavapai, Mr. Cunniff, that section 2 be stricken out, inasmuch as it adds nothing whatever to the powers of the municipality and will not alter the existing laws in any way.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945431] Mr. President: You have heard the amendment of the gentleman from Yuma amending the motion of the gentleman from Yavapai. All in favor of striking out section 2 will answer “aye;” opposed “no.” The “ayes” have it, and the motion is carried. Any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945433] Mr. President: You have heard the amendment of the gentleman from Yuma amending the motion of the gentleman from Yavapai. All in favor of striking out section 2 will answer “aye;” opposed “no.” The “ayes” have it, and the motion is carried. Any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945436] Mr. Winsor: On line 25, page 2, I move that the word “the” the next to last word in the line, be stricken out, and the word “a” inserted. That is to make it conform to the language used in the initiative and referendum.

Mr. Cunniff: I second the motion.

[Editor’s Note: In the absence of intermediary copies of the propositions with the appropriate line numbers, the editors have been unable to determine where this change was to be made.]

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945437] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e946416] Mr. Ingraham: Mr. President, I move an amendment in line 7, page 3, that the word “therewith” be stricken out, and these words inserted, “with said new charter.”

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e946419] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e946421] Mr. Cunniff: I move that it be further amended, “and all amendments thereto” be put in brackets.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e946423] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945442] Mr. President: Are there any other amendments? Hearing none, the secretary will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945443] Roll call showed 43 “ayes” and 3 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945444] Mr. Cunniff: Mr. President, the Committee on Style, Revision and Compilation is prepared to report on Substitute Proposition Number 22. “Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 22, and respectfully recommends that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted.”

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e945445] [Editor’s Note: Substitute Proposition Number 22 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e946442] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e945446] Mr. Cunniff: [...] Mr. President, I move that the report of the committee be adopted.

Mr. Tuthill: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 840-841)

[e945447] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945451] Mr. Cunningham: The word "pass" on line 6, page 6, it seems the revision committee has overlooked. I move to substitute "enact" for "pass."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945452] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945455] Mr. Jones (Yavapai): I would like to know in section 7 what the last sentence means. "All fictitious increases of stock or indebtedness shall be void."

Mr. Cunniff: I beg to say that the revision committee in discussing this matter unanimously decided that they did not know what the word "fictitious" meant. I would like some information from the authors of this proposition, so it can be properly amended.

Mr. Cunningham: It is usually stated "watered."

Mr. Roberts: I might throw a little light on the meaning by calling attention to a case in Colorado, where at a meeting of stockholders of a corporation, 300,000 more shares than they were permitted to issue showed up.

Mr. Cunniff: I beg to say our presumption was that "fictitious stock" was stock issued without money received or labor done, and was really an invalid or illegal issuance of stock.

Mr. Ellinwood: The legal definition of the word "fictitious stock" is "stock issued without consideration." Just exactly what Mr. Cunniff said.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945457] Mr. Winsor: In section 7 (which is section 6 of the original Proposition Number 2) I move to amend as follows: before the word "corporations" which is the first word, insert the word "no." Strike out the letter "s" in "corporations" and strike out the word "not." In order to make it conform with the other paragraph before and after, to make it read "no corporation shall issue stock."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945458] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 841)

[e945459] Mr. Winsor: By reference to section 9, you will discover that provision is made that “no domestic or foreign corporation shall do any business without first having filed its articles of incorporation or a certified copy thereof with the State Auditor.” This is in accordance with the present law, but by further reference to Proposition Number 58, section 4, you will find that the Corporation Commission shall have the sole power to issue certificates of incorporation to companies incorporated under the laws of this state or licenses to foreign corporations. This is evidently conflicting. When this proposition, Number 58, was before us the other night it was explained that it was decided that this business, instead of being done by the State Auditor, should be done by the corporation commission. In conformity therewith, I move that in line 27 of section 9, of the proposition under consideration, the words “State Auditor” be stricken out and “Corporation Commission” be inserted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 841-842)

[e945462] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945469] Mr. Winsor: Section 16 says: “This article shall not be construed to deny the right of the legislative power to impose other conditions upon corporations other than those herein contained.” I move to transpose the sentence to read: “to impose upon corporations other conditions than those herein contained.”

Mr. Crutchfield: I second the motion.

[Editor’s Note: It seems that the words ‘other than those herein contained’ must have been added during engrossment. In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945500] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945504] Mr. Cunniff: Mr. President, section 6, lines 13 and 14 says: “The fictitious increase of stock of indebtedness shall be void.” Strike out the sentence “the fictitious increase of stock or indebtedness shall be void,” and insert “any increase of stock or indebtedness not in conformity with the provisions of this section shall be void.”

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945506] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945509] Mr. Jones (Yavapai): Mr. President, I move that in that section after the word "laws" in line 13 the balance of that section be stricken out.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945511] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 842)

[e945514] Mr. Franklin moved, seconded by Mr. Cunningham, to amend Section No. 4 by striking out in line 19 thereof the following words: "other than in execution of a trust created by law, or by contract."

(The Minutes of the Arizona Constitutional Convention, Page 360)

[e945516] Mr. Franklin: Mr. President, section 4, as printed, reads: "The legislature shall not remit the forfeiture of the charter of any corporation now existing, or amend the same, nor pass any general or special law for the benefit of such corporation other than in execution of a trust created by law or by contract except upon the condition that such corporation shall thereafter hold this charter subject to the provisions of this constitution." As I understand the amendment made by the revision committee, the power there is enlarged and it is made applicable to the legislature and the people.

Mr. Cunniff: Not the power enlarged but the restriction.

Mr. Franklin: The restriction? The part that I take exception to is on line 18: "pass any general or specific law for the benefit of such corporation other than in execution of a trust created by law or by contract." When I first made these observations the convention took a different view and left the provision in. I have had no reason to change my opinion in regard to this. I think it is a matter, if left in the constitution, that the people of this territory will regret. If you will take the phraseology "other than in execution of a trust created by law or by contract," I defy any lawyer in this convention or in this territory, except by due consideration and after the most careful and painstaking research, to define or intelligibly tell to a court or a this convention the meaning of it. I do not know what it means. I looked over 1,200 pages to find what "in due execution of a trust created by law" means, and when we go to the phrase "created by contract" there are 800 pages devoted to that. When the fraudulent Pima County bonds were thrust upon the people of Pima County, and the narrow gauge bonds were thrust upon the people of Yavapai County, the legislature of this territory had no power to enact legislation or validate the action. In the case of Lewis vs. Pima County, the matter was held fraudulent and void as far as these bonds were concerned, and the legislature of this territory was powerless to give the corporations who held the bonds the remedy they sought. They finally went to the Congress of the United States, which had absolute power, and it passed a

law remedying the contract and giving to these bonds a validity that they never in fact or law had. I say if you put these words in the constitution you are doing a wrong.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 842-843)

[e945517] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 360)

[e945519] Mr. President: Gentlemen, are there any other amendments to be offered?

Mr. Curtis: Mr. President, I do not wish to make an amendment but to call the attention of the convention to section 11 on page 4, the peculiar way of voting: "In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter," etc. I do not know that that would be objectionable, but I presume a good many companies do not use that system of voting, and if it was not called for by any of the stockholders, it is a question whether it would be proper to compel them to vote by that system. I presume the interpretation put upon that would be that if no one requested it they would simply vote in the old way.

Mr. Cunniff: I would say that that paragraph simply says that they may cast their votes that way if they so desire.

Mr. Curtis: It says that such directors or managers shall not be elected otherwise.

Mr. Ellinwood: Under the very paragraph itself a stockholder may distribute his votes to each director, or he may accumulate them and vote for one.

Mr. Short: Mr. President, my understanding of this matter is that it is to compel the majority stockholders to cast their votes in this manner in electing officers. If you are going to allow the majority of the number of stockholders to decide this matter it is a sure thing they will not cast it that way. If they want to freeze out some minority stockholders they will vote to cast it under the old system, but if you compel them to elect officers in this way and no other they will have to run for their money.

(The Records of the Arizona Constitutional Convention of 1910, Page 843)

[e945522] Mr. President: If there are no other amendments, call the roll on final passage. Hearing none, the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 843)

[e945525] Roll call showed 44 "ayes" and 4 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 843)

[e945614] Mr. Cunniff: Mr. President, the committee is ready to report on Substitute Proposition Number 113, being the corporation commission.

Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 113 and respectfully recommends that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 843-844)

[e945612] [Editor's Note: Substitute Proposition Number 113 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945620] Mr. Cunniff: Mr. President, I move the report of the committee be adopted.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945622] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945627] Mr. Ingraham: Mr. President, in section 3, line 1, after the word "corporation," I move to insert the words "other than municipal," and in line 8, after the word "corporation" to insert the words "other than municipal." The reason is that it is not at all improbable that cities and towns will operate businesses that are concerned in this proposition, such as gas, electric lights, water supply, etc., and it is not the intention of the committee, I think, to recommend that the commission shall have control of the municipal corporations of a city.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945629] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945631] Mr. President: Gentlemen of the convention, are there any other amendments to be offered? If not, we will call the roll on final passage.

Mr. Cobb: Mr. President, I move that where the word "three thousand" appears in section 18, it be stricken out, and "thirty-five hundred" be inserted.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945634] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945635] Mr. Ellinwood: Mr. President, I wish to offer an amendment; I have this communication of Mr. Ives. I am not interested in the telephone business, but I move that section 9 be amended by adding the following words: "Provided further that no corporation engaged in transmitting telephone messages shall be required under the provisions of this section to transmit any telephone message delivered to it by any other corporation, if such first mentioned corporation operates and maintains a public telephone exchange open and readily accessible to the person from whom such message originated."

Mr. Tovrea: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 844)

[e945637] Mr. President: Are you ready for the question?

Mr. Connelly: I do not believe that is a very good thing to put in, for the reason that it will give the Consolidated Phone a monopoly on long distance business. It does not make any difference to the Consolidated people whether I send the message to be sent by long distance in writing, or use the automatic phone. Suppose you have some little community and they ask the Consolidated to put in phones, but they refuse because they say they have no money. Then these people put in a party phone; they connect with town. Suppose one of these farmers wanted to telephone to Tempe. If you put that amendment in, it cuts them out. I do not believe it is fair at any stage of the game. I do not believe in monopolies.

Mr. Moeur: I hope the amendment offered by Mr. Ellinwood will not pass. We have had the same trouble right here today. We asked the Consolidated people to go south of Tempe and Mesa and put in phones, but they refused and the people go out and raised the money themselves. I do not believe in legislating on behalf of the Southern Pacific.

Mr. Standage: Just a word on that subject. When the Overland Line was put in Mesa, they established an office in Mesa and asked for a franchise in Tempe, but by some crook they failed to get that franchise and they cannot put phones in Tempe. I think without the amendment it would be possible for us in the country to talk to Tempe whether they allow us the franchise or not.

Mr. Moeur: I may say the Overland people put in one phone in Tempe, and I have to get up about six times a night and talk over it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 844-845)

[e945639] Mr. President: All in favor of the amendment will answer "aye;" opposed will answer "no." The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 845)

[e947385] [When the Convention voted to reject Mr Ellinwood's amendment to section 9, they adopted the recommendation from the committee.]

(Editorial)

[e947380] [When the Convention voted to reject Mr Ellinwood's amendment to section 9, the letter from Mr. Ives on the same matter was implicitly dropped.]

(Editorial)

[e945641] Mr. Ingraham: On studying the corporation commission laws of the states of Oklahoma, Louisiana and Virginia, I find that those states are not satisfied with the terms that we have used in section 4. We say that the corporation commission "shall have full power and shall prescribe just and reasonable qualifications." In the corresponding clause in the laws of the states I have mentioned they also have the power to amend. Now it may be that some unfriendly court would say that after the corporation commission had once fixed or prescribed rules, that it exhausted its power and could not do anything more, that is, could not change these. I think we had better exercise an abundance of caution and add a clause at the end of the section to this effect: "Provided further, that such classification, rates, charges, rules, regulations, orders, forms, or systems prescribed or made by the said corporation commission may from time to time be amended or repealed by the commission." I make that motion.

Mr. Wood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 845)

[e945643] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 845)

[e945646] Mr. President: Any other amendments? If not, we will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 845)

[e945647] Mr. Kingan: Mr. President, I want to say a word explaining my vote on this matter. There are many admirable provisions in this measure. It seems to me that entirely too broad a grant of power is given to the commission. They are given power over all corporations that have the power of eminent domain. Now under the bill of rights, that power is exercised by mining companies, irrigation companies, and many companies engaged in private business. To give them that power would be entirely wrong. I therefore vote no, on the entire proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 845)

[e945652] Roll call showed 32 "ayes" and 8 "nays."

Mr. President: The proposition has passed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
845-846)

[e945653] Mr. Franklin: Mr. President, I move you we adjourn.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945654] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945655] Mr. Cunniff: The committee on compilation has two other propositions ready for report if you desire. Substitute Proposition Number 15, on education. “Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 15 and respectfully recommend that the appended amendment be adopted and that the appended engrossed form of the said proposition be adopted.”

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945656] [Editor’s Note: Substitute Proposition Number 15 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e946483] [Editor’s Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e945658] Mr. Cunniff moved, seconded by Mr. Wood, that the report of the Committee on Style, Revision and Compilation be accepted.

(The Minutes of the Arizona Constitutional Convention, Page 362)

[e946712] Mr. Cunniff moved, seconded by Mr. Wood, that the report of the Committee on Style, Revision and Compilation be accepted. Carried.

(The Minutes of the Arizona Constitutional Convention, Page 352)

[e945659] Mr. Jones (Yavapai): Mr. President, on page 5 in line 4, if I remember right, when this bill was up before, the words “or rental” were stricken out, and I see in the engrossed copy they have inserted “or leased.” If you will notice in the next paragraph they say the income derived from this school land shall be used for the yearly maintenance of the school, and in that paragraph it shall go into the permanent school fund. How can it be both? Therefore, I move the words “or leased” be stricken out.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945660] Mr. Crutchfield: [...] The lease money should take the same course the interest takes, and the interest on the money from the land sold is used for the yearly maintenance, but before the land is sold the lease money is really the interest, and should go for the same purpose.

Mr. Parsons: I desire to call the attention of the gentleman from Yavapai to the fact that the succeeding section does not provide that the proceeds from leases shall be used, but that it shall be invested and simply the interest used, and that is what we are entitled to use for the permanent school fund.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945661] Mr. President: All in favor answer “aye;” all opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945662] Mr. Cunniff: Mr. President, I find that in the engrossed copy a whole line has been dropped out in the opening paragraph, through a typewriter’s error, and it has been corrected on the engrossed copy.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945663] Mr. Ingraham: I move that in section 3, lines 22 and 23 the words “a principal of a high school and a county superintendent of schools” be stricken out, and that the words “and two citizen members” be inserted.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945664] Mr. Ingraham: That follows the objection I made when we first took up the discussion of this two or three days ago, that this board of education is top heavy with educators. We all know that educators are apt to get a little theoretical, and a board of educators having only one citizen member, that is the governor, and if two citizen members can be added in place of these school officials, I believe it will be better.

Mr. Moeur: I never heard of an education proposition getting too much educators. The idea of putting some clodhopper on this board! I object to this amendment.

Mr. Cunniff: I will support it if he will also have two citizen members on the board of medical examination and two citizen members on the board of law examiners, and various other professions, and not otherwise.

(The Records of the Arizona Constitutional Convention of 1910, Pages 846-847)

[e945665] Mr. President: Those in favor of the amendment of the gentleman from Yuma will answer “aye;” opposed “no.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945668] Mr. Ingraham: Now Mr. President, I am irrepensible. I want to call the attention of the convention to the Enabling Act in regard to striking out these words “or leased.” I object to that change. If you will look on page 19, the second paragraph of section 28 of the Enabling Act, you will see that the income from the rental of school lands has imposed upon it the same trust that the income from the sale of the land has: that if the income from the sale of the lands must go into the permanent school fund, then the income derived from the lease of the land under the terms of that section must also go into that fund and of course we all must admit that the income from the sale must go into the permanent fund.

Mr. Cunniff: I submit it that the crucial word is the word “therefrom” and the word “therefrom” refers to the word “sale.”

Mr. Jones (Yavapai): Mr. President, I would suggest that the money leased lands is absolutely the same as interest on money loaned out after the sale of the land.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945669] Mr. President: Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945673] Roll call showed 37 “ayes” and no “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945677] Mr. Orme: I move we adjourn to 10 o'clock tomorrow morning. A great many have already left.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945679] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

## **1.88 Saturday, 03 December 1910, at 09:30 (s16282)**

[e945667] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945670] Mr. President: The convention will come to order, and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945674] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945676] Mr. President: The convention will please rise for the chaplain's invocation.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945678] everend Crutchfield: Great God our heavenly Father we return unto Thee this morning our gratitude and thanks for the privilege we have of meeting once again in this convention to enter upon the duties and responsibilities that are ours to perform and we pray Thee that Thou wilt take charge of us this day and let Thy spirit guide us in every act of the day. Take us by Thy hand and lead us in the straight and narrow way in all the walks of life. Now, O Lord, inasmuch as these men are about to complete the work of the framing of the constitution for the making of a great state we are willing that Thou should guide their minds to complete this work to the satisfaction of the members and without error, before they submit it to the people. If there is anything that they have omitted that should be included, inspire their minds to so place those things within that document, and if there are things written in the constitution that should not be there then give them such inspiration as to the amending it that it will be acceptable to the people and to the Congress of the United States. We pray Thee, O Lord, for all that is undone to have wisdom to do. We pray Thee for the great State of Arizona that she may become one of the fairest states in the Union and for the great country in which we live do we pray and for all people and nations grant that peace may ever abide with us. We thank Thee that we are at peace with the world and that no wars or contentions are among our states or between us and other nations and we ask that these blessings continue upon us and that we shall lead lives of worthiness at all times in order that we may merit such blessings. Pardon us for all our sins and make us clean and holy before Thee, and all blessings we do ask of Thee in the name of Thy son, our redeemer. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 847-848)

[e945680] Mr. President: The secretary will now read the minutes.

Mr. Secretary: [starts to read minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945681] Mr. Webb: Mr. President, I move that the further reading of the minutes be dispensed with.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945683] Mr. President: It has been moved and seconded that the further reading of the minutes be dispensed with. Those in favor of the motion will say "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945685] The minutes will stand approved as they are, assuming that they have been read.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945688] Mr. President: [...] Reports of standing committees. Gentlemen, the Committee on Style, Revision and Compilation will be ready in a few moments to give their report, and while they are finishing their business the convention will stand at ease at the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945689] Recess taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945690] [Editor's Note: The Convention took a recess.]

(Editorial)

[e945691] Mr. President: The convention will come to order.

(Editorial)

[e945692] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945699] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 47, that was improperly engrossed and respectfully recommends the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945700] [Editor's Note: Substitute Proposition Number 47 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945701] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 47, that was improperly engrossed and respectfully recommends the appended engrossed form be adopted." Mr. President, I move the report of the committee be adopted.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945702] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945703] Mr. President: The secretary will call the roll on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945704] Roll call showed 47 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945723] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 58 and respectfully recommends the appended amendment be adopted and the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
848-849)

[e945725] [Editor's Note: Engrossed Proposition Number 58 was referred to the  
Convention alongside the Committee's report.]

(Editorial)

[e945729] Mr. Cunniff (reading): "Mr. President: Your Committee on Style,  
Revision and Compilation begs leave to report it has examined Substitute  
Proposition Number 58 and respectfully recommends the appended amendment  
be adopted and the appended engrossed form be adopted." Mr. President, I  
move the report of the committee be adopted.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
848-849)

[e945731] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945734] Mr. President: Are there any amendments to offer?

Mr. Ellinwood: Mr. President, I move the word "five" be stricken out, and  
the word "ten" be inserted.

Mr. Keegan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945735] [Remarks by Ellinwood of Cochise not located]

Mr. Moeur: The statements made by the gentleman from Cochise, Mr.  
Ellinwood, meet my approval for I think that the sum now is too small and that  
ten dollars is not one bit too much, and this should be amended to read "ten"  
in place of "five" dollars.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945737] Mr. President: Those in favor of the amendment will please rise. It  
seems to be unanimous. The amendment is carried. Any other amendments?  
If there are none, the secretary will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945808] Mr. Cunningham moved, seconded by Mr. Cunniff, to amend section  
5, line 1, by striking out the word "provided" and inserting the word "pre-  
scribed."

(The Minutes of the Arizona Constitutional Convention, page 365)

[e945810] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 365)

[e945812] Mr. Moeur: In section 3, I do not believe that the charitable institutions should be relieved from making a report. I think they should be exempt from taxation or license, but not from making a report.

Mr. Ellinwood: I think that the record will say that they must make a report. I think that it is right they should be exempt from taxation, but the very reason that you have given here in the discussions of the subject before is sufficient to determine that they should make an annual report.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945813] Mr. Moeur moved, seconded by Mr. Parsons to amend section 2, at the end thereof by striking out the words "and from the making of such report."

(The Minutes of the Arizona Constitutional Convention, Page 365)

[e945816] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 365)

[e945820] Mr. President: If there are no other amendments the secretary will call the roll on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945821] Roll call showed 40 "ayes" and 7 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945768] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 106 and respectfully recommends that the appended amendments be adopted and the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945769] [Editor's Note: Substitute Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945772] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 106 and respectfully recommends that the appended amendments be adopted and the appended engrossed form be adopted." Mr. President, I move the report be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945774] Mr. Winsor: The word "auditor" is left out.

Mr. Cunniff: It did not appear in the copy.

Mr. Baker: Mr. President, the word "auditor" should appear, as I took it from the Montana constitution.

Mr. President: The motion will come up on the adoption of the report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 849-850)

[e945837] Mr. Moeur: Mr. President, it seems to me that we are allowing too much freedom from taxation in this bill. I am perfectly willing to allow church property to a certain extent to be exempt from taxation, but I am not in favor of exempting Young Men's Christian Associations and Young Women's Christian Associations any more than I would the Odd Fellows, the Masons or the Knights of Pythias. I defy any organization to do any more good to mankind than they do. I make the motion that the Young Men's Christian Association and the Young Women's Christian Association be cut out as being exempt from taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 850)

[e945853] Mr. Cunniff: I ask unanimous consent to write in the words "state auditors" in section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 850)

[e945855] Mr. President: If there is no objection, the secretary will write in the words "state auditor." Hearing none, it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 850)

[e945856] Mr. President: If there is no objection, the secretary will write in the words "state auditor." Hearing none, it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 850)

[e945857] Mr. President: [...] Now let us have the amendment of the gentleman from Maricopa, Mr. Moeur, to cut out the Young Men's Christian Association and the Young Women's Christian Association.

Mr. Parsons: Mr. President, I hope the amendment will not prevail. The gentleman from Maricopa has intimated that he thinks there are some other organizations that are equally entitled to exemption from taxation. If that is true it seems to me that the proper amendment would have been to have added to it such institutions as are on an equal footing with the church. I am not here contesting against the others, if he can establish to the satisfaction of the convention that the property owned by the various lodges ought not to be taxed. I think when this matter was considered that we went into it at considerable length, and would simply say to the gentleman that I am familiar with the work of these other organizations, but it has nothing to do with this amendment. I want to stand here and say that he is asking to cut out two of the most trustworthy organizations that stand within the confines of civilization today. I sincerely and earnestly hope that the members of this convention will not eliminate them from this proposition.

Mr. Chairman: You have heard the amendment as offered by the gentleman from Maricopa, Mr. Moeur. Call the roll. Those in favor of this amendment will answer "aye" as their names are called; those opposed will answer "no." The secretary will call the roll.

Mr. Crutchfield: Mr. President, I would like to explain my vote, as a member of the Y.M.C.A. We do not propose to run our organization exactly as these other organizations are run. We charge admission to nearly everything we have and we charge good rental for our rooms, and we really do not ask for exemption from taxation and I vote “aye.”

Mr. Jones (Maricopa): With the explanation of Mr. Crutchfield, I shall vote “aye;” I would not otherwise.

(The Records of the Arizona Constitutional Convention of 1910, Pages 850-851)

[e945858] The amendment prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 851)

[e945859] Mr. Doe: Mr. President, I have been reading over the proposition, and it seems to me to have been very carefully prepared. The point that seems to me to be objectionable is that the indebtedness is limited to four per centum, but it provides that it may be increased by a vote of two-thirds of the voters. I think that Congress would disapprove an excess of the limitation as imposed by the Harrison Act, that the increase be made at the will of the people who do not necessarily pay taxes. I think it is a safe proposition to say that in many of the counties, at least two-thirds of the voters either pay no taxes or pay only a limited portion of the taxes, but that portion would not be sufficient to deter them from imposing a heavy indebtedness on the county. I therefore suggest as an amendment that in line 20 on page 4, in lieu of the word “two-thirds”, the words “a majority” be substituted, and that for the last word on the line, “voters,” the word “taxpayers” be substituted.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 851)

[e945860] Mr. President: Before putting the question, I would like to ask Mr. Doe if a man paying a road tax or poll tax would not be a taxpayer?

(The Records of the Arizona Constitutional Convention of 1910, Page 851)

[e945862] Mr. Doe: I do not care to answer that off-hand, but I would ask leave to offer a further amendment inserting before the word “taxpayer” [the words] “property taxpayer.”

(The Records of the Arizona Constitutional Convention of 1910, Page 851)

[e945863] [Editor’s Note: As Doe offered this amendment to his own amendment, the addition was taken into the original amendment.]

(Editorial)

[e945865] Mr. Cunniff: I was elected on a Democratic platform that said “equal rights to all; special privileges to none.” I can add nothing to what I said the other evening on a proposition to this same kind, further than to say that property qualifications and taxpayers’ qualifications were in practically all the early constitutions, and since the time of the change in governmental policy

in this nation that came about in the campaign when Thomas Jefferson was elected to the Presidency—a movement that was given further impetus when Andrew Jackson was elected, and Democratic principles and the principles of the Declaration of Independence came into full force in this nation—one by one those qualifications demanding wealth as a prerequisite for taking part in the government have disappeared, until only a few remnants are still left, and I hope that when we get this constitution made—a constitution that will be made by an overwhelming Democratic majority—that none of these remnants of Hamiltonian principles will be left in the state of Arizona.

Mr. Crutchfield: For all ordinary principles I concede that the general principles of democracy require that all citizens shall have a right to vote, but when it comes to the matter of bonds or of special assessments, or anything of that kind, I believe our democratic principles are sound, in that they recognize the special rights of the tax payer to vote on a matter affecting the incurring of a debt. I take exception to the general principle laid down by my colleague from Yavapai, and believe that it is entirely in accord with the purest and best principles of democracy that an election putting a mortgage upon property should be left to the men who own the property. We are bound to recognize that in certain instances the principles of business must characterize us, and I feel the amendment is perfectly in keeping with democratic principles. It would be an inducement and an encouragement to many a man to tie himself to the earth. I think every man, when he gets a little money ahead, ought to get control of some property.

Mr. Cunniff: Mr. President, then let us have some political logic in this matter, and let us cut out from the initiative and referendum, that on all laws that require the spending of the state money nobody can vote on those initiative and referendum laws unless he is a taxpayer, and nobody can sit in the legislature and vote away the money of the state unless he is a taxpayer.

Mr. Lynch: Mr. President, I do not intend to answer the argument of the gentleman from Yavapai, but there seems to me to be some weakness in his logic. My understanding of the principles of democracy is that the people who are to be governed are the people who cast the vote. In putting a tax upon property, the people who are governed are the people who own the property and they are the people who could vote on the proposition.

Mr. Jones (Maricopa): Mr. President, I am in favor of the proposition that Judge Doe has put in if it can be made practical in its workings. But it has never been made practical in its workings, and I would call the attention of the gentleman to the conditions in Denver when the public corporations had control of that city. A lot of taxpayers could put up, say, a watch valued at one dollar and pay a personal tax of ten cents. If this matter can be left to the legislature and can be shaped up in some way where the actual taxpayers would have the voice in it, I would be in favor of it, otherwise I would be in favor of throwing the bars down.

Mr. Jones (Yavapai): Mr. President, I am heartily in accord with the remarks made by Mr. Cunniff. I think we have advanced to the day when this question of a property qualification should be a back number. A man who has a right to vote for a legislature, who really fixes the taxes for all the property in the state, has just as much right to vote in any other tax election, and there is no vote cast in Arizona or any other state, that does not affect directly or indirectly the taxes on property. These gentlemen who say that the actual owner of the

property is the man who pays the taxes do not go to the bottom of the question. The man who is the ultimate consumer is the man who pays the taxes. If I rent a home for thirty dollars a month, the man who pays the rent is the man who pays the taxes.

Mr. Baker: Mr. President, let me call the attention of the gentleman to the fact that if the amendment of the gentleman from Yavapai carries, we would have a ridiculous provision in the terms of the bill itself. Any ordinary elector would vote for any amount of indebtedness up to four per cent, but any amount above that he would drop out and it would require a vote then of the owners of the property.

Mr. Doe: Have not all the counties got four per cent of indebtedness already?

Mr. Wood: In answer to the gentleman from Coconino, I would state that there is not a county in the territory that has four per cent indebtedness as yet; some of them [have] barely one per cent.

Mr. Winsor: Mr. President, there is one feature of this question that appeals to me, and that is that we are very likely to have an inconsistency in the two provisions of our constitution which relate to the qualification of electors. In Substitute Proposition Number 21 provision is made relating to the qualifications of electors. Our statutes contain many provisions relating to the qualifications of electors, and if those provisions now in our statutes are to be amended, they should be amended in a single proposition which would cover the whole subject and prevent an inconsistency. As I read the section in question, as it now stands, no such a tax as that described may be had without the assent of two-thirds of the qualified electors voting at an election to be held for that purpose. The question then will be determined by the qualified electors voting and the qualified electors voting will be determined by the provision describing the qualifications of electors. That matter is one I think will be covered in Substitute Proposition Number 21. It seems to me that that is where the subject should be handled rather than here.

Mr. Parsons: Mr. President, I think the gentleman who are advocating this property qualification for voting overlook one phase of the proposition. I think ample provision is made in this proposition to protect the property interests. Frequently we have advocated here that we believe in majority rule, and in any ordinary proposition that is submitted the majority is all that is sufficient, but in the wisdom of the members here we have made this two-thirds, and I think that is protection enough for the property owner. That puts the question of voting bonds on an entirely different basis from the ordinary proposition, where simply a majority is required. A majority may be obtained with the slightest fraction over fifty per cent, but under the provision in question it requires two-thirds, and it seems to me that is all that should be required.

Mr. Doe: My amendment was a majority of the taxpayers.

Mr. Parsons: That, in my judgement, would change it very little from what we have now, and in having it this way we are at least saved from violating two good democratic principles.

Mr. President: Gentlemen of the convention, the question comes up on the amendment as offered by Mr. Doe of Coconino. Those in favor of the adoption of the amendment will answer "aye;" those opposed "no." The secretary will call the roll. Gentlemen, I vote "no" because I think two-thirds is nearly equal to a majority, and I cannot see much difference.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
851-854)

[e945866] Roll call showed 31 "ayes" and 17 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945867] Mr. President: I will call the attention of the gentleman from Coconino to the fact that his amendment does not fit in the engrossed copy right.

Mr. Doe: It would read "Municipal corporations without the consent of a majority of the property taxpayers therein voting on the election." That would comply with the general territorial law.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945870] Mr. Winsor: Mr. President, I move an amendment as follows: After the word "property taxpayers" as included in the amendment of the gentleman from Coconino, add the words "who must also in all respects be qualified electors."

Mr. Doe: I do not see the necessity for it, but I have no objection to accepting it. I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945871] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945873] Mr. Wood: I offer an amendment to strike out on page 2, line 16, 17 and 18 the words "all property in the state not exempt under the laws of the United States or under this constitution shall be subject to be ascertained as provided by law," for the reason that in the very first sentence of the proposition it states that the power of taxation shall never be surrendered, suspended or contracted away, which I think covers these three lines.

Mr. Keegan: I second that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945874] Mr. Cunniff: I think the gentleman from Yavapai makes that motion under a misapprehension. The first sentence says "the power of taxation shall never be surrendered." It seems to me this is an extremely valuable and important sentence the gentleman wishes to strike out, and of a character we were pledged in our platform in Yavapai County to support.

Mr. Ellinwood: I do not approve of exempting or permitting the legislature to exempt railroads from taxation, which is the only class of property which would be exempt under this. If you have this clause in, the railroads cannot claim exemption, and I think it should remain.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945879] Mr. Wood: I withdraw my amendment.

Mr. Keegan: I withdraw my second.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945880] Mr. Wood: On page 4, line 22, we have an expression “value of the assessable property.” I would like to ask the chairman of the Committee on Style and Revision if that should be “assessable” and not “taxable” as it is used “taxable property” in a former section.

Mr. Cunniff: I should welcome an amendment by the gentleman from Yavapai to change “assessable” to “taxable.”

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945881] Mr. Wood: I move to strike out the word “assessable” on line 22, page 4, and insert in lieu thereof the word “taxable.”

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945882] Mr. President: All in favor will answer “aye;” opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 854)

[e945883] Mr. Wells: I am not certain about the meaning of line 16, page 4. Now the idea intended is that the present indebtedness is to apply to the existing indebtedness at the time of the assessment and that indebtedness shall not exceed four per centum.

Mr. Cunniff: We had all sorts of difficulty in the Committee on Style, Revision as to the question of what the meaning of “present indebtedness” was. Various times are referred to in the different propositions, some to the time the proposition was drawn up, and some to the time of the adoption of the constitution, and another time the admission to statehood; and we took this to mean the time of admission to the Union.

Mr. Wells: That hardly covers the question. The time of admission of the state into the Union would be, say, a year from this time. Now twenty years from now that indebtedness would all be paid, and there might be other indebtedness existing at that time.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945885] Mr. Cunniff: Mr. President, it seems to me that the whole line might be stricken out, including “indebtedness.”

Mr. Ingraham: I believe the point of the gentleman from Yavapai, Mr. Wells, is well taken. I think the Committee on Style has misconstrued the meaning of the word “present.”

Mr. Cunniff: Between the words “including” and “indebtedness” I move to insert the words “at the time of the admission of the state.”

Mr. Parsons: I second the amendment of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945886] Mr. President: If this amendment is adopted, suppose school bonds should be voted between now and admission to the Union?

Mr. Cunniff: The amount of the bonds voted would be under the territorial law at the present time, and at the time of admission they could not exceed the limit of the constitution.

Mr. Goldwater: I would like to ask, suppose we strike out everything from "amount" to "exceeding." Would that be all right?

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945888] Mr. Cunniff: It seems to me the point of the gentleman from Yavapai is well taken. I withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945891] Mr. Goldwater: I move that everything from the word "amount" to the word "exceeding" be stricken out.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945892] Mr. President: The gentleman from Yavapai, Mr. Cunniff, withdraws his amendment with the consent of his second, and the gentleman from Yavapai, Mr. Goldwater, makes a motion. All in favor of that motion will answer "aye;" opposed "no." The "ayes" have it. Any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945895] Mr. Parsons: On line 4, page 3, at the end of the line where it reads "an accurate statement of the expenditures of public money shall be published annually in such manner as the legislature may prescribe," I move to strike out the "legislature may prescribe," and insert in lieu thereof "shall be prescribed by law."

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945898] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 855)

[e945902] Mr. Winsor: I desire to call attention to section 11, page 5, lines 13, 14 and 15. I move to strike out the words "the governor, secretary of state, state auditor, attorney general" and insert in lieu thereof "the chairman of boards of supervisors of the various counties in the state."

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 866-856)

[e945903] Mr. Winsor: Mr. President, when this matter was considered in the committee of the whole a few days ago, very few of the members had had an opportunity to give the subject any thought. It seems to me that in providing

for this state board of equalization there should be an improvement over the system which has prevailed in this territory for a great many years, and which in almost all of its operations has been decidedly unsatisfactory. The county boards of supervisors or of equalization had no voice or authority whatever in the equalization of taxes, or even in the assessment of taxes, upon certain kinds of property, and as a result certain kinds of property have received marked advantages. With a view to correcting this condition to some extent and to make the burden of taxation fall more nearly alike upon the rich and the poor, a system of going beyond the law has grown up, the result being that instead of property being assessed at its full cash value in accordance with the provisions of law, no kind of property is assessed in any county in the territory at a valuation exceeding probably fifty per cent or its real value and in a great many instances it runs down to twenty or twenty-five per cent. In the case of certain classes of corporations the valuation probably does not exceed ten per cent of the real cash value of the property. In the formation of the board of equalization, the duty of which would be to remedy this condition of affairs, it is imperative that all the different sections of the territory should be represented, and that all the different interests, as nearly as may be, should be represented; that men should be upon that board who are thoroughly familiar and conversant with conditions in their own locality, and with the property thereof—men under whose personal inspection that property comes, in order that they may intelligently assess it, and not only assess it, but intelligently equalize the assessment of similar property throughout the state. As it is now, classes of property are assessed at widely varying valuations in the different counties of the territory. If we should make certain officers of the State, for instance the governor, secretary of state, etc., members ex-officio of the board of equalization, I cannot see any great promise of an improvement over the present condition. The plan is too similar to the system now in vogue. I have heard a good deal of criticism of the method of forming the board of equalization as proposed by myself, on account of the expense it would involve, and I cannot see that it would involve any considerable expense. The supervisors are already paid fixed compensation, and the only added expense would be mileage in traveling to the state capital for the purpose of the state board's meetings and perhaps per diem while in attendance upon the meetings. This same expense is incurred under the provision which permits the board of supervisors to send one of their members to attend the annual meeting of the county boards of supervisors, and under that provision much good has been accomplished in the way of equalization. I submit that the plan proposed by myself would be a much more representative form of government than the other.

[Remarks by Ellinwood of Cochise not located.]

Mr. Winsor: I would like to ask the gentleman a question. You state that when the various chairmen of the boards of supervisors enter the meeting of the board of equalization they will be there as the champions of their respective counties with the desire to shirk their share of the taxes, when the duty of this board would be mandatory to equalize the taxes in the different counties. They have got to fix the taxes on all the different classes of property equally and fairly. In what possible way could they shirk?

Mr. Ellinwood: By raising or lowering the various classes of property in the territory, the burden would be shifted. You take this area in Maricopa County of agricultural, irrigated land. If that board put up the value of irrigated land,

it would also be raised on the irrigated land in Graham and Yuma County, but a county like Mohave would not be affected. Take a tax of \ \$2 or \ \$3 on a head of sheep; if the board should vote to make that \ \$4 or \ \$5 a head all the sheep raising counties would be discriminated against as against the other counties.

(The Records of the Arizona Constitutional Convention of 1910, Pages 856-857)

[e945907] Mr. Parsons: Replying briefly to the argument of my colleague from Cochise, Mr. Ellinwood, I want to say his argument would apply with equal force to the system of having the various state officers compose this board. If the governor comes from Cochise, he will be one-fifth of the board, and if he wants a renomination he will lower the valuation to satisfy the voters in dear old Cochise. He will have more than two votes to one from what the chairman of the board of supervisors would have, and would not know one-tenth as much as the chairman about values, for the duty of that chairman is to know the property. Therefore, I do not think it is worthwhile to answer this argument further. I want to amend the amendment to include, in addition to the chairman of the different county boards of supervisors, the three members from the corporation commission, who will be men who know and have access to the books of the various public service corporations under the law, and will be able to help the chairmen of the boards of supervisors to determine what will be an equal and just equalization of the property in the state, because the three men on this corporation commission, will, I believe, have knowledge with reference to a great deal more than one-half of the property of the state, and I think they would be a very valuable addition to the board. I offer that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 857)

[e945909] Mr. Colter: I just want to give an illustration. I have been a member of the board of supervisors of Apache County for four years, and there has not been one year we have been able to comply with the territorial boards' instructions, because they did not understand the conditions in Apache County. I think it is a great deal better to have people on this board who understand conditions throughout the territory.

Mr. Winsor: While I have no objection to the amendment of the gentleman from Cochise, Mr. Parsons, it seems to me the board of equalization would have all the advantages he suggests without the addition of these three members. They could secure all the information desired from the public records. There has been a good deal of criticism offered in regard to the wide powers that have been given to thee members of the corporation commission already. If it is the sense of the convention to add these three members to the board of equalization, I shall be agreeable to it, but if such is not the sense of the convention, I still think the board ought to consist of the chairman of the boards of supervisors.

(The Records of the Arizona Constitutional Convention of 1910, Pages 857-858)

[e945910] Mr. Wood: There seems to be a difference of opinion as to whom should constitute this board, and if conditions should arise that this would not be adequate, we would have to change the system, and, therefore, I move to

amend by striking out the whole part between lines 13 and 23, and leave it to the people.

Mr. Keegan: I second the motion.

(Editorial)

[e945912] Mr. Parsons: I rise to a point of order. There are two amendments already.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e945913] [Editor's Note: As Wood proposed his amendment again later in the session, the editors have inferred that the point of order was taken.]

(Editorial)

[e945914] Mr. Ingraham: I want to call attention to some figures that were produced on the floor of this convention a few days ago by the gentleman from Cochise County, Mr. Ellinwood. He stated he made an investigation at the courthouse in this county or from the officers of this county and they informed him that the taxes in this county were assessed upon the following basis: never less than 20 percent of the actual market value and never more than 30 percent.

Mr. Ellinwood: It was from 25 percent to 33 13 percent.

Mr. Ingraham: I accept the correction. Now the valuation in Yuma County in assessing property is from forty to forty-five per cent, and that shows how the equalizing has been done in the past. That is the trouble all over the United States with general property taxes, and unless Arizona can inject something new we shall have failure. The chairman of the board of supervisors is thoroughly familiar with the property in his county and he knows at what rate this property is assessed. He knows taxation, probably. You need not think you will get property assessed at one hundred cents on the dollar. It never has been and never will be. As for log-rolling, I cannot see how they will log-roll successfully, and every dollar taken off the other counties will leave dollars added in the taxes of the member's own county. There seems to me to be the most perfect balance of power in the board constituted as Mr. Winsor suggests.

Mr. Orme: I cannot stand here and see old Maricopa slandered in this way. The banks are assessed at sixty per cent of their sworn statements. The Noble Block was sold for \$150,000, and is assessed for \$85,000. The Fleming Block was sold for \$80,000, and was assessed for \$70,000, and there is not a building in Phoenix but has been assessed for sixty per cent of the present cost of that building. I say Maricopa county has a larger assessment than any county in the State according to her property. This last year she raised the assessment two million dollars, and that was the only raise throughout the territory. I do not care what officer made the statement quoted, I have sat on that board, and this is the first time I have ever heard that Maricopa had the lowest assessment according to her property.

Mr. Ellinwood: I would like to ask a question. I went into the office of the assessor of Maricopa County, Mr. Frank Luke, and I asked him, in the presence of his deputy what was the average per cent of valuation, not of the Noble or Fleming Block, or any particular building, and he thought a moment and then said "not less than 25 per cent and never more than 33 13 per cent."

Mr. Orme: He wanted to sell you some property. We have farming lands assessed from \ \$500 down to \ \$25 an acre and our vacant lands, wherever there is a title from the government we assess at \ \$2.50 per acre. Yavapai and other northern counties assess them at 40 cents. There is not a single acre of desert lands but pays on a valuation of \ \$2.50, while in Cochise and other counties they pay on a valuation of 40 cents.

Mr. Ingraham: Will the gentleman yield for a question? At what rate did they assess the Pacific Gas and Electric Company?

Mr. Orme: I tried to assess them at the highest price it could be done. You can see from the records that my colleagues would not raise the valuations. I tried to put them at 60 per cent.

Mr. Ingraham: What per cent do they actually pay on?

Mr. Orme: About 33 13 per cent, but when a corporation comes in and swears that it is all the property they have and you know better, how are you going to get on to them?

Mr. Winsor: Accepting the statements of the gentleman from Maricopa, I think everybody will agree that the chairman of the board of supervisors should be a member of this board to settle the matter equitably.

Mr. Orme: Mr. Chairman, we have had in the last few years meetings of the boards of supervisors throughout the territory. We have come together and discussed county affairs and that has resulted in much good in making the assessments closer together, and I believe the several chairmen of the boards of supervisors would be better qualified to pass on the equalization of the whole property than anyone else, because each and every section would be represented, and there could be but very little log-rolling. I think it would be the greatest benefit we could confer.

(The Records of the Arizona Constitutional Convention of 1910, Page 858-859)

[e945917] Mr. Crutchfield: I rise to a question of personal privilege. Since our vote on exemptions, I had a talk with the treasurer of the local Y.M.C.A. and I am informed that it was the expectation of the Y.M.C.A. that they would be exempt, and that the fees charged are not for profit, but for running expenses. I should like to move a reconsideration of the vote by which we removed the Y.M.C.A. and Y.W.C.A. from the exempted class.

(The Records of the Arizona Constitutional Convention of 1910, Page 859)

[e945920] Mr. President: You can make that motion when we meet after adjournment. That would be better.

(The Records of the Arizona Constitutional Convention of 1910, Page 859)

[e945922] Mr. President: You can make that motion when we meet after adjournment. That would be better. The question is upon the amendment of the gentleman from Cochise, Mr. Parsons, to add the corporation commission to this board. Those in favor will answer "aye;" opposed answer "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 859-860)

[e945924] Mr. Wood: I move to amend by striking out from line 13 to line 23, on page 5 and leave it to the legislature.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945926] Mr. Winsor: I certainly hope that amendment will not prevail, as it will leave us under the present system of the board of equalization and [that] is not and never has been in any manner, shape or form, satisfactory.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945927] Mr. President: Those in favor of the amendment offered by the gentleman from Yavapai will answer "aye;" opposed answer "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945931] Mr. Cassidy: I will just say briefly I am opposed to the amendment of the gentleman from Yuma for this reason: it would give the small counties just as much power as the large counties, and half a dozen of the small counties whose total assessments does not equal that of Maricopa could combine and vote her down from five to one.

Mr. Winsor: In reply to that I want to say this: I cannot conceive that the owners of farms in Yuma and Graham counties in the territory will have any desire to raise the valuation of farms in Maricopa when it will raise their own proportionately.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945991] Mr. President: Call the roll on the amendment of the gentleman from Yuma.

Roll call showed 26 "ayes" and 16 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945936] Mr. Parsons: I move we take a recess until 2 o'clock.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945938] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

**1.89 Saturday, 03 December 1910, at 14:00 (s16284)**

[e945940] Mr. President: Convention will come to order. There is a quorum present. Gentlemen of the convention, the question before the convention is the motion to strike out the Young Men's Christian Association and the Young Women's Christian Association.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945941] Mr. President: Convention will come to order. There is a quorum present. Gentlemen of the convention, the question before the convention is the motion to strike out the Young Men's Christian Association and the Young Women's Christian Association.

(The Records of the Arizona Constitutional Convention of 1910, Page 860)

[e945946] On motion of Mr. Crutchfield, seconded by Mr. Goldwater, a call of the House was demanded.

(The Minutes of the Arizona Constitutional Convention, Page 368)

[e945949] On roll call the following delegates answered to their names:

Present—Baker, Bolan, Cobb, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Kinney, Langdon, Lovin, Moore, Morgan, Orme, Osborn, Parsons, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Tuthill, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President.

Absent—Cassidy, Pusch, Standage, Tovrea.

Excused—Bradner, Lynch, Moeur, Wills.

The sergeant at arms was instructed to bring the absent members to the bar of the house.

(The Minutes of the Arizona Constitutional Convention, Page 368)

[e945951] Mr. Osborn moved, seconded by Mr. Wood, that call of the House be dispensed with; carried.

(The Minutes of the Arizona Constitutional Convention, Page 369)

[e945954] Mr. Osborn moved, seconded by Mr. Wood, that call of the House be dispensed with; carried.

(The Minutes of the Arizona Constitutional Convention, Page 368)

[e945958] Mr. Crutchfield: Mr. President and gentlemen of the convention. I would just say that in moving to reconsider this vote—the Young Men's Christian Associations with which I am most familiar have been in California where the board does not ask for exemption, but proposes to pay its own expenses, charging for its privileges. I find on communication with the local board of Y.M.C.A. here that all their arrangements are made with the expectation that their property will be exempt, as all other religious property. And so, because of my statement a number of votes were changed this morning, I feel that it is obligatory upon me to make this motion, and also I believe the Y.W.C.A. of Arizona should be exempt from taxation.

(The Records of the Arizona Constitutional Convention of 1910, Pages 860-861)

[e945961] Mr. President: The gentleman from Maricopa, Mr. Crutchfield, moves to reconsider the motion. All those in favor will answer "aye;" those opposed "no." Call the roll.

Roll call showed 19 "ayes" and 25 "nays."

Mr. President: The motion is lost. Any more amendments to the taxation bill?

(The Records of the Arizona Constitutional Convention of 1910, Page 861)

[e945963] Communication from Kittie Young with reference to taxation of property belonging to old maids read.

(The Minutes of the Arizona Constitutional Convention, Page 368)

[e945964] [Editor's Note: The communication was received without comment.]

(Editorial)

[e945966] Communication from Frank De Sousa, Exalted Ruler of the Benevolent and Protective Order of Elks, inviting the members of the Constitutional Convention and their families and friends to the public Memorial Services to be held at the Elks Theatre, Sunday afternoon at 2:30 o'clock read.

(The Minutes of the Arizona Constitutional Convention, Page 368)

[e945967] [Editor's Note: The communication was received without comment.]

(Editorial)

[e945969] Communication from the Woman's Club of Clifton, Arizona read.

(The Records of the Arizona Constitutional Convention of 1910, Page 368)

[e945970] [Editor's Note: The communication was received without comment.]

(Editorial)

[e945973] Mr. Goldwater: Mr. President, in Substitute Proposition Number 106, I move to strike out the entire section 11, page 5. That is the section that was under consideration when we adjourned. It seems to me that we can wait until the new legislature meets to create a board of equalization. I think the matter is entirely legislative.

(The Records of the Arizona Constitutional Convention of 1910, Page 861)

[e945976] Mr. Winsor: I have seen a great many occasions since the convening of this body when a few hours seemed to work a wonderful transformation in the minds of the members. I trust that this is not one of these occasions, for the motion that has been made is clearly not in the interest of the people, and I think that in more cases than otherwise these transformations that are suddenly worked in the minds of the members are not in the interest of the

people. Mention has been made of the expense that will attach to the meetings of the board of equalization, under the system proposed by myself and which was agreed to by this convention this morning. I say that the expense will be infinitesimal compared with the benefits that will accrue to the people of Arizona by the operation of this provision. If tens of thousands of dollars may be saved by such a plan of equalization, I submit that the expense of a thousand dollars for per diem and mileage is not a liability but an asset. I certainly hope this motion will not prevail.

Mr. Cunningham: Mr. President, I am heartily in accord with the statement of the gentleman from Yuma that when changes in the minds of the members of this convention have been made, it has not been in favor of the people, so when the motion of the gentleman from Yuma was made this morning to change the reading of that section 11, I was confident that it would not be for the interest of the people and therefore voted against it. I shall now support the motion of the gentleman from Yavapai that I voted against this morning. A board of equalization only figures out results. It does not assess property. The assessors simply return the valuation of the property, and the board of equalization then acts upon those returns.

Mr. Colter: Mr. President, if we had had a clause such as we are trying to get at the present, there would have been saved in Apache County alone enough to pay all the expenses that the gentleman has just spoken about, in the way of equalization of taxes, especially with railroad lands and corporation matters.

Mr. Webb: Mr. President, I certainly agree with the remarks of the last speaker and I base my conclusions upon the fact that in the past at least twice that I can recall, the chairmen of the boards of supervisors have met in Phoenix when legislatures were in session, for the purpose of consulting together and agreeing on legislation. I have seen them meet here and quarrel for four or five days and adjourn without agreeing on a single thing and I [have] never known them to accomplish a single thing by meeting here.

(Editorial)

[e945979] Mr. Ellinwood: I oppose the personnel of this board this afternoon, but I am in favor of the motion of the gentleman from Yavapai. So far as I know, no constitution was ever written that did not provide for a state board of equalization. You have provided for a board of education, and if there is any one board that should be created by the constitution itself, it is the board of equalization. Now in order that the members may get the matter before them in another light, I move a further amendment that after the words "board of equalization" be added "which until otherwise provided by law shall consist of," etc.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 862)

[e945980] Mr. Ellinwood: Having stated my position, with the consent of my second, I will withdraw my motion with the understanding that if the motion does not prevail I will then move to insert "until otherwise provided by law."

Mr. Winsor: It is satisfactory to me.

(The Records of the Arizona Constitutional Convention of 1910, Page 862)

[e945982] Description Mr. President: The question will come up on the motion of the gentleman from Yavapai, Mr. Goldwater, to strike out section 11. Call the roll on the motion to strike.

Roll call showed 18 "ayes" and 29 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 862)

[e945984] Mr. Ellinwood: I move you that after the word "equalization" strike out the word "consisting" and insert "which until otherwise provided by law shall consist of," etc.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 862)

[e945986] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 862)

[e945988] Mr. Cobb: Mr. President, I move an amendment to section 8, page four, that all after the word "shall" in line 17 be stricken out down to and including the word "additional" on page five, line 2, and amend so that the section shall read as follows: "No county, city, town, school district, or other municipal corporation shall be allowed to become indebted in any manner for any purpose to an amount, including existing indebtedness, in the aggregate exceeding four per centum of the value of the taxable property, to be ascertained by the last assessment for the state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county, city, town, school district or other municipal corporation shall be void; provided, however, that the legislature may extend the limit mentioned in this section by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary for supplying such city or town with water, artificial light and sewer when the works for supplying such water, light and sewer shall be owned and controlled by the municipality."

(The Records of the Arizona Constitutional Convention of 1910, Pages 862-863)

[e945989] Mr. Lynch: In reference to the system that is in vogue in Colorado, our laws are different. We have bond issues wherein only those who are taxpayers can vote upon the bond issue. The assessment is made practically a year before the taxes are paid, or nearly so. Now the probability of any vote ever coming up whereby the person who becomes a taxpayer not having been possessed of property for less than a year preceding the vote is almost impossible. We will say he is assessed in May. He pays his taxes the first of January. There is a period of eight months that he is not on the tax roll. If an election occurs shortly after that time he will have been a property owner in that county for at least eight months before he votes upon any bond election, so it seems to me under our present system we are safeguarded sufficiently.

Mr. President: Gentlemen, you have heard the amendment as offered by the gentleman from Graham, Mr. Cobb.

Mr. Cunniff: I would like to ask the gentleman from Graham how this differs from the proposition now before us.

Mr. Cobb: The proposition now as amended by the gentleman from Conino leaves it to the taxpayers to increase the debt above 4 per cent.

Mr. Cunniff: So does this.

Mr. Cobb: No, this provides that the legislature may do so.

Mr. President: Call the roll. Those in favor will answer "aye;" those opposed will answer "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 863)

[e945994] Roll call showed 20 "ayes" and 27 "nays."

The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 863)

[e945996] Mr. Cunningham: Mr. President, I am going to offer an amendment. After the word "state" insert "and the auditor of the state who shall be ex-officio chairman of said board," for the reason that there being fourteen members on the board leave it an even number, and by having the auditor of the state as its ex-officio chairman there would be a head of the board always at the capitol for the purpose of keeping files and papers, and he would have the casting vote in case of a tie.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 863)

[e945997] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e945999] Mr. President: Are there any other amendments? If not, we will call the roll on the final passage of the bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946001] Roll call showed 40 "ayes" and 7 "nays."

Mr. President: Proposition Number 106 is passed. Any other propositions?

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946027] Mr. Cunniff: Mr. President, when the report was made yesterday on Substitute Proposition Number 22, it was to be compiled elsewhere, and as that made the record a little incorrect, the committee is now reporting on that paragraph in its revised form: "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined section 14 on Substitute Proposition Number 22, and respectfully recommends that the appended form of said section be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946718] [Editor's Note: Substitute Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946031] Mr. Cunniff: [...] Mr. President, I move that the report of the committee be adopted.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946034] On motion of Mr. Cunniff, seconded by Mr. Parsons, report of the Committee on Style, Revision and Compilation, was accepted.

(The Minutes of the Arizona Constitutional Convention, Page 370)

[e946043] Mr. President: Call the roll on that section.

(The Records of the Arizona Constitutional Convention of 1910, page 864)

[e946045] Roll call showed 47 "ayes" and no "nays."

Mr. President: The section is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946064] Mr. Cunniff: The next is Number 40. This is the proposition on counties that was referred to the committee the other day. "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 40 and respectfully recommends that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946066] [Editor's Note: Engrossed Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946070] Mr. Cunniff: The next is Number 40. This is the proposition on counties that was referred to the committee the other day. "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 40 and respectfully recommends that the appended engrossed form be adopted." Mr. President, I move that the report of the committee be adopted.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946073] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946075] Mr. Sims: Mr. President, I would like to move an amendment by inserting the following new section: "A county seat may be removed by a majority of the qualified voters in the county voting on the proposition in favor of such removal, and a majority of the votes cast on the proposition may relocate a county seat." In support of this amendment I simply refer the gentlemen to

every constitution of the United States. All that I have looked over have a similar provision and I think it is important enough that this go in. I think one of the best evidences that it is not a matter for the legislature to handle is our present statutes. This is a matter that affects every county in the territory. It is a matter that will never be settled until it is settled right.

Mr. Tovrea: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946077] Mr. Roberts: Mr. President, this convention has twice cut out this section. This section will just create a four-cornered fight in Cochise County. It applies particularly to Cochise county at this time, and no other county, and this convention has taken decisive action on this. At this time the people are not able to decide what will take place, and I hope that this paragraph will not be inserted in the constitution, as it will endanger the election of our ticket in Cochise County.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946083] Mr. Short: Mr. President, I would offer an amendment to the amendment of the amendment of the gentleman from Cochise as follows: "A proposition of removal shall not be submitted in the same county more than once every four years."

(The Records of the Arizona Constitutional Convention of 1910, Pages 864-865)

[e946096] Mr. Sims: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 865)

[e946098] Mr. Jones (Yavapai): Does that amendment say qualified electors or qualified taxpayers?

Mr. Sims: Qualified electors.

Mr. Lynch: Mr. President, as I understand the matter, it is simply this: If there is a vote on the county seat removal, and four towns are in the race for the county seat, unless one of these receives a majority vote, it shall not become the county seat, and if in that election there is no majority vote, the question is resubmitted to the voters upon the towns receiving the two highest votes. I cannot see anything wrong with that proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 865)

[e946099] Mr. Winsor: Mr. President, I would like to move another amendment to this effect: after the word "removal" insert the following: "in accordance with such provision as may be prescribed by law by a majority of the qualified electors."

(The Records of the Arizona Constitutional Convention of 1910, Page 865)

[e946100] Mr. Sims: I accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 865)

[e946101] Mr. Webb: Mr. President, I did not expect to say a word, but there are two sides to this question, and the gentleman from Cochise has very emphatically declared that he wants to treat the people fair. I say to him now in all sincerity that you cannot treat the citizens of Arizona right and give them the initiative and referendum without in the next breath saying "only the intelligent may vote," because the vote of the unintelligent cannot safely go hand in hand with the initiative and referendum. I say to them, since we have adopted the initiative and referendum, if it were possible I would write between every two lines in the constitution, "only the intelligent may vote," that our government may be an honest and decent one.

Mr. Cunniff: Mr. President, I would submit in answer to the gentleman from Santa Cruz that the mere addition of a few words in this proposition as it is before the convention, providing the words taken from Maine, Massachusetts and other states farther west that have adopted the educational qualification to the effect that provisions of the section shall not apply to any person who possesses the right to vote upon the adoption of this constitution, brings it into conformity with those old provisions and establishes a rule in our infant state that only those individuals shall be admitted to the right of suffrage in the state who are able to read and write. If we do nothing more we should do at least that much.

Mr. Curtis: Mr. President, the Mexican population in Santa Cruz County does not object to the main provision, but the point is in not disenfranchising the present voters. We have men there that are fifty or sixty years old, that have paid taxes and helped keep our county together before the new generation came, and before I came to the county, and it is a matter of justice and not of policy. They have a right to vote. They have acquired their property.

Mr. Winsor: Mr. President, it seems idle to reply to the point made by the gentleman from Graham, Mr. Webb, to the effect that it is absurd to put upon our statute books an initiative and referendum law and not to have a qualification requiring intelligence, because that point has been made and answered so many times already that it is threadbare. It seems to me that the very fact of intelligence and education being required to vote upon measures by the referendum system that is sufficient proof no educational qualification is necessary. If intelligence is required, it follows naturally that such voters as are not intelligent enough to vote such a ballot will not vote upon these questions at all. If they cannot read you may rest assured they will not be able to vote upon questions submitted on a referendum ballot.

Mr. Roberts: Mr. Chairman, I hope this amendment will not pass. It has been my fortune, or misfortune, to pass most of my life since I was a boy on the frontiers of our country. I have mingled with a class of men who probably did more good toward the upbuilding of our country than any class of men who have knowledge or book-learning. These men are capable in their walk in life. They have not been associated with schools. I have in mind a number of gray-haired men who are property owners of our country, who have given their time and their life to building up our country, who have ability to vote on anything. They cannot read nor write, but it seems to me it is an injustice to say to these men, "We will deny you the right of citizenship." It seems to me that this amendment is unjust.

Mr. Webb: I want to say to the gentleman from Yuma, Mr. Winsor, that if perchance there be any of this vote left which the Democrats there can control,

they will vote on these questions, we will be persistent enough to see that they are taught. As a question of policy, the Democratic party is on record on this matter. I was not one of those in the last legislature who did write it, but it was written and written by the Democrats.

Mr. Jones (Yavapai): Mr. President, it seems to me that the object of cutting out this educational qualification is rather inconsistent being that this morning we placed a property qualification on voters who should vote on bond issues. In all other matters with reference to the state we throw the doors wide open.

Mr. Winsor: Let me ask a question. Did the gentleman want this property qualification placed in the constitution this morning?

Mr. Jones (Yavapai): He did not.

Mr. Connelly: I would like a little information on this proposition. Does this constitution bar the legislature from amending and putting in this qualification in the future?

Mr. Cunniff: Not at all.

Mr. Connelly: Then why are we trying to put it in here? It seems to me that it is a bad policy to put in an educational qualification now when we cannot use it until after the first legislature meets. I think it is nothing but a legislative action.

Mr. Cobb: I would like to state that the legislature cannot amend the constitution. If this is adopted we will have it in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages 865-866)

[e946102] Mr. President: Call the roll.

Roll call showed 20 "ayes" and 26 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946106] Mr. President: [...] Call the roll on the final passage of the bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946107] Roll call showed 46 "aye" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946116] Mr. Cunniff: The next is Substitute Proposition Number 78 on public lands. "Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 78, and respectfully recommends that the following engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946118] [Editor's Note: Engrossed Substitute Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946122] Mr. Cunniff: The next is Substitute Proposition Number 78 on public lands. "Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 78, and respectfully recommends that the following engrossed form of said proposition be adopted." Mr. President, I move the report of the committee be accepted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946124] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946127] Mr. Cunningham: Mr. President, in the latter part of section 10, line 5, the revision does not quite seem to have gotten the idea of the convention in making the changes they have offered. The proposition originally read "The lessee shall be paid by the lessor the value of the improvements." But that was changed by the revision committee to read "The former lessee shall be paid by the succeeding lessee the value of such improvements."

Mr. Ingraham: Mr. President, the word used in the amendment here is "lessor." Now the lessor, gentleman, is the State of Arizona, and if the lessee is to be paid the reasonable value of the improvements by the lessor, that means that the state is going to be in the business of buying up these improvements, and we of the Committee on Style, Revision and Compilation did not think that the intention of the convention. Of course, if you mean that, we have to sit down.

Mr. Cunningham: I did not quite understand. I think the change is right.

Mr. Cobb: The first eight sections are taken from the Enabling Act, and that is simply a repetition. The enabling acts are always bound up along with the constitution, and anyone looking up the law on public lands will have to look at both the Enabling Act and the constitution, and I think section 10 includes the whole thing. The other constitutions do not seem to copy their enabling act.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946128] Mr. Ingraham: I wish to move an amendment. This is a modification of the attempt I made the other day to have the minerals reserved to the state. I have tried to make it more nearly conform to the wishes of the convention as I judge them. The amendment I offer is as follows: "For the purposes of fostering the mining industry and the development of the school and other public lands of the state, including such lands as may be hereafter acquired by the state, laws shall be enacted establishing the terms and conditions on which mining shall be conducted on such lands. The right and title to all mineral deposits underlying such land shall forever be retained in the state, but such mineral deposits may be mined or leased under such provisions as may be established by law; provided that \_\_ per centum of the lead, coal, petroleum, asphaltum, oil, iron, or other mineral products, except gold, silver and copper, hereafter taken from such land shall be paid to the state."

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 867-868)

[e946130] Mr. Cunniff: I should like to say that if I had had the pleasure of seeing that amendment earlier, I might have been able to suggest amendments that would result in a measure for which I could vote, but I do not see how I could offer an amendment to such a complicated measure at this short notice. In the first place I think lead should be taken from the first class, and put in the second, but I cannot make that amendment and therefore I shall have to vote against the proposition.

Mr. Ingraham: Now, as I understand the situation it is this: The school and public lands that are given to the state by the Enabling Act are not supposed to be mineral lands, and if there are any [words missing] to be non-mineral lands we cannot take the position that no minerals will ever be discovered on them; and when they have once passed to the state, the discovery of minerals does not invalidate the state's title. The state owns the land and the minerals. This means that when all this vast body of land is set apart to the state, that the prospecting and mineral development thereon must stop, until the lands are disposed of in some way by the state. Now, it seems to me that there should be some system of laws by which the State of Arizona will allow the prospecting of these lands, and allow mining to go on upon them under such conditions as the legislature shall deem wise to establish. In the latter part of the provision I state that the right and title to all mineral deposits shall forever be retained in the state, but deposits may be mined under such regulations as may be established by law, provided that at least \_\_ per centum of all lead, coal, petroleum, asphaltum, oil, iron, and other mineral products excepting gold, silver and copper hereafter taken from such lands shall be paid to the state.

Mr. Parsons: Will the gentleman yield to a question? Why do you except the gold, silver and copper? The state would get more out of that than out of all the rest.

Mr. Ingraham: I except these minerals because of what I deem to be the opinion of this convention as expressed in the vote upon my similar amendment of a few days ago, and the argument was made that the gold, silver and copper mining industry were conducted on such narrow margins that they could not afford to pay any per centum to the state, and out of deference to the argument I excepted these minerals. Now it seems to me this provision applies with particular strength to the oil industry; it is not at all likely that we have such a vast territory without an oil deposit under it, and these school lands may be underlaid with valuable oil, although they will not sell for a cent more than if they would if the reservation were not made. If upon such land an oil deposit should be discovered, the state might get enough out of this royalty to equal a large tract of land, perhaps as much as all the other lands of the state shall have brought. It seems to me merely a matter of precaution. It will not reduce the value of the land. We will not get a cent more if we throw in the minerals.

Mr. Lynch: Suppose a man purchases this land for farming purposes and has it highly improved. Now the state reserves the oil underneath, oil is discovered and dug every ten or fifteen feet as in California. Would not that ruin the man's farming rights? Does this not create two conflicting estates to the same land, an estate to the surface and an estate to that which lies below the surface?

Mr. Ingraham: If it became necessary to destroy the man's improvements

in order to prospect the land, the state would have to buy those improvements. The matter of the conflicting estate could easily be taken care of in the contracts to develop the oil fields.

Mr. Cunniff: It seems to me that this is not practicable. A proposition might be worked out in this direction, but this one does not take into consideration the practical mining fields. The experience the State of Texas has had in making provisions of this kind has been extremely detrimental to the development of the mineral resources of Texas, and I think this would be unwise in Arizona. If petroleum or coal were discovered in the state and there were a margin of profit beyond the cost of production, the state by levying a tax on profit as it does a bullion tax on gold could get revenue in that way. Therefore, I am opposed to this proposition.

Mr. Franklin: I am opposed to the proposition in its present form. There are two very serious objections. The government of the United States, when it disposes of public lands, does not pretend to reserve any minerals underlying the public land.

Mr. Ingraham: They do not.

Mr. Franklin: The furthest they go is to reserve the known minerals. If we had such a proposition, as the gentleman from Graham has said, we would have two conflicting estates in the land. One who has practiced in the United States land office knows that there is only one way this could arise on government land, and that is where a town site has been previously occupied as a mineral claim. I was interested very recently in a case covering the town site of Ray, where the mineral claimant had dug holes every ten or fifteen feet and absolutely destroyed the uses of the land for townsite purposes. If you have any such provision so there might be conflicting agricultural and mineral rights, it seems to me you would have chaos from start to finish.

(The Records of the Arizona Constitutional Convention of 1910, Pages 867-869)

[e946132] Mr. President: Call the roll on the amendment of Mr. Ingraham. All in favor answer "aye;" opposed "no."

Roll call showed 12 "ayes" and 34 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 869)

[e946136] Mr. Jones (Yavapai): I wish to introduce an amendment as another section to the proposition, as follows: "The lands granted to the state under the provisions of the Enabling Act approved June 20, 1910, shall be selected as provided therein as soon as possible, and in no case shall the selection be delayed longer than two years after the admission of the state into the Union."

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 869-870)

[e946138] Mr. Cunningham: The Enabling Act says they shall not be selected for five years. I do not see why we should amend the Enabling Act.

Mr. Jones (Yavapai): I ask the gentleman to point out to me the whereabouts of this provision in the enabling act.

Mr. Parsons: Section 29 of the enabling act says this shall be done according to the rules in the State of Washington, and Idaho, by Act of Congress, 28 State 294.[sic] Now we would have to have the provisions of that act before we could tell what these terms are.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946139] Mr. President: All in favor of the amendment of the gentleman from Yavapai answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946140] Mr. President: [...] Call the roll on the final passage of the bill. Those in favour will answer "aye"; opposed "no".

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946141] Roll call showed 41 "ayes" and 5 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946150] Mr. Cunniff: The next is Substitute Proposition Number 21 on suffrage and elections: "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that the appended amendments be adopted, and that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946152] [Editor's Note: Substitute Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946155] Mr. Cunniff: The next is Substitute Proposition Number 21 on suffrage and elections: "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that the appended amendments be adopted, and that the appended engrossed form of said proposition be adopted." I move the report of the committee be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946156] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e946160] Mr. Colter: Mr. President, I would like to add an additional section to this proposition, relative to voting on bond issues, etc. "The question concerning bond issues or taxes shall be submitted to the taxpayers of the state or any political subdivision thereof, and on said questions those who possess the qualifications of suffrage shall equally have the right to vote."

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946161] Mr. Winsor: I ask the gentleman to withdraw that motion because I have one which I think will have the same effect.

Mr. Colter: I will see what you have.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946163] Mr. Winsor: If the gentleman withdraws, I will propose this as an amendment, I desire to amend section 2 as follows: Strike out the section as it now appears, and insert in lieu thereof the following: "No person shall be entitled to vote at any general election or for any office that now is or hereafter may be elective by the people or upon any question which may be submitted to a vote of the people (except school elections as provided in section 8 of this article) unless such person shall be a male citizen of the United States of the age of twenty-one or over, and shall have resided in the state one year immediately preceding such election. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor any person convicted of treason or felony, shall be qualified to vote at any election unless restored to civil rights."

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 870-871)

[e946164] Mr. Winsor: Mr. President, we have been frequently accused, and have frequently accused each other, of attempting to legislate in this constitution. The very purpose of the amendment I propose is to avoid legislation. We have upon our statute books qualifications respecting the electors at general elections, at school elections, and at bond elections. In the future we may desire other qualifications for voters at these different elections, and while we have provided for an easily amendable constitution we have found occasion to make frequent use heretofore, and are still making frequent use of the clause "until otherwise provided by law." Now, as a matter of fact, both the meaning and the latitude of this clause is included in the amendment which I propose, although it does not state so in these words. The qualifications for voters are stated negatively, in order that the doors may be left open for such other qualifications as the legislature or the lawmaking power may hereafter see fit to provide, and until the lawmaking power sees fit to change the qualifications now required of electors they will remain as they are. Without entering upon a discussion of the merits of the qualifications now required by law, I submit that the only proper and safe course for us to pursue is to leave the matter in such form that the statutes may be amended by the lawmaking power whenever deemed necessary and [it can] fit the qualifications required of electors to the conditions as they may from time to time exist. I desire to repeat, as I have stated before in the debate upon this question, that there are also important reasons of policy why our constitution should not provide an educational qualification, [the following words are crossed out presumably by Winsor, "and it cannot be said, as it has been suggested, that we can deceive Congress by these means, inasmuch as they know we already have an educational qualification."] If we do not want to incur the displeasure of Congress, and if we want to bring to the support of

this constitution as many voters of Arizona as it is possible to enlist, we should eliminate all the dangerous features we can without sacrificing a principle, or endangering the right. I trust, Mr. President, for many reasons, and especially these I have stated, that the amendment will be adopted.

Mr. Cunniff: Mr. President, I submit that I do not understand where this theory arose that a constitution is a document that consists of prohibitions and restrictions. A constitution is a document that establishes a form of government, and it seems to me that there is nothing that is more important in establishing a form of government than to set down affirmatively and positively the right of suffrage. The constitutions of almost all the states set that down in positive affirmative form, and do not set it down in a negative way. If this matter is set down in our constitution in this negative way proposed by the gentleman from Yuma we have not established in the constitution the most important point in the constitution, namely the right of suffrage.

(The Records of the Arizona Constitutional Convention of 1910, Pages 871-872)

[e946167] Mr. Cobb: Mr. President, I move as an amendment that section 2 be adopted as read.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 872)

[e946169] Mr. President: The question will first come upon the amendment of the gentleman from Yuma.

Mr. Cobb: The ruling of the chair heretofore has been that the second motion had precedence in a case of this kind.

Mr. Ingraham: Mr. President, I want to say just a few words, as I do not want this educational qualification to go through without my serious protest. We have somewhat peculiar conditions in Yuma county. Our Spanish American vote is about one-third of the total vote of the county, and I tell you, gentlemen of the convention, if this educational qualification is put into the constitution at the insistence of the Democrats in this body, when we go before the people in the ratification election you may expect a solid Spanish American vote against the constitution, and to that vote will be added the solid Republican vote; and under these conditions I do not expect that Yuma County can come through that election with a majority for the constitution. Moreover, we hope that in a short time following that election to have another election, and the Democratic party in that county and in this state will have a ticket that will have to run at that election, and this educational qualification we are adopting here today, if we do adopt it, will not apply at that election. Every Spanish American who has heretofore voted will vote in that election, and I tell you he will not vote for any Democrat under those circumstances. Now I have received communications from Yuma County from our constituents there upon this point. I will read a brief passage written by a prominent leader among the Spanish Americans, speaking of the educational qualification: "Certainly," he says, "if it goes into the constitution I for one will do my best to get it turned down" and I believe a great many others look at it in the same light. I believe, Mr. President, that if the Democrats in this organization "monkey" with this proposition when it is absolutely unnecessary, as our statute books cover the question, they will be

“fooling with fire.” If the Democrats attempt to enact this educational qualification aimed as it is at the disenfranchisement of the Spanish American vote, the Democratic party will receive a hard blow. I am opposed to the proposition as submitted.

Mr. Cunniff: I submit the gentleman from Yuma speaks as if we were attempting to do something revolutionary, as if we were attempting to put in the constitution an innovation of a legislative nature. Now, where I grew up it was taken for granted as the ordinary thing as a preparation for qualification that a voter should be able to read and write, and it seems to me more revolutionary to establish the right of suffrage without the educational qualification than to put one in.

Mr. Winsor: I should like to call the gentleman’s attention to the fact that the ordinary qualification for electors, which to my mind is the only fundamental one, has been stated, and inasmuch as we are forming fundamental organic law, then fundamental law is the only thing that should be enumerated in the constitution.

Mr. Curtis: I came from the same state as the gentleman from Yavapai, but it seems to me we should have a provision that this qualification should not apply to any person who now has the right to vote. I think it would be a mistake to disqualify the Mexican vote for the principal reason very few of the citizens that came in under the Guadalupe Hidalgo Treaty are not here but their sons are here, and they have paid taxes long enough before the majority of the members of this convention came to Arizona.

Mr. Cunningham: On looking through the constitution as it has been adopted, it has required a certain residence within the Territory of Arizona before a person is qualified to hold office. The intent was to enable a person holding office to become acquainted with the interests, conditions, and affairs, surrounding him in his official life, and if we are framing a constitution here now after some of the older states and framing it in our knowledge of conditions that exist here, and not in the light of conditions that exist in Arizona, then we are not framing a constitution for the people of Arizona. We should frame a constitution here that would allow all those old men who blazed the way and made it possible for these men to sit here to vote; and because in some other state, in some other country and under other conditions, that we should also do the same, because they have the educational qualification. I think the answer is “no;” we ought to frame a constitution to meet Arizona conditions and Arizona laws. That is what we have been talking about for the whole session, almost sixty days, and it is a wrong view to take of it that we should now attempt in this constitutional convention, in the face of what has been done by Congress, and of what has been done by the legislature, to fly in the face of Congress in that way. We should consider this matter, and treat all the people right, and I, for one, propose to stand for those matters that will treat all the people right, and I do not think it will treat them right if we require an educational qualification of a voter.

(The Records of the Arizona Constitutional Convention of 1910, Pages 872-873)

[e946172] Mr. President: The question comes up on the adoption of section 2. Those in favor of the motion will say “aye,” those opposed “nay” when the roll is called.

Roll call showed 14 "ayes" and 30 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 873)

[e946175] Mr. Wood moved, seconded by Mr. Roberts, as an amendment to Mr. Winsor's motion that Section No. 2 be stricken out and the following words be inserted in lieu thereof as Section No. 2:

"Sec. 2. Every male person, of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all elective officers, and upon all questions which may be submitted to a vote of the people; first, he must be a citizen of the United States; second, he shall have resided in Arizona one year immediately, preceding the election at which he offers to vote, and in the town, county, or precinct, such time as may be prescribed by law; third; he shall be able to read the Constitution of this State in English and to write his name; Provided, that the Provision of this section shall not apply to any persons prevented by physical disability from complying with this requirement; provided further, that no person under guardianship, insane or non compos mentis, shall be qualified to vote at any election not shall any person convicted of treason, or felony be qualified to vote at any election, unless restored to civil rights."

[Editors Note: The Records suggest the amendment may have been much less extensive and that the motion was seconded by Curtis.]

(The Minutes of the Arizona Constitutional Convention, Page 375)

[e946177] Mr. President: Those in favor of the amendment offered by the gentleman from Yavapai, say "aye;" opposed "nay." The secretary will call the roll.

Roll call showed 14 "ayes" and 28 "nays."

Mr. President: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 874)

[e946181] Mr. Ellinwood moved, seconded by Mr. Curtis to amen Mr. Winsor's motion to Substitute, by striking out Section 2 and substitute the following in lieu thereof.

"Section 2. No person shall have the right to vote or be eligible to office under the constitution of this State, who shall not be able to read the constitution in the English language an write his name; provided, however, that the provisions of this section shall not apply to any person prevented by a physical disability from complying with this requisition, nor to any person who shall have the right to vote upon the ratification of this constitution nor to any person who shall have the right to vote at the first election for state officers, nor to any person who shall be sixty years of age or upwards at the time this section takes effect; provided further; that no person under guardianship, non compos mentis, or insane shall be qualified to vote at any election, nor shall any person convicted of treason, or felony, be qualified to vote at any election, unless restored to civil rights."

(The Minutes of the Arizona Constitutional Convention, Pages 375-376)

[e946182] Mr. Webb: Mr. President, the amendment submitted is almost the exact language of the one just voted down, and if the gentleman from Cochise does not know it, he did not know what was going on.

Mr. Ellinwood: This is in the negative and limits the age of men to over sixty.

Mr. Webb: It is almost identical to the one just voted down.

Mr. President: I would state that the amendment of Mr. Ellinwood states the age limit to be sixty years.

Mr. Winsor: I am very glad that the gentleman from Cochise has taken into consideration my position in framing this amendment, but I agree with the gentleman from Graham it is the exact wording of the amendment we just voted down.

Mr. Ellinwood: I was working upon the word of the gentleman from Greenlee, Mr. Cobb.

(The Records of the Arizona Constitutional Convention of 1910, Page 875)

[e946185] Mr. President: Those in favor of the motion of the gentleman from Cochise, Mr. Ellinwood, say "aye;" those opposed "nay," as the roll is called.

Roll call showed 10 "ayes" and 31 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 875)

[e946186] Mr. Cobb: I would just like to say that I feel very much flattered that I should lead the gentleman from Cochise to vote right for once, but he got away from that good influence on that last amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 875)

[e946187] The President then put Mr. Winsor's amendment which was carried.

(The Minutes of the Arizona Constitutional Convention, Page 376)

[e946191] Mr. Jones of Yavapai, moved, seconded by Mr. Wood, to amend Section 13, line 4, by inserting between the word "of" and "state" the words "representative to Congress."

(The Minutes of the Arizona Constitutional Convention, Page 376)

[e946192] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 376)

[e946193] Mr. Osborn moved, seconded by Mr. Baker, to add the following words to be known as Section No. 13.

"Section 13. Questions upon bond issues or special assessments shall be submitted to the vote of property tax payers who shall in all respects be qualified electors of the state, or any political subdivision thereof."

(The Records of the Arizona Constitutional Convention of 1910)

[e946196] Carried by the following vote:

Ayes—Baker, Bolan, Cassidy, Colter, Cooper, Cruthfield, Cunningham, Curtis, Ellinwood, Franklin, Hutchinson, Ingraham, Jacome, Jones, F. A., Keegan, Kingan, Kinney, Langdon, Lynch, Orme, Osborn, Pusch, Roberts, Scott, Short, Simms, Mit., Tovrea, Tuthill, Webb, Weinberger, Wells, Winsor, Mr. President. Total 33.

Nays—Cobb, Coker, Connelly, Cunniff, Feeney, Jones, A. M., Lovin, Moore, Morgan, Parsons, Sims, R. B., Wood. Total 12.

Absent—Doe, Standage, White.

Excused—Bradner, Goldwater, Moeur, Wills.

(The Minutes of the Arizona Constitutional Convention, Pages 376-377)

[e946198] Mr. President: Those in favor of the amendment offered by Mr. Colter say "aye;" those opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 875-876)

[e946200] Mr. President: [...] Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Pages 875-876)

[e946202] Mr. Connelly: I think that the women are entitled to vote for the reason that they are taxed and I am in favor of giving the women the right of suffrage. I think that they would vote much more wisely than many men; therefore, I move to amend by inserting the following: "Section 14: Women who are taxpayers and possessed of the qualifications for the right of suffrage required of men by the constitution, shall equally with men have the right to vote."

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946205] Mr. President: I ask the secretary to call the roll on that amendment. Those in favor of the amendment say "aye;" those opposed "nay."

Roll call showed 27 "ayes" and 18 "nays."

Mr. President: The amendment is passed. The gentleman from Apache.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946207] Mr. Colter: This amendment resolves itself into the same thing that the amendment proposed by myself contained.

Mr. Cunniff: I would like to know who proposed that amendment?

Mr. President: The gentleman from Cochise, Mr. Connelly.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946208] Mr. Roberts: I move that section 14 be stricken out.

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946210] Mr. President: Call the roll on the final passage of the bill.

Roll call showed 21 "ayes" and 24 "nays."

Mr. President: The motion is lost.

(Editorial)

[e946212] Mr. Ellinwood: I move that the proposition be referred to the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946213] Mr. President: Proposition Number 21 is killed.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946214] Mr. Cunniff: I move you that the Committee on Suffrage and Elections be instructed to furnish a revised copy of the bill just defeated, covering the bill on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946216] Mr. Winsor: I move that the form as it reads be adopted, without the last amendment.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946217] Mr. Lynch: That bill is knocked out.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946218] Mr. Coker: I move a re-consideration of the vote.

Mr. Cunniff: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946219] Mr. President: Those in favor of the motion to re-consider say "aye;" those opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946221] Mr. Cunningham: I move to strike out the last amendment made by Mr. Connelly.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946222] Mr. President: Those in favor of the motion to strike out section 14 as amended by Mr. Connelly, say "aye;" those opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 876)

[e946224] [Editor's Note: With the adoption of Cunningham's amendment, Roberts' amendment to the same effect was dropped.]

(Editorial)

[e946225] Mr. Connelly moved to strike out Section No. 13 of the engrossed copy.

(The Minutes of the Arizona Constitutional Convention, Page 378)

[e946226] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 378)

[e946227] Mr. Ellinwood: I move that the proposition be adopted as it now reads.

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 876-877)

[e946228] Mr. President: Those in favor of the motion of Mr. Ellinwood say "aye;" those opposed "nay." Call the roll.

Roll call showed 35 "ayes" and 10 "nays."

Mr. President: Substitute Proposition Number 21 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

[e946229] Mr. Cunniff: I move the convention adjourn until 9:30 o'clock Monday morning.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

[e946230] The motion prevailed.

Convention adjourned to 9:30 a.m., December 5, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

## 1.90 Monday, 05 December 1910, at 09:30 (s16287)

[e946145] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

[e946147] Mr. President: The convention will come to order. The secretary will call the roll.

(Editorial)

[e946153] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

[e946154] Mr. President: The convention will arise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 877)

[e946157] Reverend Crutchfield: O Lord, our Heavenly Father, we thank Thee that Thou hast preserved us through another Sabbath day and through another night, and that we are brought together this morning under circumstances of so much mercy. And now, Lord, as we enter upon the labors and duties of the last week week, perhaps, of this constitutional convention, we should not undertake the work of this week until we have put ourselves under Thy controlling influence, and we pray Thee to guide us this day for Thy Name's sake. We pray Thee, O Lord, if we have done anything wrong up to this day of the convention, we are heartily sorry for it. If it is possible, if we have done anything wrong, for us to right it, help us to right up everything wrong we may have done. If we have neglected to do some things we ought to have done, help us to try to do the right thing the balance of this week, so that these men shall send out this constitution for endorsement or rejection, and, O Lord, we pray that they may have such a constitution as the people will endorse, and they will feel that the confidence they have put in these men in sending them here to frame this constitution has not been betrayed, and may it be such a constitution that we may all be proud of it. This morning, Lord, we need Thee. We dare not take one step without Thy aid. Hold Thou our hands, Lord, so when each of us reaches the margin of that dark river Thou didst cross for us we may find the crossing bright, and when we have wrought Thy will and each one of us has accomplished that whereunto Thou hast sent us into the world, save us in Thy kingdom above, and we will praise Thee forever and ever. Amen.

(Editorial)

[e946158] Mr. President: Gentlemen of the convention, the minutes are not quite ready, so we will have to dispense with the reading of them for a while. Any communications this morning?

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946159] Mr. President: Gentlemen of the convention, the minutes are not quite ready, so we will have to dispense with the reading of them for a while. Any communications this morning?

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946162] The Chaplain: Mr. Chairman and gentlemen of the convention, if you will permit me to speak for a moment I will be glad to do so. You have accorded me the privileges of this house ever since I have been here. I have tried to conduct myself as a man ought to in my position and calling. I have never at any time felt that I wanted to rise to personal privilege, but I want to rise to personal privilege this morning. I have in my hand a communication postmarked at Brooklyn, New York, November 30, 1910, addressed to "Chaplain Crutchfield, Phoenix, Arizona" and I wish the secretary would read this communication to the convention.

Mr. President: Read the communication.

Secretary: Reads the letter from Anne Fisher, Brooklyn, New York.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946165] Mr. Cunniff: Mr. President, I move the letter be submitted to a committee of one consisting of Mr. Connelly.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946166] Mr. President: If there are no objections it will be referred to Mr. Connelly with instructions to answer.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946183] Mr. Wood, Chairman of the Committee on Finance, Accounts and Expense, made the following report:

Phoenix, Arizona, December 5, 1910.

Mr. President:

Your Committee on Finance, Accounts and Expense begs leave to submit the following report, for the week ending December 3, 1910.

Pay Roll of Members...\$1470.00

Pay Roll of Attaches...1181.00

Printing and Delivery of Two Substitute Propositions (18 pages) at \$2 per page...36.00

Stationery and Sundries estimated at...50.00

Total for week ending December 3, 1910...2737.00

Respectfully submitted,

H.R. WOOD,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 379)

[e946184] [Editor's Note: The Convention received the report without comment or objection.]

(Editorial)

[e946194] Mr. President: I will ask the chairman of the committee on revision if he has anything?

Mr. Cunniff: First will be Substitute Proposition Number 8 on schedule. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 8 and respectfully recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946195] [Editor's Note: Substitute Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946197] Mr. Cunniff: [...] Mr. President, I move that the report of the committee be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946199] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946201] Mr. President: Gentlemen of the convention, are there any amendments?

Mr. Parsons: Mr. President, on page 2, lines 9 and 10, it seems to me an amendment would be in order. "All bonds executed to the territory of Arizona or to any county or municipal corporation, or to any officer of any court" it seems to me right there should be added, "within said territory." I would suggest as an amendment that after the word "court" in line 10 the words "within said territory" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946203] Mr. Kingan: Mr. President, it seems to me that this is surplusage.

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946223] [Editor's Note: The Convention did not vote on this amendment and it was not brought up again so we may infer that it was dropped upon Mr. Kingan's comment.]

(Editorial)

[e946204] Mr. Cunningham: Mr. President, I would like to have section 2 read. I believe there is an omission there but I cannot tell without having it read.

Mr. Wood: If the gentleman from Cochise will turn to the original Proposition Number 8, section 2, he will find it verbatim.

Mr. Cunningham: It leaves the educational qualification for voters absolutely in force in the territory.

Mr. Cunniff: My recollection is that the revision committee made no change whatever in that section. If there was no change made then it does not provide for any change made in the laws of Arizona by the Enabling Act, and therefore leaves the educational qualification intact. I think original Proposition Number 8 appears word for word in section 2 as ordered by the committee of the whole.

Mr. President: Any other amendments to be offered?

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946206] Mr. Jones (Yavapai): Mr. President, it seems to me that there should be some provision made here whereby judges of the district court should get a salary between the time of the proclamation of the President, admitting Arizona to the Union, and the time superior judges take charge of the superior court. Therefore, I move that at the end of section 7 be inserted: "Judges of said courts shall receive the same salary for such time as is now provided by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946209] Mr. Cunningham: That would not do. The salaries provided now are partly paid by the United States government and partly by the Territory of Arizona.

Mr. Jones (Yavapai): I notice in the constitution of North Dakota they provide for paying the state and county officers between the time of adopting of the constitution and the time that the officers are elected, that their pay shall be the same as provided under the constitution. That also is not provided for in this constitution.

Mr. Kingan: The condition which will exist here is so different from that which has existed in most territories that the amendment, it seems to me, is entirely unnecessary.

Mr. Cunniff: It seems to me that if we wish to do sound and careful work as the makers of our constitution, we should chink up all these little holes; therefore, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946211] Mr. President: You have heard the amendment of the gentleman from Yavapai, Mr. Jones. Those in favor of this amendment will answer "aye;" those opposed "no." The motion is lost. Are there any other amendments, gentleman?

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946215] Mr. Moeur: I would like to amend line 6 and have "Thomas Jefferson" inserted instead of "Abraham Lincoln."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946220] Mr. President: You have heard the amendment offered by the gentleman from Maricopa, Mr. Moeur. Call the roll on the adoption of the amendment.

Roll call showed 18 "ayes" and 29 "nays."

Mr. President: It is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 879)

[e946292] Mr. Jones (Yavapai): Mr. President, I wish to offer the following: "and their salaries and compensation for such time as shall be provided for in this constitution."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946293] Mr. Winsor: The county officers were provided for by an amendment offered by the gentleman from Maricopa, Mr. Cassidy.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946294] Mr. President: Those in favor of the amendment will answer "aye;" those opposed will answer "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946296] Mr. Jones (Yavapai): You have not provided yet how these officers shall qualify. Therefore, I introduce this amendment to be inserted as section 13, and that the present section 13 shall become section 14: "The officers elected at the election provided for under the Enabling Act, approved June 20th, 1910, shall within thirty days after the date of the proclamation of the President, admitting the State of Arizona into the Union, take the oath of office provided by this Constitution, and give the same bond required by the laws of the Territory to be given in case of like officers of the Territory and the counties thereof, and shall thereupon enter upon the duties of their respective offices; but the law-making power may require by law all such officers to give other or further bonds as a condition of their continuance in office."

Mr. Cunniff: I would like to say that in my opinion Mr. Jones has done a very valuable and careful piece of work on these three amendments he has offered, and I think the motion should prevail. I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946299] Mr. Kingan: Mr. President, I move an amendment to the amendment of the gentleman from Yavapai, Mr. Jones, by inserting "that the superior courts shall open their sessions at 9:00 o'clock and hold until 5:00 o'clock in the afternoon.["]

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946300] Mr. President: Those in favor of the amendment offered by the gentleman from Pima, Mr. Kingan, will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946301] Mr. President: [...] It now comes up on the original motion offered by the gentleman from Yavapai, Mr. Jones. Those in favor answer "aye;" opposed "no." Those in favor of the amendment will please rise; opposed will please rise. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946302] Mr. President: [...] Any other amendments, gentlemen? If not, we will call roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946303] Roll call showed 47 "ayes" and 1 "nay."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946311] Mr. Cunniff: The next is Substitute Number 54, on mode of amending. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 54, and respectfully recommends that the appended, engrossed form be adopted." Mr. President, I move the adoption of the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946312] [Editor's Note: Substitute Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946313] Mr. Cunniff: [...] Mr. President, I move the adoption of the report.  
Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
880-881)

[e946314] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946315] Mr. President: Are there any amendments to be offered? If not, we will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946317] Roll call showed 41 "ayes" and 6 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946325] Mr. Cunniff: The next is Proposition Number 88 on employer's liability. "Your committee on style, revision and compilation begs leave to report it has examined Proposition Number 88, and recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946326] [Editor's Note: Proposition Number 88 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946327] Mr. Cunniff: This has been revised more or less extensively and the phrases changed, especially in the second part. One thing that has been done is that the fellow servant doctrine in the second part has been cut out, because that has been passed in another form.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946328] Mr. Cunniff: [...] Mr. President, I move the report of the committee be accepted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946329] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946330] Mr. Cunniff: Mr. President, I move as an amendment that the word "asserted" in the last line be stricken out, and the word "alleged" be inserted in lieu thereof.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946331] The motion prevailed.

(Editorial, Page 881)

[e946332] Mr. Ellinwood: Mr. President, this engrossed copy is so entirely different from the original Proposition Number 88 that I think it ought to be typewritten and put on the desk of the members so we can give it some consideration. It is certainly drafted in language I never saw before concerning employers' liability acts. I would suggest that the enumeration of hazardous occupations, or railroading, etc., comes entirely within the rule of ejusdem generis, and would be confined entirely to those occupations. I suggest further that "whenever any defense of contributory negligence is alleged, the presumption shall be that there has been no contributory negligence on the part of the person killed or injured and the burden of proof shall be on the defendant" is tautological and thoroughly unnecessary. All that is necessary to say is that "the burden of proof shall be on the defendant." This is drafted in language I never saw in a law book.

Mr. Baker: I agree with the gentleman from Cochise. As this is a matter of such importance I think each person should know what he is doing on a vote of this kind. Now as I read it hurriedly, the whole proposition is contradictory and absurd. As I understand the proposition at the present time it absolutely cuts out contributory negligence. There is no such thing if we pass this, and no such thing as assumption of risk; there could not possibly be.

Mr. Cunniff: I would submit, in the first place, that this copy has been revised to no greater extent than numerous others that have been presented. The proposition has only had a few words changed here and there, merely to make the meaning clearer. I am not, however, so frightened as the gentlemen who have just spoken in regard to cutting out these common defenses that have existed for some little time. This does not necessarily mean that every time a man is injured the employer will be mulcted a large sum of money. It is merely to insure the using of every possible safety appliance and devise, and to make the employers hold life less cheaply. When the employer finds that there is likelihood of his being held liable for injury, he will be much more careful, and take every precaution for the safety of his employees. I submit that the proposition should be adopted. I will read from section 2 of the Federal Common Carriers' Liability Law, and also a few excerpts from the message of President Roosevelt proposing the adoption of this law. There had been a Federal Common Carriers' Law enacted, and the Supreme Court had declared it unconstitutional because it covered not only interstate but intrastate commerce, over which the Federal government had no control. The President says: "The field of intrastate commerce will be left to the action of the several states. With this clear definition of responsibility, the states will eventually give to the matter the consideration the importance of the subject demands. Almost all civilized nations have enacted legislation embodying principles of this kind,

and removing from the employee all the burden of the assumption of risk." To quote from the statute: "In all actions hereafter brought against such common carrier for railroad accident under or by virtue of any provisions of this act to recover damages for personal injury to the employee or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee." In other words, even contributory negligence is not barred under the Federal statute. There is nothing novel in this proposition as presented here, and although gentlemen say they have never seen language like this in any law book they have examined, that does not say that the proposition is not framed in unmistakable language. At least two of the revisions that were made used the phrasing of the Federal Common Carriers' Liability law instead of the phrasing used in this proposition originally. I submit that is has not been revised to any greater extent than other matter before us. I submit that this is a sound proposition, in line with the action of other nations, and the action of the United States government, and that this is more important for the protection of industrial workers than anything else that will appear in this constitution.

Mr. Baker: No, it could not be used, and the bill is absolutely contradictory in its own terms and unfair. I am not a corporation lawyer; everybody who knows me, knows that. There is not an attorney who has more damage suits against the corporations in the territory, but I wish to be fair, and I ought to be fair in a constitutional convention anyhow. I would not want, as a man prosecuting a personal injury, such a dead easy thing against the corporation. They would have no defense unless they could prove the man had committed suicide, because this says it must be wholly the negligence of the employee.

Mr. Franklin: Mr. President, the ultimate spirit of this bill is satisfactory to me. If this bill was so framed as the United States statute contemplates, so that where the doctrine of contributory negligence is involved, the jury shall have the right, in giving its verdict to take into consideration the matter of contributory negligence and award damages in proportion as they find the negligence of the plaintiff contributed to the injury. Now this law, in my opinion, and I am going to vote against it, absolutely does the injured man no service, for the reason, I believe, if this is ever submitted to a court it is so doubtful and so ambiguous, and the whole scheme is to confine the doctrine of contributory negligence, that the court will say it will have to set it aside.

Mr. Cunniff: I submit that the legal gentlemen who have commented on this have shown no ambiguity and their assertion that the court cannot understand it is farfetched and not well taken. I think this proposition was before the committee of the whole where any gentleman was able to move any amendment he desired, and if even now the gentleman will point out the ambiguity and suggest a word that will cover the ground or which will be more satisfactory to those who are more familiar with the courts, I will welcome such suggestions.

Mr. Cunningham: I believe it has been admitted that the constitution of Oklahoma has been as drastic as most any other constitution in the Union on this question, and I would like to read to the members of this convention just what the Oklahoma constitution has said: "Article 23, section 6, The defense of contributory negligence or of assumption of the risk shall in all cases whatsoever be a question of fact, and shall at all times be left to the jury." That is clear and understandable, and is practically the report of the judiciary committee

submitted to this convention, and absolutely disregarded simply because it came from the judiciary committee, and no other reason. A slight comparison by the gentleman from Yavapai of this provision and that in the Oklahoma constitution will serve as an answer to his sarcastic remark concerning the legal gentlemen. It is not necessary to show wherein the proposition of which he is the father is defective.

Mr. Cunniff: In the first place, my references were not sarcastic, and the remark I am going to make is not in the slightest degree sarcastic. If the chairman of the judiciary committee will refresh his memory he will find that a recommendation that the Oklahoma proposition be adopted was not what the committee brought in; and, further, when he says that the Oklahoma law is as drastic as any other law, I would point out that this Federal Common Carriers' Law was enacted a year after the Oklahoma constitution was made. Further, when the members of the Yavapai delegation were framing this proposition to comply with their platform pledges and with what they believed in, we examined this Oklahoma proposition, and like many other provisions of the Oklahoma constitution, it was vague and unsatisfactory, and doubtful and obscure. We found the same condition existing in many cases in other propositions where we were following the ground used in Oklahoma, and that was why this provision was worked out and worked over very carefully.

Mr. Franklin: This Employers' Liability Act was passed by the Federal government in 1906, and it had not been declared unconstitutional at the time the Oklahoma constitution was drawn up, although it was afterwards so declared. It is also true that in 1909 another Federal Employers' Liability Act was passed, and that is now before the courts as to its constitutionality. I am willing to support the language of the Oklahoma constitution for the reason that it leaves this question of assumption of risk and contributory negligence as a fact to be determined by the jury, and not a question of law to be determined by the court.

Mr. Jones (Yavapai): It seems to me the whole argument against this proposition is on the assumption of risk. As far as I can read, this proposition of contributory negligence is left entirely to the jury, but the matter of assumption of risk is placed upon the employer, as it should be.

Mr. Cunniff: As to the gentleman's statement that it is somewhat doubtful as to what this proposition does, there is no question as to what it does. It does the very thing that the gentleman seems to doubt it should do. Mr. Roosevelt in his message recommended that the assumption of risk in hazardous occupations should be upon the employer and not upon the employee.

Mr. Baker: Just one word more, simply a repetition. Under this proposition there is no room for contributory negligence; under its terms it absolutely wipes it out. Consequently, the only defense a corporation would have would be to prove that the man committed deliberate suicide.

Mr. Cunniff: I would suggest that the reasoning of the gentleman from Maricopa goes too far, in saying that the man must commit suicide. In a spirit of bravado and daredeviltry, a man takes a risk he is not ordered by the corporation to take and warned by his fellow employees not to take, which risks are not inherent in the nature of the industry. He is ordered not to step off of a skip or bucket until it stops, but the man carelessly and deliberately jumps off without ringing the bell or trying to get the bucket stopped at that level.

(The Records of the Arizona Constitutional Convention of 1910, Pages

881-884)

[e946333] Mr. Franklin: I move that section 2 of Proposition Number 88 be stricken out, and that the proposition read by the gentleman from Cochise, Mr. Cunningham, from the Oklahoma constitution be inserted in lieu thereof. I am willing to support that, but I cannot support this.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 884)

[e946335] Mr. President: You have heard the motion. Are you ready for the question? Those in favor will answer "aye;" opposed will answer "no." Call the roll.

Roll call showed 26 "ayes" and 21 "nays."

Mr. President: The amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 884)

[e946336] Mr. Baker: Now, Mr. Chairman, I move that the word "wholly" be stricken out of section 1.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
884-885)

[e946337] Mr. President: Are you ready for the question? Those in favor will answer "aye;" opposed "no." Call the roll.

Roll call showed 28 "ayes" and 19 "nays."

Mr. President: The amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946338] Mr. Connelly: I would like to ask some legal gentleman if striking out the word "wholly" does not practically kill section 1?

Mr. Ellinwood: No, negligence is always negligence.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946339] Mr. Cunniff: I should like to offer an amendment as to section 3: "The right of action to recover damages for injuries shall never be abrogated, and the amount recoverable shall never be subject to statutory limitations."

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946340] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946343] Mr. President: The secretary will call the roll on final passage.

Mr. Bradner: Mr. President, I would like to know what the words "accidents to the condition of such industry" in section 1, refer to.

Mr. Cunniff: That is to suit a condition of this kind: If a man riding on a freight car, as brakeman, is struck by lightning, that is not an accident due to the industry; it is simply to cover such matters.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946344] Mr. President: Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946345] Roll call showed 45 "ayes" and 5 "nays."

Mr. President: The proposition is passed.

[Editor's Note: The Minutes indicate that there were only three nays.]

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946348] Mr. Cunniff: The next is Proposition Number 72. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 72 and respectfully recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946350] [Editor's Note: Proposition Number 72 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946353] Mr. Cunniff: [...] Mr. President, I move the report of the committee be accepted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946356] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946357] Mr. President: The question now comes before the convention on the final adoption of Proposition Number 72.

Mr. Connelly: I think that it should be optional with the employee whether he accepts the amount offered by the employer as the amount may be only \$1,000, which would not be a fair amount, and for this reason I offer the following amendment: "Provided that it shall be optional with said employee to settle for such compensation or retain the right to sue said employer as provided by this constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946358] Mr. Ellinwood: I have no objection to that clause because I think Mr. Connelly's amendment covers that question. I have the New York statutes before me. The New York employer must pay a given amount in case of an accident on death and also a certain amount for an injury and it is optional with the employee whether he accepts the amount offered by the employer or sues him for compensation.

Mr. Cassidy: It seems to me that this is very timely legislation and that if the state legislatures are taking this up that surely ought to be provided for in the state constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages 885-886)

[e946359] Mr. President: You have heard the amendment of Mr. Connelly. Are you ready for the question? Those in favor of adopting the amendment say "aye;" those opposed "nay." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946361] Mr. Cunniff: I should like to say that Proposition Number 72 does not seem to be very favorable or very important and since it is along the line of Proposition Number 82, but does not contain all the elements, I think that it is unnecessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946362] Mr. Ingraham: I move that it be indefinitely postponed.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946363] Mr. Ellinwood: I can say that this is in effect in the State of New York, and I will also state further that if this is not provided for in the constitution that it will mean the loss of a thousand votes in the Warren district.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946364] Mr. President: The question comes up on the motion to indefinitely postpone Proposition Number 72. Those in favor of the motion say "aye;" those opposed "nay." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946370] Mr. President: [...] The question now comes up on the final passage of Proposition Number 72 as amended. Those in favor of final passage say "aye;" those opposed "nay." The secretary will call roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946373] Roll call showed 39 "ayes" and 9 "nays."

Mr. President: By your vote you have adopted Proposition Number 72.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946386] Mr. Cunniff: The Committee on Style, Revision and Compilation is through with all the propositions that have been handed to it with the exception of Proposition Number 103, which was referred to this committee and then afterwards defeated in the convention. I do not know what to do with it unless I turn it back to the secretary. The committee has not received Memorial Number 1.

Mr. President: The secretary informs me that Memorial Number 1 was handed to the secretary of the territory.

Mr. Coker: I move you that the action taken on the legislative bureau be rescinded and the Committee on Style, Revision and Compilation be instructed to report the bill to the convention.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946399] Mr. Cunniff: I second that motion. I move an amendment that the Committee on Style, Revision and Compilation be instructed to report, but also be authorized to strike out the provision for “clerks for the legislature,” so it will not include that part of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 866)

[e946400] Mr. President: That was indefinitely postponed November 25.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946403] Mr. Ingraham: I rise to a point of order.

Mr. President: State the point of order.

Mr. Ingraham: The committee of the whole of the convention took action upon this bill, and it was referred to the Committee on Style, Revision and Compilation, and as it has not been brought back it is before this body, therefore, we should take action upon it.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946412] Mr. Lynch: I do not think that the convention could presume to take action on anything that is in the hands of the committee. It is absolutely dead and let us not resurrect it.

Mr. Goldwater: I would just like to state that this bill was never handed to the committee properly, and we have never had the right to act upon it and it cannot be acted upon until it has been given to the committee properly nor can the committee report it back.

Mr. Cunniff: My colleague is absolutely correct. This proposition is not before the convention as we have not the right to report. This is officially in the box and I herewith hand it back to the secretary.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
886-887)

[e946414] Mr. President: The chair will rule that the motion of the gentleman from Pinal was out of order.

Mr. Coker: I call for the record.

Mr. President: The record shows that the proposition is not before the house.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

[e946449] [Editor’s Note: When Mr Coker’s motion was ruled as out of order, Mr. Cunniff’s motion was rejected in tandem.]

(Editorial)

[e946456] [Editor’s Note: When Mr Coker’s motion was ruled as out of order, Mr. Ingraham’s point of order was implicitly adopted.]

(Editorial)

[e946418] Mr. Lynch: I move that the convention take a recess until 2 p.m.  
Mr. Coker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

[e946420] The motion prevailed.  
Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

## 1.91 Monday, 05 December 1910, at 14:00 (s16298)

[e946432] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

[e946434] Mr. President: The convention will come to order. There is a quorum present. Gentlemen of the convention, we will fill in the time reading the minutes. If there is no objection, the secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

[e946436] Mr. President: [...] Gentlemen of the convention, we will fill in the time reading the minutes. If there is no objection, the secretary will read the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 887)

[e946438] Mr. Osborn moved, seconded by Mr. Cobb, to dispense with the reading of the minutes of December 3rd

(The Minutes of the Arizona Constitutional Convention, Page 384)

[e946440] Mr. Osborn moved, seconded by Mr. Cobb, to dispense with the reading of the minutes of December 3rd; carried. Minutes for December 3rd approved as if read.

(The Minutes of the Arizona Constitutional Convention, Page 384)

[e946443] Mr. Osborn: Is there anything to come before the convention this afternoon?

Mr. Short: Mr. President, I ask permission to refer to the matter I spoke about before recess. I think we should make provision in the constitution for the government of penal institutions, which we have evidently overlooked. It seems that Proposition Number 44, when it was up for consideration, was indefinitely postponed, and we get the impression some way, probably by report of the committee, that is was taken care of in another proposition, which seems not to have been the case. In order that the matter may be taken care of, I move you the matter of providing for public and penal institutions be referred to the Committee on Education and Public Institutions, with instructions to bring in a proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 887-888)

[e946448] Mr. President: Mr. Short, the chairman of the committee on education is not here. I do not know whether he will be here this afternoon or not.

Mr. Short: In talking it over with the chairman, he was under the impression that the proposition was taken care of in some way and passed third reading, which seems not to be true. The record shows that it was indefinitely postponed, and the matter is not taken care of in any other proposition. We should make some definite provision in regard to that matter. Montana, Oklahoma, and Colorado have the following: "Education and reformatory penal institutions and those for the benefit of insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law." It seems to me that would be ample. However, it will be necessary under our rules to have some committee bring this up because an individual cannot present a proposition at this time.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946451] Mr. President: You can bring it up as chairman of the Committee on Printing and Clerks.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946471] Mr. Short: In that case, then, I would like to offer this as a proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946472] Mr. President: If there is no objection, it will be accepted. Hearing none, it will be sent up.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946477] Mr. Jones (Yavapai): Mr. President, I move the convention stand adjourned until 7:30 o'clock this evening.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946481] Mr. President: There is a proposition coming in, Mr. Jones.

(The Records of the Arizona Constitutional Convention of 1910, Page 888)

[e946491] Mr. President: [...] I would like to ask the chairman of the printing committee when we will get these propositions.

Mr. Short: I called on the printer just before I came over, and he said he would make every effort to get us a number of these articles for consideration at 7:30 o'clock this evening.

Mr. President: I would like to ask the chairman of the printing committee, will you see the secretary of the territory, and find out [if] the constitutions that are to be printed will be sent out of the office of the secretary, and will they be franked?

Mr. Short: I called on the Secretary this morning. He said he was perfectly willing to do so in case it was clear to him that it would be approved by the Department, and he sent a telegram this morning to an official of the Department who has charge of this, asking him if matters of that kind that were ordered done by the convention would be acceptable. He said he would be perfectly willing to do it if we would authorize the help and the expenditure of postage necessary to send out the copies of the constitution to each registered voter within the territory. As soon as he can get a reply to his telegram, which he said should be this evening or in the morning, he will be able to say definitely what he can do. He said he is entirely willing, if we will authorize the expenditure of a proper amount of postage, and authorize the employment of competent help to send them out. Until he hears from Washington, I doubt if we can do anything definite. However, we might go ahead and pass a resolution authorizing the expenditure of this money for the printing of so many copies, and the postage to cover mailing. He says he cannot send them under government frank.

(The Records of the Arizona Constitutional Convention of 1910, Pages 888-889)

[e946494] Mr. President: If there is no objection the proposition will be read as introduced.

Secretary (reading): "Proposition Number 151 introduced by Mr. Short."

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946495] Mr. Cunningham: I move the rules be suspended and we have it read a second time.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946496] The motion prevailed.

Secretary (reading): "Second reading of Proposition Number 151."

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946498] Mr. Goldwater: Mr. President, I move that the rules be suspended and it be placed on final passage and referred to the Committee on Style, Revision and Compilation.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946500] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946505] Secretary (reading): "Third reading of Proposition."

Mr. President: Third reading of the proposition. Those in favor of adopting the proposition will answer "aye;" those opposed will answer "no," as their names are called.

Secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946517*] Roll call showed 37 “ayes” and no “nays.”

Mr. President: The proposition is passed. Gentlemen of the convention, are there any other matters that you have in mind that we have overlooked?

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946521*] Mr. Cunniff: I move that we stand at recess subject to the call of the gavel.

Mr. Bradner: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946523*] The motion prevailed.

Recess taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946413*] [Editor’s Note: The Convention took a recess.]

(Editorial)

[*e946537*] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946539*] Mr. President: The convention will come to order. The gentleman from Yavapai, Mr. Cunniff, will give a report.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946540*] Mr. Cunniff: “Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 151 and respectfully recommends that the appended engrossed form be adopted.”

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946541*] [Editor’s Note: Proposition Number 151 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[*e946542*] Mr. Cunniff: [...] Mr. President, I move the report of the committee be accepted.

Mr. Moeur: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946543*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946544*] Mr. President: If there are no amendments, the secretary will call the roll on the final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946545] Roll call showed 44 “ayes” and no “nays.”

Mr. President: Gentlemen, this is all the business. I think that we had better take into consideration the fact that there will be a night session.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946415] Mr. Tuthill: There is a report of a standing committee on the desk.

Mr. President: The secretary will read the report.

Secretary (reading): “Report of Committee on Militia and Public Defense on Resolution Number 14 [sic], recommending it pass.”

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946417] Proposition No. 153, introduced by Committee on Militia and Public Defense relating to public officials, read first time.

(The Minutes of the Arizona Constitutional Convention, Page 385)

[e946422] Mr. Short: I move it be amended to read five hundred years instead of five years.

Mr. Moeur: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946424] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946426] Mr. Short: I move it be deferred until my colleague is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946427] Mr. Feeney: I move we take a recess until 7:30 p.m.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946428] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

## 1.92 Monday, 05 December 1910, at 19:30 (s16294)

[e946381] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946383] Mr. President: The convention will come to order and the secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946389] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946391] Mr. President: Reports of standing committees.

Mr. Short: "Mr. President, your printing committee begs leave to report the printing and return of sixteen pages of the constitution as prepared by the revision committee."

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946398] Mr. President: The first reading of Proposition Number 152. What is your pleasure, gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946401] Mr. President: The first reading of Proposition Number 152. What is your pleasure, gentlemen? A motion to suspend the rules is in order.

Mr. Osborn: I move the rules be suspended and the proposition read a second time by title only and referred to the committee of the whole.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946402] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946430] Secretary (reading): "Second reading of Proposition Number 153."

Mr. President: "Second reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946431] Mr. President: [...] It will come up before the Committee of the Whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946435] Mr. Crutchfield: I would like to have a reconsideration of the vote by which the Y.M.C.A. and Y.W.C.A. were stricken from the list of taxation exemptions, for the reason that I voted under a misapprehension. Since studying the subject over I have determined that they should be exempted since they are dependent upon the public for support and are institutions which are very beneficial and helpful in many instances, and that fact I do not believe any member will deny. I have also learned that they use all the money left over from building their various institutions to construct buildings in other cities in Arizona, and I believe that it is right that we should exempt them from taxation the same as other institutions that have been exempted. Therefore, I should like to have a reconsideration.

Mr. Jones (Yavapai): I wish to state that I also voted under a misapprehension in that matter. I have since learned that the facts states are true and if it is reconsidered I suggest an amendment to that part of the clause. I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 890-891)

[e946437] Mr. President: I would suggest, Mr. Crutchfield, that when that part of the constitution comes up that you can make the amendment.

Mr. Crutchfield: I made the motion tonight so that I would not lose my right as it is one day after the sabbath.

Mr. Kingan: I understand that there has already been a motion made to reconsider.

Mr. Ellinwood: I think Dr. Moeur made a motion to reconsider. This is not the day following the time the bill was considered, is it?

Mr. Crutchfield: It was on Saturday and this is Monday.

Mr. Jones (Maricopa): I think that a motion to reconsider is in order, as this is the next day for business following Saturday.

Mr. Cunniff: Mr. President, in the interest of fairness and justice on the part of the members of this convention, I think that the Y.M.C.A. and Y.W.C.A. should be exempt and I hope that this motion will prevail.

Mr. President: Those in favor of the motion to reconsider will say "aye;" those opposed "no," when the roll is called. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Pages 891)

[e946441] Roll call showed 31 "ayes" and 10 "nays."

Mr. President: The motion is carried.

[Editor's Note: The Minutes record Wood as both voting in favor of the motion and excused.]

(Editorial)

[e946445] Mr. Crutchfield: I think that the motion of Dr. Moeur was that this section be approved as it was before the amendment was made to strike out the Y.M.C.A. and Y.W.C.A.

Mr. Weinberger: I think that amendment could be made when that part of the constitution is read.

(The Records of the Arizona Constitutional Convention of 1910, Page 891)

[e946446] Mr. Cunniff: I think that the correction should be made before it goes to the printer, and I make that as a motion.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 891)

[e946447] Mr. Osborn: Was that not made by Dr. Moeur the other day?

(The Records of the Arizona Constitutional Convention of 1910, Page 891)

[e946450] Mr. Crutchfield: I withdraw my motion.

[Editor's Note: Though the Records describe Crutchfield as withdrawing his motion, the editors believe this to be a mistake and that Cunniff, instead, withdrew his motion. Crutchfield's motion to reconsider Moeur's amendment had already been adopted, but Cunniff's motion to make a correction to the text before printing was still under consideration.]

(Editorial)

[e946452] Mr. President: The chairman of the committee on compilation has it in his bill and I think that they could make the correction.

Mr. Osborn: I have an amendment to offer if it is before the house.

Mr. Cunniff: I rise to a point of order. I do not think there can be any amendments made now.

(The Records of the Arizona Constitutional Convention of 1910, Pages 891-892)

[e946453] Mr. President: When it comes before the committee of the whole it can be amended. Gentlemen, if there are no objections, the convention will resolve itself into the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946454] Mr. Winsor: What shape will you leave this matter in?

Mr. Ellinwood: The motion has been made to strike out the words "Y.M.C.A. and Y.W.C.A." and the question is before the house, shall it be stricken out?

Mr. Winsor: That is what I think.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946455] [Editor's Note: Winsor's question was effectively an objection to abandoning the matter in order to resolve into the Committee of the Whole.]

(Editorial)

[e946457] Mr. President: Gentlemen, the question comes up on the motion of Dr. Moeur to strike out the words "Y.M.C.A. and Y.W.C.A." Those in favor say "aye;" opposed "no." The motion to strike out is lost. If there are no objections, the convention will go into committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946458] Mr. Cunniff: May I ask for the members absent?

Secretary: There are seventeen absent.

Mr. Cunniff: I move a call of the house.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946459] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946460] Mr. President: The secretary will call the roll.

Roll call showed all present or excused except Messrs. Cobb, Morgan, Orme and Standage.

Sergeant at arms [sic] instructed to bring these absent members within the bar of the House.

[Editor's Note: According to the Minutes, Webb, rather than Orme, was absent. For this reason, the editors have marked these delegates' attendance uncertain.]

(Editorial)

[e946461] Mr. Winsor: I move the call of the house be suspended.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946462] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946463] Mr. President: What is your pleasure, gentlemen? If there are no objections, the convention will now resolve itself into the committee of the whole and the chair will call on the gentleman from Yavapai, Mr. Goldwater, to take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946465] Mr. President: What is your pleasure, gentlemen? If there are no objections, the convention will now resolve itself into the committee of the whole and the chair will call on the gentleman from Yavapai, Mr. Goldwater, to take the chair. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946466] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e946467] The president resumed the chair.

(Editorial)

[e946468] The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946891] Mr. Goldwater: "Mr. President, your committee of the whole begs leave to report that it has considered the Constitution of the State of Arizona and begs leave to report progress and asks to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946892] [Editor's Draft: The Draft Constitution as amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947089] [Editor's Draft: Part 1 of the Draft Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946893] Mr. President: You have heard the report of the committee of the whole. Those in favor of the adoption of the report will say “aye;” those opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946894] Mr. President: You have heard the report of the committee of the whole. Those in favor of the adoption of the report will say “aye;” those opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946895] The motion prevailed. Convention stood at recess to 9:30 a.m., December 6, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

### **1.93 Tuesday, 06 December 1910, at 09:30 (s16302)**

[e946604] Mr. President: The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946605] The convention will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946607] Mr. President: The convention will come to order. The secretary will call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

Roll call as follows:

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Keeney, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Osborns, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President. Excused—Doe, Orme, Parsons

(The Minutes of the Arizona Constitutional Convention, Page 390)

[e946610] Mr. President: The convention will arise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946612] Reverend Crutchfield: We thank Thee, our gracious Heavenly Father, for the health we enjoy this morning, and for this new day, and for the blessings that surround us this morning. We come to Thee this morning to ask Thee for the things which we so much need. We address all our wants to Thee. Supply us as Thou seest we need. May we have Thy help to aid us in all that we undertake to do. And now help us to pray: Our Father, who art in heaven, hallowed by Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses [as] we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power and the glory for ever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 904-905)

[e946896] Mr. Goldwater moved, seconded by Mr. Moore, that the amendments to the Constitution adopted by the Committee of the Whole on December 5th, as shown by the Minutes, be adopted...

(The Minutes of the Arizona Constitutional Convention, Page 390)

[e946897] Mr. Goldwater moved, seconded by Mr. Moore, that the amendments to the Constitution adopted by the Committee of the Whole on December 5th, as shown by the Minutes, be adopted; carried.

(Editorial, Page 390)

[e946898] Mr. President: Gentlemen of the convention, the minutes are not quite ready, so we will have to dispense with the reading of them for a while. Is there anything else? The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

Mr. Goldwater: Mr. President, I move that the rules be suspended, and that part of the constitution which has been adopted by the committee of the whole be taken up section by section.

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946899] Mr. Cunniff: I move to amend by saying article by article.

Mr. Goldwater: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946900] Mr. President: You have heard the motion. Those in favor of suspending the rules and considering the constitution article by article will answer "aye;" those opposed will answer "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946901] [Editor's Note: The editors have created a blank version of the Draft Constitution in order to replicate the process of the Convention considering the draft article by article.]

(Editorial)

[e946902] Mr. President: [...] The secretary will now read the preamble of the constitution.

Secretary (reading): Preamble.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946903] Mr. President: Gentlemen of the convention, we are about to adopt the preamble to our constitution. Those in favor of the adoption of this preamble will answer "aye" as their names are called; those opposed will answer "no." The secretary will call the roll on the final adoption of this preamble.

Roll call showed 46 "ayes" and no "nays".

Mr. President: Gentlemen of the convention, the preamble has been adopted by this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946904] Mr. President: [...] The secretary will read Article I.

Secretary (reading): Article I, State Boundaries.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946905] Mr. President: It comes up on the adopting of Article I of the constitution. Those in favor of the adoption of this article will answer "aye" as their names are called; opposed will answer "no." The secretary will call the roll.

Roll call showed 48 "ayes" and 1 "nay."

Mr. President: Gentlemen of the convention, Article I has been adopted by this convention as part of this constitution.

(Editorial)

[e946906] Mr. President: [...] The next is Article II, Declaration of Rights.

Secretary (reading): Article II, Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946907] Mr. President: Gentlemen, it will come up on the adoption of Article II, Declaration of Rights. Those in favor of its adoption will answer "aye" as their names are called; opposed will answer "no." The secretary will call the roll.

Mr. Cooper: Mr. President, I desire to say in explanation of my vote, and I speak for the Pima delegation, that with the exception of a very very few sections in this article we are heartily in favor of the Declaration of Rights, but having had no opportunity to participate in the discussion of those sections, I am compelled to vote "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 905)

[e946908] Roll call showed 42 "ayes" and 7 "nays."

Mr. President: Gentlemen of the convention, Article II, Declaration of Rights, has been adopted.

(Editorial)

[e946909] Mr. President: [...] Next will be Article III, Distribution of Powers. The secretary will read.

Secretary (reading): Article III. Distribution of Powers.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946910] Mr. President: Gentlemen of the convention, it comes up on the adoption of Article III, Distribution of Powers. Those in favor of the adoption of the article will answer "aye" as their names are called; those opposed will answer "no." The secretary will call the roll on Article III.

Roll call showed 41 "ayes" and 6 "nays."

Mr. President: Gentlemen of the convention, Article III has been adopted in this constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e946911] Mr. President: [...] Secretary will read Article IV, Legislative Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946912] Mr. Cunniff: Mr. President, the Committee on Style, Revision and Compilation has agreed upon several amendments in this article in the numbering of the paragraphs, punctuation, etc. In the last section of this article, beginning "The legislature shall provide a penalty for any violation, etc.", I move to amend by changing "this" to "the preceding," and that that paragraph be made section 2.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946913] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946914] Mr. President: The secretary will proceed to read Article IV.

Secretary (reading): [Article IV, Legislative Department 1.] Initiative and Referendum.

[Editor's Note: After Cunniff made an amendment to the general structure of the article, the Convention considered Article IV in two parts, one part in this session and the next part in the afternoon session, before agreeing on the article as a whole. For this reason, the editors have editorially dropped the whole version of the article and created a working version of the article in order to propose the sections in a way that more accurately mimics the process of proposing and agreeing the individual parts as they came up for discussion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946915] Mr. President: The secretary will proceed to read Article IV.

Secretary (reading): [Article IV, Legislative Department 1.] Initiative and Referendum.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946916] Mr. President: The secretary will proceed to read Article IV.

Secretary (reading): [Article IV, Legislative Department 1.] Initiative and Referendum.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946917] Mr. Cunniff: The next paragraph will be the last one. The previous one is section 2.

Mr. President: The committee on compilation can fix that up...

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946918] Mr. President: [...] Gentlemen, the question now comes up on the adoption of Article IV. Those in favor of adoption of Article IV, the initiative and referendum of the constitution, will answer "aye;" those opposed "nay," as the secretary calls the roll.

Roll call showed 42 "ayes" and 8 "nays."

(Editorial)

[e946919] Mr. President: Gentlemen of the convention the [first part of] article number four has been adopted. If there are no objections the first part of the Constitution of the State of Arizona will be referred to the Committee on compilation and will be enrolled. I would suggest to the committee that they enroll seven copies. Article V is not finished and we will wait for the complete article before consideration.

[Editor's Note: The unresolved articles—such as Article IV, which had yet to be voted upon in its full form—were referred alongside the draft Constitution.]

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946920] Mr. President: Gentlemen of the convention the [first part of] article number four has been adopted. If there are no objections the first part of the Constitution of the State of Arizona will be referred to the Committee on compilation and will be enrolled. I would suggest to the committee that they enroll seven copies. Article V is not finished and we will wait for the complete article before consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946921] Mr. Cassidy: Mr. President, I have an amendment for section 14 of the next article.

Mr. President: As this article is not complete, you had better wait until it comes up for adoption.

Mr. Standage: I rise to a question of personal privilege. In view of the fact that my absence from this convention last night was much deplored and censured, I beg to receive pardon with this box of cigars, and I hope you will enjoy them as much as I did my absence from the convention last night.

(The Records of the Arizona Constitutional Convention of 1910, Pages 906-907)

[e947093] [Editor's Note: Once the Convention had disposed of the articles from the first part of the draft, it was no longer under consideration.]

(Editorial)

[e946922] Mr. President: Gentlemen of the convention, we have one proposition to come before the committee of the whole this morning. First, are there any resolutions to be offered this morning? Mr. Goldwater did you desire to offer a resolution?

Mr. Goldwater: Yes sir, I have the resolution. The secretary may read it.

Mr. President: The secretary will read the resolution of Mr. Goldwater.

Secretary (reading): "Resolution Number 18. Resolved that the secretary of the territory be and he is hereby authorized and requested to have printed as soon as possible in pamphlet form (following as nearly as may be practicable the form of Public Document Number 219, being the Enabling Act,) fifty thousand copies of the constitution adopted by this convention.

As soon as printed, the secretary of the territory shall forward to each member of this convention one hundred copies of said printed constitution; one copy to the name and address of each person as shown by the last great register of each county. Every copy so mailed shall have printed on its wrapper the words 'Constitution of Arizona' and 'if not delivered in ten days postmaster please deliver to anyone desiring same;' one copy to be mailed to each senator and congressman, one copy to the secretary of each state, one copy to each library or other organization,—financial, commercial, labor, agricultural, and religious as may ask for the same and the remaining copies shall be reserved by the secretary to be distributed as he may deem best.

There shall also be furnished for each member of this convention one copy printed on book or parchment paper bound in leather, with his name and address.

The Secretary of the Territory is hereby authorized and directed to expend from the appropriation made in Section 35 of the Enabling Act, approved June 20, 1910, such sums of money as may be necessary to carry into effect the provisions of the resolution."

(The Records of the Arizona Constitutional Convention of 1910, Page 907)

[e946924] Mr. President: Gentlemen you have heard the resolution of Mr. Goldwater, what is your pleasure?

Mr. Franklin: I would suggest as an amendment that copies be furnished the newspapers.

(The Records of the Arizona Constitutional Convention of 1910, Page 907)

[e946925] Mr. President: I would suggest, gentlemen, that those copies be bound in parchment. If there are no objections, the amendment will be inserted in the resolution. The question now comes up on the adoption of the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 907)

[e946926] Mr. Goldwater: I move that the resolution be adopted.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 907)

[e946927] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 907)

[e946616] Mr. Wood: Mr. President, I thought that you might like to have a report from the Committee on Finances and Expenses and we have prepared a report.

Secretary (reading): "Phoenix, Arizona, December 5, 1910.

Mr. President: Your Committee on Finance, Accounts and Expense, begs leave to submit the following report: Amount paid out by Secretary George U. Young to date account of election expenses, convention expenses, etc. \ \$45,950.00; Estimated convention expenses from December 3rd to end of sixty day period \ \$2,000.00; Accounts in dispute and sent to Washington for audit and approval, approximately \ \$6,000.00; Total to close of convention \ \$53,950.00. Balance remaining of the \ \$1000,000 appropriation and out of which there is one election expense to be paid; viz—that on the adoption of the constitution \ \$46,049.93. Total as per appropriation \ \$1000,000.00 Respectfully submitted, H.R. Wood, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 907-908)

[e946617] Mr. Wood: I move the report be accepted.

Mr. Jones: I second the motion.

[Editor's Note: Neither the Records nor the Minutes specifies which Mr. Jones seconded the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946618] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946621] Mr. President: Gentlemen, there is one proposition to come before the committee of the whole, that is Proposition Number 152. If there are no objections, the convention will now resolve itself into the committee of the whole and the gentleman from Cochise, Mr. Sims, will occupy the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946622] Mr. President: Gentlemen, there is one proposition to come before the committee of the whole, that is Proposition Number 152. If there are no objections, the convention will now resolve itself into the committee of the whole and the gentleman from Cochise, Mr. Sims, will occupy the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946623] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e946624] Mr. President: The convention will come to order and Mr. Sims of Cochise will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946626] Mr. President: The convention will come to order and Mr. Sims of Cochise will report the progress of the Committee of the Whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946627] Mr. Sims: "Mr. President: Your committee of the whole begs leave to report it has had under consideration Proposition Number 152 and respectfully recommends that it be adopted as amended."

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946629] [Editor's Note: Proposition Number 152 Election Ordinance Number 1 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946630] Mr. Sims: [...] I move the report be adopted.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946631] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946632] Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946633] Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946634] Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946636] Mr. President: [...] Gentlemen, I have here a communication which I would like to have read. The secretary will read the communication.

Secretary reads letter from Henry F. Ashurst of Prescott, Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946642] Telegram from the Warren District Democratic Club of Bisbee, Arizona, extending greetings to the Cochise County Delegation and inviting all members of the Convention to attend a ratification meeting smoker at Bisbee, read.

(The Minutes of the Arizona Constitutional Convention, Page 394)

[e946637] Telegram from Mr. Cleve W. Van Dyke and others to Mr. Alfred Kinney, read.

(The Minutes of the Arizona Constitutional Convention, Page 394)

[e946646] [Editor's Note: The letter was read and not mentioned again.]

(Editorial)

[e946650] [Editor's Note: The telegram was read and not mentioned again.]

(Editorial)

[e946657] [Editor's Note: The telegram was read and not mentioned again.]

(Editorial)

[e946660] Mr. Goldwater: I have a resolution ready.

Mr. President: Secretary read the resolution.

Secretary (reading): Resolution Number 19, "Resolved: That the printing committee be and is hereby directed and authorized to have the constitution as tentatively adopted, printed at once, at the lowest price obtainable. Such arrangements it may make to be approved of by George U. Young, Secretary of Arizona."

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946666] Mr. Winsor: I move that the resolution be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946667] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946668] Mr. Jones (Yavapai): I move the convention stand at recess until 2 p.m.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946669] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

## 1.94 Tuesday, 06 December 1910, at 14:00 (s16306)

[e946945] Mr. President: The convention will come to order. We will have the minutes of yesterday read.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946946] Mr. President: The convention will come to order. We will have the minutes of yesterday read.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946947] Mr. Sims: I move that we dispense with the reading of the minutes.  
Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

[e946948] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946959] [Editor's Note: Part 2 of the Draft Constitution was referred back to the Convention for consideration.]

(Editorial)

[e946951] [Editor's Note: The enrolled version of Part 1 of the Constitution was referred back to the Convention.]

(Editorial)

[e946952] [Editor's Note: The enrolled version of Article IV, Part 1 of the Constitution was referred back to the Convention.]

(Editorial)

[e946960] Mr. President: Now, gentlemen of the convention, if there are no objections, we will go into a Committee of the Whole to consider the constitution section by section. We will now resolve ourselves into the committee of the whole, the gentleman from Yavapai, Mr. Goldwater, in the chair.

[Editor's Note: At this point in the negotiation, there were two versions of the Draft Constitution: the one considered in the Committee of the Whole and the one considered in the Convention. The version amended in the Committee of the Whole was referred to the Convention for concurrence on the amendments made in the Committee. In agreeing the amendments made in the Committee of the Whole, the Convention adopted that amended text into its working version of the draft. For this reason, the version of the text amended in the Committee of the Whole was of a more ephemeral nature, as any changes made in the Committee of the Whole could be rejected by the Convention and thus, not incorporated into its working text of the draft. Similarly, the Committee of the Whole was not authorized to make changes to the documents in the Convention. In order to represent the fact that these two bodies were working on two different documents, the editors have modeled the ping pong of the draft between the two bodies so that the Convention's working version of the draft stays in the Convention, while the Committee of the Whole's working version of the draft travels back and forth between Committee of the Whole and Convention.]

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946961] Mr. President: Now, gentlemen of the convention, if there are no objections, we will go into a Committee of the Whole to consider the constitution section by section. We will now resolve ourselves into the committee of the whole, the gentleman from Yavapai, Mr. Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946962] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e946963] The president resumed the chair.

Mr. President: The convention will come to order. The gentleman from Yavapai, Mr. Goldwater, is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e946964] The president resumed the chair.

Mr. President: The convention will come to order. The gentleman from Yavapai, Mr. Goldwater, is recognized.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947176] Mr. Goldwater: "Mr. President, your committee of the whole having had under consideration the printed Constitution of the State of Arizona, begs leave to report progress and asks leave to sit again. Your committee also recommends the adoption by the convention of the amendments made by the committee of the whole to Articles IV, V, VI, VII, VIII, and XX."

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947177] Mr. President: Those in favor of adopting the report of the committee, with amendments, will answer "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947179] Mr. President: [...] Now, gentlemen of the convention, we will try to get this part of the constitution to the enrolling committee this afternoon.

[Editor's Note: The Convention took up the articles that had just been amended in the Committee of the Whole, and for this reason, the version of the Constitution as amended in the Committee of the Whole and part 2 of the Constitution presented by the Committee on Style are copied into the Convention here.]

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947178] Mr. President: [...] Now, gentlemen of the convention, we will try to get this part of the constitution to the enrolling committee this afternoon.

[Editor's Note: The Convention took up the articles that had just been amended in the Committee of the Whole, and for this reason, the version of the Constitution as amended in the Committee of the Whole and part 2 of the Constitution presented by the Committee on Style are copied into the Convention here.]

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947180] [Editor's Note: The Committee of the Whole made amendments to Article IV, Section 2, Subsection 14s and 15, which had been agreed in the Convention on the previous day. In adopting the Committee of the Whole report, the Convention adopted this amendment.]

(Editorial)

[e947181] [Editor's Note: The Committee of the Whole made amendments to Article IV, Section 2, Subsection 14s and 15, which had been agreed in the Convention on the previous day. In adopting the Committee of the Whole report, the Convention adopted this amendment.]

(Editorial)

[e947182] Mr. President: [...] The question comes up on Article IV of "The Legislature."

(The Records of the Arizona Constitutional Convention of 1910, Pages 922-923)

[e947183] Mr. Osborn: Mr. President, I would like to amend section 1 that in line 2 the figures "35" be changed to "36," and that the representatives of Maricopa Count be changed from six to seven. Now, I have made this motion time and time again. I do not expect it will pass. I apologize to the gentleman from Graham and to the rest of the convention, for saying yesterday that that was my last appeal. This will probably be my last appeal, for the reason that it will not come up again. I think Maricopa should be given the same number of representatives as Cochise. Maricopa is entitled to the same, and our vote was almost as large as that of Cochise in the next to the last election, and in the last election it was more than Cochise. It is nothing but justice, right and equity. For goodness sake, give Maricopa what she is entitled to.

Mr. Morgan: I second the motion of the gentleman from Maricopa.

(The Records of the Arizona Constitutional Convention of 1910, Pages 922-923)

[e947184] Mr. President: Those in favor will answer "aye;" opposed "no." Call the roll.

Roll call showed 16 "ayes" and 26 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947185] Mr. Crutchfield: I should like to explain my vote. I do not think this is just to Maricopa County in the matter of apportionment of representatives.

Mr. Wells: I do not understand the initiative and referendum is included in this?

Mr. President: No, that was passed this morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947186] Roll call showed 35 "ayes" and 7 "nays."

Mr. President: The subdivision has been adopted as an article in this constitution. Gentlemen of the convention, the question comes up on the adoption of Article V.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947187] Mr. President: [...] Gentlemen of the convention, the question comes up on the adoption of Article V.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947188] Mr. President: [...] Gentlemen of the convention, the question comes up on the adoption of Article V.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947189] Mr. Cunniff: At the end of section 8, it now reads "for any cause" and I think it might be better to have it "from any cause," although that is not essential.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947190] Mr. President: If there are no objections, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947191] Mr. President: If there are no objections, it is so ordered. Call the roll on the final passage of Article V, on executive department.

Roll call showed 37 "ayes" and 4 "nays."

Mr. President: Article V has been adopted in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947192] Mr. President: [...] Any amendments to Article VI, the judiciary department?

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947193] Mr. Cunningham: In section 9, beginning with the last of the third line, the words "determined by law." I move to strike out the word "determined" and insert in lieu thereof the word "provided." I think that is the proper word there.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947194] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947195] Mr. President: Gentlemen of the convention, we will call the roll on the adoption of Article VI of the Constitution of Arizona, entitled "Judicial Department." Those in favor of the adoption of this article will answer "aye" as their names are called; those opposed will answer "no."

The secretary will call the roll.

Roll call showed 41 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947196] Mr. Jones (Yavapai): Mr. President, I move that the convention now adjourn until tomorrow morning at 9:30 o'clock.

Mr. Osborn: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

[e947197] The motion prevailed.

Convention adjourned to 9:30 a.m., December 7, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 923)

## 1.95 Wednesday, 07 December 1910, at 09:30 (s16310)

[e947208] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947210] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947212] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947213] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947216] Reverend Crutchfield: We thank Thee this morning our Heavenly Father, that we are alive and that we have health of body and health of mind, and have a disposition of heart to call upon our Lord. And now Lord we call upon Thee this morning. Hear us as we pray, and take all our sins away, and from this day may we be wholly Thine. Send upon us Thy grace for the day's duties and responsibilities and labors. We would not undertake anything until we have first invoked the Divine Presence to guide us in all our ways and in all our thoughts and in all our actions, so that we shall honor Thee and be beneficial to our fellow men. Send a blessing to these men in these closing hours of the convention. May they have a conscious void of offense toward Thee and toward their fellow men, and when they have done their work may they have the assurance that they have done that which they have been sent here to do. Hear us; take away our sins; and when the fitful scenes of life are over, save us all in Heaven. We ask all in the Great Redeemer's name. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947217] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947219] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947234] Mr. President: Gentlemen of the convention, if there are no objections, we will commence the third reading of Article XX on Ordinance. The secretary will proceed.

Secretary (reading): Article XX on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947235] Mr. President: This is on final passage on the adoption of Article XX. Those in favor of the adoption of Article XX, entitled Ordinance, will answer "aye," as their names are called; and those opposed answer "nay." The secretary will call the roll.

Roll call showed 46 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947236] Mr. President: The secretary will read Article VIII, Removal from Office, the Recall of Public Officers.

Secretary (reading): Article VIII.

(The Records of the Arizona Constitutional Convention of 1910, Page 924)

[e947237] Mr. Cunniff moved, seconded by Mr. Winsor, a call of the house; carried.

(The Minutes of the Arizona Constitutional Convention, Page 401)

[e947238] Mr. Cunniff moved, seconded by Mr. Winsor, a call of the house; carried.

(The Minutes of the Arizona Constitutional Convention, Page 401)

[e947243] Roll call showed the following delegates present:

Present—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Feeney, Goldwater, Hutchinson, Ingraham, Jones, A.M., Jones, F.A., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Moeur, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R.B., Simms, Mit., Standage, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President.

Absent—Franklin, Jacome, Tovrea.

Excused—Doe, Ellinwood, Moore.

The sergeant at arms was instructed to secure the presence of the absentees and bring them before the bar of the house.

(The Minutes of the Arizona Constitutional Convention, Page 401-402)

[e947245] Mr. Tuthill moved, seconded by Mr. Weinberger, to dispense with the call of the house...

(The Minutes of the Arizona Constitutional Convention, Page 402)

[e947249] Mr. Tuthill moved, seconded by Mr. Weinberger, to dispense with the call of the house; lost by the following vote:

Ayes—Bradner, Cobb, Colter, Cooper, Crutchfield, Cunningham, Curtis, Kingan, Kinney, Langdon, Lovin, Lynch, Scott, Short, Simms, Mit., Standage, Tovrea, Webb, Wells. Total 20.

Nays—Baker, Bolan, Cassidy, Coker, Connelly, Cunniff, Feeney, Goldwater, Ingraham, Jones, A.M., Jones, F.A., Keegan, Moeur, Orme, Osborn, Parsons, Roberts, Sims, R.B., Weinberger, Wills, Winsor, Wood, Mr. President. Total 23.

Absent—Franklin, Hutchinson, Jacome, Morgan, Tuthill, White.

Excused—Doe, Ellinwood, Moore.

(The Minutes of the Arizona Constitutional Convention, Page 402)

[e947250] Mr. Weinberger moved, seconded by Mr. Feeney, that the rules be suspended and dispense with further call of the house...

(The Minutes of the Arizona Constitutional Convention, Page 402)

[e947251] Mr. Weinberger moved, seconded by Mr. Feeney, that the rules be suspended and dispense with further call of the house; carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Cobb, Colter, Connelly, Cooper, Cunniff, Cunningham, Curtis, Feeney, Franklin, Goldwater, Ingraham, Jones, F.A., Keegan, Kingan, Kinney, Langdon, Lynch, Moeur, Morgan, Orme, Osborn, Pusch, Roberts, Scott, Short, Sims, R.B., Simms, Mit., Tovrea, Webb, Weinberger, Wells, Wills, Winsor, Mr. President. Total 38.

Nays—Coker, Crutchfield, Jones, A.M., Lovin, Parsons, Standage, Tuthill, Wood. Total 8.

Absent—Hutchinson, Jacome, White.

Excused—Doe, Ellinwood, Moore

(The Minutes of the Arizona Constitutional Convention, Page 402)

[e947254] Mr. Baker: I move the convention take a recess for ten minutes.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 925)

[e947258] Mr. President: Gentlemen, you have heard the motion to take a recess for ten minutes. Those in favor of the motion will answer “aye;” those opposed “nay.” The secretary will call the roll.

Roll call showed 15 “ayes” and 31 “nays.”

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 925)

[e947268] Mr. President: [...] Gentlemen, the question will come up on the final adoption of Article VIII, the Recall of Public Officers.

Mr. Baker: Mr. President, I move that Article VIII, entitled "Removal from Office or the Recall of Public Officers," be stricken out, and the following be substituted: "The legislature shall enact a measure for the recall of public officials." This is the exact language of the pledge on which the Maricopa delegation was elected. It was in our platform and was printed and stood there during the campaign, and I am not in favor of adopting any other measure.

Mr. Osborn: I second that motion.

[Editor's Note: The wording of the document text is taken from page 403 of the Minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Page 925)

[e947273] Mr. President: You have heard the motion of Mr. Baker. Those in favor of adopting this amendment will answer "aye;" those opposed "nay," as the roll is called.

Mr. Cunningham: Is this a substitute for Article VIII?

Mr. Baker: Yes, as far as the word "impeachment."

Mr. President: Secretary call the roll on the adoption of the amendment.

Mr. Cunningham: I voted "aye" for this same amendment and I vote "aye" now.

Mr. Jones (Maricopa): I would like to have the record show that I am in favor of a recall, but in my judgement I think that this question is one that should be more carefully considered, and I vote "aye" in this instance.

(The Records of the Arizona Constitutional Convention of 1910, Page 925)

[e947276] Roll call showed 15 "ayes" and 31 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 925)

[e947281] Mr. Cassidy moved, seconded by Mr. Franklin, that subdivision No. 1 of Article 8 be referred to the Committee on Separate Submission with instructions that they report a Proposition thereon to be submitted separately.

(The Minutes of the Arizona Constitutional Convention, Page 403)

[e947286] In the face of this hopeless situation, Mr. Cassidy offered a motion to refer the article to the committee on separate submission that it might be placed before the voters separately from the constitution. The first argument he offered in support of this motion was the statement that [it] would bring out a larger vote at the election on the constitution. It was anyhow, said Mr. Cassidy, a matter that ought to go before the people. It would be an application of the principle of the referendum to a most important matter. Said Mr. Cassidy: 'There are many who doubt the wisdom of retaining the article in the constitution; they believe that it's a menace to statehood. The people are as sincere as the members of this convention and are as capable of exercising judgement and it carries that will forever close to the mouths of its opponents. It will cut the ground from under the feet of the opposition and will rob them of their thunder.'

'Don't you believe it,' was an injunction from a member of the 'opposition.'

(The Arizona Republican, 1910, December 8. Last Futile Assault. Pages 2-3)

[e947290] Mr. Baker: I desire to say one word and before I do say I word [sic.] I ask permission of the gentleman from Graham County, Mr. Webb, to read a communication that he has received from one of the highest officials in the United States and one of the most popular men in the Congress of the United States.

Mr. Webb: In reply to the gentleman from Maricopa I desire to say that Mr. Cobb and I wired several days ago to Honorable Joseph W. Bailey of Texas, and our purpose in doing so was, if possible, to induce the convention to see the situation as the delegation from Graham County have seen it all the time. If you do adopt the recall as it is I will vote for it, but if there is any way possible of getting this question submitted to the people or amended, I am in favor of doing so. The gentleman from Maricopa may read the telegram and the reply.

(The Records of the Arizona Constitutional Convention of 1910, Page 926)

[e947294] Mr. Baker: I shall now read the communication of both parties. "November 29, 1910, Honorable Joseph W. Bailey, Gainesville, Texas. Constitutional convention has adopted initiative and referendum. Has proposition to insert recall applicable to all officials including judiciary. Would these provisions in your opinion endanger approval of Constitution by President and Congress. Will treat answer as confidential for Democrats or for publication as you indicate. W. T. Webb, Lamar Cobb, Democratic members."

(The Records of the Arizona Constitutional Convention of 1910, Page 926)

[e947298] Mr. Baker: I shall now read the communication of both parties. [...] "Washington, D.C., December 5, 1910. Honorable W.T. Webb or Honorable Lamar Cobb, Phoenix, Arizona. Your telegram to Gainesville forwarded here. The provisions you specify are apt to provoke opposition of the President and might invite the disapproval of Congress. I am sincerely anxious to see Arizona admitted to the Union, and I advise our friends there to adopt a constitution free from all debatable provisions so as to secure statehood without delay. After becoming a state the people of Arizona can then adopt such amendments to her constitution as her people desire without consulting anybody or incurring the risk of being kept in a territorial condition. (Signed) J. W. Bailey."

(The Records of the Arizona Constitutional Convention of 1910, Page 926)

[e947307] Mr. Baker: [...] Now, one word, I will say that this is in keeping with the written platform upon which I was elected. This can be submitted to the people at the same time the constitution is and can do no possible harm, but better still is the amendment which is in keeping with the recall measure. I say most emphatically that I am opposed to the recall, as it now stands, being adopted by this convention, and I do hope that it will not be adopted but rather that it be submitted to the people and if they vote for it it will be just the same as though it had been in the constitution and enacted here. It will certainly give expression to the wishes of the people.

Mr. Feeney: Will the gentleman yield to a question?

Mr. Baker: I yield.

Mr. Feeney: Is this more debatable than the initiative and referendum?

Mr. Baker: I am not here to answer that for a Senator. I do not deem that the initiative and referendum is debatable at all.

Mr. Parsons: I had not intended to say anything this morning on this question, but since this matter has taken the turn it has I do not see how I can do my duty without I give some defense of the measure, one of the most solemn and one of the strongest points of the constitution. Talk of leaving it to the people to vote on! If you can depend upon anything at all that the people wish, you can most certainly depend upon their votes and their wishes when they sent this convention here to make this constitution and with this measure pledged for in our platforms. Or if you can depend upon the correspondence [sic.] whose wishes are expressed therein you can certainly understand what the people want from the correspondence that we are getting. Now, if you are going to submit this for the people to vote upon for the purpose of getting a larger number of voters out as the gentleman from Maricopa, Mr. Cassidy states, the chances are that you will lose more voters than you gain, for many of the voters will not know what they are voting on by submitting this as a matter of separate submission. Let us have a clean cut vote and with reference to the percentage of voters, I would just say that if the report of the percentage of voters can be depended upon, that of seventy-five percent, I think, will be a fair vote of the people, and I dare say, judging from the votes of the minority of this convention, that there will be a greater percentage than seventy-five percent.

We have a communication from Mr. Bailey advising us to leave or to eliminate debatable matter from our constitution, and that debatable matter being the recall. Now we might search all over the United States with a fine tooth comb and I do not believe that we could find another man more prepared to offer such advise [sic, advice] on the matter of the subject of the recall. What constitution would not contain debatable matter? What good could one see in a constitution that contained nothing debatable? I say that without some debatable matter in it, it would be a wishy-washy affair, and for my part I much prefer to have something in that is worthy of debate, and I believe that in the history of great achievements that this question of the recall will yet be known as one of the greatest measures that was ever debated upon and that history will repeat itself many times by having this written into many constitutions before many years have gone by.

With reference to this communication and one that I read in the papers only yesterday, coming from one of our highest officials who does not live more than one hundred miles from this building, I would say that these men are a fine pair and ought to tie up together. In my opinion one is as good as the other. The one giving advice to this convention as to what might invite the disapproval of Congress or the opposition of the President, and the other saying that he did not believe that the constitution as being framed by the convention members would ever be ratified by the people. I would like to ask the members of this convention, and especially the minority members, what authority he had to make such statements before one article of the constitution had been adopted by this convention? What right has he to question the work of this convention and give as his opinion the probable [decision] of the people in the matter before we have adopted a single article, and bring before the Congress and the President such reference to the work as would tend to antagonize them against the members, whose untiring efforts here in the interest of the people

whom they represent have endeared us in the hearts of the people, and who have already expressed their feelings with regard to our services here by the words "well done, thou good and faithful servant."

Mr. Wood: In answer to the gentleman from Maricopa, Mr. Cassidy, on separate submission, I would say that no one county in the territory has declared for the initiative, referendum and recall, and another county, that of Gila, has instructed her delegation that they wanted nothing attached as separate submission questions.

(The Records of the Arizona Constitutional Convention of 1910, Pages 926-927)

[e947309] Mr. Webb replying to Mr. Parson's statement regarding messages from home said that he had received many advising him to do the thing he now wished to do, submit this matter to the people. As to the delegates from Yavapai and Gila County, Mr. Webb said that they were allowed no choice in the matter but he urged those who were not so bound to support the Cassidy motion as one likely to make statehood more certain.

(The Arizona Republican, December 8, 1910)

[e947311] Mr. Cunniff: I am not here to apologize for Mr. Bailey, but I understand in the remarks of the gentleman from Cochise, Mr. Parsons, some harsh references to that gentleman. In my opinion he is one of the ablest men in the United States Senate. Had it not been for that man there would have been no constitutional convention, nor any constitution, for it was through his efforts, the untiring efforts of Honorable Joseph W. Bailey, that we have the Enabling Act, and we should feel very grateful to him for his sincere and ceaseless labors in our behalf. (applause)

Mr. Webb: It is for this reason we sent those telegrams to him, knowing he had our interest at heart, and is very desirous of our securing statehood.

Mr. Cunniff: I do not think it is necessary for us to pay attention to those telegrams, for I do not consider that they were communications from him for they came only as a reply to inquiry and I see no reason for paying any attention to them.

(The Records of the Arizona Constitutional Convention of 1910, Page 928)

[e947312] Mr. President: The question comes up on the amendment of Mr. Cassidy. The secretary will call the roll, and those voting "aye" will vote for separate submission and those voting "nay" vote against separate submission.

Roll call showed 17 "ayes" and 30 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 928-929)

[e947319] [Editor's Note: The letters between Webb and Cobb and Bailey were not mentioned again.]

(Editorial)

[e947320] [Editor's Note: The letters between Webb and Cobb and Bailey were not mentioned again.]

(Editorial)

[e947324] Mr. President: [...] Gentlemen, the vote now comes up on the adoption of Article VIII. Those in favor of the adoption of Article VIII, entitled the Recall of Public Officers, will answer "aye;" those opposed "nay," as the roll is called.

Mr. Lynch: I desire to offer another amendment. I voted "aye" for the last question, but now I am going to offer as an amendment for expediency; I move you that in Article VIII, Section 1, of the Recall of Public Officers, that after the words "public officers" insert the words "except judges of courts of record."

Mr. Tuthill: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947331] Mr. President: Gentlemen, you understand the motion. Those in favor of the amendment will answer "aye;" those opposed "nay," as the secretary calls the roll.

Roll call showed 15 "ayes" and 32 "nays."

Mr. President: The motion is lost. The question comes up on the adoption of Article VIII. Those in favor of its adoption will answer "aye;" those opposed "nay." Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947334] Mr. President: [...] The question comes up on the adoption of Article VIII. Those in favor of its adoption will answer "aye;" those opposed "nay." Call the roll.

Mr. Orme: I wish to explain my vote. I voted for the amendment and for separate submission for the reason that I feared it might endanger statehood to adopt the recall as it stood, but since it seems to be the wish of the majority of the members of this convention to adopt the measure, I shall vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947336] Roll call showed 38 "ayes" and 9 "nays."

Mr. President: Article VIII is adopted by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947384] [Editor's Note: The Convention had finished debating Part 2 of the Draft of the Arizona Constitution.]

(Editorial)

[e947340] Mr. Roberts: Mr. President, I have a resolution I would like to have read.

Mr. President: Secretary read the resolution.

Secretary (reading): Resolution Number 20. "Whereas, the Governor of Arizona publicly expressed through the press in Washington, December 5th, his opinion 'That the Constitution which is being formed will never be adopted.'

Resolved by the Constitutional Convention of Arizona that as no part of the constitution had been finally completed on the date above mentioned, no honest or intelligent opinion could be expressed, it deplores the unfair and presumptuous statement of the Governor as tending to influence Congress and the President in granting the wishes of the people of Arizona as expressed in the election of delegates to the Convention; that a copy of this Resolution be transmitted to the President and Congress by telegraph."

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947342] Mr. Cunningham: I think that it would be unwise to adopt such a resolution. We have no evidence that what the newspapers say is true, and even if it were true, I can see no reason why the Governor of any other person should not have the right to express his opinion on these matters. It is their right as well as the newspapers. I do not think that we should be so sensitive to such remarks and I suggest we pay no attention whatever to the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947345] Mr. Cunniff: I move that the resolution be indefinitely postponed.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 929)

[e947348] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947207] [Editor's Note: At the conclusion of the Committee of the Whole session on the afternoon of 6 December, Goldwater says, "Gentlemen, we have completed the printed part of the constitution." In the morning session of the Convention, before resolving into the Committee of the Whole, he says, "Gentlemen, we have some other matter to come before the committee of the whole..." It is clear, therefore, that Part 2 of the draft had been disposed of that the following articles were presented to the Convention in a third part.]

(Editorial)

[e947200] Mr. President: Gentlemen, we have some other matter to come before the committee of the whole, and the convention will now resolve itself into the committee of the whole, with the gentleman from Yavapai, Mr. Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947201] Mr. President: Gentlemen, we have some other matter to come before the committee of the whole, and the convention will now resolve itself into the committee of the whole, with the gentleman from Yavapai, Mr. Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947202] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e947299] The President resumed the chair.

Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947300] Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947302] Mr. Goldwater: Mr. President, your committee of the whole having had under consideration Articles VII and IX of the constitution, begs leave to report progress, and asks leave to sit again.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947303] Mr. President: The report will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947304] Mr. Goldwater: I move that we take a recess until 2 o'clock.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947305] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

## **1.96 Wednesday, 07 December 1910, at 14:00 (s16312)**

[e947262] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947265] Mr. President: The convention will come to order. There is a quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947266] Mr. Wood: Mr. President, I have a resolution.

Mr. President: Read the resolution, Mr. Secretary.

Secretary (reading): Resolution Number 21.

(The Minutes of the Arizona Constitutional Convention, Page 935)

[e947271] Mr. Wood: I will say that the Secretary of Arizona has been instructed to carry out the instructions of my resolution, and I move its adoption.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947275] Mr. Winsor: I wish I had known about the resolution, because I have one on the same subject, which I would like to refer to the gentleman.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e947278] Mr. Wood: If this will be acceptable to the secretary, I will very gladly accept it for introduction in place of mine.

(The Records of the Arizona Constitutional Convention of 1910, Page 935)

[e948398] [Editor's Note: When Mr. Wood withdraws Resolution Number 21, his motion to adopt it was dropped in tandem.]

(Editorial)

[e947285] Secretary (reading): Substitute for Resolution 21. "Resolved that a Committee on Editing to consist of five members be appointed by the President, with authority and instructions to edit and correct the verbatim report, or journal, of the proceedings of the Convention, and to submit typewritten copies of the same to such members as may request, to be by such members verified. The Committee on Editing shall have power and authority and is by this resolution vested with the power and authority of the Constitutional Convention, to employ such assistants as may be necessary in the performance of the duty assigned it.

The Secretary of the Territory is hereby authorized and directed to expend from the appropriation made in section 35 of the Enabling Act, approved June 20, 1910, such sums of money as may be necessary to carry into effect the provisions of this resolution."

(The Records of the Arizona Constitutional Convention of 1910, Pages 935-936)

[e947291] Mr. Winsor: I move the adoption of the resolution.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 936)

[e947293] Mr. Cunningham: Mr. President, is it the purpose of that second resolution to keep members of this convention here indefinitely working over the verbatim report, when we have sworn stenographers to take down that report?

Mr. President: That report would have to be gone over and corrected. The Secretary of State would not know how to correct it.

(The Records of the Arizona Constitutional Convention of 1910, Page 936)

[e947301] Mr. Franklin: Mr. President, as an amendment to that resolution, I move that the verbatim report of this convention be expunged from the records of this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 936)

[e947306] Mr. Baker: I am going to offer an amendment, and that is this: That the verbatim report as taken by the stenographers stand as it is at the present time.

Mr. Cunningham: I second the motion. What I have had to say in this convention I have tried to say advisedly. I am willing for it to stand as I said it, and if it is intelligible to any reader I am willing for him to draw his own conclusions, and if he is unable to ascertain my meaning, if I am still alive at the time he may be reading it, I will try to explain to him what thoughts I had and tried to express at that time. But I do not see where the authority would come in to appoint five members of this convention to spend the next six months in trying to find out what the sense of this convention was.

(The Records of the Arizona Constitutional Convention of 1910, Page 936)

[e947317] Amendment accepted by Mr. Franklin...

(The Minutes of the Arizona Constitutional Convention, Page 407)

[e947326] Mr. Goldwater: Mr. President, I have come in a little late, and I am not quite positive what is under consideration. I find on my desk a sheet of paper endorsed on the back, which reads as follows: "Resolution Number 1." Referred to the Committee on Ordinance, of which I am chairman. Now the Committee on Ordinance, through an oversight, I am sure (as I am sure my colleagues have no desire to neglect any duties assigned to them) have failed to make any report on this resolution. In the editing of this verbatim report I presumed that this resolution will no doubt appear, unless the editing committee slights it out as being frivolous. I am going to read this resolution again: "Resolved, that any member having a prepared speech of which he is proud, and which he desires to have perpetuated, be given leave to file a typewritten or printed copy of same, prepared at his own expense, with the secretary of this convention, to be published in the journal. Be it further resolved, that the secretary be authorized to insert at such intervals as he may deem proper in said speech these words, "hear, hear," "Loud applause," "Laughter," etc. Now, Mr. Chairman, it seems to me that this resolution is certainly germane to the subject just now under discussion, and I bring it up again for the purpose of reminding the members that if they have failed to introduce any speech which they wanted introduced in this verbatim report, they now have an opportunity to go to the secretary and file with him a typewritten copy of such remarks.

(The Records of the Arizona Constitutional Convention of 1910, Page 936)

[e947335] Mr. Cunningham: I seconded that motion of the gentleman myself.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947338] Mr. Goldwater: I want to return this resolution, which has been returned to the committee, to the files of the convention. I think it is all right, even if it is frivolous, and I am going to return it with the report of the committee to the effect that the committee returns it back to the convention without recommendation.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947344] Mr. Cobb: Mr. President, is another amendment in order at this time? I would like to amend by striking out the appointment of a committee of five, and insert the secretary and assistant secretary of this convention. I think they are the most competent people.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947350] Mr. Colter: I do not think that amendment is in order.

[Editor's Note: The Minutes names Colter as the seconder of the motion, which seems unlikely to be the case if he objected to the amendment as being out of order. Either the Records or the Minutes is likely incorrect, though it is not clear which.]

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947353] Mr. Standage: I would like to amend that; that it be the assistant secretary who had charge of this verbatim report.

Mr. Sims: I second that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947354] Mr. Cobb: There was no second to my motion, and I will accept the amendment as offered by Mr. Standage.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947358] Mr. President: Gentlemen of the convention, you have heard the motion of the gentleman from Maricopa. Mr. Baker moves, seconded by Mr. Cunningham, that the verbatim report will stand as the stenographers have taken it; amended that the assistant secretary of the convention will edit this verbatim report. Are you ready for the question?

Mr. Cunniff: Mr. President, is that amendment made on the original motion that was inserted in that resolution, or does it stand alone?

Mr. President: If that motion carries, that portion of the resolution will have to be stricken out that the president of the convention appoint five members.

Mr. Cunniff: Did the provisions of that original motion cover this?

Mr. President: I understand that would be it.

Mr. Morgan: The gentleman from Maricopa made a motion that the original verbatim report be accepted, and we have not had a chance to vote on that proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e947360] Mr. Goldwater: Mr. President, I do not know that I am in order, but I have another resolution which I would like to introduce at this time—not as an amendment, but as an addition, and it reads as follows: “Resolved that five hundred copies of the verbatim report proceedings of this convention, as revised and edited, be bound in calf or sheep as may be deemed most appropriate to the member or person for whom the copy is intended.”

[Editor's Note: Goldwater's distinction between an amendment and an addition to the resolution lies in the fact that he is not proposing to replace existing

text but add additional text. However, such a change still falls within the definition of an amendment used in this project in that it is a proposed change to – addition or deletion – to a piece of text.]

(The Records of the Arizona Constitutional Convention of 1910, Page 937)

[e948394] [Editor’s Note: Mr. Goldwater’s addition didn’t seem to have received a second.]

(Editorial)

[e947367] Mr. Chairman [sic. President]: The question comes up on the first amendment offered by the gentleman from Maricopa, Mr. Standage. Those in favor of that amendment will answer “aye;” opposed “no.” The “ayes” have it.

(Editorial, Page 937)

[e947370] Mr. Cunniff: If an amendment is in order, I should like to add a proviso to that resolution. “Provided, that no member shall extend the report of his remarks or his speeches.” The point is, that as I understand, there are places where this verbatim record is not complete, where perhaps a word is dropped out, and I think it would be practical to see that that is straightened out without the members going to inserting things that, say, have been omitted; and therefore, I offer this as an amendment in entire good faith and sincerity, that the verbatim report shall not be expunged.

Mr. Morgan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 937-938)

[e948400] [Editor’s Note: There is no further mention of Cunniff’s amendment, so it is represented as dropped.]

(Editorial)

[e947372] Mr. Baker: What has become of my original amendment to the motion? We have never had an opportunity to vote upon it. I ask that my original amendment to the motion be put.

(The Records of the Arizona Constitutional Convention of 1910, Page 938)

[e947374] Mr. President: The gentleman from Maricopa, Mr. Baker, moves that the verbatim report will stand as the stenographers have written it out. Those in favor of that motion will answer “aye;” those opposed will answer “no.” Call the roll.

Mr. Osborn: Mr. President, in explaining my vote I want to call attention to the fact that every Republican member has voted “aye,” and every time one of those members made a speech he had it written out and handed to the secretary; therefore, I vote no.

Mr. Wills: I am like Mr. Osborn, I vote no.

Mr. Cobb: I would like to know the status of this question now.

Mr. President: There is no status to it at all.

Mr. Baker: The record stands as it is now?

(The Records of the Arizona Constitutional Convention of 1910, Page 938)

[e947416] Mr. President: Those in favor of the amendment will answer “aye”—those in favor of the resolution as amended will answer “aye;” those opposed will answer “nay.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 938)

[e947435] Mr. Bolan moved, seconded by Mr. Morgan, to reconsider the vote by which motion was carried to leave verbatim report as it is now written.

(The Minutes of the Arizona Constitutional Convention, Page 407)

[e947443] Carried by the following vote:

Ayes Bolan, Bradner, Cassidy, Cobb, Coker, Colter, Connelly, Crutchfield, Cunniff, Feeney, Goldwater, Ingraham, Jones, A.M., Jones, F.A., Keegan, Kingan, Kinney, Moeur, Morgan, Osborn, Parsons, Roberts, Sims, R.B., Simms, Mit, Tuthill, Webb, Weinberger, Wills, Winsor, Wood, Mr. President. Total 30.

Nays—Baker, Cooper, Cunningham, Curtis, Franklin, Hutchinson, Jacome, Kingan, Langdon, Lovin, Lynch, Orme, Pusch, Scott, Short, Standage, Tovrea, White, Wells. Total 19.

Excused—Doe, Ellinwood, Moore.

(The Minutes of the Arizona Constitutional Convention, Page 407)

[e948396] [Editor’s Note: With the vote reconsidered, the editors have inferred that Franklin’s proposal was dropped.]

(Editorial)

[e947448] Mr. Jones of Maricopa, moved, seconded by Mr. Sims, of Cochise, to amend Resolution Number 21 by striking out the words near the beginning “five members” and inserting the words “the assistant secretary working under the supervision of one Democrat and one Republican” and that in the second line the word “with” be stricken out and the words “is hereby given” be inserted.

(The Minutes of the Arizona Constitutional Convention, Pages 407-408)

[e947449] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 408)

[e947450] Resolution No. 21 as amended, carried.

(The Minutes of the Arizona Constitutional Convention, Page 408)

[e947406] Mr. President: Any other communications on the desk?

Secretary (reading): “I, Joe Daze, do hereby tender my resignation as committee clerk of the constitutional convention, said resignation to take effect on and after this date. (signed) Joe Daze.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 938-939)

[e947408] Mr. President: If there are no objections the resignation will be accepted. Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947410] Mr. President: [...] Gentlemen of the convention, if there are no objections, the convention will resolve itself into the committee of the whole to take up the matter that was before it when we adjourned. The gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947451] Mr. President: [...] Gentlemen of the convention, if there are no objections, the convention will resolve itself into the committee of the whole to take up the matter that was before it when we adjourned. The gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947452] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e947453] The President resumed the chair.

Mr. President: The convention will come to order and the gentleman from Yavapai, Mr. Goldwater, will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947454] Mr. President: The convention will come to order and the gentleman from Yavapai, Mr. Goldwater, will report the progress of the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947441] Mr. Goldwater: "Mr. President, Your committee of the whole begs leave to report it has had under consideration Article VII, IX and X, and respectfully recommends that the same be adopted as amended, and asks leave to sit again."

(Editorial)

[e947477] [Editor's Note: Draft Constitution as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947479] [Editor's Note: Draft Constitution as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947446] [Editor's Note: Part 3 of the Draft Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947455] Mr. Winsor: I move the report of the committee be adopted.

Mr. Short: I second that motion.

(Editorial, Page 942)

[e947457] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947487] Mr. Goldwater: I move that the convention adopt Article Number VII as amended.

Mr. Winsor: I second that motion.

[Editor's Note: Despite 'the question' being changed to 'such question' in the Committee of the Whole session, a secretarial error causes 'such question' to change back to 'the question'. This is later corrected.]

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947489] Mr. Goldwater: I move that the convention adopt Article Number VII as amended.

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947491] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947540] Mr. Goldwater: I move that Article IX be adopted as amended.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947529] Mr. Goldwater: I move that Article IX be adopted as amended.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947531] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947554] Mr. Goldwater: I move that Article X be adopted as amended.

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947555] Mr. Goldwater: I move that Article X be adopted as amended.

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947557] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947564] Mr. President: Articles VII, IX and X are now up for final adoption. The secretary will read Article VII for final adoption.

Secretary (reading): Article VII.

Mr. President: The question now comes up on the adoption of Article VII, entitled "Suffrage and Elections." The secretary will call the roll and those who are in favor of adopting Article VII will answer "aye;" those opposed will answer "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947567] Roll call showed 36 "ayes" and 11 "nays."

Mr. President: Article VII has been adopted by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947568] Mr. President: [...] The question now comes up on the adoption of Article IX. Those in favor of adoption will answer "aye" and those opposed "nay," as the secretary reads the article and then calls the roll.

Secretary (reading): Article IX.

Mr. President: Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947569] Mr. Baker: I move that Section 2 as read by the secretary be stricken out and Section 2 of the original Article be inserted in lieu.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947570] Mr. President: Those in favor of the motion of the gentleman from Maricopa, Mr. Baker, will say "aye;" those opposed "nay;" as the roll is called.

Roll call showed 15 "ayes" and 31 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 942-943)

[e947576] Mr. Cassidy: I move that in Section 11 the words "boards of supervisors" be stricken out and the words "governor, secretary of the state, state auditor and state treasurer" be inserted in lieu thereof.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947577] Mr. President: I hear no second. Call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947580] Roll call showed 30 "ayes" and 17 "nays."

Mr. President: Article IX is adopted into the constitution of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947478] Mr. President: [...] I would like to ask the chairman of the printing committee when there will be some other printed matter ready for the convention?

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947583] Mr. Jones (Maricopa): Since the chairman is not present, I will say that Mr. Short has gone down there now, but we are promised sufficient work for a night session.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947584] Mr. Feeney: I move that the convention take a recess until 7:30 o'clock this evening.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947586] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

## 1.97 Wednesday, 07 December 1910, at 19:30 (s16315)

[e947438] The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Pages 958-959)

[e947439] Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 958-959)

[e947461] [Editor's Note: At the conclusion of the Convention session on the afternoon of 7 December, after the Convention considered Article X, Hunt says, "I would like to ask the chairman of the printing committee when there will be some other printed matter ready for the convention?" Given that the Convention considered the Draft Constitution as the articles were printed, it is clear that a new group of articles, beginning with Article XI, constituted a fourth part of the draft.]

(Editorial)

[e947447] Mr. President: A quorum is present. Gentlemen of the convention, if there are no objections, the convention will now resolve itself into a committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947464] Mr. Cobb: Mr. President, before we go into Committee of the Whole, I would like to move that the entire debate which took place this morning over the recall be stricken from the record.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 943)

[e947465] Mr. President: Gentlemen of the convention, you have heard the motion.

Mr. Baker: Mr. President, I cannot understand any reason for that. I cannot understand the cause for it. Anything that any man says on the floor of this convention ought to be published. It ought to stand. Every man ought to stand by what he has said and by what he has done. There is no need of concealing anything. What each man has said, what each man has done upon the floor of this convention, should be let stand, and nothing be stricken out.

Mr. Goldwater: Mr. President, I would suggest that we cannot do that without putting into the record the motion made by the gentleman from Graham, Mr. Cobb, and to do that would just simply draw attention to the matter that had been omitted. It would make it worse.

Mr. Lynch: Mr. President, I understand that the motion embraced only the debate upon the initiative and referendum, and not the motions that were made. Now, I agree with the gentleman from Maricopa, Mr. Baker, that we should stand by anything we said, and I am willing to stand by what I said, but there were some remarks made in the heat of the debate that I think would be better stricken from the record when it gets up to Washington.

Mr. Baker: Mr. President, I object to this convention being like jellyfish and spineless. Whatever a man has said upon this floor, let it go for aye and nay forever and ever. There is no necessity of our crawfishing. It is a disgrace to pass a thing of that kind. It is simply unmanly and improper.

Mr. Tuthill: Mr. President, I object to any such motion as that. I was in the very small minority today, but I am willing to let my words stand, and I think this magnificent majority ought to take the same stand.

(The Records of the Arizona Constitutional Convention of 1910, Pages 943-944)

[e947466] Mr. President: Those in favor of expunging from the records the remarks that were made in regard to the recall will say "aye;" those opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947467] Mr. Goldwater: It seems to me that my recollection is that the gentleman from Graham did not make any extended remarks on that subject.

Mr. Cobb: I was just going to make that explanation.

Mr. Goldwater: I think somebody has misled him into making this motion.

Mr. President: Gentlemen of the convention, if there are no objections the convention will now...

Mr. Cobb: I made that motion without the suggestion of anyone or without consulting with any one.

(The Records of the Arizona Constitutional Convention of 1910, page 944)

[e947468] Mr. President:...go into Committee of the Whole with the gentleman from Yavapai, Mr. Goldwater, in the chair; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947469] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e947784] The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
958-959)

[e947785] The President resumed the chair.

Mr. President: The convention will come to order. The chair will recognize the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
958-959)

[e947931] Mr. Goldwater: "Mr. President: Your Committee of the Whole, having had under consideration the Constitution of Arizona, begs leave to report progress and asks leave to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947934] [Editor's Note: The Draft of the Constitution as considered in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947935] [Editor's Note: Part 3 of the Draft of the Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947936] [Editor's Note: Part 4 of the Draft of the Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e947937] Mr. Cunniff: Mr. President, I move that the report be accepted.

Mr. Langdon: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947938] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947940] Mr. Goldwater: Mr. President, I move that the amendments offered by the committee of the whole be adopted.

Mr. Cunniff: I second the motion.

[Editor's Note: In adopting the committee amendments, the Convention did not adopt the remaining articles of the Constitution, but took those amendments into the text that was be considered as the articles came up for consideration in the following session.]

(The Records of the Arizona Constitutional Convention of 1910)

[e947941] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947942] Mr. Ingraham: Mr. President, I move we adjourn until 9:30 tomorrow morning.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947943] The motion prevailed.

Convention stood adjourned to 9:30 a.m. December 8, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

## 1.98 Thursday, 08 December 1910, at 09:30 (s16318)

[e947692] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947693] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947694] Mr. President: [...] The secretary will call the roll.

Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947695] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 959)

[e947696] Reverend Crutchfield: O Lord, our Heavenly Father, we thank Thee that we have come to this hour. For these sixty days these men have been gathering here day after day in this work, and we are permitted to gather here at the last day allotted to them in which to do the work which they have come here to do. We thank Thee, Lord, that none of these men have been caused to die; no sorrow nor sadness has come to any of their homes that is giving them great distress. We thank Thee for the merciful circumstances by which they are surrounded today, and we thank Thee, Lord, that we have the disposition of heart to call upon God, and we pray Thee, Lord, to be with every one of these men this day. We thank Thee, Lord, that there is enough patriotism in these men, though they may not get pay for the labors they have to do in the future to write up this constitution, that they have patriotism to come here a day and work gratuitous, and we pray Thee that they may have courage to do manfully what ought to be done before they adjourn, so that they shall have a clean and a good constitution written. Lord, we thank Thee for our association with these men for these sixty days. We thank Thee for the absence of [word unclear] we have heard—but little—and for the cleanness of these members' conversation and in life. We thank Thee that as representatives of the people they express a high type of Christian civilization and [words unclear] gentility and manliness. We pray Thee that it may characterize them through their lives, and their families and friends with whom they are associated and over whom they have an influence, that they may be influenced to the right that they shall be honorable citizens and fellow citizens of this great country. Hear us, Lord, in these our morning prayers. Forgive us our sins. Lead us along the way of life gently, smoothly and sweetly, and in Heaven give us a home. We ask in the Great Redeemer's name. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 959-960)

[e947697] Mr. President: Read the minutes. [Minutes read.] Gentlemen of the convention, these are the minutes up to the session of last night which are not completed. Are there any alterations or corrections in the minutes?

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947698] Mr. President: [...] Hearing none, they will stand approved as read...

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947699] Mr. President: [...] Gentlemen of the convention, do you want to adopt what we got through with yesterday, before going into Committee of the Whole? What is the pleasure of the convention?

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947700] Mr. Jones of Maricopa: I suggest that course, Mr. President. Adopt what we took up last night.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947701] Mr. President: Gentlemen of the convention, we will read Article X, – State and School Lands, – for final adoption. The secretary will proceed to read.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947878] Secretary: (reading) Article X, State and School Lands.

[Editor's Note: The version of Article X the Secretary read at this point was the version adopted in the Committee of the Whole. This amendment shows those changes being incorporated into the version of Article X that the Convention began to consider before referring it to the Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947879] [Editor's Note: The version of Article X the Secretary read at this point was the version adopted in the Committee of the Whole. This amendment shows those changes being incorporated into the version of Article X that the Convention began to consider before referring it to the Committee of the Whole.]

(Editorial)

[e947884] Mr. President: The question comes up on the adoption of Article X, State and School Lands. Those in favor of the adoption of Article X will answer aye, as their names are called; those opposed will answer nay. The secretary will call the roll.

Roll call showed 44 ayes and no nays.

Mr. President: Article X has been adopted by this convention. We will now take up Article XI, Education. The secretary will read Article XI.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947959] [Editor's Note: The Convention had finished debating Part 3 of the Draft of the Arizona Constitution.]

(Editorial)

[e947886] Secretary: (reading) Article XI, Education.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947890] Mr. President: The question comes up on the adoption of Article XI, entitled, Education, into the constitution of Arizona. Those in favor of the adoption of Article XI will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.

Mr. President: Article XI, Education, has been adopted into this Constitution. We will now take up article XII, Counties.

[Editor's Note: The voting record is excluded in the minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947901] Secretary: (reading) Article XII, Counties.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947904] Mr. Jones of Yavapai: Mr. President, I move in Section 3, after the word "sheriff" and after the word "recorder" and after "treasurer", after the word "school superintendent, "county attorney", "assessor," and "county superintendent of roads," the semi-colon (;) be changed to a comma (,).

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947905] Mr. President: If there is no objection the semi-colon will be stricken out and a comma inserted. Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 960)

[e947907] Mr. President: [...] Call the roll on Article XII, Counties.

Roll call showed 44 ayes and no nays.

Mr. President: Gentlemen, Article XII, Counties has been adopted into this Constitution. Next will be Article XIII, Municipal corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947913] Secretary: (reading) Article XIII, Municipal Corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947917] Mr. President: The question comes up on the adoption of Article XIII, Municipal Corporations. Those in favor of the adoption of Article XIII will answer aye as their names are called; those opposed will answer no. Secretary will call the roll.

Roll call showed 45 ayes and 1 nay.

Mr. President: Gentleman, Article XIII, Municipal Corporations, has been adopted into our Constitution. We will now take up Article XIV, Corporations other than Municipal. The secretary will read.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947918] Secretary: (reading) Article XIV, Corporations other than Municipal.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947920] Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article XIV, Corporations other than Municipal. All those in favor of the adoption of this Article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.

Roll call showed 40 ayes and 7 nays.

Mr. President: Gentlemen, Article XIV has been adopted into this Convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947949] Mr. Cunniff: Mr. President, I would ask unanimous consent to refer to the Article on Suffrage and Election. When we came to enrolling Section 13 last evening we found that as amended Section 13 reads as follows:

Questions upon bond issues or special assessments shall be submitted to a vote of property taxpayers who shall also in all respects be qualified electors of the state and of the political subdivision thereof affected by the question." This was the copy given to me by the secretary as adopted. If the phrase is "such question" that brings it out.

(The Records of the Arizona Constitutional Convention of 1910, Page 416)

[e947953] Mr. President: If there is no objection, Mr. Cunniff will be instructed to insert the word. Gentlemen of the convention, we will take up Article XVI, entitled Militia. The Secretary will read.

(The Records of the Arizona Constitutional Convention of 1910, Page 416)

[e947955] Secretary: (reading) Article XVI, Militia.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947971] Roll call showed 46 ayes and 1 nay.

Mr. President: Article XVI has been adopted, gentlemen, into our constitution. We will take up Article XVII, Water Rights. The secretary will read.

(The Records of the Arizona Constitutional Convention of 1910, Page 961)

[e947975] Secretary: (reading) Article XVII, Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e947976] Mr. President: Gentlemen, the question comes up on the adoption of Article XVII, Water Rights, into our Constitution. Those in favor of the adoption of this article will answer aye as their names are called; those opposed will answer no. The secretary will call the roll.

Roll call showed 47 ayes and no nays.

Mr. President: Article XVII has been adopted by this convention. We will now take up Article XIX, Mines. The secretary will read.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e947981] Secretary: (reading) Article XIX, Mines.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e947986] Mr. President: Gentlemen, the question comes up on the adoption of Article XIX, Mines, into our Constitution. Those in favor of adoption will answer aye as their names are called; those opposed will answer no. The secretary will call the role.

Roll call showed 46 ayes and no nays.

Mr. Present: Article XIX, Mines, has been adopted by this convention. The next article will be Article XXI, Mode of Amending. The secretary will please read.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e947998] Secretary: (reading) Article XXI, Mode of Amending.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e948005] Mr. President: Gentlemen, those in favor of the adoption of Article XXI, Mode of Amending, will answer aye as their names are called; those opposed will answer nay. The secretary will call the roll.

Roll call showed 39 ayes and 7 nays.

Mr. President: Article XXI has been adopted by this convention. Gentlemen, we will now take up Article XXII, Schedule.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e948009] Secretary: (reading) Article XXII, Schedule.

(The Records of the Arizona Constitutional Convention of 1910, Page 962)

[e948013] Mr. Cunniff: Mr. President, this is not debatable at this time, but section 15 looks a bit doubtful: "Any law of the Territory of Arizona in force at the time of the admission of the state into the Union shall be considered as repealed by this constitution, if the enactment of such law by the legislative power of the state is forbidden by this constitution." If certain things were permitted, or have been permitted by law, and the law has not been repealed, according to another section in our constitution these laws remain in effect until they are definitely repealed, and this constitution merely prevents the operation of anything that is repugnant, to this constitution, —nothing that is forbidden by this constitution. It seems to me that we ought to have a clear idea of these specific laws that there may be that are forbidden by the legislative power of the state to enact subsequently. It seems to me we were a little bit hasty in adopting this last article.

Mr. Ingraham: Mr. President, it is impossible for this convention to adopt any law impairing obligation of contract anyway, as that is forbidden by the United States Constitution. The intent of section 15 is this: we will suppose that there is a certain law, enactment of which is forbidden to the legislature of the new state. Now that forbidding does not repeal the law now on the statute books. There may now be a law on the statute books of the Territory of Arizona to the exact effect of the law which might be forbidden by this constitution. Now are we to let that law of the Territory of Arizona go on still in force while our legislature is prohibited from enacting such a law, and yet we have nothing in the constitution which says that those laws are repealed by this constitution. We have a provision saying laws which are repugnant are repealed, but such a law is not repugnant to the constitution because there is nothing in the constitution repugnant to the law. The purpose of this clause is to put something in our constitution that will be repugnant to the law.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
962-963)

[e948018] Mr. Crutchfield: I move that it be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 963)

[e948021] Mr. Ingraham: It is absolutely necessary, unless we want a whole batch of laws at present on the statute books to continue under our constitution. We have adopted several provisions saying that the legislature shall enact no law concerning this, that or the other, and yet we have such laws now on the statute books.

Mr. Weinberger: Mr. President, I will submit that that provision will work considerable hardship, and is liable to meet with considerable confusion for this reason: it contemplates the repeal of any law which has already been enacted, when the constitution provides that no such law shall be enacted. For instance, we have laws whereby cities have been incorporated by a special act. I think the

city of Prescott is working under a special charter, and if this provision should go into effect, that law would be repealed for the reason that our legislative bill provides that no special, local or special law shall be enacted in any of the following cases: incorporation of cities, towns or villages, or amending their charters. This is only one of a dozen similar cases where such laws or other laws have been enacted, and these laws would be repealed.

(The Records of the Arizona Constitutional Convention of 1910, Page 963)

[e948022] [Editor's Note: Crutchfield's motion to strike out Section 15 appears to have not received a second, as Cunniff proposed the same amendment later.]

(Editorial)

[e948025] [Editor's Note: Crutchfield's motion to strike out Section 15 appears to have not received a second, as Cunniff proposed the same amendment later.]

(The Records of the Arizona Constitutional Convention of 1910, Page 963)

[e948028] Mr. Ingraham: I would say that unless there is some similar provision put in, there will more inequity creep into this constitution than the members now dream of. It permits the legislature, by simply allowing the present laws to stand on the statute books, to avoid the prohibitions of this constitution. When we prohibit certain things we mean there shall be no laws concerning such things, and now this convention proposes to allow the legislature to continue such a law, perhaps for a hundred years. These laws will never be repealed unless they are repealed by the action of the legislature.

Mr. Lynch: Mr. President, I think if the gentleman from Yuma will stop to consider a moment, he will see his position is not well taken. Under the provisions of the Enabling Act "all laws of the said territory in force at the time of its admission into the Union shall be in force in said state until changed by the legislature of the state, except as modified or changed by this act or by the constitution of the state." In other words, if in our constitution we have changed a law or qualified it or determined that no such law shall exist, and we have suspended absolutely the operation of that law, whether it is changed by the legislature or not, it is absolutely of no force whatever, without any further action.

Mr. Ingraham: The gentleman does not catch my point yet. It is true if we qualify a law then the law is repealed under the terms of the Enabling Act, but we simply say that the legislature shall enact no law concerning this thing or that, or if they say that no law shall be enacted that does not repeal the present law. The present law would stand forever under this provision, in spite of the prohibitions of the constitution. If that provision is not included there must be something similar to that provision, and as the schedule is now being completed this is our last opportunity.

Mr. Cunniff: I submit that where the constitution has changed a law that is what we meant to do, and that is all well and good in places where we have done it, but in places where we did not intend to do it we followed the same procedure that is followed in other states, of saying that all laws in existence that are repugnant to the constitution, which have not been repealed by this constitution, shall remain in force until one by one they are repealed by the

legislative power of the state, and it seems to me that is the wise and orderly way to go about it, and not make a sweeping provision of this kind.

Mr. Weinberger: I will say further, that I believe that the legislature can correct any of these contradictions that may appear.

Mr. Cassidy: Mr. President, I was in favor of this section, but since Mr. Weinberger has pointed out that it might operate to repeal the special charters in some way of the cities, I think I will have to vote against it. I believe that is a very important point that Mr. Weinberger has brought up, and I feel that this convention should not, under those circumstances, adopt this section. I was in favor of it, but since the objections have been pointed out I am certainly of the opinion that it ought not to pass.

(The Records of the Arizona Constitutional Convention of 1910, Pages 963-964)

[e948033] Mr. Ingraham: I will make an amendment, Mr. Chairman, that this shall not be construed to extend to charters of cities or towns.

(The Records of the Arizona Constitutional Convention of 1910, Page 964)

[e948036] Mr. Weinburger: I submit that will not help matters any.

(The Records of the Arizona Constitutional Convention of 1910, Page 964)

[e948038] Mr. President: There is no second to the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 964)

[e948039] Mr. Cunniff, moved, seconded by Mr. Jones of Yavapai, to strikeout Section 15 of Article XXII, carried.

(The Minutes of the Arizona Constitutional Convention, Page 417)

[e948053] Mr. Cassidy: Mr. President, it seems to me that the heading of this article ought to be amended so as to read "Schedule and Miscellaneous," because we have put some things in here that really are not schedule, and I moved that it be changed to read "Schedule and Miscellaneous."

(The Records of the Arizona Constitutional Convention of 1910, Page 964)

[e948054] Mr. Cunniff: Mr. President, I would suggest that we postpone final action on this matter. There are still three or four propositions that have not been acted on in the committee of the whole, and I think they are not yet returned from the printer. One is Proposition 93, which should have been incorporated in legislative but we did not have it in time. One is the state examiner, and the other is the provision requiring that all officers shall receive definite salaries and shall not receive fees for their own use. These might be incorporated under the heading of "Miscellaneous," and I therefore, move that final action on this be postponed until later in the day when those matters are back and all these things can be incorporated and the heading changed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 964-965)

[e948055] Mr. Short: I would say further, Mr. President, that those printed articles will be here in twenty minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e948057] Mr. President: If there are no objections we will postpone this temporarily.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e948059] Mr. Crutchfield: What has become of the two sections referred to—juvenile court and penal institutions?

Mr. President: The chair will recognize the gentleman from Cochise, Mr. Bradner.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947704] Mr. Bradner: I have a resolution, Mr. President.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947707] Mr. Cunniff: In the interim, while the resolution is being brought up, I should like to make a suggestion. The revision committee has now reported everything except the election ordinance, Number 2, which is the one providing for the primary, and which will be ready to report to the convention today. According to the understanding of the revision committee, with these three I have named, now we have incorporated in the constitution every proposition that has been adopted by the convention, and we should be very glad to have the assistance of any delegate in checking over his own propositions or any matters in which he is interested, to see if we have made any error. According to our records, we have now provided, with these three propositions to come in from the printer in a few minutes, for everything that has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947708] Mr. Cunniff: In the interim, while the resolution is being brought up, I should like to make a suggestion. The revision committee has now reported everything except the election ordinance, Number 2, which is the one providing for the primary, and which will be ready to report to the convention today. According to the understanding of the revision committee, with these three I have named, now we have incorporated in the constitution every proposition that has been adopted by the convention, and we should be very glad to have the assistance of any delegate in checking over his own propositions or any matters in which he is interested, to see if we have made any error. According to our records, we have now provided, with these three propositions to come in from the printer in a few minutes, for everything that has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947709] Mr. Osborn: Mr. President, I have a memorial here I would like to have read.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947714] [Editor's Note: The Convention took up Proposition Number 152, referred to here as Election Ordinance Number 1.]

(Editorial)

[e947716] Mr. Short: I would like to ask the gentleman from Yavapai, Mr. Cunniff, the status of Election Ordinance Number 1.

Mr. Cunniff: Election Ordinance Number 1 has never been referred to the revision committee. As I understand, it is in the secretary's hands, and was referred by the committee to a select committee to fill in some dates. I understand it is awaiting the action of that committee, which cannot act until we have a definite understanding of the time at which we will adjourn. I would suggest that the election ordinance be sent to the revision committee in the interim so we may report on the revised copy of it.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947718] Mr. Winsor: I have the special election ordinance in my hands, referred to me by the secretary. I think the suggestion of the gentleman from Yavapai is a good one. That it should be referred to the Committee on Style and Revision, for the sub-committee will not be able to report until we know when we will adjourn.

(The Records of the Arizona Constitutional Convention of 1910, Page 965)

[e947719] Mr. President: If there is no objection it will be referred to the committee so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947720] Secretary: (reading) Resolution No. 22, (introduced by Mr. Bradner)...

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947723] Secretary (reading): "Resolution Number 22, (introduced by Mr. Bradner), Be it resolved that the Committee on Printing and Clerks, Be, and it hereby is, instructed to invite bids from the daily newspapers published in the city of Phoenix, for the publication of the Constitution of Arizona as it shall finally be adopted by this Convention such publication to be made twice each week for four successive weeks, and to award to the newspaper submitting the lowest and best bid in accordance with the terms of this Resolution, the contract for said publishing. The said Committee shall require each newspaper submitting a bid to accompany the same with a sworn statement of the actual bona fide circulation of said newspaper, and may exact such other conditions and make such other investigations as will satisfy the said Committee of the circulation of any newspaper so bidding or of the accuracy of any circulation statement so submitted; and bids received shall be considered and the contract awarded with due regard to and upon the basis of circulation statements, verified as aforesaid.

The Secretary of the Territory is hereby authorized and directed to expend, from the appropriation made in Section 35 of the Enabling Act, approved June 20, 1910, such sums of money as may be necessary to carry into effect the provisions of this resolution."

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947729] Mr. Wood: I move the adoption of the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947731] Mr. President: You have heard the resolution. The question comes up on the adoption of Resolution Number 22. The “ayes” have it; so ordered. Read the memorial by Mr. Osborn.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947732] Secretary (reading): Memorial Number 2, introduced by Mr. Osborn of Maricopa County, relating to election for ratification of constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947734] Secretary (reading): Memorial Number 2, introduced by Mr. Osborn of Maricopa County, relating to election for ratification of constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947737] Mr. Osborn: I move the adoption of the memorial.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947740] Mr. President: You have heard the memorial. The question comes up on the adoption of the memorial—

Mr. Ingraham: I would like to ask how the date of the election can be fixed. We have drawn an ordinance to the effect that notice shall be issued by the Governor of the territory within five days after our adoption of the ordinance calling the election under the provisions of the Enabling Act, which will be not less than sixty or more than ninety days after our adjournment. Now it is contemplated by this memorial that this convention shall fix the time of that election. If we adopt this resolution and send it on to Congress, and await the action of Congress, what position will it leave us in concerning the date of the election? It seems to me the election will have to be called, we must require the notices to be given, and the election having been called, it seems to me great confusion would result if Congress shall later take some action on this memorial.

Mr. Osborn: Mr. President, Congress would have to take action right away to give us any benefit under this memorial, and I believe they will do that. In answer to the gentleman from Yuma, I would say that we can set the date for the election in our ordinance, and say unless otherwise provided by an act of Congress, which I think would do away with this objection.

Mr. President: The question comes up on the adoption of the memorial. Any other remarks? Those in favor of the memorial will answer “aye;” those opposed will answer “no.” Call the roll. Those in favor of the adoption of the memorial will answer “aye” as their names are called. Those opposed will answer “no.”

Mr. Cunniff: I have given considerable thought to that resolution since I first saw it, and the more I think of it the more it seems to me that this action

will be of no great value or assistance, and it seems to me it is the wise plan to let things ride as they are, and let the convention set the date of the election within the terms of the Enabling Act, and do not try to be in too great a hurry.

Mr. Osborn: Mr. President, can the gentleman from Yavapai point to any one instance where it will work to the disadvantage of the territory? It may not do any good, but it certainly cannot do any harm.

(The Records of the Arizona Constitutional Convention of 1910, Pages 996-967)

[e947742] Mr. President: Call the roll.

Roll call showed 17 "ayes" and 32 "nays."

Mr. President: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947746] Mr. Short: I have a resolution that I would like to offer.

Secretary (reading): Resolution Number 23, introduced by Mr. Short of Yuma, "Resolved that the Convention proceed to elect a Vice-President of this Convention to act in case of failure or inability of the President to perform the duties named in Election Ordinances."

Mr. Jones (Maricopa): I second the resolution.

Mr. President: You have heard the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947749] Mr. Short: In explanation of that, I would like to say that I think it would be a wise precaution for this convention to take some action in the way of a provision for somebody to act in the election matters in case of the inability, or sickness, or death of the President, to act in that capacity, and have prepared an amendment to each of the election ordinances which would provide that the Vice-President should act in the case of the inability of the President to act in this matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947750] Mr. President: Those in favor will answer "aye;" those opposed will answer "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947944] Mr. President: [...] Gentlemen of the convention, if there is no objection we will go into Committee of the Whole now to consider Article XV, Article XVIII, and any others. The gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947945] Mr. President: [...] Gentlemen of the convention, if there is no objection we will go into Committee of the Whole now to consider Article XV, Article XVIII, and any others. The gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947752] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e948026] Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

[e948027] Mr. President: The convention will come to order. The chair recognizes the gentleman from Yavapai, Mr. Goldwater.

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

[e948029] Mr. Goldwater: "Mr. President, your Committee of the Whole, having had under consideration the constitution of Arizona, begs leave to report progress and asks to sit again."

(The Records of the Arizona Constitutional Convention of 1910, Pages 975-976)

[e948031] Mr. President: Those in favor of the adoption of the committee's report will answer "aye;" opposed "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e948032] Mr. Parsons: Mr. President, I move the convention stand at recess until 2:00 p.m.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e948034] The motion prevailed.

Convention stood at recess until 2 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

## **1.99 Thursday, 08 December 1910, at 14:00 (s16322)**

[e947758] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947760] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947761] Mr. Cunniff: Mr. President, we passed a resolution this morning by which we decided to elect a vice-president of this convention. I nominate Mr. Morris Goldwater for the position of vice-president.

Mr. Coker: I second the nomination.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947763] Mr. President: It has been moved and seconded that Honorable Morris Goldwater of Yavapai be elected vice-president of this convention. Those in favor will answer "aye;" opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947766] Mr. President: It has been moved and seconded that Honorable Morris Goldwater of Yavapai be elected vice-president of this convention. Those in favor will answer "aye;" opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947767] Mr. Goldwater: Gentlemen of the convention, I thank you for the honor your intend to convey, but I want to say that this is entirely unexpected. All I can say to you is that under this office I do not expect to have any duties to perform. I certainly hope that our good President may remain with us until he shall have safely steered into the harbor of statehood the territory of Arizona. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947770] Mr. President: Gentlemen of the convention, Resolution Number 21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the Democratic side the gentleman from Maricopa, Mr. Cassidy; and from the Republican side, the gentleman from Coconino, Mr. Hutchinson. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947772] Mr. President: Gentlemen of the convention, Resolution Number 21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the Democratic side the gentleman from Maricopa, Mr. Cassidy; and from the Republican side, the gentleman from Coconino, Mr. Hutchinson. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947778] Mr. President: [...] Gentlemen, if there is no further business, the convention will resolve itself into the Committee of the Whole to take up the matter left open this morning, and the gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947780] Mr. President: [...] Gentlemen, if there is no further business, the convention will resolve itself into the Committee of the Whole to take up the matter left open this morning, and the gentleman from Yavapai, Mr. Goldwater, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947781] [Editor's Note: This portion of the record is modeled in the Committee of the Whole.]

(Editorial)

[e948247] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948248] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948263] Mr. Goldwater: Mr. President, Your committee of the whole having had under consideration the constitution of Arizona as reported back by the Committee on Style, Revision and Compilation, begs leave to report that they have amended Article XV, Article XVIII, Article XXII, and recommend that as amended the articles be adopted by this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948264] [Editor's Note: Part 4 of the Draft Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e948429] [Editor's Note: The Draft Constitution as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e948266] Mr. President: Gentlemen of the convention, you have heard the report of the committee of the whole. Those in favor of accepting the report will answer "aye;" those opposed will answer "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948267] Mr. President: [...] The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948435] Mr. President: [...] Those in favor of adopting the amendments as offered by the committee of the whole will answer "aye;" opposed will answer "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948437] Mr. President: [...] The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948269] Mr. President: [...] Gentlemen of the convention, Article XV, Corporation Commission. The secretary will read the article for final adoption.

Secretary (reading): Article XV.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948270] Mr. Short: Are amendments in order as the section is read? In section 1 of this article, I move that on line 4 the “th” after 20 be stricken out.

Mr. Goldwater: That was already done in committee of the whole and already adopted.

Mr. President: If there are no objections, the record will be made to show that.

(The Records of the Arizona Constitutional Convention of 1910, Pages 985-986)

[e948271] Mr. Jones (Maricopa): I should like to move an amendment to section 13, and I should like to say that I believe the committee of the whole fell under the hypnotic eloquence of our friend from Cochise. It was not discussed fully, and had been prior to our present action, and I, therefore, move the reinsertion of the words eliminated, commencing on line 4.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 986)

[e948272] Mr. Jones (Maricopa): It can do no harm to have it in the constitution, and it will serve a good honest purpose. It will put a restraining hand upon the corporation and help to keep them from committing perjury, and they have in order to keep their rates up and their taxes down, and I believe that ought to remain in there. It will be an equalizer and it can do no harm, and will be a good, wholesome measure.

(The Records of the Arizona Constitutional Convention of 1910, Page 986)

[e948273] Mr. President: You have heard the amendment offered by the gentleman from Maricopa, Mr. Jones, that on line 4 the part that was stricken out in the committee of the whole be reinstated. Are you ready for the question? On that motion a roll call is called for. Those in favor of reinserting what was stricken out will answer “aye” as their names are called; opposed will answer “no.” The secretary will call the roll.

Roll call showed 22 “ayes” and 23 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 986)

[e948274] Mr. President: The motion is lost. Gentlemen of the convention, the question comes up on the adoption of Article XV into the constitution of the State of Arizona, entitled “Corporation Commission.” Those in favor of the adoption of Article XV will answer “aye” as their names are called; those opposed will answer “no.” The secretary will call the roll.

Mr. Moeur: I would like to explain my vote on this proposition. There are a good many things I do not like, but I have lived under Republican administrations since 1896 and I do not like that either, so I vote “aye” on this proposition.

Mr. Webb: I desire to say that there are some provisions in this bill that appear to me as being absolutely vicious. There are other things stricken out that I should have preferred left in, but, taken as a whole, I think the good predominates, and I shall vote “aye.”

(The Records of the Arizona Constitutional Convention of 1910, Page 986)

[e948275] Roll call showed 29 “ayes” and 19 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 986)

[e948276] Mr. President: Article XV has been adopted by the convention. Take up Article XVIII, Labor. The secretary will read.

Secretary (reading): Article XVIII, Labor.

(The Records of the Arizona Constitutional Convention of 1910, Pages 986-987)

[e948277] Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article XVIII, Labor. Those in favor of the adoption of Article XVIII will say “aye” as their names are called; those opposed will answer “no.” The secretary will call the roll.

Mr. Ellinwood: Mr. President, I would like to explain my vote. I am heartily in accord with this article on labor with the one exception of the last section, or the section on the “blacklist.” I find since we passed this that it has been construed twice by the courts up to 1907. In one instance, along the lines indicated by the gentleman from Cochise, Mr. Feeney. In the 8th Northwestern it is construed to apply to the Protective Association of the Retail Merchants, whereby they have a credit list and blacklist certain customers. In my opinion the wording of this section, where it uses the term “labor blacklist,”—I do not know exactly what that would mean; probably it was intended to mean a workingman’s blacklist—that is, the blacklisting of workingmen is prohibited. Therefore you can surely see that there is class legislation in it that prohibits a merchant from blacklisting a laboring man and no one else. You might as well say he should not blacklist blacksmiths or carpenters. For this reason I think it is unconstitutional, and because I believe it is void. I vote “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 987)

[e948278] Roll call showed 39 “ayes” and 10 “nays.”

[Editor’s Note: The Minutes mistakenly note Ellinwood as voting “aye”. However, given that he made a speech explaining his “no” vote and the fact that both the Minutes and the Records list 10 delegates voting in the positive, it is clear that Ellinwood voted no.]

(The Records of the Arizona Constitutional Convention of 1910, Page 987)

[e948318] Mr. President: Article XVIII has been adopted by this convention. Gentlemen, the question comes up on the reading of the balance of Article XXII, Schedule and Miscellaneous. We read a portion of it this morning, but there are three or four sections at the end. The secretary will read.

Secretary (reading): Article XXII.

(The Records of the Arizona Constitutional Convention of 1910, Page 987)

[e948319] Mr. President: Gentlemen of the convention, the question comes up on the adoption of Article XXII, Schedule and Miscellaneous.

Mr. Cunniff: I would suggest that the final passage of this be left until we hear from the committee on seal.

Mr. President: A sub-committee. Do you want me to get that in today? Mr. Ingraham, regarding the election ordinance, should not that be acted on this afternoon?

Mr. Ingraham: It was acted on by the committee of the whole and is now in the hands of the Committee on Style and Revision for correction.

Mr. Jones (Maricopa): There was a sub-committee appointed to insert the date on that, and then submit it to the Committee on Style and Revision.

Mr. Cunniff: That proposition is now in the hands of the style and revision committee and copies of it are being written by the typewriter now. The style and revision committee will be glad to get together with that sub-committee and insert that date and have that matter ready with Election Ordinance Number 2 at the first possible moment. If we have a night session tonight we might have it before the convention tonight. I beg to say that the enrolling is quite up with the convention. Some time tomorrow the enrolled copy will be ready for signing.

Mr. President: Mr. Ellinwood says the committee on seal will be ready to report this evening.

(The Records of the Arizona Constitutional Convention of 1910, Pages 987-988)

[e948320] Mr. Cunniff: I move that we defer final passage of this measure until this evening.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e948322] Mr. President: If there is no objection, so ordered. Is there anything else to come before the convention,—anything you can think of that has been omitted?

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e947790] Mr. Crutchfield: Mr. President, for the purpose of enlisting interest in the election upon the constitution, and also to ascertain the sentiment of the people of Arizona, I propose the following as an amendment, to be submitted separately to be voted upon separately from the constitution.

[...]

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e947791] Mr. Jones (Yavapai): Is that a motion or a proposition?

Mr. Crutchfield: That is a resolution.

Mr. President: You have heard the resolution offered by the gentleman from Maricopa, Mr. Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e947794] Mr. Ellinwood: Mr. President, I move you that further consideration of this resolution be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e947797] Mr. President: It has been moved and seconded that further consideration of this resolution be indefinitely postponed. Are you ready for the question? The gentleman has asked for a roll call. All those in favor of indefinitely postponing consideration of this resolution will answer "aye" as their names are called; opposed will answer "no." The secretary will call the roll.

Roll call showed 36 "ayes" and 7 "nays."

Mr. President: The resolution has been indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 988)

[e947801] Mr. Winsor: Mr. President: I would like to offer a resolution.

Mr. President: Read the resolution.

Secretary (reading): [...]

(The Records of the Arizona Constitutional Convention of 1910, Pages 988-989)

[e947805] Mr. Winsor: Mr. President, I believe the resolution is self-explanatory, but I want to say just a word on the subject. Under the terms of the Enabling Act the Great Register for all of the elections provided for under that Act shall be the Great Register which was prepared in 1908 and supplemented during the month preceding the election of delegates to the constitutional convention. At least another year will elapse before the election for state officers, and hundreds of people in the territory will have been here more than a year and have acquired the necessary residence, but, owing to the fact that their names will not be on the Great Register, they will not be able to vote. As the resolution states, there are at the present time thousands of names on the Great Register of the different counties that were placed there, in some cases, absolutely fraudulently, and in a great many cases represent the names of people who have moved away or died, this leaves the opportunity for stuffing the ballot, and for widespread corruption in these elections. We have witnessed the corrupt practices at times in the past, but I do not believe that for a great many years has there been the same opportunity for this character of voting, that will be afforded in the first state election in case we do not have a re-registration of the voters. I think it is very essential that we should have a re-registration.

Mr. Ellinwood: Is this another proposition for the ignorant voter of Yuma County?

Mr Winsor: Mr. President, we have not discovered very many ignorant voters in Yuma county; therefore, we have taken the position we have with regard to the so-called ignorant voters.

Mr. President: Gentlemen of the convention, the question comes up on the adoption of the resolution as offered by the gentleman from Yuma, Mr. Winsor; those in favor of the adoption of the resolution will answer "aye;" those opposed will answer "no." Call the roll.

Mr. Short: I would like to explain my vote, and correct a statement that my colleague made just as I came in at the door. He said that we have found a large percentage of intelligent voters in Yuma County. That was wrong; a large percent of intelligent voters found us. I desire to vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Pages 989-990)

[e947809] Roll called showed 28 "ayes" and 19 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947812] Mr. Goldwater: Mr. President, I have a resolution which I desire to offer. As the same is self-explanatory, I shall not make any remarks about it.

Secretary (reading): "Resolution Number 26. Resolved: That the thanks of this Convention be and are hereby tendered to the Honorable George U. Young, Secretary of the Territory, and to Robert F. Kirk, Assistant Secretary, for the courtesies extended to the Members of this Convention.

Resolved that the Secretary of the Territory is hereby invited to be present at the signing of the adopted Constitution and to attest the signatures of the members signing the same and to affix to each of the copies thereof the Great Seal of the Territory."

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947815] Mr. Jones (Yavapai): I move the adoption of the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947816] Mr. President: You have heard the resolution offered by the gentlemen from Yavapai, Mr. Goldwater. All in favor of the adoption of the resolution will answer "aye;" opposed will answer "no." The resolution is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947818] Mr. Feeney: I move we stand at recess until 7:30 p.m.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947819] The motion prevailed.

Convention stood at recess until 7:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

**1.100 Thursday, 08 December 1910, at 19:30 (s16321)**

[e947764] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947768] Mr. President: The convention will come to order. A quorum is present.

(The Records of the Arizona Constitutional Convention of 1910, Page 990)

[e947793] Mr. President: [...] Gentlemen of the convention, we will take up Election Ordinance Number 2, and the secretary will proceed to read.

(The Records of the Arizona Constitutional Convention of 1910, Pages 990-991)

[e947804] Mr. President: [...] The gentlemen can take it up section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947808] Mr. President: [...] Are there any objections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947813] Mr. President: [...] Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947824] Mr. President: [...] Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947827] Mr. President: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947828] Mr. President: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947829] Mr. President: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947832] Mr. President: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947836] Mr. President: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947845] Mr. President: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947847] Mr. President: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947851] Mr. President: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947852] Mr. President: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947856] Mr. President: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947857] Mr. President: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947861] Mr. President: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947863] Mr. President: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947869] Mr. President: [...] Any to section 9? Any to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947871] Mr. Parsons: Before we leave section 9, I would like to inquire about Section 8 on line 25, page 9. As I understood the secretary to read, the words "until the legislature shall otherwise provide," were omitted.

Mr. Cassidy: I think these words were stricken out by the revision committee.

Mr. Parsons: The revision committee did not have the authority to do that.

Mr. Cunniff: I find in looking up this copy it was stricken out by the revision committee.

Mr. Parsons: Mr. President, I think the revision committee exceeded its authority. I think it changes the sense of the meaning of the proposition and that the committee had no right to do it.

Mr. Cassidy: Mr. President, I think the reason it was stricken out is this: There cannot be any session of the legislature to otherwise provide until after this election is held, consequently it is superfluous.

Mr. Parsons: It may be true.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947872] Mr. President: Any objection to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947876] Mr. President: Any objection to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947882] Mr. President: [...] Any to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947914] Mr. President: [...] Any to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947919] Mr. Short: Mr. President, I have an amendment to offer, as section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947922] Mr. President: A new section is offered.

Secretary (reading): Section 12, inserting the name "Morris Goldwater" after the words "Vice President."

Mr. Parsons: I want to immortalize my name by seconding the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947928] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947948] Mr. President: Now, gentlemen of the convention, I believe this is on the third reading—

Mr. Osborn: Mr. President, I haven't the bill as engrossed before me, but in the printed bill which we got several days ago—Proposition 148 I think it was, section 5, subdivision M—I move be stricken out.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 991)

[e947954] Mr Osborn: My reason for amending that is that it knocks out the qualification that the registered voter must live in a precinct thirty days before he is qualified to vote. In Phoenix, and we are especially interested in this in the more populous sections of the territory, a man can live in Ward Number 1, and move and vote if he wants to in the second ward; he can vote in Mesa or Tempe, or any other precinct in this county. I want to say to you, Mr. President, that it gives the greatest opportunity for fraud in the elections in the populous districts of this territory. Therefore, I hope the members of this convention will vote to strike it out

Mr. President: Gentlemen of the convention, it is moved and seconded that subdivision M be stricken out. Are you ready for the question?

Mr. Ingraham: Mr. President, if these qualifications are stricken out, what will be the qualification for voting at the primary? It is only natural that the persons who vote at the election may vote at the primary. If they are not allowed to vote at the election, why should they be allowed to vote at the primary?

Mr. Osborn: Mr. President, subdivision M repeals section 11 of the bill passed two years ago, known as the Primary Election Law of the Territory of

Arizona, and section 11, part 1, reads as follows: "The person shall not be entitled to vote at any primary unless he is a qualified elector of the precinct and duly registered therein and has been a resident of the precinct thirty days next preceding the primary election, providing that no voter whose name does not appear on the Great Register..." etc. Now, Mr. President, this subdivision M repeals this and says that a man must be a qualified elector of the county and can vote in the precinct whether he resides there or not.

Mr. Jones (Yavapai): Mr. President, I, like the gentleman from Yuma, believe that any man who has a right to vote at the general election should also vote at the primary, and as the Enabling Act provides that the qualification of these electors shall be as laid down in the statutes of 1901, I do not see how that can be by this ordinance be changed.

Mr. Cunniff: Do I understand the gentleman from Maricopa to say that that provision compels a voter to live thirty days in the precinct?

Mr. Osborn: It does.

Mr. Cunniff: As I understand the paragraph he wishes stricken out says that they shall be registered as provided in section 3. That carries the whole thing back to section 3 in the ordinance, and section 3 says that the voter shall have resided in the Territory of Arizona at least twelve months next preceding the day of the election heretofore held for election of delegates to this constitutional convention, and says nothing about the precinct.

Mr. Osborn: Let me call the attention of the gentlemen to the fact that, under the revised statutes of 1901, a qualified elector of a county could vote in any precinct, whether he lives there or not.

Mr. Cunniff: I would like to say that Yavapai County will protest against that.

Mr. Osborn: You will protest against everything else.

Mr. Cunniff: I do not think we have protested against everything else; quite the contrary. I hope the gentleman has no hard feelings toward the gentlemen from Yavapai in that way. But in a county like Yavapai, in which the voters move from place to place—in one month will work in one mining camp and another month in another camp—will be a hardship to compel them to go back to the precinct in which they were thirty days before.

Mr. Osborn: If they live in that precinct thirty days before? You cannot gain a residence until you have lost one. In all the counties in this territory, with the exception of the most populous counties, men have been allowed to vote where they have been, because they had a check upon them, but in the most populous counties you are going to give opportunity for fraud.

Mr. Morgan: Navajo County also wants to protest. If that proposition of the gentleman from Maricopa goes into effect it will disfranchise about a third of our citizens,—sheep herders who cannot be in their own precinct.

Mr. Cobb: I would like to ask the gentleman of Navajo which one-third would they disfranchise—those that voted for him or his colleague.

Mr. Morgan: Some voted for one and some for the other. I think I am speaking the sentiments of my colleague from Navajo County when I say we are not in favor of that thing at all.

Mr. Osborn: I want to ask the gentleman if any of them have been disfranchised in the last five years. The law of 1905, if I am not mistaken, was the law which said a man must reside in a precinct thirty days before he was entitled to vote.

Mr. Feeney: Mr. President, I appreciate Mr. Osborn's efforts to have a clean honest ballot, but they have drawn the imaginary state line, and they have drawn the imaginary county line, and they have drawn the imaginary precinct line, and the next thing will be the block line and the residence line. I am tired of having American citizens disfranchised. I want to support every effort for the honest ballot in this state, but I believe you are drawing the line a little too distinctly.

Mr. Standage: Mr. President, I would like to ask you how you would remedy the condition in this county?

Mr. Parsons: Will the gentleman from Maricopa yield to a question? Will you please tell us how it is that Maricopa has a different election law from the balance of the territory?

Mr. Standage: I do not think we have. We simply want some regulation as to this voting. I have seen people try to vote in two different places, and I don't think it is proper. I think there should be some law restricting them.

Mr. Cobb: Mr President, we have passed two propositions here relative to elections for the relief of Yuma County, and I do not see why we should not pass one for the relief of Maricopa County. (applause)

Mr. Jones (Yavapai): This question does not seem to be a question of locality at all. It is a question of whether we want the same qualification for the voters in the primary election as is laid down for the voter in the general election, and the qualification for the voter in the general election is as laid down in the Enabling Act. If we want the same qualification, then this clause is the only one we can use.

Mr. Osborn: I will say to Mr. Cobb that Maricopa County is not asking for a bill to relieve Maricopa County. All Maricopa wants is to have the law left just as it is today, and I want to say to Mr. Parsons that we are not making a law exactly for Maricopa. Maricopa has always complied with the law, but the other counties have not. (applause)

Mr. Lynch: I am not going to get into this discussion for the simple reason that over in Graham County we are not so much interested in where the man is registered, as we are in how he is going to vote. It seems to be that this is much ado about nothing. I anticipate that in Maricopa County they follow the system that we follow—by agreement, a man was permitted to vote in another precinct, and I believe that under this section by agreement hat that could be done without passing a law for the relief of Maricopa County.

Mr. Osborn: I want to say to Mr. Lynch that we are not asking for a law for the relief of Maricopa County, and I am going to appeal to the gentlemen of this convention at this time. I hope they will let the law stand as it is now.

Mr. Cobb: I think the gentleman from Maricopa is correct. The law of 1901 does require that any elector must be a resident of the precinct, and I am satisfied that those who drew this provision for the primary election wish to change that in the primary election. I think that those who vote in the primary election should be residents of the county and precinct for thirty days.

Mr. Doe: I move that citizens of Graham County be disfranchised. (applause)

Mr. Jones (Maricopa): I believe all of this discussion is unnecessary. When we read subdivision M and ind that it gives reference to section 3, and section 3 provides that the 1901 law provides that voters must—the qualifications provide for thirty days residence in a precinct, I think the proposition is all right.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
991-994)

[e947965] Mr. President: The question comes up on the amendment offered by the gentleman from Maricopa, Mr. Osborn, to strike out subdivision M. Those in favor of striking it out will answer "aye" as their names are called, and those opposed answer "no." The secretary will call the roll.

Roll call showed 13 "ayes" and 27 "nays."

Mr. President: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 994)

[e948464] Mr. President: [...] If there are no objections the secretary will call the roll on the adoption of the Election Ordinance Number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 994)

[e948467] Roll call showed 24 "ayes" and 7 "nays."

Mr. President: Ordinance Number 2 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 994)

[e947994] Secretary (reading): Phoenix Arizona, December 8 1910.

Mr. President: Your Committee on Seal begs leave to report and recommend the following section be added to Article XXII, as Section 20. E.E. Ellingwood, Chairman. I concur: Ed. W. Wells.

SEAL OF THE STATE Section 20. The seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing. To the left in the middle distance on a mountain side is a quartz mill in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be the motto "Ditat Deus." In a circular band surrounding the whole device shall be inscribed: "Great Seal of the State of Arizona," with the year of admission of the State into the Union.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
994-995)

[e948000] Mr. Ellinwood: Mr. President, I move that the report of the Committee on Seal be adopted.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 995)

[e948004] Mr. President: It has been moved and seconded that the report of the Committee on Seal be adopted. Those in favor answer "aye;" opposed answer "no." The "ayes" have it; so ordered. Is there anything more on schedule?

(The Records of the Arizona Constitutional Convention of 1910, Page 995)

[e948007] Mr. Goldwater: Mr. President, I may be mistaken. Do I understand that the convention has adopted this report and thereby incorporated this as the seal of the State of Arizona?

Mr. President: The motion of the gentleman from Cochise, Mr. Ellinwood, was that the report of the committee be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 995)

[e948010] Mr. Goldwater: I move that the seal of the State of Arizona be as follows: That the present device now on the seal of the Territory of Arizona shall be the seal of the State of Arizona. Around it shall be the following words: "Great Seal of the State of Arizona," with the year of admission of the state into the Union. It seems to me any man who has lived in this territory as long as I have under the present seal can continue to live under it until he dies without hurting himself.

(The Records of the Arizona Constitutional Convention of 1910, Page 995)

[e948014] Mr. Ellinwood: Mr. President, the matter that impressed the committee in the adoption of the device reported was an effort so far as possible to get away from the cactus, Gila monsters and rattlesnakes. The seal of the territory of Arizona was taken from a baking powder can which might be all right, but it seems to me if there is any one thing conspicuous in the territory of Arizona, it is the large storage dam in the background and the irrigated fields, which did not exist at the time of which the gentleman speaks. It seems to me this device mentions the industries and the cattle raising and the mines, and it is appropriate. (applause)

Mr. Goldwater: I do not propose to make any extended remarks, but I want to say this. A gentleman in California named Burbank has made the cactus one of the principal sources of food of the great cattle growing industry which this territory has, and I do not think it well becomes a resident of Arizona, like the gentleman from Cochise, to cast any aspersions on the head of any of the other species of cacti which Arizona is noted for, and which you cannot get away from by putting a d-n [sic] water storage dam on it—I mean a water storage dam on it, which has caused more trouble to this convention and the county of Maricopa than any other benefit which it has ever had. The history of Maricopa County is that no matter how much good comes to it, they will always kick, and the legislation in regard to the recall, which the Democrats have insisted on putting into this constitution, has been caused by the fact that they are afraid they might not have another water storage dam, and thereby have a judge who would not make a decision for fear that he might be recalled. There is nothing on the present seal of the Territory of Arizona that anybody needs to be ashamed of. It is not a baking powder can seal. We have had it for so many years that it does not seem that there is any occasion to change it. Everybody is familiar with it, and it seems to me it is plenty good enough.

Mr. Parsons: Mr. President, I have not the advantage of the gentleman from Yavapai of thirty odd years residence in the territory of Arizona, but within the brief period that I have lived here I have learned this, that during the campaign for the election of delegates to this convention our Republican friends have charged the Democrats with being unduly radical or progressive, and they have tried here to make us believe that conservation is better than

progressivism. If the remarks of the gentleman from Yavapai are apropos with respect to the seal, I think the minority in this body should apply the same principle to other parts of our constitution. They ought to say if the old time system of government was good enough for Arizona, why not leave it as it was; and why not simply dispense with the initiative, referendum and recall, and go along in the good old way. It reminded me of the story of the old member of the school board. It was proposed that the old log school be replaced by a new building. "No," objected the old member, "that school house was good enough for my grandfather and my father, and good enough for me and I guess it is good enough for my children." That is about the argument the gentleman from Yavapai is offering. Because cactus was good enough for Arizona in the territorial days, let us continue it. I say we should make a strong demarcation between the territorial days of Arizona and the period of statehood. I think we have as much right to change our seal as the colonists in 1776 had to discard their seal of George III and adopt a new one.

Mr. Cunningham: Mr. President, I do not want to discuss any disputed points, but one fact, Mr. President. I think I heard a small voice from the southeast corner of this hall state that as Burbank, the wizard of California, had made the cacti famous, he desired to keep it on the seal. Now, I would like to remind the gentleman that in making the cacti famous he removed therefrom the spine. Therefore, if you keep the same brand of cacti on the seal of the state that was on the seal of the territory you will not have followed the progression of Mr. Burbank, and you have made a mistake, because the Arizona cacti is different from the Burbank variety, so I think we had better change it.

Mr. Lynch: I do not know that I caught the full force of the remarks of the gentleman from Cochise, but if I understand him right, he wants a new seal which is going to remove the spine from Arizona. I do not want any seal which will remove that spine. The other gentleman from Cochise said that we want to get away from the old things. He has not been a resident of the territory long, but I want to say to you that the true Arizonan cannot get away from the old things. You can go back to Illinois and Kansas and Missouri, where all the fields are covered with verdure, but you cannot get away from your love for the scenery here in Arizona, and you want to come back to the land of the cactus again. The desire is a germ that you cannot escape. I would like to see that old cactus back on the seal. The work of nature is better than the work of man. You have the Roosevelt Dam on that seal, but that dam may not be here fifty years from now, but the cactus will not have gone from Arizona.

Mr. Doe: Mr. President, in answer to the gentleman from Cochise with relation to the attitude of the Republicans in this convention, permit me to say that the Republicans have not gone to the extent that they preferred conservation to progression. They have simply said that conservation in several paragraphs would be more apt to make the constitution we are preparing a live instrument than a dead one.

Mr. Osborn: Mr. President, I, too, like my friend from Yavapai, am an old-timer. I love the cactus, and I want to vote that the seal shall be the same as it was years ago under the territorial form of government, but out of deference to some of my friends, and especially to one of my friends from Cochise County, I believe a red flag should be put on top of one of those cacti. (applause)

Mr. Feeney: Mr. President, I asked some of my friends tonight to describe the red color of that flag. They could not do it. That flag symbolized all that I

have; all that I have striven for in my effort for liberty and independence. I am not a native of Arizona, but I am a native of the great country that has forever stood under the flag that symbolized liberty and freedom and the brotherhood of man, and that is the Stars and Stripes, and I pay tribute to that flag and that flag alone as an American citizen, and the red flag does not go for me. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 995-997)

[e948019] Mr. Cunniff: Mr. President, I move that consideration of the committee's report be postponed until tomorrow morning.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 997)

[e948024] Mr. Short: Didn't we adopt the report of the committee?

Mr. President: We adopted the report of the committee, but an amendment was offered.

Mr. Cunniff: It seems to me it is customary when a new state is to be made to give the delegates who are discussing the matter of [a] state seal an opportunity to look at the design that is submitted.

Mr. Ellinwood: I would state that the design was here on the floor this afternoon, although I think this motion is very opportune. It can be here in the morning, and also the old seal can be inspected.

Mr. Goldwater: The old members do not need to inspect the old seal. (applause)

Mr. Standage: Mr. President, I want to make one more and last appeal to Mr. Ellinwood. I have been here some thirty years. I was born here and raised here, and I am glad I was born here. I think a great many things have progressed quite a distance in this convention. One part spoke of the changes that have been made, and of our having such a nice constitution. Let us just call a halt, and not progress too fast, and adopt some of the older ideas. I am very much in favor of the old seal we have always used.

(The Records of the Arizona Constitutional Convention of 1910, Pages 997-998)

[e948324] Mr. President: I would suggest to the gentleman that we had better adopt all the ordinances except the seal so that part of it can be enrolled. It is quite a lengthy article. If that would meet the approval of the gentlemen of the convention, we will call the roll on the passage of the ordinance with the exception of that part in regard to the seal and that can be taken up in the morning. The secretary will call the roll on the final passage with the exception of that portion which relates to the seal.

(The Records of the Arizona Constitutional Convention of 1910)

[e948329] Roll call showed 33 "ayes" and 7 "nays."

Mr. President: Gentlemen of the convention, Article XXII, Schedule and Miscellaneous, has been adopted, with the exception of the seal.

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948470] [Editor's Note: The Convention had finished debating Part 4 of the Draft of the Arizona Constitution.]

(Editorial)

[e948330] [Editor's Note: The amended Draft of the Arizona Constitution was referred to the Committee on Style for enrollment and engrossment.]

(Editorial)

[e948035] Secretary (reading): "Resolution Number 27 [introduced by Feeney of Cochise County] Resolved that in consideration of the extra service rendered to the members of this Convention, and cash expended in the discharge of his duties as Postmaster of the Convention, there is hereby appropriated the sum of One Hundred and Fifty (\\$150.00) Dollars, and the Secretary of the Territory is hereby authorized to draw a warrant in favor of Michael J. Hannon for that amount."

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948037] Mr. Feeney: Mr. President, I move the resolution be adopted.

Mr. Osborn: I second the motion.

Mr. President: Call the roll on the adoption of the resolution.

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948041] Mr. Cunniff: I would like to explain my vote. It seems to me we passed a resolution some time ago to reimburse the postmaster for his additional expense, and it seems to me the business of this convention should be carried on in a business-like way. I am in favor of reimbursing the postmaster to an amount appropriate, but it seems to me the report should be presented in the convention and although I am in favor of making this reimbursement, I think it should be done in a business-like way, and I, therefore, vote "no."

Mr. Short: Mr. President, I do not think it would do for me to explain my vote in a case of this kind. I vote "no."

Mr. President: This is one time that I am going to vote with the Republicans. I vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948043] Roll call showed 28 "ayes" and 14 "nays."

Mr. President: The resolution has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948079] Mr. President: [...] Is there another ordinance ready? We will now take up Election Ordinance Number 1. I would ask the Vice-President to take the chair for a while.

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948112] Secretary (reading): Report of Committee on Election that it has examined Election Ordinance Number 1, recommending that the election for the ratification of the constitution be held on Thursday, the 9th day of February, 1911.

(The Records of the Arizona Constitutional Convention of 1910, Pages 998-999)

[e948114] [Editor's Note: The Committee's report had the effect, if adopted by the Convention, of amending the date on the election ordinance.]

(Editorial)

[e948120] Mr. Vice President: You have heard the report of the committee.  
Mr. Cunniff: I move the report be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948124] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948125] Secretary (reading): Report of Committee on Style, Revision and Compilation on Election Ordinance Number 1, recommending that the appended engrossed copy be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948129] Mr. Cunniff: I move the report of the committee be adopted.  
Mr. Short: I second the motion.

(Editorial, Page 999)

[e948132] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948134] Secretary (reading): Election Ordinance Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948141] Mr. Vice President: Are there any objections or amendments to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948146] Mr. Cunniff: I move to strike from the end of the first paragraph the words "as follows, to-wit:"

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948153] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948155] Mr. Vice President: Any objection or amendment to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948162] Mr. Vice President: Any objection or amendment to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948164] Mr. Vice President: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948166] Mr. Vice President: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948167] Mr. Winsor: Mr. Chairman, I move to insert after the word "Arizona" on line 7 of section 3 the word "approved."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948169] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948171] Mr. Vice President: Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948178] Mr. Vice President: Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948179] Mr. Vice President: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948180] Mr. Vice President: [...] Any to section 5?

(Editorial, Page 999)

[e948181] Mr. Vice President: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948182] Mr. Vice President: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948183] Mr. Vice President: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948184] Mr. Vice President: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948185] Mr. Vice President: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948186] Mr. Vice President: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948187] Mr. Vice President: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948189] Mr. Vice President: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948190] Mr. Vice Gentlemen: [...] Gentlemen, what will you do with Election Ordinance Number 1 as amended? Are there any objections or amendments? If not, the secretary will call the roll on final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948193] Mr. Winsor: I have in mind an amendment that I have not had an opportunity to prepare, which is a provision requiring that the secretary of state shall keep and preserve for a certain definite period all election returns submitted to him. I would like to have a moment to prepare such an amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948194] Mr. Vice President: If there is no objection, the gentleman will be given time to prepare his amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948321] Mr. Winsor: I move to insert at the end of the second paragraph in section 8, the following: "and shall carefully preserve and keep in the custody of his office, for a period of one year from the date of such election, the original and complete returns thereof."

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948323] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948468] Mr. Vice President: [...] Those in favor of Election Ordinance Number 1 being adopted will answer "aye." Mr. Secretary call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948469] Roll call showed 32 "ayes" and 4 "nays."

Mr. Vice President: Election Ordinance Number 1 has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948326] Secretary (reading): “Resolution Number 28 [introduced by Mr. Cunniff of Yavapai]. Resolved that whereas Miss Irene Ellis, Miss Edith Whitaker, Miss Ambra Osborn, Mrs. Frona Williams, worked over time until late at night for fourteen days and Miss Clara Freestone, Mrs. Beatrice W. Scales, Miss M. Alice Berry, Miss Margaret I. O’Sullivan, and Miss Bertha I. Schultz for five nights each, in order that the work of this Convention might be expedited during the two closing weeks of this Convention, the Convention hereby orders that they be paid five dollars for each night of such overtime worked.”

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948332] Mr. Cunniff: I move that the resolution be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948334] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948336] Mr. Short: Mr. Chairman, I have a resolution to offer.

Secretary (reading): “Resolution Number 29. Resolved, that the Printing and Clerks Committee be and is hereby instructed to retain from among the present employees sufficient competent clerks, who shall complete the minutes, engross the constitution and complete the verbatim report at a salary of five dollars per day each, under the direction of the Assistant Secretary of the Convention at a salary of six dollars per day.

Be it further resolved, that there be printed by the Secretary of the Territory 150 copies in leather bound form and 350 copies in pamphlet form of the minutes of this Convention, and each member thereof be furnished with a leather bound copy.”

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948338] Mr. Feeney: I move the resolution be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948339] Mr. Winsor: Mr. Chairman, it may or may not be germane to the question, but I would like to move that the salary of the assistant secretary be six dollars per day.

Mr. Osborn: I second the motion.

Mr. Vice President: All in favor say “aye;” contrary-minded “no.” All in favor of the adoption of the resolution as amended will answer “aye;” contrary-minded “no.” The “ayes” have it; so ordered.

[Editor’s Note: The copy of the original resolution already stipulates that the assistant secretary will earn six dollars per day. It is possible that Mr. Winsor meant to say that the clerks should receive, instead of the five dollars per day indicated in the resolution, six dollars per day as well. The Minutes has no record of Mr. Winsor’s amendment and confirms that the salary of the assistant secretary will be six dollars per day.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948340] Mr. Weinberger: This morning there were two members of this convention appointed to overlook the minutes, the journal and the verbatim report and nothing was said about their compensation. It seems to me that if some time is going to be required they ought to be compensated for it.

Mr. Hunt: I spoke to the secretary about that, and he was under the impression that no other member would receive pay; consequently, I appointed two members who live in Phoenix, Mr. Hutchinson and Mr. Cassidy.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948341] Mr. Coker: Mr. Chairman, I move we adjourn until 9:30 o'clock tomorrow morning.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

[e948342] The motion prevailed.

Convention adjourned to 9:30 a.m., December 9, 1910.

(The Records of the Arizona Constitutional Convention of 1910, Page 1000)

## 1.101 Friday, 09 December 1910, at 09:30 (s16325)

[e947822] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947823] Mr. President: The convention will come to order. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947825] Roll call showed quorum present.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947826] Mr. President: The convention will rise while the chaplain offers prayer.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947830] Reverend Crutchfield: Mr. President and gentlemen of the convention, let us sing a verse of our national hymn. (Convention sings "America.") O Lord, our God, we thank Thee this morning for the patriotic feeling that is in our hearts this morning as we enter upon this new day, and we pray Thee, Lord, to guide us in all we do and say this day, for Thy Name's sake. Bless these men as they are closing up the work of this convention. May they, as they start to their homes, may they find no sorrow in their homes. May they find everything conducive to their happiness in this life, preparatory for their happiness in the

life which is to come. And, O Lord, we pray that they may be as patriotic in trying to bring about the adoption of this constitution as they have been in framing it, as careful, as honest, as earnest, as solicitous as they have been for these sixty-one days. And, O Lord, our God, may it be in the hearts of the people to adopt this constitution. While there are some who think there are some things that ought not to have been put in it, and others think there are too many things in it, but we pray Thee, Lord, as according to our different views and interests in this territory these men have come to the conclusion that they have made a conservative constitution, that the people may adopt it. Give these men favor in the sight of the people. Give them favor in the sight of their constituents, and give us all favor with Thee, so that we shall have the approval of God and of men. Our Father, who art in Heaven; hallowed be Thy name; Thy kingdom come, Thy will be done, on earth as it is in Heaven; give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us; Lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

(Editorial)

[e947831] Mr. President: Reading of the minutes.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947833] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 1001)

[e947835] On motion of Mr. Cobb, the reading of the Minutes of December 8th dispensed with.

(The Minutes of the Arizona Constitutional Convention, Page 430)

[e947837] Minutes of December 8th approved as if read.

(The Minutes of the Arizona Constitutional Convention, Page 430)

[e947840] The sergeant at arms announced th[at] Mr. Cassidy, Mr. Curtis, Mr. Doe, Mr. Ellinwood, Mr. Franklin, Mr. Jones, F.A., Mr. Osborn, Mr. Roberts, Mr. Scott, Mr. Sims, Mit., Mr. Standage, Mr. Tuthill, Mr. Webb, Mr. Weinberger, Mr. Wells, and Mr. Wills had taken their seats.

(The Minutes of the Arizona Constitutional Convention, Page 430)

[e947842] Communication from Hon. Geo. U. Young, Secretary of Arizona, asking that he be furnished with certified copies of all resolutions passed by the Convention which carry appropriations to be disbursed by him from the statehood appropriation, read.

(The Minutes of the Arizona Constitutional Convention, Page 430)

[e948279] Mr. President: The unfinished business of last evening; the only thing I remember was the seal.

Mr. Cunniff: Mr. President, same size as the present one, I guess.

Mr. Winsor: I find that Mr. Goldwater, who was absent while the matter of the seal was being discussed, has a carefully prepared speech on the subject, and I suggest he be allowed to make that speech.

Mr. Goldwater: Mr. President, I have no intention of making a speech on this question, but I do have a letter which I have just received and which I will read.

Mr. President: If there are no objections, the rules will be suspended and the secretary will read the report of the committee on seal.

Secretary (reading): "Phoenix, Arizona, December 8, 1910. Mr. President: Your Committee on Seal begs leave to report and recommends that the following section be added to Article XXII, as Section 20. E.E. Ellinwood, Chairman.

Section 20. The Seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing, to the left in the middle distance on a mountain side is a quartz mill, in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be enscribed 'Great Seal of the State of Arizona' with the year of admission of the State into the Union."

(The Records of the Arizona Constitutional Convention of 1910, Page 1002)

[e948280] Mr. Cunniff moved, seconded by Mr. Winsor, that the report of the Committee on Seal be adopted and that the rules be suspended and Section No. 20 above be adopted by the Convention...

(The Minutes of the Arizona Constitutional Convention, Page 431)

[e948281] Mr. Cunniff moved, seconded by Mr. Winsor, that the report of the Committee on Seal be adopted and that the rules be suspended and Section No. 20 above be adopted by the Convention; carried.

(The Minutes of the Arizona Constitutional Convention, Page 431)

[e948282] Secretary (reading): "Phoenix, Arizona, December 8, 1910. Mr. President: Your Committee on Seal begs leave to report and recommends that the following section be added to Article XXII, as Section 20. E.E. Ellinwood, Chairman.

Section 20. The Seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing, to the left in the middle distance on a mountain side is a quartz mill, in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be enscribed 'Great Seal of the State of Arizona' with the year of admission of the State into the Union."

Mr. President: Call the roll on its final passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 1002)

[e948283] Mr. Cunniff: Mr. President, same size as the present one, I guess.

Mr. Winsor: I find that Mr. Goldwater, who was absent while the matter of the seal was being discussed, has a carefully prepared speech on the subject, and I suggest he be allowed to make that speech.

Mr. Goldwater: Mr. President, I have no intention of making a speech on this question, but I do have a letter which I have just received and which I will read.

(The Records of the Arizona Constitutional Convention of 1910, Page 1002)

[e948284] Mr. Goldwater: [...] The writer says: "Please ask the convention not to discard the old seal of the Territory of Arizona. It is dear to the old-timers, the pioneers of Arizona. It reminds them of times far different from the present. It reminds them of the many graves filled by men as good and as brave as God ever created—graves unmarked except by the cactus so hateful to the newcomers, but which is Nature's seal on our sunkissed land. The old seal in many ways brings to the mind of the old timers the days of its adoption—the days of stress and danger, of trials and hardships so different from the present time. It recalls to the mind the many friends and acquaintances who, since it was adopted, have 'passed beneath to the curtain green.['] Imagine a picture of an old lady, her frame stooped and bent by age, with wrinkled face, her eyes dim and sunk by age, her hair frosted by years, garbed in old-style, plain clothes, not beautiful to look upon but that picture is of your dear old mother. Who of you would cast it away and replace it with another, even if it were the picture of the most beautiful woman on earth. So it is with the seal. Who of you, looking upon 'Old Glory' as it decorates the President's rostrum, knowing its history, and all that it stands for, would be willing to change the red, white, and blue—the Stars and Stripes—that you might boast of being progressive?"

(The Records of the Arizona Constitutional Convention of 1910, Page 1002)

[e948285] Roll call showed 28 ayes and 11 nays.

Mr. President: The seal has been adopted by this convention; the new seal.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1002-1003)

[e948286] [Editor's Note: With the final passage of the Report on the Great Seal, the letter was dropped.]

(Editorial)

[e947846] Secretary (reading): "Resolution Number 30 [introduced by Mr. Cassidy of Maricopa]. Whereas this Constitutional Convention has provided in Resolution Number 21 for the editing and revising of the verbatim report of the proceedings of this Convention.

Resolved, that the Secretary of the Territory of Arizona, is hereby authorized to pay from the statehood appropriation such sums necessary for carrying out the purposes of this resolution not to exceed (\\$1250) twelve hundred and fifty dollars, all vouchers for this expenditure to be approved by the Chairman of the Revision Committee and the Secretary of the Territory of Arizona."

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947849] Mr. Cassidy: I move the resolution be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947850] Mr. President: You have heard the resolution. Those in favor of its adoption answer "aye;" opposed "nay." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947853] Secretary (reading): "Resolution Number 31 [introduced by Mr. Cassidy of Maricopa]. Resolved, that the thanks of this Convention be and they are hereby extended to the Honorable George W.P. Hunt, President of this Convention, the Honorable Morris Goldwater, Vice President, A.W. Cole, Secretary, Frank de Souza, Assistant Secretary and W.C. Truman, Sergeant at Arms, for the courteous, able and efficient manner in which they have performed their respective duties during the session of this Convention."

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947854] Mr. Cassidy moved, seconded by Mr. Ingraham, that Resolution No. 31 be adopted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 431)

[e947855] Mr. President: You have heard the resolution. Those in favor of the adoption of this resolution make it known by saying "aye;" opposed "no." Unanimously carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947860] Mr. Winsor: Mr. President, I move we suspend the rules and proceed with the final reading of the constitution of Arizona.

Mr. Cunniff: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947862] Mr. President: It has been moved and seconded that we suspend the rules and read the constitution of the State of Arizona. Those in favor of the suspension of the rules will answer "aye;" those opposed "no." The "ayes" have it; so ordered. Gentlemen, the secretary will proceed to read the constitution of the State of Arizona—final reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947864] Secretary (reading): Resolution Number 32 [introduced by Mr. Ellinwood of Cochise County.] Resolved, that the Secretary of the Territory of Arizona is hereby authorized to pay from the statehood appropriation to Mr. E.E. Motter the sum of \$50.00 for sketching and designing the device adopted as the great seal of the State. The said sum being in full for all services and contemplates the completed design for the use of the engraver."

(The Records of the Arizona Constitutional Convention of 1910, Page 1003)

[e947865] Mr. Ellinwood moved, seconded by Mr. Parsons, that Resolution No. 32 be adopted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e947866] Mr. President: You have heard the resolution offered by the gentleman from Cochise, Mr. Ellinwood. Those in favor of the adoption of the resolution will answer "aye;" opposed "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1003-1004)

[e948449] Mr. Cunniff, Chairman of Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, December 9, 1910.

Mr. President:

Your Committee on Style, Revision, and Compilation begs leave to report it has examined the Constitution of the State of Arizona as enrolled and engrossed in the accompanying copy and respectfully recommends its adoption.

M.G. CUNNIFF,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 932)

[e948450] [Editor's Note: The enrolled and engrossed Constitution was referred to the Convention alongside the Committee's report.]

(Editorial)

[e948451] Mr. Winsor moved, seconded by Mr. Cunniff, that the report of the Committee on Style, Revision and Compilation be adopted;

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948452] Mr. Winsor moved, seconded by Mr. Cunniff, that the report of the Committee on Style, Revision and Compilation be adopted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948453] Mr. Winsor moved, seconded by Mr. Cunniff, that the report of the Committee on Style, Revision and Compilation be adopted; carried.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948454] Mr. Winsor moved, seconded by Mr. Cunniff, that the rules be suspended and the Constitution of Arizona be read by the Secretary and placed on final passage

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948455] Mr. Winsor moved, seconded by Mr. Cunniff, that the rules be suspended and the Constitution of Arizona be read by the Secretary and placed on final passage; carried.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948456] By order of the President the Secretary began the reading of the constitution of Arizona as reported by the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948287] Mr. Cunniff: Mr. President, I move we take a recess until 1:30 p.m.  
Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948288] Convention stood at recess until 1:30 p.m.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

## 1.102 Friday, 09 December 1910, at 13:30 (s16332)

[e948343] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 342)

[e948344] Convention called to order by the President.

(The Minutes of the Arizona Constitutional Convention, Page 342)

[e948345] Mr. President: The chair wants to state that someone has taken away the President's gavel. It was the intention of the chair to present this to the historical society, but it was taken during the noon hour. Unless it is returned, there will be no payroll signed for the attaches.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948346] [Mr. President:] The secretary will read the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948453] Secretary (reading): Constitution of the State of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948457] Pages 5, 27, 31 of engrossed copy corrected as to errors, reread and inserted in Constitution.

[Editor's Note: As there is no record of what these errors corrected by the Convention were, the editors have represented these corrections using a blank amendment.]

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948459] Pages 5, 27, 31 of engrossed copy corrected as to errors, reread and inserted in Constitution.

[Editor's Note: As there is no record of what these errors corrected by the Convention were, the editors have represented these corrections using a blank amendment.]

(The Minutes of the Arizona Constitutional Convention, Pages 432)

[e948460] Page 53 of engrossed copy corrected as to errors, reread and inserted in Constitution.

[Editor's Note: As there is no record of what these errors corrected by the Convention were, the editors have represented these corrections using a blank amendment.]

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948461] Page 53 of engrossed copy corrected as to errors, reread and inserted in Constitution.

[Editor's Note: As there is no record of what these errors corrected by the Convention were, the editors have represented these corrections using a blank amendment.]

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948462] Mr. President: Gentleman of the convention, the question comes up on the adoption of the Constitution of the State of Arizona.

Mr. Jones (Maricopa): I move the adoption of the constitution as read.

Mr. Parsons: I second the motion.

Mr. President: It has been moved and seconded that the constitution as read be adopted. Those in favor answer "aye" as their names are called; opposed will answer "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948347] Mr. Osborn: Call the house first, Mr. President.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948348] Mr. President: Call the roll first on the call of the house.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1004-1005)

[e948349] Secretary calls roll of members.

Mr. President: Who are absent?

Secretary: All here but Mr. Franklin and Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948350] Mr. President: Mr. Sergeant-at-Arms, you will come to the desk and get the names of the absent members. Lock the doors.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948351] Mr. President: Mr. Sergeant-at-Arms, you will come to the desk and get the names of the absent members. Lock the doors.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948356] Mr. Jones (Yavapai): A good many members have requested me to ask if they could get back their election certificates, and I move that the members be allowed their election certificates.

Mr. Osborn: I second the motion.

[Editor's Note: The Minutes indicate that Moeur seconded the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948359] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948358] Communication from Miss Ethel Ming, of Phoenix, Arizona, read.

(The Minutes of the Arizona Constitutional Convention, Page 433)

[e948360] Mr. Colter: Mr. President, I move that the call of the house be dispensed with.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948361] Mr. President: It has been moved and seconded that the call of the house be dispensed with. Those in favor answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948362] Mr. Sergeant-at-Arms: Mr. President, Mr. Franklin and Mr. Webb have taken their seats.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948363] Mr. Sims: I move the call of the house be dispensed with.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948364] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948365] Mr. Goldwater introduced the following resolution, No. 33 as follows:

"Resolved that it is the sense of this Convention and of the Committee on Rules and Procedure, that Paragraph "K" of Rule 53 should be interpreted as follows:

'After such final passage the Constitution as adopted shall be signed by the President and attested by the Secretary of the Convention, the members shall then sign the same, Provided that no member shall write on the engrossed copy any other words than his signature over the name of the County he represents.'

Resolved that no member shall sign the adopted Constitution in any other manner than herein set forth."

(The Records of the Arizona Constitutional Convention of 1910, Page 433)

[e948366] Mr. Goldwater moved the adoption of Resolution Number 33.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1004)

[e948370] [Remarks by Doe of Coconino not found.]

Mr. Cunniff: Mr. President, I would like to say that that is one of the most outrageous statements I have ever heard made. A gentleman who would wish to write on this constitution, "I disapprove," has as much right to do that as to carry that purpose to its logical conclusion, and go through that document which we have adopted and write opposite of every paragraph of which he disapproves that he disapproves of it. There would be just as much propriety in his taking a whole page and explaining all the things in the constitution of which he disapproves and even his reasons for disapproving of this. It seems to me that any Democrat in the convention who disapproves of this point or that point would be as much entitled to write there "I approve of this document, except for Article Number 2 or Article Number 3," and so on. Why, the proposition is nothing short of anarchistic. (applause) The gentleman says that a brutal majority should not prevent his having an opportunity of expressing his disapproval of the constitution. If the gentleman disapproves of this constitution he can express his disapproval definitely and plainly by refusing to affix his name to it.

[Remarks by Goldwater of Yavapai not found.]

[Remarks by Doe of Coconino not found.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1005-1006)

[e948371] Mr. Cunniff: Mr. President, I will go this far; that the gentleman from Coconino has to agree that this convention has not the power to force any man to append his signature to this document, and that the provision in the rules should not be mandatory, and I therefore move that the resolution as presented be amended,—that the word "shall" be stricken out and that the word "may" be inserted.

Mr. Jones (Yavapai): I second the motion.

[Editor's Note: The Minutes indicate that Ellinwood seconded this motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1008)

[e948372] Mr. President: You have heard the amendment as offered by the gentleman from Yavapai, Mr. Cunniff. Are you read for the question? Those in favor of the adoption of the amendment will say "aye;" opposed will answer "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1008)

[e948380] Mr. Cunniff: Now it seems to me that any member of this convention may sign the constitution of Arizona, or may not, as he sees fit.

Mr. Doe: As I suggested before, with approval or disapproval, it does not change the situation a particle.

(The Records of the Arizona Constitutional Convention of 1910, Page 1008)

[e948374] Mr. President: The question comes up on the resolution offered by Mr. Goldwater, as amended. Those in favor of the resolution as amended by the gentleman from Yavapai will answer "aye" as their names are called; those opposed will answer "no."

The secretary will call the roll.

Roll call showed 39 "ayes" and 13 "nays."

Mr. President: Gentlemen of the convention, resolution Number 33 has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1008-1009)

[e948472] Mr. President: [...] Gentlement, the question now comes up on the adoption of the Constitution of Arizona as read today. [The members who favor adoption] will answer "aye" as their names are called; those opposed will answer "nay." The secretary will call the roll for the last time.

Mr. Ellinwood: Mr. President, I would like the privilege of saying a word before casting my vote. As I understand, there have been over two hundred constitutional conventions in the various states of this Union since the Federal Constitution was adopted, and I think beyond question, if we could discover the fact, there has never been a convention assembled for a period of sixty days in which there has been the harmony and good feeling that has governed this body. We have had some debates here. We have differed, perhaps sharply at time, upon measures which have come before us, but it has been, as it ought to have been, a matter of give and take, and I am sure that each member has accorded to the other good faith; that he was acting from his conscience, and trying to observe the interests of the people of the new state as he saw it. I think on no occasion has the motive of any member of this floor been impugned. There have been many matters on which we have differed, but they have been non-essential, except, perhaps, in one matter which appeals to me. I am sure that I enjoy the friendship of every member here. Not only have I the kindest feeling, but I like every gentleman who occupies a chair in this convention. There has been one matter, and only one thing that prevents my voting for this constitution. I believe, gentlemen, that the recall of the judiciary means the utter destruction of the independence of the judicial system and of the courts. I believe that when you write that into the constitution you are inviting disapproval at Washington. The disapproval at Washington means defeat of statehood. The defeat of statehood will work the utter annihilation of the Democratic party in this territory, and believing this, as I do from the bottom of my heart, —I may be wrong, time alone will tell—but, believing as I do, acting conscientiously as I do, I cast my vote "no."

Mr. Cunniff: I would like to point out that this is the second time the gentleman from Cochise has made a long speech in the middle of a roll call, when according to the rules, the speech could scarcely with propriety be answered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1009)

[e948465] Roll call showed 40 "ayes" and 12 "nays."

Mr. President: Gentlemen of the convention, the Constitution of the State of Arizona has been approved by the convention. Gentlemen of the convention, we have the papers here for the final signatures.

(The Records of the Arizona Constitutional Convention of 1910, Page 1009)

[e948384] [Mr. President:] Read the minutes of the afternoon session.

(The Records of the Arizona Constitutional Convention of 1910, Page 1009)

[e948385] Minutes read and approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 1005)

[e948387] Mr. President: Gentleman of the convention, in accordance with Election Ordinance Number 1, I will appoint the gentleman from Yuma, Mr. Ingraham, and the gentleman from Yavapai, Mr. Wood, to canvass the votes.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948388] Mr. President: Gentleman of the convention, in accordance with Election Ordinance Number 1, I will appoint the gentleman from Yuma, Mr. Ingraham, and the gentleman from Yavapai, Mr. Wood, to canvass the votes.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948395] Mr. Osborn: Mr. President, there was a resolution passed here last night giving additional pay to some of the employees. It has been my idea right along that they should be given additional pay, and I move that the names of Mr. J. C. Evans and E. A. Marshall be added.

Mr. Cunniff: I second the motion.

[Editor's Note: Although Osborn's motion to award Evans and Marshall seven days extra compensation takes the form of an amendment adding their names to Resolution Number 28, the exact form that this amendment takes is not specified.]

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948397] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948399] Mr. Goldwater: Mr. President, I have a resolution which I desire to offer.

Mr. President: Read the resolution.

Secretary (reading): "Resolution Number 34. [introduced by Goldwater of Yavapai] Resolved that the pen used by the President in signing the adopted Constitution be delivered to the Arizona Historian to be preserved in the official archives of the Territory or State."

Mr. President: You have heard the resolution as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948401] Mr. Goldwater: I move its adoption.

Mr. Feeney: I second that motion because it is going to be my pen.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948402] Mr. President: You have heard the resolution. Those in favor of its adoption answer "aye;" those opposed "nay." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948403] Mr. Osborn: What is going to become of the gavel?

Mr. President: I do not know. The attaches will have to get the gavel or they will not get any pay for this week.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948406] Mr. Cunniff: Mr. President, I want to introduce a resolution.

Secretary (reading): "Resolution Number 35: Resolved, that the President and the Vice President do now sign the Constitution of the proposed State of Arizona, that the Secretary attest said Constitution, that the roll of the Convention be called by counties and each delegate be invited to affix his signature to said Constitution in triplicate, on condition that said delegate write nothing on the sheet offered for his signature but said signature, and that the Secretary and Acting Governor of the Territory of Arizona be invited to attest said Constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948408] Mr. Feeney: I move the adoption of the resolution.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010 )

[e948421] Mr. President: Those in favor will answer "aye;" those opposed will answer "no." The "ayes" have it; so ordered. Gentlemen of the convention, I am about to sign the official constitution.

Mr. Parsons: Mr. President, I have a very brief resolution that I would like to offer which will not interfere with the work of the desk.

Secretary (reading): "Resolution Number 36 [introduced by Parsons of Cochise] Whereas the members of the Committee on Style, Revision and Compilation have performed most faithfully and well the most arduous duties imposed upon them by this Convention, Therefore, Be It Resolved that we tender the members of said Committee a vote of thanks as a slight testimonial of our appreciation of the splendid services rendered by them in the work of this Convention.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1010-1011)

[e948415] Mr. President: Those in favor will answer "aye;" those opposed will answer "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1010)

[e948423] Parsons moved adoption.

Mr. Feeney: I second the motion.

(The Minutes of the Arizona Constitutional Convention, Page 1011)

[e948424] Mr. President: Those in favor will answer "aye;" those opposed "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 1011)

[e948427] Mr. Morgan: Mr. President, I move we extend a vote of thanks to our excellent chaplain, Mr. Crutchfield. (applause).

(The Records of the Arizona Constitutional Convention of 1910, Page 1011)

[e948428] Mr. President: Gentlemen of the convention, the gentleman from Mohave, Mr. Morgan, has moved a vote of thanks to our excellent chaplain, the Reverend Crutchfield. Those in favor of that motion will answer "aye;" those opposed will answer "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 1011)

[e948473] President announced that Constitution had been signed by the following: Geo. W. P. Hunt, President of the Constitutional Convention; Morris Goldwater, Vice President of the Constitutional Convention; Fred T. Colter, Apache county; John Bolan, Samuel B. Bradner, P. F. Connelly, D. L. Cunningham, Thomas A. Feeney, A. F. Parsons, C. M. Roberts, R. B. Sims, E. A. Tovrea, Cochise County; Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, John Langdon, Jacob Weinberger, Gila County; Lamar Cobb, A. R. Lynch, Mit Simms, Alex M. Tuthill, Wilfred T. Webb, Graham county; A. C. Baker, Lysander Cassidy, James E. Crutchfield, Alfred Franklin, F. A. Jones, B. B. Moeur, John P. Orme, Sidney P. Osborn, Orren S. Standage, Maricopa country; Henry Lovin, Mohave country; Wm. Morgan, Navajo county, Elmer W. Coker, Thomas N. Wills, Pinal county; M. G. Cunniff, Morris Goldwater, Albert M. Jones, A. A. Moore, H. R. Wood, Yavapai county, Fred L. Ingraham, E. L. Short, Mulford Winsor, Yuma county; attested by A. W. Cole, Secretary Constitutional Convention; signed and sealed by Geo. U. Young, Secretary and Acting Governor of the Territory of Arizona.

(The Minutes of the Arizona Constitutional Convention, Pages 434-435)

[e948474] President announced that Constitution had been signed by the following: Geo. W. P. Hunt, President of the Constitutional Convention; Morris Goldwater, Vice President of the Constitutional Convention; Fred T. Colter, Apache county; John Bolan, Samuel B. Bradner, P. F. Connelly, D. L. Cunningham, Thomas A. Feeney, A. F. Parsons, C. M. Roberts, R. B. Sims, E. A. Tovrea, Cochise County; Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, John Langdon, Jacob Weinberger, Gila County; Lamar Cobb, A. R. Lynch, Mit Simms, Alex M. Tuthill, Wilfred T. Webb, Graham county; A. C. Baker, Lysander Cassidy, James E. Crutchfield, Alfred Franklin, F. A. Jones, B. B. Moeur, John P. Orme, Sidney P. Osborn, Orren S. Standage, Maricopa country; Henry Lovin, Mohave country; Wm. Morgan, Navajo county, Elmer W. Coker, Thomas N. Wills, Pinal county; M. G. Cunniff, Morris Goldwater, Albert M. Jones, A. A. Moore, H. R. Wood, Yavapai county, Fred L. Ingraham, E. L. Short, Mulford Winsor, Yuma county; attested by A. W. Cole, Secretary Constitutional Convention; signed and sealed by Geo. U. Young, Secretary and Acting Governor of the Territory of Arizona.

(The Minutes of the Arizona Constitutional Convention, Pages 434-435)

[e948430] Mr. President: Gentlemen of the convention, the document has been signed. As we opened the exercises of the day with the singing of the national anthem, I think it would be only fitting that we close the exercises by singing a verse of "America," and then chaplain will invoke the benediction.

(The Records of the Arizona Constitutional Convention of 1910, Page 1011)

[e948431] Members sing "America."

(The Records of the Arizona Constitutional Convention of 1910, Pages 1011)

[e948438] Reverend Crutchfield: Our Father, we are about to disband, separate, part, go to our different homes. O Lord, go with every one of these men and all these attaches and these little boys and girls. Do Thou accompany them to their homes. And these men who will have this labor on their hands for these weeks and months, bless them in all their proceedings in life. Dismiss us, Lord, with Thy blessing. Help us to say: Our Father, who art in Heaven, hallowed be Thy name. Thy kingdom come, They will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those that trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, and the Power, and the Glory, for ever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Page 1011)

[e948439] Reverend Crutchfield: Our Father, we are about to disband, separate, part, go to our different homes. O Lord, go with every one of these men and all these attaches and these little boys and girls. Do Thou accompany them to their homes. And these men who will have this labor on their hands for these weeks and months, bless them in all their proceedings in life. Dismiss us, Lord, with Thy blessing. Help us to say: Our Father, who art in Heaven, hallowed be Thy name. Thy kingdom come, They will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those that trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, and the Power, and the Glory, for ever and ever. Amen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1011-1012)

[e948440] Mr. Goldwater: Mr. President, I move that this convention do now adjourn without a day.

Mr. Winsor: A second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 1012)

[e948442] Mr. Crutchfield: I move to adjourn at the call of the gavel.

(The Records of the Arizona Constitutional Convention of 1910, Page 1012)

[e948443] Mr. Cunniff: May I ask the gentleman's reason for believing that we may have to reassemble?

(The Records of the Arizona Constitutional Convention of 1910, Page 1012)

[e948444] Mr. Crutchfield: I suggest that if we should have to reassemble—I will withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 1012)

[e948445] Mr. President: Gentlemen of the convention, it has been moved and seconded that the convention adjourn sine die. Those in favor will answer "aye;" those opposed answer "no." The "ayes" have it; so ordered.

Convention adjourned.

(The Records of the Arizona Constitutional Convention of 1910, Page 1012)



## Chapter 2

# Committee on Credentials

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A committee to determine the eligibility of delegates to the Constitutional Convention.

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### 2.1 Monday, 10 October 1910, at 12:00 (s15767)

*[e933088]* On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

*[e933089]* On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

*[e933090]* On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County,

John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933091] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933092] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933093] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933094] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933095] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credentials was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L.

Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933096] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credential s was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933097] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credential s was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933098] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credential s was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933099] On motion of Hon. W. T. Webb, member-elect of Graham County, the following committee on credential s was appointed by the temporary president: Albert M. Jones of Yavapai County, Fred T. Colter of Apache County, Fred L. Ingraham of Yuma County, Bracey Curtis of Santa Cruz County, Henry Lovin of Mohave County, Wm. Morgan of Navajo County, E. A. Tovrea of Cochise County, Elmer W. Coker of Pinal County, C. C. Hutchinson of Coconino County, John P. Orme of Maricopa County, Alfred Kinney of Gila County, and W. T. Webb of Graham County

(The Records of the Arizona Constitutional Convention of 1910, Page 1)

[e933100] Albert M. Jones, Chairman; William F. Cooper, Secretary.

[Editor's Note: The signature on the Committee's report indicates that A.M. Jones was chosen as the Committee's chairman.]

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933101] Albert M. Jones, Chairman; William F. Cooper, Secretary

[Editor's Note: The signature on the Committee's report indicates that William F. Cooper was chosen as the Committee's secretary.]

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933102] On motion of Mr. Webb, a recess of ten minutes was taken to allow the committee on credentials and an oath of office to report.

Convention called to order by the temporary president. The committee on credentials reported as follows:

Phoenix, Arizona, October 10, 1910, To the Chairman:

We your committee on credentials, have the honor to report the following named delegates entitled to seats in this convention, to-wit: Apache County, Fred T. Colter; Coconino County, C. C. Hutchinson, Edward M. Doe; Cochise County, E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. F. Connelly, E. A. Tovrea, D. L. Cunningham, C. M. Roberts, S.B. Bradner; Gila County, Geo. W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinberger, John Langdon; Graham County, Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb; Maricopa County, A. C. Baker, B. B. Moeur, Orrin Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin, John P. Orme, Lysander Cassidy, James E. Crutchfield; Mohave County, Henry Lovin; Navajo County, William Morgan, James Scott; Pinal County, E. W. Coker, Thomas N. Wills; Pima County, Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White; Santa Cruz County, Bracey Curtis; Yavapai County, Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, M. Goldwater, A. A. Moore; Yuma County, Mulford Winsor, Fred L. Ingraham, E. L. Short.

Respectfully submitted, Albert M. Jones, Chairman; William F. Cooper, Secretary

(The Records of the Arizona Constitutional Convention of 1910, Page 2)

[e933103] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933105] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933106] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 2.2 Wednesday, 12 October 1910, at 10:00 (s15779)

[e933431] Mr. Jones of Yavapai, submitted the Certificate of the Members of this Convention as follows:

(The Minutes of the Arizona Constitutional Convention, Pages 17-19)

[e933432] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933433] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933434] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 3

# Committee for the Administration of the Oath of Office

### 3.1 Monday, 10 October 1910, at 12:00 (s15768)

*[e933116]* On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

*[e933117]* On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

*[e933118]* On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

*[e933119]* On motion of Hon. John P. Orme, member-elect of Maricopa County, the temporary president appointed the following committee of five to await upon

Chief Justice Edward Kent and request that he administer the oath of office to the members of the Constitutional Convention: Morris Goldwater of Yavapai County, Alfred Franklin of Maricopa County, E.E. Ellinwood of Cochise County, and S.L. Kingan of Pima County.

(The Records of the Arizona Constitutional Convention of 1910, Pages 1-2)

[e933120] The chairman appointed the following committee, Goldwater of Yavapai, Doe of Coconino, Franklin of Maricopa, Ellinwood of Cochise, Kingan of Pima.

(The Minutes of the Arizona Constitutional Convention, Pages 6-7)

[e933121] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933122] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 4

# Committee on Rules and Procedure

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A standing committee for conducting convention.

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### 4.1 Monday, 10 October 1910, at 12:00 (s15769)

*[e933193]* Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

*[e933194]* Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

*[e933195]* Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

*[e933196]* Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[*e933197*] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[*e933198*] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[*e933199*] Mr. President: I appoint the following committee: The gentleman from Maricopa, Mr. Baker; the gentleman from Yuma, Mr. Winsor; the gentleman from Yavapai, Mr. Goldwater; the gentleman from Graham, Mr. Webb; the gentleman from Cochise, Mr. Bolan; the gentleman from Pima, Mr. Cooper; and the gentleman from Navajo, Mr. Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 6)

[*e933200*] Mr. President: Gentlemen of the convention, in the matter of the committee on rules and procedure, Mr. Baker of Maricopa County wishes to be excused from this committee as he is not well, so I appoint Mr. Franklin of Maricopa to take his place on this committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[*e933201*] Mr. President: Gentlemen of the convention, in the matter of the committee on rules and procedure, Mr. Baker of Maricopa County wishes to be excused from this committee as he is not well, so I appoint Mr. Franklin of Maricopa to take his place on this committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[*e933202*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e933203*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 4.2 Tuesday, 11 October 1910, at 10:00 (s15775)

[e933339] Mr. Winsor: Mr. President, the committee on rules has a partial report to make, the reason we have not a complete report at this time is because we have failed to secure a full attendance of the members of the committee. I would add that it is the duty of every member of the committee to be present and if the members do not attend their names should be handed to the president of this Convention. Our partial report is as follows:

(The Records of the Arizona Constitutional Convention of 1910, Pages 11-12)

[e933340] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933341] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933342] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 4.3 Thursday, 13 October 1910, at 10:00 (s15782)

[e933498] The President announced the following standing committees:

[...]

1. Rules and Procedure. (5) Chairman Winsor, Bolan, Franklin, Goldwater, Doe.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933499] The President announced the following standing committees:

[...]

1. Rules and Procedure. (5) Chairman Winsor, Bolan, Franklin, Goldwater, Doe.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933500] Mr. Winsor: Mr. President, your Committee on Rules, and order of business, to which was referred the matter of the employment of official stenographers for the constitutional convention, with authority to contract for such work, begs leave to report as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 23)

[e933501] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933502] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933503] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

#### 4.4 Friday, 14 October 1910, at 10:00 (s15799)

[e933687] Mr. Winsor offered the report of the committee on Rules and Procedure.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933691] Mr. Winsor offered the report of the committee on Rules and Procedure.

(The Minutes of the Arizona Constitutional Convention, Page 25)

[e933692] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933695] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

#### 4.5 Monday, 17 October 1910, at 09:00 (s15815)

[e933880] Mr. Winsor: Mr. President, the Committee on Rules begs leave to report that a second bid has been received from Mr. O'Neil of Phoenix. Mr. O'Neal's bid is as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[e933884] [Editor's note: The Bid was referred to the Convention for consideration.]

(Editorial)

[e933887] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933889] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 4.6 Monday, 24 October 1910, at 09:00 (s15870)

[e934882] Secretary: I have a communication to read. It is as follows:

[...]

Mr. Ellinwood: I move that the letter be referred to the Committee on Rules.

(The Records of the Arizona Constitutional Convention of 1910, Pages 74-75)

[e934883] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934884] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 5

# Committee on Standing Committees

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A committee to recommend the size and jurisdiction of the standing committees of the Convention.

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### 5.1 Monday, 10 October 1910, at 12:00 (s15770)

*[e933220]* Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

*[e933221]* Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

*[e933222]* Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933223] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933224] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933225] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933226] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933227] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933228] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933229] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933230] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933231] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933232] Mr. Winsor moved the appointment of a committee of one from each county to suggest the standing committees for this convention; seconded and carried. The President appointed the following committee : Colter of Apache, Hutchinson of Coconino, Sims of Cochise, Weinberger of Gila, Lynch of Graham, Crutchfield of Maricopa, Lovin of Mohave, Morgan of Navajo, Coker of Pinal, Kingan of Pima, Curtis of Santa Cruz, Cunniff of Yavapai and Ingraham of Yuma.

(The Minutes of the Arizona Constitutional Convention, Page 10)

[e933233] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933324] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 5.2 Tuesday, 11 October 1910, at 10:00 (s15774)

[e933324] (signed): J. E. Crutchfield, Chairman  
M. G. Cunniff, Secretary.

[Editor's Note: The signature on the Committee report indicates that Crutchfield was chosen as the Committee's chairman.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 10-11)

[e933325] (signed): J. E. Crutchfield, Chairman  
M. G. Cunniff, Secretary.

[Editor's Note: The signature on the Committee report indicates that Cunniff was chosen as the Committee's secretary.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 11-10)

[e933323] Mr. Cunniff: Mr. President, the committee on Standing Committees is ready to submit its report [...] I will now read the report of the committee. The committee on standing committees reports as follows:

(The Records of the Arizona Constitutional Convention of 1910, Pages 10-11)

[e933326] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933327] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933328] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 6

# Preliminary Committee on Finance

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A committee appointed to investigate the expenses to be incurred by the Convention and to guide the standing committees in their expenses.

---

### 6.1 Monday, 10 October 1910, at 12:00 (s15771)

*[e933247]* Mr. President: Gentlemen, it has been moved and seconded that Mr. Wood of Yavapai County act upon the committee on finances. All those in favor say "aye," those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

*[e933248]* President appointed following committee on finances: Wood of Yavapai, Curtis of Santa Cruz and Feeney of Cochise.

(The Minutes of the Arizona Constitutional Convention, Page 10)

*[e933249]* President appointed following committee on finances: Wood of Yavapai, Curtis of Santa Cruz and Feeney of Cochise.

(The Minutes of the Arizona Constitutional Convention, Page 10)

*[e933250]* Respectfully submitted, H.R. Wood, Chairman;

[Editor's Note: The signature on the Committee report indicates that Wood was chosen as the Committee's chairman.]

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

*[e933251]* Bracey Curtis, Secretary;

[Editor's Note: The signature on the Committee report indicates that Curtis was chosen as the Committee's secretary.]

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933252] Mr. President: Gentlemen, what is your further pleasure?

Mr. Wood: Mr. President, the committee on finances is ready to report. We desire to report as follows:

(The Records of the Arizona Constitutional Convention of 1910, Page 7)

[e933253] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933254] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933255] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 7

# Committee on Attaches

### 7.1 Monday, 10 October 1910, at 12:00 (s15772)

*[e933298]* The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

*[e933299]* The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

*[e933300]* The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

*[e933301]* The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

*[e933302]* The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933303*] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933304*] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933305*] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933306*] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933307*] The chair will announce that a committee of ten on employees has been chosen, as follows: Mr. Colter, Mr. Keegan, Mr. Kinney, Mr. Tuthill, Mr. F. A. Jones, Mr. Weinberger, Mr. Moore, Mr. Winsor, Mr. Morgan and Mr. Tovrea.

(The Records of the Arizona Constitutional Convention of 1910, Page 8)

[*e933308*] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e933309*] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 7.2 Wednesday, 12 October 1910, at 10:00 (s15778)

[e933389] J. J. Keegan, Chairman;

[Editor's Note: The signature on the Committee report indicates that Keegan was chosen as the Committee's chairman.]

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933390] F. A. Jones, Secretary Committee

[Editor's Note: The signature on the Committee report indicates that F.A. Jones was chosen as the Committee's secretary.]

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933391] Mr. President: [...] Gentlemen, we will now hear the report of the Committee on Attaches. Will the secretary please read the report?

Secretary: (reading) Resolution introduced by Mr. Webb of Graham.

(The Records of the Arizona Constitutional Convention of 1910, Page 15)

[e933392] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933393] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933394] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 8

# Committee on Finance, Accounts and Expense

---

A standing committee for conducting convention.

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### 8.1 Thursday, 13 October 1910, at 10:00 (s15783)

[e933514] The President announced the following standing committees:

- [...]  
2. Finance, Accounts and Expense. (3) Chairman Wood, Cobb, Jones (Maricopa).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933515] The President announced the following standing committees:

- [...]  
2. Finance, Accounts and Expense. (3) Chairman Wood, Cobb, Jones, Maricopa.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933516] The President announced the following standing committees:

- [...]  
2. Finance, Accounts and Expense. (3) Chairman Wood, Cobb, Jones (Maricopa)

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933517] The President announced the following standing committees:

- [...]  
2. Finance, Accounts and Expense. (3) Chairman Wood, Cobb, Jones (Maricopa).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933518] [Editors' Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933519] [Editors' Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.2 Monday, 24 October 1910, at 09:00 (s15872)

[e934893] Mr. Wood: The Committee on Finance has its report ready and I suggest that it be read.

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 75)

[e934895] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e934896] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934897] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.3 Monday, 31 October 1910, at 09:00 (s16038)

[e937264] Secretary (reading): "Phoenix, Arizona, October 31, 1910. Mr. President: Your committee on Finance, Accounts and Expense, in further compliance with a resolution requiring them to report to the convention weekly begs leave to submit the following report:

Expenses of the convention for the week ending October 29th, consists of the following: Pay Roll of members October 29, \ \$1470.00; Pay Roll of attaches, October 29, \ \$1176.00; Printing and delivery of 81 propositions, 141 pages of contract price of \ \$2.00 per page, \ \$282.00; Printing of one memorial, 2 pages, at \ \$2.00 per page, \ \$4.00; Postage stamps, \ \$100.00; 4000 wrappers (one cent each), \ \$40.00, 500 wrappers (two cents each), \ \$10.00; Stationery and sundries, bills not returned, but estimated by Secretary of Arizona, who ordered same, \ \$50.00; total for week ending October 29, \ \$3132.00

Respectfully submitted, H.R. Wood, Chairman, F.A. Jones, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
122-123)

[e937265] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937266] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937267] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.4 Monday, 07 November 1910, at 09:30 (s16040)

[e937288] Mr. President: Reports of standing committees.

Mr. Wood: Mr. Chairman, your Committee on Finance have a report to make.

Secretary (reading): "Phoenix, Arizona, November 6, 1910.

Mr. President: Your committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 5, 1910: Pay roll of Members November 5, 1910, \ \$1470.00; Pay roll of Attaches November 5, 1910, 1166.00; Printing and delivery of 37 Propositions, 208.00; Amendments and substitutes (104 pages) at \ \$2.00 per page, 208.00; Proposition Number 78 reprinted 2 pages at \ \$2.00, 4.00; Stationery and sundries, bills not returned but estimated by Secretary of Arizona who ordered same at 5.00; Total for week ending November 5, 1910, \ \$2853.00 Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937292] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937293] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937294] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.5 Monday, 14 November 1910, at 09:30 (s16097)

[e938374] Mr. Wood, Chairman of Committee on Finance, Accounts and Expense made the following report:

Phoenix, Arizona, November 14, 1910.

Mr. President:

Your Committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 12, 1910:

Pay Roll of Members for week ending Nov. 12...\$1470.00

Pay Roll of Attaches for week ending Nov. 12...1176.00

Printing and delivery of three Proposition, amendments and substitutes (29 pages) at 2.00 per page...58:00

Stationary and sundries estimated at...5.00

Total for week ending Nov. 12, 1910...\$2709.00

Respectfully submitted,

H. R. WOOD,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 168-169)

[e938378] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938380] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938383] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.6 Monday, 21 November 1910, at 09:30 (s16142)

[e939821] Mr. President: Reports of standing committees.

Mr. Wood: Mr. President, your Committee on Finance, Accounts and expense has a report.

Secretary (reading): "Phoenix, Arizona, November 19, 1910. Mr. President: Your Committee on Finance, Accounts and Expense begs leave to submit the following report for the week ending November 19, 1910. Pay roll of members, \$1470; pay roll of attaches 1176.00; printing and delivery of five substitute propositions (25 pages) at \$2.00, total 50.00; stationery and sundries estimated at \$30.00; total for week ending November 19, 1910, \$2726. Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 491)

[e939824] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939825] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939826] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.7 Monday, 28 November 1910, at 09:30 (s16234)

[e943989] Secretary (reading): Report of Committee on Finance. "Phoenix, Arizona, November 28, 1910. Mr. President: Your Committee on Finance, Accounts and Expenses begs leave to submit the following report for the week ending November 26th, 1910. Pay roll of Members \ \$1470.00; Pay roll of Attaches \ \$1166.00; Printing and delivery of ten substitute propositions (54 pages at \ \$2.00) 108.00; Stationery and sundries, estimated at \ \$100.00. Total for week ending November 26, 1910 \ \$2844.00. Respectfully submitted, H.R. Wood, Chairman, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e943990] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943992] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943993] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.8 Monday, 05 December 1910, at 09:30 (s16290)

[e946176] Mr. Wood, Chairman of the Committee on Finance, Accounts and Expense, made the following report:

Phoenix, Arizona, December 5, 1910.

Mr. President: Your Committee on Finance, Accounts and Expense begs leave to submit the following report, for the week ending December 3, 1910. Pay Roll of Members...\$1470.00 Pay Roll of Attaches...1181.00 Printing and Delivery of Two Substitute Propositions (18 pages) at \$2 per page...36.00 Stationery and Sundries estimated at...50.00 Total for week ending December 3, 1910...2737.00

Respectfully submitted, H.R. WOOD, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 379)

[e946178] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946179] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946180] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 8.9 Tuesday, 06 December 1910, at 09:30 (s16301)

[e946593] Mr. Wood: Mr. President, I thought that you might like to have a report from the Committee on Finances and Expenses and we have prepared a report.

Secretary (reading): "Phoenix, Arizona, December 5, 1910.

Mr. President: Your Committee on Finance, Accounts and Expense, begs leave to submit the following report: Amount paid out by Secretary George U. Young to date account of election expenses, convention expenses, etc. \$45,950.00; Estimated convention expenses from December 3rd to end of sixty day period \$2,000.00; Accounts in dispute and sent to Washington for audit and approval, approximately \$6,000.00; Total to close of convention \$53,950.00. Balance remaining of the \$1000,000 appropriation and out of which there is one election expense to be paid; viz—that on the adoption of the constitution \$46,049.93. Total as per appropriation \$1000,000.00 Respectfully submitted, H.R. Wood, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 907-908)

[e946595] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946597] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946598] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 9

# Committee on Printing and Clerks

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A standing committee for conducting convention.

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### 9.1 Thursday, 13 October 1910, at 10:00 (s15784)

[e933520] The President announced the following standing committees:

[...]

3. Printing and Clerks. (3) Chairman Short, Jones (Maricopa), Cooper.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933521] The President announced the following standing committees:

[...]

3. Printing and Clerks. (3) Chairman Short, Jones (Maricopa), Cooper.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933522] The President announced the following standing committees:

[...]

3. Printing and Clerks. (3) Chairman Short, Jones (Maricopa), Cooper.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933523] The President announced the following standing committees:

[...]

3. Printing and Clerks. (3) Chairman Short, Jones (Maricopa), Cooper.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933524] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933525] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.2 Friday, 14 October 1910, at 10:00 (s15805)

[e933757] Mr. President: Gentlemen, is there anything else to come before the convention this morning? I suggest that the chairman of the committee on rules make the corrections in the rules that are necessary so that they can go to the printer immediately.

(The Records of the Arizona Constitutional Convention of 1910, Page 34)

[e933760] [Editor's Note: The Report was printed and returned to the Convention for consideration on the following day.]

(Editorial)

[e933978] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933980] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.3 Saturday, 15 October 1910, at 14:00 (s15817)

[e933910] Mr. Osborn: Mr. President, I move that 250 copies of the rules be ordered printed.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 40)

[e933914] [Editor's Note: The Report of the Committee on Rules and Procedure was printed and referred back to the Convention.]

(Editorial)

[e933940] Mr. Secretary: Proposition Number 2, introduced by Mr. Webb of Graham County. Relative to state boundaries.

Mr. President: First reading. If there are no objections the proposition will be referred to the Committee on Printing and Clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933942] [Editor's Note: Proposition Number 2 was printed and referred back to the Convention.]

(Editorial)

[e933954] Mr. Secretary: Proposition Number 3, introduced by Mr. Webb of Graham County. Relative to religious toleration.

Mr. President: First reading. If there are no objections the proposition will be referred to the Committee on Printing and Clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933956] [Editor's Note: Proposition Number 3 was printed and referred back to the Convention.]

(Editorial)

[e933957] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933958] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.4 Monday, 17 October 1910, at 09:00 (s15824)

[e934077] Mr. Secretary: (reading) Proposition Number 4, introduced by Baker of Maricopa County. Relative to initiative and referendum.

Mr. President: First reading of the proposition. It will go to the committee on printing and clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e934079] [Editor's Note: Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[e934081] Secretary: (reading) Proposition Number 5, introduced by Mr. Baker of Maricopa County. Relative to preamble.

Mr. President: First reading of proposition. It will go to the Committee on Printing and Clerks and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 44)

[e934082] [Editor's Note: Proposition Number 5 was printed and referred back to the Convention.]

(Editorial)

[e934085] Secretary: (reading) Proposition Number 6 introduced by Mr. Cassidy of Maricopa County. Relative to legislative department.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(Editorial, Page 44)

[e934089] [Editor's Note: Proposition Number 6 was printed and referred back to the Convention.]

(Editorial)

[e934091] Secretary: (reading) Proposition Number 7, introduced by Mr. Cunniff of Yavapai County. Relative to legislative powers.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 44-45)

[e934092] [Editor's Note: Proposition Number 7 was printed and referred back to the Convention.]

(Editorial)

[e934094] Secretary: (reading) Proposition Number 8, introduced by Mr. Cunniff of Yavapai County. Relative to validating existing territorial laws.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e934095] [Editor's Note: Proposition Number 8 was printed and referred back to the Convention.]

(Editorial)

[e934098] Secretary: (reading) Proposition Number 9, introduced by Mr. Cunniff of Yavapai County. Relative to a legal day in all state works.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e934100] [Editor's Note: Proposition Number 9 was printed and referred back to the Convention.]

(Editorial)

[e934101] Secretary: (reading) Proposition Number 10, introduced by Mr. Cunniff of Yavapai County. Relative to loaning of the state credit.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e934104] [Editor's Note: Proposition Number 10 was printed and referred back to the Convention.]

(Editorial)

[e934105] Secretary: (reading) Proposition Number 11, introduced by Mr. Cunniff of Yavapai County. Relative to exemption from state taxation.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e934106] [Editor's Note: Proposition Number 11 was printed and referred back to the Convention.]

(Editorial)

[e934108] Mr. President: If there are no objections it will be referred to the committee on printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 45)

[e934109] [Editor's Note: Proposition Number 1 was printed and referred back to the Convention.]

(Editorial)

[e934111] Secretary: (reading) Proposition Number 12, introduced by Mr. Webb of Graham County. Relative to labor.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934114] [Editor's Note: Proposition Number 12 was printed and referred back to the Convention.]

(Editorial)

[e934117] Secretary: (reading) Proposition Number 13, introduced by Mr. Webb of Graham County. Relative to public lands.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[*e934120*] [Editor's Note: Proposition Number 13 was printed and referred back to the Convention.]

(Editorial)

[*e934121*] Secretary: (reading) Proposition Number 14, introduced by Mr. Cunniff of Yavapai County. Relative to constitutional amendments.

Mr. President: First reading of the proposition. It will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 47)

[*e934123*] [Editor's Note: Proposition Number 14 was printed and referred back to the Convention.]

(Editorial)

[*e934125*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e934127*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.5 Monday, 17 October 1910, at 14:00 (s15828)

[*e934168*] Proposition No. 15, introduced by Mr. Moeur of Maricopa, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 46)

[*e934172*] [Editor's Note: Proposition Number 15 was printed and referred back to the Convention.]

(Editorial)

[*e934181*] Proposition No. 16, introduced by Mr. Sims of Cochise, read first time, 500 copies ordered printed and referred to the Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 46-47)

[*e934183*] [Editor's Note: Proposition Number 16 was printed and referred back to the Convention.]

(Editorial)

[e934248] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934252] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.6 Tuesday, 18 October 1910, at 09:00 (s15822)

[e934018] Proposition No. 17, introduced by Mr. Winsor, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934019] [Editor's Note: Proposition Number 17 was printed and referred back to the Convention.]

(Editorial)

[e934026] Proposition No. 18, introduced by Mr. Weinberger, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934028] [Editor's Note: Proposition Number 18 was printed and referred back to the Convention.]

(Editorial)

[e934039] Proposition No. 19, introduced by Mr. Parsons, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934041] [Editor's Note: Proposition Number 19 was printed and referred back to the Convention.]

(Editorial)

[e934048] Proposition No. 20, introduced by Mr. Bradner, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[e934050] [Editor's Note: Proposition Number 20 was printed and referred back to the Convention.]

(Editorial)

[*e934057*] Proposition No. 21, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[*e934058*] [Editor's Note: Proposition Number 21 was printed and referred back to the Convention.]

(Editorial)

[*e934066*] Proposition No. 22, introduced by Mr. Baker, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[*e934067*] [Editor's Note: Proposition Number 22 was printed and referred back to the Convention.]

(Editorial)

[*e934071*] Proposition No. 23, introduced by Mr. Moeur, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 48)

[*e934072*] [Editor's Note: Proposition Number 23 was printed and referred back to the Convention.]

(Editorial)

[*e934075*] Proposition No. 24, introduced by Mr. Osborn, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 48-49)

[*e934078*] [Editor's Note: Proposition Number 24 was printed and referred back to the Convention.]

(Editorial)

[*e934087*] Proposition No. 25, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[*e934088*] [Editor's Note: Proposition Number 25 was printed and referred back to the Convention.]

(Editorial)

[*e934099*] Proposition No. 26, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934103] [Editor's Note: Proposition Number 26 was printed and referred back to the Convention.]

(Editorial)

[e934115] Proposition No. 27, introduced by Mr. Franklin, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934119] [Editor's Note: Proposition Number 27 was printed and referred back to the Convention.]

(Editorial)

[e934132] Proposition No. 28, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934133] [Editor's Note: Proposition Number 28 was printed and referred back to the Convention.]

(Editorial)

[e934169] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934170] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **9.7 Tuesday, 18 October 1910, at 14:00 (s15836)**

[e934390] Proposition No. 29, introduced by Mr. Ellinwood, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934391] [Editor's Note: Proposition Number 29 was printed and referred back to the Convention.]

(Editorial)

[*e934393*] Proposition No. 30, introduced by Mr. Jones of Maricopa, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934394*] [Editor's Note: Proposition Number 30 was printed and referred back to the Convention.]

(Editorial)

[*e934395*] Proposition No. 31, introduced by Mr. Jones of Maricopa County, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934397*] [Editor's Note: Proposition Number 31 was printed and referred back to the Convention.]

(Editorial)

[*e934400*] Proposition No. 32, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934401*] [Editor's Note: Proposition Number 32 was printed and referred back to the Convention.]

(Editorial)

[*e934403*] Proposition No. 33, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934404*] [Editor's Note: Proposition Number 33 was printed and referred back to the Convention.]

(Editorial)

[*e934407*] Proposition No. 34, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[*e934410*] [Editor's Note: Proposition Number 34 was printed and referred back to the Convention.]

(Editorial)

[e934412] Proposition No. 35, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934413] [Editor's Note: Proposition Number 35 was printed and referred back to the Convention.]

(Editorial)

[e934416] Proposition No. 36, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934418] [Editor's Note: Proposition Number 36 was printed and referred back to the Convention.]

(Editorial)

[e934422] Proposition No. 37, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934424] [Editor's Note: Proposition Number 37 was printed and referred back to the Convention.]

(Editorial)

[e934425] Proposition No. 38, introduced by Mr. Ingraham, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934426] [Editor's Note: Proposition Number 38 was printed and referred back to the Convention.]

(Editorial)

[e934429] Proposition No. 39, introduced by Mr. Short, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934431] [Editor's Note: Proposition Number 39 was printed and referred back to the Convention.]

(Editorial)

[e934433] Proposition No. 40, introduced by Mr. Webb, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934436] [Editor's Note: Proposition Number 40 was printed and referred back to the Convention.]

(Editorial)

[e934438] Proposition No. 41, introduced by Mr. Crutchfield, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934439] [Editor's Note: Proposition Number 41 was printed and referred back to the Convention.]

(Editorial)

[e934440] Proposition No. 42, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 50)

[e934441] [Editor's Note: Proposition Number 42 was printed and referred back to the Convention.]

(Editorial)

[e934442] Proposition No. 43, introduced by Mr. Cassidy, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 50-51)

[e934444] [Editor's Note: Proposition Number 43 was printed and referred back to the Convention.]

(Editorial)

[e934446] Proposition No. 44, introduced by Mr. Orme, read first time, 500 copies ordered and printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 51)

[e934447] [Editor's Note: Proposition Number 44 was printed and referred back to the Convention.]

(Editorial)

[e934449] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934451] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.8 Wednesday, 19 October 1910, at 09:00 (s15832)

[e934210] Proposition No. 45, relative to Legislative Departments, introduced by Mr. Connelly, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 53)

[e934212] [Editor's Note: Proposition Number 45 was printed and referred back to the Convention.]

(Editorial)

[e934257] Proposition No. 46, relating to Educational Qualifications for Voters, introduced by Mr. Bradner, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934261] [Editor's Note: Proposition Number 46 was printed and referred back to the Convention.]

(Editorial)

[e934265] Proposition No. 47, relating to Labor Contracts, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934266] [Editor's Note: Proposition Number 47 was printed and referred back to the Convention.]

(Editorial)

[e934273] Proposition No. 48, relating to Employees on Public Work, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934274] [Editor's Note: Proposition Number 48 was printed and referred back to the Convention.]

(Editorial)

[e934280] Proposition No. 49, relating to police regulation, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[e934281] [Editor's Note: Proposition Number 49 was printed and referred back to the Convention.]

(Editorial)

[*e934287*] Proposition No. 50, relating to Limitation of Damages for Personal Injury, introduced by Mr. Parsons, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 54)

[*e934288*] [Editor's Note: Proposition Number 50 was printed and referred back to the Convention.]

(Editorial)

[*e934293*] Proposition No. 51, relating to Qualification of Voters, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Pages 54-55)

[*e934294*] [Editor's Note: Proposition Number 51 was printed and referred back to the Convention.]

(Editorial)

[*e934309*] Proposition No. 52, relating to Municipal Corporations, introduced by Mr. Sims, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[*e934311*] [Editor's Note: Proposition Number 52 was printed and referred back to the Convention.]

(Editorial)

[*e934322*] Proposition No. 53, relating to Banking, introduced by Mr. Baker, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[*e934324*] [Editor's Note: Proposition Number 53 was printed and referred back to the Convention.]

(Editorial)

[*e934339*] Proposition No. 54, relating to Mode of Amending, introduced by Mr. Colter, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[*e934341*] [Editor's Note: Proposition Number 54 was printed and referred back to the Convention.]

(Editorial)

[*e934342*] Proposition No. 55, relating to the Powers of the Legislative Assembly, introduced by Mr. Ellinwood, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[*e934343*] [Editor's Note: Proposition Number 55 was printed and referred back to the Convention.]

(Editorial)

[*e934377*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e934378*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.9 Wednesday, 19 October 1910, at 14:00 (s15835)

[*e934316*] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[*e934317*] [Editor's Note: Proposition Number 56 was printed and referred back to the Convention.]

(Editorial)

[*e934344*] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[*e934345*] [Editor's Note: Proposition Number 57 was printed and referred back to the Convention.]

(Editorial)

[*e934366*] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[*e934369*] [Editor's Note: Proposition Number 58 was printed and referred back to the Convention.]

(Editorial)

[e934389] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934392] [Editor's Note: Proposition Number 59 was printed and referred back to the Convention.]

(Editorial)

[e934417] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 54)

[e934420] [Editor's Note: Proposition Number 60 was printed and referred back to the Convention.]

(Editorial)

[e934445] Secretary (reading): Proposition Number 62 introduced by Mr. Keegan of Gila County. Relative to salaries of state and county officers.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934452] [Editor's Note: Proposition Number 61 was printed and referred back to the Convention.]

(Editorial)

[e934467] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934468] [Editor's Note: Proposition Number 61 was printed and referred back to the Convention.]

(Editorial)

[e934576] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934577] [Editor's Note: Proposition Number 61 was printed and referred back to the Convention.]

(Editorial)

[e934586] Mr. President: First reading of proposition. Referred to Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 55)

[e934646] [Editor's Note: Proposition Number 61 was printed and referred back to the Convention.]

(Editorial)

[e934649] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934652] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.10 Thursday, 20 October 1910, at 09:00 (s15884)

[e935069] Secretary (reading) Proposition Number 65, introduced by Mr. A. F. Parsons of Cochise County. Relative to exemption of certain property from taxation.

Mr. President: First reading of the proposition; referred to the printing committee and the usual number of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e935070] [Editor's Note: Proposition Number 65 was printed and referred back to the Convention.]

(Editorial)

[e935072] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935074] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.11 Thursday, 20 October 1910, at 14:00 (s15844)**

[e934508] Secretary (reading): Proposition Number 66 introduced by Mr. Orme of Maricopa County. Relative to water and water rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934511] [Editor's Note: Proposition Number 66 was printed and referred back to the Convention.]

(Editorial)

[e934516] Secretary (reading): Proposition Number 67 introduced by Mr. Roberts of Cochise County. Relative to banks and banking.

Mr. President: First reading of the proposition; referred to the committee on printing and the usual numbers of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934518] [Editor's Note: Proposition Number 67 was printed and referred back to the Convention.]

(Editorial)

[e934525] Secretary (reading): Proposition Number 68 introduced by Mr. Lynch of Graham County. Relative to criminal prosecution.

Mr. President: First reading of the proposition; referred to the Committee on Printing and the usual numbers of copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934526] [Editor's Note: Proposition Number 68 was printed and referred back to the Convention.]

(Editorial)

[e934535] Secretary (reading): Proposition Number 69 introduced by Mr. Coker of Pinal County. Relative to the judiciary department.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934536] [Editor's Note: Proposition Number 69 was printed and referred back to the Convention.]

(Editorial)

[e934546] Secretary (reading): Proposition Number 70 introduced by Mr. Winsor of Yuma County. Relative to publicity of campaign contributions.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 64)

[e934548] [Editor's Note: Proposition Number 70 was printed and referred back to the Convention.]

(Editorial)

[e934549] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934550] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.12 Friday, 21 October 1910, at 09:00 (s15899)

[e935318] Secretary (reading): Proposition Number 71 introduced by Mr. Feeney of Cochise County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 65)

[e935320] [Editor's Note: Proposition Number 71 was printed and referred back to the Convention.]

(Editorial)

[e935322] Secretary (reading): Proposition Number 72 introduced by Mr. Ellinwood of Cochise County. Relative to the enactment of a compulsory workmen's compensation law.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 65-66)

[e935325] [Editor's Note: Proposition Number 72 was printed and referred back to the Convention.]

(Editorial)

[e935329] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935330] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.13 Friday, 21 October 1910, at 14:00 (s15848)**

[e934572] Secretary (reading): Memorial Number 1 introduced by Mr. Webb of Graham County. Relative to school lands.

Mr. Webb: As this is a matter of considerable importance, and one upon which there is a variety of opinion, I would suggest that the memorial be referred to the printing committee and 500 copies ordered printed.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 66)

[e934574] [Editor's Note: Memorial Number 1 was printed and referred back to the Convention.]

(Editorial)

[e934580] Secretary (reading): Proposition Number 73 introduced by Mr. Simms of Graham County. Relative to education.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934581] [Editor's Note: Proposition Number 73 was printed and referred back to the Convention.]

(Editorial)

[e934587] Secretary (reading): Proposition Number 74 introduced by Mr. Colter of Apache County. Relative to suffrage.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934588] [Editor's Note: Proposition Number 74 was printed and referred back to the Convention.]

(Editorial)

[e934592] Secretary (reading): Proposition Number 75 introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934594] [Editor's Note: Proposition Number 75 was printed and referred back to the Convention.]

(Editorial)

[e934601] Secretary (reading): Proposition Number 76 introduced by Mr. Connelly of Cochise County. Relative to department of labor.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934602] [Editor's Note: Proposition Number 76 was printed and referred back to the Convention.]

(Editorial)

[e934605] Secretary (reading): Proposition Number 77 introduced by Mr. Feeney of Cochise County. Relative to militia and public defense.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934606] [Editor's Note: Proposition Number 77 was printed and referred back to the Convention.]

(Editorial)

[e934667] Secretary (reading): Proposition Number 78 introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934668] [Editor's Note: Proposition Number 78 was printed and referred back to the Convention.]

(Editorial)

[e934669] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934670] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.14 Saturday, 22 October 1910, at 09:00 (s15905)**

[e935402] Secretary (reading): Proposition Number 80 introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointed deputies.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 69)

[e935414] [Editor's Note: Proposition Number 80 was printed and referred back to the Convention.]

(Editorial)

[e935418] Secretary (reading): Proposition Number 81 introduced by Mr. Webb of Graham County. Relative to a railroad commission.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 69-70)

[e935419] [Editor's Note: Proposition Number 81 was printed and referred back to the Convention.]

(Editorial)

[e935540] Secretary (reading): Proposition Number 82 introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935543] [Editor's Note: Proposition Number 82 was printed and referred back to the Convention.]

(Editorial)

[e935546] Secretary (reading): Proposition Number 83 introduced by Mr. James E. Crutchfield of Maricopa County. Relative to taxation and exemption.

Mr. President: First reading of the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 71)

[e935549] [Editor's Note: Proposition Number 83 was printed and referred back to the Convention.]

(Editorial)

[e935553] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935555] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.15 Monday, 24 October 1910, at 09:00 (s15859)

[e934732] Secretary (reading): Proposition Number 84 introduced by Mr. Simms of Graham County. Relative to homesteads and exemption.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934733] [Editor's Note: Proposition Number 84 was printed and referred back to the Convention.]

(Editorial)

[e934736] Secretary (reading): Proposition Number 85 introduced by Mr. Cunningham of Cochise County. Relative to privilege license taxes.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934737] [Editor's Note: Proposition Number 85 was printed and referred back to the Convention.]

(Editorial)

[e934740] Secretary (reading): Proposition Number 86 introduced by Mr. Cunningham of Cochise County. Relative to privilege licenses.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[e934741] [Editor's Note: Proposition Number 86 was printed and referred back to the Convention.]

(Editorial)

[e934744] Secretary (reading): Proposition Number 87 introduced by Mr. Cunningham of Cochise County. Relative to homesteads and exemptions.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 72)

[*e934745*] [Editor's Note: Proposition Number 87 was printed and referred back to the Convention.]

(Editorial)

[*e934749*] Secretary (reading): Proposition Number 88 introduced by Mr. Cunniff of Yavapai County. Relative to employer's liability.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 72-73)

[*e934750*] [Editor's Note: Proposition Number 88 was printed and referred back to the Convention.]

(Editorial)

[*e934756*] Secretary (reading): Proposition Number 89 introduced by Mr. Cunniff of Yavapai County. Relative to alien contract labor.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[*e934757*] [Editor's Note: Proposition Number 89 was printed and referred back to the Convention.]

(Editorial)

[*e934761*] Secretary (reading): Proposition Number 90 introduced by Mr. Jones of Yavapai County. Relative to direct primary.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[*e934762*] [Editor's Note: Proposition Number 90 was printed and referred back to the Convention.]

(Editorial)

[*e934763*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e934764*] [That the Committee rise.]

(Editorial)

## 9.16 Tuesday, 25 October 1910, at 09:00 (s15902)

[*e935379*] Secretary (reading): Proposition Number 91 introduced by Mr. Kinney of Gila County. Relative to alien labor.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[*e935384*] [Editor's Note: Proposition Number 91 was printed and referred back to the Convention.]

(Editorial)

[*e935389*] Secretary (reading): Proposition Number 92 introduced by Mr. Kinney of Gila County. Relative to qualifications of United States Senators.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[*e935391*] [Editor's Note: Proposition Number 92 was printed and referred back to the Convention.]

(Editorial)

[*e935397*] Secretary (reading): Proposition Number 93 introduced by Mr. Wood of Yavapai County. Relative to lobbying.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[*e935399*] [Editor's Note: Proposition Number 93 was printed and referred back to the Convention.]

(Editorial)

[*e935407*] Secretary (reading): Proposition Number 94 introduced by Mr. Cooper of Pima County. Relative to declaration of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(Editorial, Page 77)

[*e935410*] [Editor's Note: Proposition Number 94 was printed and referred back to the Convention.]

(Editorial)

[*e935412*] Secretary (reading): Proposition Number 95 introduced by Mr. Cooper of Pima County. Relative to preamble.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935416] [Editor's Note: Proposition Number 95 was printed and referred back to the Convention.]

(Editorial, Page 77)

[e935420] Secretary (reading): Proposition Number 96 introduced by Mr. Kingan of Pima County. Relative to division of powers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935423] [Editor's Note: Proposition Number 95 was printed and referred back to the Convention.]

(Editorial)

[e935426] Secretary (reading): Proposition Number 97 introduced by Mr. F.A. Jones of Maricopa County. Relative to amendments and direct legislation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935428] [Editor's Note: Proposition Number 97 was printed and referred back to the Convention.]

(Editorial)

[e935433] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935436] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.17 Tuesday, 25 October 1910, at 14:00 (s15877)

[e935005] Secretary (reading): Proposition Number 98, introduced by Mr. Crutchfield of Maricopa County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935027] [Editor's Note: Proposition Number 98 was printed and referred back to the Convention.]

(Editorial)

[e935018] Secretary (reading): Proposition Number 99, introduced by Mr. Wills of Pinal County. Relative to livestock.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935030] [Editor's Note: Proposition Number 99 was printed and referred back to the Convention.]

(Editorial)

[e935026] Secretary (reading): Proposition Number 100, introduced by Mr. Sims of Cochise County. Relative to education.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935032] [Editor's Note: Proposition Number 100 was printed and referred back to the Convention.]

(Editorial)

[e935044] Secretary (reading): Proposition Number 101, introduced by Mr. Roberts of Cochise County. Relative to private banks and corporations.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935045] [Editor's Note: Proposition Number 101 was printed and referred back to the Convention.]

(Editorial)

[e935054] Secretary (reading): Proposition Number 102 introduced by Mr. Jones of Yavapai County. Relative to appropriations.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[e935056] [Editor's Note: Proposition Number 102 was printed and referred back to the Convention.]

(Editorial)

[*e935063*] Secretary (reading): Proposition Number 103 introduced by Mr. Cassidy of Maricopa County. Relative to establishment of the legislative bureau of research.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

[*e935065*] [Editor's Note: Proposition Number 103 was printed and referred back to the Convention.]

(Editorial)

[*e935066*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935067*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.18 Wednesday, 26 October 1910, at 09:00 (s15921)

[*e935571*] Secretary (reading): Proposition Number 104, introduced by Mr. Ingraham of Yuma County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[*e935573*] [Editor's Note: Proposition Number 104 was printed and referred back to the Convention.]

(Editorial)

[*e935575*] Secretary (reading): Proposition Number 105, introduced by Mr. Wells of Yavapai County. Relative to corporations.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[*e935576*] [Editor's Note: Proposition Number 105 was printed and referred back to the Convention.]

(Editorial)

[e935578] Secretary (reading): Proposition Number 106, introduced by Mr. Wells of Yavapai County. Relative to finance and taxation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935580] [Editor's Note: Proposition Number 106 was printed and referred back to the Convention.]

(Editorial)

[e935582] Secretary (reading): Proposition Number 107, introduced by Mr. Hutchinson of Coconino County. Relative to militia.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935584] [Editor's Note: Proposition Number 107 was printed and referred back to the Convention.]

(Editorial)

[e935586] Secretary (reading): Proposition Number 108, introduced by Mr. Bradner of Cochise County. Relative to elections.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935588] [Editor's Note: Proposition Number 108 was printed and referred back to the Convention.]

(Editorial)

[e935589] Proposition No. 109, relating to Railroads, introduced by Mr. Webb, read first time, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 79)

[e935591] [Editor's Note: Proposition Number 109 was printed and referred back to the Convention.]

(Editorial)

[e935596] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935598] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.19 Wednesday, 26 October 1910, at 14:00 (s15920)**

[e935567] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 110, introduced by Mr. Bolan of Cochise County. Relative to legislative department.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935570] [Editor's Note: Proposition Number 110 was printed and referred back to the Convention.]

(Editorial)

[e935572] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935574] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.20 Thursday, 27 October 1910, at 09:00 (s15952)**

[e935811] Secretary (reading): Proposition Number 111, introduced by Mr. Short of Yuma County. Relative to elections.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935814] [Editor's Note: Proposition Number 111 was printed and referred back to the Convention.]

(Editorial)

[e935817] Secretary (reading): Proposition Number 112, introduced by Mr. Scott of Navajo County. Relative to ordinance.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935820] [Editor's Note: Proposition Number 112 was printed and referred back to the Convention.]

(Editorial)

[e935824] Secretary (reading): Proposition Number 113, introduced by Mr. Jones of Maricopa County. Relative to railroad and common carriers.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935826] [Editor's Note: Proposition Number 113 was printed and referred back to the Convention.]

(Editorial)

[e935828] Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935830] [Editor's Note: Proposition Number 114 was printed and referred back to the Convention.]

(Editorial)

[e935833] Secretary (reading): Proposition Number 115, introduced by Mr. Kingan of Pima County. Relative to legislative [matters].

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935836] [Editor's Note: Proposition Number 115 was printed and referred back to the Convention.]

(Editorial)

[e935838] Secretary (reading): Proposition Number 116, introduced by Mr. Lovin on Mohave County. Relative to bill of rights.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935840] [Editor's Note: Proposition Number 116 was printed and referred back to the Convention.]

(Editorial)

[e935842] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935846] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.21 Thursday, 27 October 1910, at 14:00 (s15928)**

[e935617] Secretary (reading): Proposition Number 117, introduced by Mr. Curtis of Santa Cruz County. Relative to bribery and corruption.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 95)

[e935618] [Editor's Note: Proposition Number 117 was printed and referred back to the Convention.]

(Editorial)

[e935631] Secretary (reading): Proposition Number 118, introduced by Mr. Curtis of Santa Cruz County (reading by title only.)

Mr. President: First reading of Proposition Number 118; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935632] [Editor's Note: Proposition Number 118 was printed and referred back to the Convention.]

(Editorial)

[e935706] Mr. President: If there are no objections, the secretary will make the correction. First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935707] [Editor's Note: Proposition Number 119 was printed and referred back to the Convention.]

(Editorial)

[e935724] Secretary (reading): Proposition Number 120 introduced by Mr. Cunniff. Relative to recall of elected officials.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 97)

[e935726] [Editor's Note: Proposition Number 120 was printed and referred back to the Convention.]

(Editorial)

[e935729] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935730] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.22 Friday, 28 October 1910, at 09:00 (s15973)

[e936154] Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936156] [Editor's Note: Proposition Number 121 was printed and referred back to the Convention.]

(Editorial)

[e936182] Proposition No. 122, relating to Revenue and Taxation, introduced by Mr. Wills, read first time by title, 500 copies ordered printed and referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 86)

[e936190] [Editor's Note: Proposition Number 122 was printed and referred back to the Convention.]

(Editorial)

[e937619] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937621] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.23 Friday, 28 October 1910, at 14:00 (s15960)

[e935929] Secretary (reading): Proposition Number 124, introduced by Mr. White of Pima County. Relative to ordinance.

[...]

Mr. President: First reading the proposition; referred to the Committee on Printing and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935934] [Editor's Note: Proposition Number 124 was printed and referred back to the Convention.]

(Editorial)

[e935937] Secretary (reading): Proposition Number 125, introduced by Mr. Orme of Maricopa County. Relative to creating the office of state examiner.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed. Other business of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[*e935939*] [Editor's Note: Proposition Number 125 was printed and referred back to the Convention.]

(Editorial)

[*e935941*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935943*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.24 Saturday, 29 October 1910, at 14:00 (s15966)

[*e935996*] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936006*] [Editor's Note: Substitute Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[*e936003*] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936008*] [Editor's Note: Minority Report I on Substitute Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[*e936004*] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[*e936009*] [Editor's Note: Minority Report II on Substitute Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[e936005] Mr. President: Gentlemen, the question comes up on the printing of the proposition and amendments.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 111)

[e936011] [Editor's Note: Minority Report III on Substitute Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[e936144] Mr. President: Introduction of propositions.

Secretary (reading): Proposition Number 126, introduced by Mr. Jacome of Pima County. Relative to taxation.

[...]

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936146] [Editor's Note: Proposition Number 126 was printed and referred back to the Convention.]

(Editorial)

[e936166] Secretary (reading): Proposition Number 127, introduced by Mr. Coker. Relative to water and water rights.

[...]

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 112)

[e936168] [Editor's Note: Proposition Number 127 was printed and referred back to the Convention.]

(Editorial)

[e936199] Secretary (reading): Proposition Number 128, introduced by Mr. Winsor of Yuma County. Relative to official ballots and the conduct of elections.

[...]

Mr. President: If there are no objections the proposition will go to the printing committee and 500 copies ordered printed. Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936201] [Editor's Note: Proposition Number 128 was printed and referred back to the Convention.]

(Editorial)

[*e936206*] Secretary (reading): Proposition Number 129, introduced by Mr. Moore of Yavapai County. Relative to state lands.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936208*] [Editor's Note: Proposition Number 129 was printed and referred back to the Convention.]

(Editorial)

[*e936214*] Secretary (reading): Proposition Number 130, introduced by Mr. Moore of Yavapai County. Relative to establishing the office of state mine inspector.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936215*] [Editor's Note: Proposition Number 130 was printed and referred back to the Convention.]

(Editorial)

[*e936220*] Secretary (reading): Proposition Number 131, introduced by Mr. Bolan of Cochise County. Relative to apportionment of senators and representatives for the State of Arizona.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936221*] [Editor's Note: Proposition Number 131 was printed and referred back to the Convention.]

(Editorial)

[*e936227*] Secretary (reading): Proposition Number 132, introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: First reading of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[*e936228*] [Editor's Note: Proposition Number 132 was printed and referred back to the Convention.]

(Editorial)

[*e936595*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e936596*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.25 Monday, 31 October 1910, at 09:00 (s15972)

[e936097] Secretary (reading): Proposition Number 133, introduced by Mr. Tovrea of Cochise County. Relative to highways.

[...]

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936101] [Editor's Note: Proposition Number 133 was printed and referred back to the Convention.]

(Editorial)

[e936124] Secretary (reading): Proposition Number 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936126] [Editor's Note: Proposition Number 134 was printed and referred back to the Convention.]

(Editorial)

[e936137] Secretary (reading): Proposition Number 135, introduced by Mr. Cunniff of Yavapai County. Relative to married women's property.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936140] [Editor's Note: Proposition Number 135 was printed and referred back to the Convention.]

(Editorial)

[e936151] Secretary (reading): Proposition Number 136, introduced by Mr. Cunniff of Yavapai County. Relative to employment on public works.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936152] [Editor's Note: Proposition Number 136 was printed and referred back to the Convention.]

(Editorial)

[e936157] Secretary (reading): Proposition Number 137, introduced by Mr. Cunniff of Yavapai County. Relative to black lists.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936159] [Editor's Note: Proposition Number 137 was printed and referred back to the Convention.]

(Editorial)

[e936174] Secretary (reading): Proposition Number 138, introduced by Mr. Cunniff of Yavapai County. Relative to state geologists.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936177] [Editor's Note: Proposition Number 138 was printed and referred back to the Convention.]

(Editorial)

[e936986] Secretary (reading): Proposition Number 139, introduced by Mr. Keegan of Gila County. Relative to minor offenders.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936987] [Editor's Note: Proposition Number 139 was printed and referred back to the Convention.]

(Editorial)

[e936997] Secretary (reading): Proposition Number 140, introduced by Mr. Keegan of Gila County. Relative to juvenile courts.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e936999] [Editor's Note: Proposition Number 140 was printed and referred back to the Convention.]

(Editorial)

[e937009] Secretary (reading): Proposition Number 141, introduced by Mr. Keegan of Gila County. Relative to child labor.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937012] [Editor's Note: Proposition Number 141 was printed and referred back to the Convention.]

(Editorial)

[e937023] Secretary (reading): Proposition Number 142, introduced by Mr. Ellinwood of Cochise County. Relative to railroad and other transportation companies and telegraph, and other transmission companies controlling competing lines.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937025] [Editor's Note: Proposition Number 142 was printed and referred back to the Convention.]

(Editorial)

[e937028] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937030] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.26 Monday, 31 October 1910, at 14:00 (s15963)

[e935957] Secretary (reading): Proposition Number 143, introduced by Mr. Connelly of Cochise County. Relative to the qualification of voters.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e935959] [Editor's Note: Proposition Number 143 was printed and referred back to the Convention.]

(Editorial)

[e935961] Secretary (reading): Proposition Number 144, introduced by Mr. Bradner of Cochise County. Relative to judiciary.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 135-136)

[e935962] [Editor's Note: Proposition Number 144 was printed and referred back to the Convention.]

(Editorial)

[e935965] Secretary (reading): Proposition Number 145, introduced by Mr. Jones of Yavapai. Relative to marriages between races.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e935967] [Editor's Note: Proposition Number 145 was printed and referred back to the Convention.]

(Editorial)

[e935968] Secretary (reading): Proposition Number 146, introduced by Mr. Ingraham. Relative to executive.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e935969] [Editor's Note: Proposition Number 146 was printed and referred back to the Convention.]

(Editorial)

[e935971] Secretary (reading): Proposition Number 147, introduced by Mr. Ingraham of Yuma County. Relative to taxation.

Mr. President: First reading of the proposition; referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 136)

[e935972] [Editor's Note: Proposition Number 147 was printed and referred back to the Convention.]

(Editorial)

[e935974] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935976] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.27 Tuesday, 01 November 1910, at 09:00 (s16061)

[e937701] Mr. President: If there is no objection, it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937702] [Editor's Note: Proposition Number 2 was printed and referred back to the Convention.]

(Editorial)

[e937943] Mr. Jones (Yavapai): I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.

Mr. Cunniff: I second the motion.  
The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937947] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 18 was printed and referred back to the Convention.]

(Editorial)

[e937944] Mr. Jones (Yavapai): I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.

Mr. Cunniff: I second the motion.  
The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937948] [Editor's Note: Substitute Proposition Number 18 was printed and referred back to the Convention.]

(Editorial)

[e937945] Mr. Jones (Yavapai): I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.

Mr. Cunniff: I second the motion.  
The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937949] [Editor's Note: Minority Substitute Proposition Number 18 (WoodJones) was printed and referred back to the Convention.]

(Editorial)

[*e937946*] Mr. Jones (Yavapai): I move that the majority and minority reports of the committee be referred to the printing committee, and 500 copies ordered printed.

Mr. Cunniff: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[*e937950*] [Editor's Note: Minority Substitute Proposition Number 18 (Cunningham) was printed and referred back to the Convention.]

(Editorial)

[*e937951*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937952*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.28 Wednesday, 02 November 1910, at 14:00 (s16000)

[*e936659*] Secretary (reading): "The Committee on Printing and Clerks begs leave to report that request for bids for printing propositions as adopted by the convention, was extended to the Republican, Gazette, Democrat, Voice of the People and Arizona Issue. Replies received are herewith submitted. Should the convention order propositions printed the committee will take the matter up with the Secretary of Arizona as to whether or not he will approve this item. E.L. Short, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[*e936660*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e936689*] Mr. President: Gentlemen of the convention, do you want this amendment read? If there is no objection this will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[*e936690*] [Editor's Note: Baker's Amendment to Substitute Proposition Number 4 was printed and referred back to the Convention.]

(Editorial)

[e936691] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936692] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.29 Thursday, 03 November 1910, at 14:00 (s16018)

[e936920] Secretary (reading): Proposition 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

Mr. Short: Mr. President, the printer said he would print a correct copy of Proposition Number 134. It will be here in the morning.

Mr. President: It will be referred to the printing committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936921] [Editor's Note: Proposition Number 134 was printed and referred back to the Convention.]

(Editorial)

[e936923] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936924] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.30 Tuesday, 08 November 1910, at 09:30 (s16053)

[e937539] Mr. Weinberger: Mr. President, I move that proposition be referred to the printing committee and 500 copies ordered printed.

[Editor's Note: Proposition Number 69 had already been printed so only the report was sent to the Committee on Printing at this point.]

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[*e937541*] [Editor's Note: The Report from Committee of Judiciary was printed and referred back to the Convention.]

(Editorial)

[*e937780*] Mr. Cunningham moved, seconded by Mr. Lynch that 500 copies of the Committee Substitute Proposition Number 82 and minority report be printed; carried. Referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 141)

[*e937782*] Mr. Cunningham moved, seconded by Mr. Lynch that 500 copies of the Committee Substitute Proposition Number 82 and minority report be printed: carried. Referred to Committee on Printing and Clerks.

(The Minutes of the Arizona Constitutional Convention, Page 141)

[*e937786*] [Editor's Note: Substitute Proposition Number 82 was printed and referred back to the Convention.]

(Editorial)

[*e937787*] [Editor's Note: The Minority Report on Substitute Proposition Number 82 was printed and referred back to the Convention.]

(Editorial)

[*e937789*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937790*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **9.31 Wednesday, 09 November 1910, at 09:30 (s16058)**

[*e937589*] Mr. Cunningham: I move that the substitute proposition of the committee be referred to the printing committee and the usual number of copies be printed without printing the original proposition.

Mr. Webb: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[*e938316*] [Editor's Note: The Substitute Proposition Number 33 was printed and referred back to the Convention.]

(Editorial)

[e937590] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937591] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **9.32 Monday, 14 November 1910, at 09:30 (s16106)**

[e938921] Mr. President: If there is no objection the secretary will make the correction, and the proposition will be referred to the printing committee and the usual number of copies ordered printed. Hearing no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938924] [Editor's Note: Substitute Proposition 15 was printed and referred back to the Convention.]

(Editorial)

[e938925] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938927] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **9.33 Wednesday, 16 November 1910, at 14:00 (s16137)**

[e939735] [Substitute] Proposition No. 106 referred to Committee on Printing and Clerks and 500 copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 194)

[e939740] [Editor's Note: Substitute Proposition Number 106 was printed and referred back to the Convention.]

(Editorial)

[e939736] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939738] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 9.34 Thursday, 17 November 1910, at 09:30 (s16138)

[e939769] Mr. Cunningham: I would like to move that the substitute proposition only be referred to the printing committee and 500 copies ordered printed.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939774] [Editor's Note: Substitute Proposition Number 40 was printed and referred back to the Convention.]

(Editorial)

[e939772] Mr. Roberts: I request that it be printed.

Mr. President: The gentleman from Cochise, Mr. Roberts, makes the request that it be printed, and if there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939777] [Editor's Note: Substitute Proposition Number 52 was printed and referred back to the Convention.]

(Editorial)

[e939779] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939780] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 9.35 Friday, 18 November 1910, at 14:00 (s16135)

[e939715] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 22 and respectfully recommends that the Proposition herewith submitted by the Committee to be known as Committee Substitute Proposition Number 22 be substituted for Proposition Number 22 and that said Committee Substitute Proposition Number 22 be adopted by the Convention. C.M. Roberts, Chairman.”

Mr. Cunniff: I move that the substitute be referred to the committee on printing.

Mr. President: If there are no objections it will be ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939741] [Editor’s Note: Substitute Proposition Number 22 was printed and referred back to the Convention.]

(Editorial)

[e940115] Mr. President: If there is no objection the usual number of copies will be printed; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940396] [Editor’s Note: Substitute Proposition Number 125 was printed and referred back to the Convention.]

(Editorial)

[e940416] Mr. Cunniff: I move that it be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940425] [Editor’s Note: Substitute Proposition Number 6 was printed and referred back to the Convention.]

(Editorial)

[e942410] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942411] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.36 Saturday, 19 November 1910, at 09:30 (s16186)**

[e942048] [Editor's Note: The records of the Convention do not state when Substitute Proposition Number 113 was sent from the Committee on Railroads to the Convention. However, it is returned to the Convention from the Committee on Printing on November 23. In the absence of a clear record, the editors have chosen to represent the substitute proposition as referred to the Committee on Printing on November 19, the date written on the report.]

(Editorial)

[e942051] [Editor's Note: Substitute Proposition Number 113 was printed and referred back to the Convention.]

(Editorial)

[e942052] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942054] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.37 Monday, 21 November 1910, at 09:30 (s16152)**

[e940172] Mr Short, Chairman of Committee on Printing and Clerks made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President: The work of the Convention having reached the point where there is very little necessity for Committee Clerks and various other employees, a needless expense of forty or fifty dollars per day is being incurred for employees who have no duties to perform, and the efficiency of some clerks is being impaired on account of idleness on the part of others, the Committee on Printing and Clerks recommends that the services of not less than five Committee Clerks be dispensed with. E.L. Short, Chairman. F.A. Jones, Wm. F. Cooper

(The Minutes of the Arizona Constitutional Convention, Page 230)

[e940173] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940203] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940204] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 9.38 Monday, 21 November 1910, at 14:00 (s16218)

[e943384] Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e943405] [Editor's Note: Substitute Proposition Number 78 was printed and referred back to the Convention.]

(Editorial)

[e943390] Mr. President: If there is no objection it will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 507)

[e943404] [Editor's Note: Substitute Proposition Number 94 was printed and referred back to the Convention.]

(Editorial)

[e943415] Mr. President: If there is no objection that will be referred to the printing committee and 500 copies ordered printed and the other will not be taken up until that is returned from the printer.

(The Records of the Arizona Constitutional Convention of 1910, Page 508)

[e943416] [Editor's Note: Substitute Proposition Number 66 was printed and referred back to the Convention.]

(Editorial)

[e943418] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943419] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 9.39 Tuesday, 22 November 1910, at 19:30 (s16163)

[e940431] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940434] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940432] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940436] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940433] Mr. President: If there are no objections the reports will be referred to the printing committee and 500 copies ordered printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 557)

[e940437] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940438] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940440] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 9.40 Wednesday, 23 November 1910, at 19:30 (s16203)

[e943060] Secretary (reading): "Mr. President: Your Committee on Public Service Corporations Other than Railroads reports it has examined Proposition Number 58, and respectfully recommends a substitute therefore, and recommends that said substitute, being Substitute Proposition Number 58 be adopted. Concurred in by a majority of the committee. Fred L. Ingraham, Chairman."

Mr. President: If there is no objection the report will be sent to the printing committee, and 500 copies ordered printed. Gentlemen, we have some business to come before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e943063] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943064] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943066] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 9.41 Saturday, 26 November 1910, at 13:30 (s16238)

[e944257] The Special Committee on Election Ordinance made their report through Mr. Ingraham, their Chairman, which was referred to the Committee on Printing and Clerks and one hundred copies ordered printed.

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944258] [Editor's Note: Proposition Number 148 was printed and referred back to the Convention.]

(Editorial)

[e944259] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944260] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.42 Monday, 28 November 1910, at 13:30 (s16267)**

[e945123] Mr. Kingan: That is a long technical report, and I ask that it be printed.

Mr. President: If there are no objections it will be referred to the Committee on Printing and the usual number of copies printed.

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945124] [Editor's Note: Substitute Proposition Number 8 was printed and referred back to the Convention.]

(Editorial)

[e945125] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945126] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**9.43 Monday, 05 December 1910, at 19:30 (s16293)**

[e946376] Mr. Short: "Mr. President, your printing committee begs leave to report the printing and return of sixteen pages of the constitution as prepared by the revision committee."

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946377] [Editor's Note: The Committee prints the Draft Constitution and refers it to the Convention.]

(Editorial)

[e946378] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946379] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 10

# Committee on Preamble and Declaration of Rights

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A standing committee for constitution making.

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### 10.1 Thursday, 13 October 1910, at 10:00 (s15785)

[e933526] The President announced the following standing committees:

[...]

1. Preamble and Declaration of Rights. (3) Chairman Crutchfield, Connelly, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933527] The President announced the following standing committees:

[...]

1. Preamble and Declaration of Rights. (3) Chairman Crutchfield, Connelly, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933528] The President announced the following standing committees:

[...]

1. Preamble and Declaration of Rights. (3) Chairman Crutchfield, Connelly, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933529] The President announced the following standing committees:

[...]

1. Preamble and Declaration of Rights. (3) Chairman Crutchfield, Connelly, Morgan.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933530] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933531] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.2 Saturday, 15 October 1910, at 14:00 (s15814)

[e933877] Mr. Crutchfield: Mr. President, the committee on preamble has a report to offer. (reading)...

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933878] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e933882] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933883] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.3 Wednesday, 19 October 1910, at 09:00 (s15837)

[e934382] Second reading of Proposition No. 1; referred to Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 55)

[e934383] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934384] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.4 Thursday, 20 October 1910, at 09:00 (s15874)

[e934995] Proposition No. 5 read second time and referred to the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e934996] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934997] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.5 Tuesday, 25 October 1910, at 09:00 (s15885)

[e935077] Mr. Crutchfield: Mr. President, the Committee on Preamble and Declaration of Rights is ready to report, if it is the desire of the convention to receive the report.

[...]

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 77)

[e935079] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935081] [Editor's Note: Proposition Number 1 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[e935083] [Editor's Note: Proposition Number 5 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[e935084] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935086] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.6 Friday, 28 October 1910, at 09:00 (s16051)

[e937526] Mr. President: Second reading of the proposition; referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937627] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937629] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.7 Saturday, 29 October 1910, at 14:00 (s15992)

[e936588] Secretary (reading): Proposition Number 104, introduced by Mr. Ingraham of Yuma County. Relative to bill of rights.

Mr. President: Second reading of the proposition; referred to the committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936590] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936592] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.8 Monday, 31 October 1910, at 09:00 (s16034)

[e937195] Secretary (reading): Proposition Number 116, introduced by Mr. Lovin of Mohave County. Relative to bill of rights.

Mr. President: Second reading of the proposition; referred to the Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937197] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937200] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.9 Tuesday, 01 November 1910, at 09:00 (s16003)

[e936708] Without objection Proposition Number 98 referred to Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e938210] Without objection Proposition Number 94 referred to Committee on Preamble and Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e938211] [Editor's Note: This report came up in the Committee of the Whole on 25 November 1910. Rather than adopting it in the Convention when the Proposition was referred to the Committee on Preamble and Bill of Rights, we have shown it being referred along with the Proposition in order to represent this.]

(Editorial)

[e938212] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938213] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.10 Wednesday, 02 November 1910, at 14:00 (s16001)

[e936693] Secretary (reading): "Phoenix, Arizona, November 2, 1910. Mr. President: Your Committee on Preamble and Declaration of Rights begs leave to report it has examined Proposition Number 98 and respectfully recommends concurrence. James E. Crutchfield, Chairman; We concur: William Morgan, P.F. Connelly."

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[*e936694*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e936709*] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936710*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e936711*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.11 Thursday, 03 November 1910, at 09:30 (s16015)

[*e936895*] On motion of Mr. Winsor recommendation of Committee of the Whole on Proposition No. 98 adopted and said Proposition referred to the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 119)

[*e936896*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e936897*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 10.12 Monday, 21 November 1910, at 14:00 (s16145)

[e939903] Mr. Crutchfield, Chairman of Committee on Preamble, and Declaration of rights, made the following report:

Phoenix, Arizona, November 21, 1910

Mr. President:

Your Committee on Preamble and Declaration of Rights, begs leave to report it has examined Proposition No. 94 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition No. 94 and that Substitute Proposition be adopted.

That it has examined Proposition No. 104 and respectfully recommends that it do not pass save as to sections 10, 14 and 23 which are embraced in Committee Report.

That it has examined Proposition No. 116 and respectfully recommends that it do not pass for the matter herein contained is covered in Committee report.

That it has examined Proposition No. 98 and respectfully recommends that it do not pass inasmuch as the matter is covered in Committee Report.

That it has examined Proposition No. 95 and respectfully recommends that it do not pass for the reason that the question of preamble has already been settled by the Convention.

JAS. E. CRUTCHFIELD, Chairman.

We concur: P.F. Connelly, Wm. Morgan.

(The Minutes of the Arizona Constitutional Convention, Pages 234-235)

[e939950] [Editor's Note: The Committee report recommended the adoption of Substitute Proposition Number 94.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1237-1243)

[e939951] [Editor' Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939953] [Editor's Note: Substitute Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939954] [Editor's Note: Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939974] [Editor's Note: This report came up in the Committee of the Whole on 25 November 1910. Rather than adopting it in the Convention when the Proposition was referred to the Committee on Preamble and Bill of Rights, we have shown it being referred along with the Proposition in order to represent this.]

(Editorial)

[e939957] [Editor's Note: Proposition Number 104 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939958] [Editor's Note: Proposition Number 116 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939959] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939961] [Editor's Note: Proposition Number 95 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939977] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939979] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 11

# Committee on Legislative Department, Distribution of Powers and Apportionment

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A standing committee for constitution making.

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### 11.1 Thursday, 13 October 1910, at 10:00 (s15786)

[e933533] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933534] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933535] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933536] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933537] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933538] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933539] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933540] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933541] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933542] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933543] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933544] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933545] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933546] The President announced the following standing committees:

[...]

2. Legislative Department, Distribution of Powers and Apportionment. (13)  
Chairman Winsor, Cassidy, Baker, Cunniff, Coker, Colter, Feeney, Morgan,  
Roberts, Simms, (Graham), Webb, Weinberger, Curtis.

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933547] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933548] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.2 Saturday, 15 October 1910, at 14:00 (s15816)

[e933900] Communications from G. W. Hull of Jerome, Arizona, read and referred to the Committee on Legislative Department Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 42)

[e933901] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933905] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.3 Thursday, 20 October 1910, at 09:00 (s15875)

[e934999] Secretary (reading): Proposition Number 7, introduced by Mr. Cunniff of Yavapai. Relative to legislative powers.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e935001] Secretary (reading): Proposition Number 14, introduced by Mr. Cunniff, Relative to constitutional amendments.

Mr. President: Second reading of the proposition. It will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e935003] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935004] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.4 Friday, 21 October 1910, at 14:00 (s15852)

[e934623] Secretary (reading): Proposition Number 4 introduced by Mr. Baker of Maricopa County, Relative to initiative and referendum.

Mr. President: Second reading of the propositions; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934632] Secretary (reading): Proposition Number 6 introduced by Mr. Cassidy of Maricopa County, Relative to legislative department.

Mr. President: Second reading of the propositions; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934635] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934636] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.5 Saturday, 22 October 1910, at 09:00 (s15919)

[e935564] Secretary (reading): Proposition 17 introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935566] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935569] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.6 Monday, 24 October 1910, at 09:00 (s15863)

[e934800] Secretary (reading): Proposition Number 30, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934815] Secretary (reading): Proposition Number 32, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934820] Secretary (reading): Proposition Number 33, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934821] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934822] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.7 Tuesday, 25 October 1910, at 09:00 (s15907)

[e935450] Secretary (reading): Proposition Number 35.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935455] Secretary (reading): Proposition Number 45, introduced by Mr. Connelly of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935460] Secretary (reading): Proposition Number 55, introduced by Mr. Ellinwood of Cochise County. Relative to the powers of the legislative assembly.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 79-80)

[e935463] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935465] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.8 Tuesday, 25 October 1910, at 14:00 (s15894)

[e935217] Secretary (reading): Proposition Number 35.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 78)

[e935300] Secretary (reading): Proposition Number 57, introduced by Mr. Coker of Pinal County.

Mr. President: Second reading of the proposition; referred to the committee on legislative department, distribution of powers and apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935302] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935303] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.9 Wednesday, 26 October 1910, at 09:00 (s15924)

[e935600] Secretary (reading): Proposition Number 62, introduced by Mr. Keegan of Gila County. Relative to salaries of state and county officers.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935601] Proposition No. 89, read second time and referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935603] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935604] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.10 Wednesday, 26 October 1910, at 14:00 (s15922)

[e935590] Mr. President: [...] Here is a letter addressed to the gentlemen of the convention and which I believe should be referred to the committee on legislation.

Mr. Ellinwood: read it.

Mr. President: The secretary will please read the letter.

Letter from O. Gibson, Tombstone, Arizona, read.

Mr. President: The letter will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment. Other business of the convention. I presume there is a great deal of committee work to be done.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935592] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935593] Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 11.11 Thursday, 27 October 1910, at 09:00 (s15954)

[e940532] Mr. President: If there are no objections Proposition Number 20 will be referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935851] Secretary (reading): Proposition Number 80, introduced by Mr. Jones of Maricopa County. Relative to officers chosen and appointive.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935853] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935854] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 11.12 Friday, 28 October 1910, at 09:00 (s16002)

[e937514] Secretary (reading): Proposition Number 93, introduced by Mr. Wood of Yavapai. Relative to lobbying.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 101-102)

[e937445] Secretary (reading): Proposition Number 94, introduced by Mr. Cooper of Pima County. Relative to declaration of rights.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937537] Secretary (reading): Proposition Number 96, introduced by Mr. Kingan of Pima County. Relative to distribution of powers.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937647] Secretary (reading): Proposition Number 97, introduced by Mr. Jones of Maricopa County. Relative to amendments and direct legislation.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e936704] Secretary (reading): Proposition Number 98, introduced by Mr. Crutchfield of Maricopa County. Relative to bill of rights.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937654] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937655] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **11.13 Friday, 28 October 1910, at 14:00 (s15961)**

[e935947] Mr. President: Proposition Number 47 will be referred to the Committee on Legislative Department, number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e936250] Mr. President: All in favor of accepting this report, and referring the proposition to the committee on legislative matters [Committee on Legislative Department, Distribution of Powers and Apportionment], make it known by saying "aye," all opposed "no." The "ayes" have it; and Proposition Number 39 is referred to the committee on legislative department.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935953] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935954] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.14 Saturday, 29 October 1910, at 14:00 (s15959)

[e935921] Mr. Winsor (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Legislative Powers begs leave to report that it has examined Proposition Number 4, and respectfully recommends:

That the proposition herein submitted by the committee be substituted for Proposition Number 4, a majority of the committee agreeing as to all provisions contained in said substitute Proposition Number 4 except paragraph 8, but are together as to the recommendation that the proposition be adopted. The individual members of the committee reserve the right, regardless of this, to propose and support such amendments as they may see fit to propose and support."

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[e935922] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935927] [Editor's Note: Substitute Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935930] [Editor's Note: Substitute Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935933] [Editor's Note: Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935955] Mr. President: Read the minority report of the committee and the minority reports for the information of the gentlemen of the convention.

[...]

There is also a minority report filed by M. G. Cunniff, J. Weinberger and Lysander Cassidy; also one by Thomas Feeney, Fred Colter and Mit Simms.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935956] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e935975] Mr. President: Read the minority report of the committee and the minority reports for the information of the gentlemen of the convention.

[...]

There is also a minority report filed by M. G. Cunniff, J. Weinberger and Lysander Cassidy; also one by Thomas Feeney, Fred Colter and Mit Simms.

[Editor's Note: The Minutes indicate that this minority report was by Coker, Feeney and Morgan.]

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935977] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e935978] Mr. Webb: Gentlemen, I desire that my name be stricken from the majority report. I submit this minority report, on which I would like the secretary to put the proper heading. I would like to say that a full and free discussion was had of whether or not to fill these blank spaces with any specific percentages, and this was gone into very fully in the course of the committee investigation. We decided that no figures should be named therein, for it makes no difference what figures might be put in, an amendment certainly would have been made. It was after full consideration that the blanks were left.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e935979] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e936014] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report that it has examined Proposition Number 7, and respectfully recommends that said Proposition Number 7 be indefinitely postponed inasmuch as the subject-matter therein is incorporated in substitute Proposition Number 4 submitted by this committee. Mulford Winsor, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, PAGE 111)

[e936018] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936022] [Editor's Note: Proposition Number 7 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936039] Phoenix, Arizona, October 29, 1910.

Mr. President:

Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report that it has examined Proposition Number 17, and respectfully recommends that said Proposition Number 17, be indefinitely postponed, inasmuch as the subject matter thereof is incorporated in Substitute Proposition Number 4 submitted by this Committee.

MULFORD WINSOR, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 92)

[e936040] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936043] [Editor's Note: Proposition Number 17 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936580] [Editor's Note: This portion of the record is modeled in the Convention and Committee of the Whole.]

(Editorial)

[e936581] Secretary (reading): Proposition Number 102, introduced by Mr. Jones of Yavapai County. Relative to appropriations.

Mr. President: Second reading of the proposition; referred to the committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936582] Secretary (reading): Proposition Number 103, introduced by Mr. Cassidy of Maricopa County. Relative to a legislative bureau of research.

Mr. President: Second reading of the proposition; referred to the committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 120-121)

[e936584] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936586] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.15 Monday, 31 October 1910, at 09:00 (s16033)

[e937180] Secretary (reading): Proposition Number 115, introduced by Mr. Kingan of Pima County. Relative to legislative.

Mr. President: Second reading of the proposition; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937182] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937183*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.16 Tuesday, 01 November 1910, at 09:00 (s15969)

[*e936050*] Mr. Winsor: The Committee on Legislative Department having had under consideration the propositions referred to it, find a number of propositions that were improperly referred; similar propositions being in the hands of other more appropriate committees. We return them herewith, with appropriate recommendations. "Phoenix, Arizona Territory, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 98, and respectfully recommends: that the said Proposition Number 98 be referred to Committee on Preamble and Declaration of Rights. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Pages 136-137)

[*e936052*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e936705*] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936057*] "Phoenix, Arizona, November 1, 1910. Mr. President: Your committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 94, and respectfully recommends: that the said Proposition Number 94, be referred to Committee on Preamble and Declaration of Rights. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[*e936059*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e937448*] [Editor's Note: Proposition Number 94 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936061] "Phoenix, Arizona, November 1, 1910. Mr. President: Your committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 57 and respectfully recommends: that the said Proposition Number 57 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936063] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936068] [Editor's Note: Proposition Number 57 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936072] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 62 and respectfully recommends: that the said Proposition Number 62 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936077] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936074] [Editor's Note: Proposition Number 62 was referred to the Convention alongside the committee's report.]

(Editorial)

[e936080] Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 80 and respectfully recommends: that the said Proposition Number 80 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e936083] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936081] [Editor's Note: Proposition Number 80 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e936086*] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 47 and respectfully recommends: that the said Proposition Number 47 be referred to Committee on Judiciary. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Pages 137-138)

[*e936089*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e936091*] [Editor’s Note: Proposition Number 47 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e936095*] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 30 and respectfully recommends: that the said Proposition Number 30 be referred to Committee on Suffrage and Election. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936098*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e936102*] [Editor’s Note: Proposition Number 30 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e936106*] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 33 and respectfully recommends: that the said Proposition Number 33 be referred to Committee on Executive, Impeachment and Removal from Office. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e936108*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e936111*] [Editor’s Note: Proposition Number 33 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e936113] “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 14 and respectfully recommends: that the said Proposition Number 14, be referred to Committee on Schedule, Mode of Amending and Miscellaneous. Mulford Winsor, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936122] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e936326] [Editor’s Note: Proposition Number 14 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e936330] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936331] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.17 Wednesday, 02 November 1910, at 14:00 (s16011)

[e936774] Mr. President: [...] Second reading of the proposition [131]; referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936775] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936776] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 11.18 Thursday, 10 November 1910, at 09:30 (s16065)

[e937779] On motion of Mr. Webb, Proposition No. 84 was referred to the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937872] Mr. President: If there are no objections it will take the same course as the preceding bill, and be referred to the Committee on Legislative Department, Distribution of Powers, and Apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e937873] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937874] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 11.19 Monday, 14 November 1910, at 14:00 (s16102)

[e938750] On motion of Mr. Tuthill recommendation on Proposition No. 140 adopted and Proposition No. 140 referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938752] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938754] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.20 Tuesday, 15 November 1910, at 09:30 (s16099)

[e938712] Propositions Nos. 146 and 133 were referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938713] Propositions Nos. 146 and 133 were referred to Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938714] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938715] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.21 Tuesday, 15 November 1910, at 19:30 (s16120)

[e939317] Mr. Jones (Maricopa): "Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition Number 33, and recommends that it be adopted as amended, with the exception of section 7, which is to be referred to the committee on legislative department."

Mr. Cunniff: I move the adoption of the report.

Mr. Jones (Maricopa): I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939318] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939319] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.22 Wednesday, 16 November 1910, at 09:30 (s16111)

[e939029] Mr. President: Reports of Standing Committees.

Secretary (reading): "Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition Number 85 and respectfully recommends that it be referred to the legislative committee. J.J. Keegan, Chairman."

Mr. President: If there are no objections the report will be received and referred to the committee on legislation.

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e939031] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939033] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.23 Friday, 18 November 1910, at 14:00 (s16155)

[e940316] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 6 and respectfully recommends that Substitute Proposition Number 6 submitted herewith be substituted for the said Proposition Number 6 and that said Substitute Proposition be adopted. Mulford Winsor, Chairman. I do not concur in that portion of this Proposition relating to the Apportionment and salaries of Legislators. Elmer W. Coker."

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940345] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 6 and respectfully recommends that Substitute Proposition Number 6 submitted herewith be substituted for the said Proposition Number 6 and that said Substitute Proposition be adopted. Mulford Winsor, Chairman. I do not concur in that portion of this Proposition relating to the Apportionment and salaries of Legislators. Elmer W. Coker."

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940352] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940356] [Editor's Note: Substitute Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940364] [Editor's Note: Proposition Number 6 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940443] Mr. Winsor, Chairman of Committee on Legislative Department, Distribution of Powers and Apportionment, made the following report:

Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition No. 89 and respectfully recommends that said Proposition No. 89 be indefinitely postponed inasmuch as the subject matter is now fully covered by Federal Statute.

Mulford Winsor, Chairman.

I do not concur: M.G. Cunniff.

(The Minutes of the Arizona Constitutional Convention, Page 209)

[e940446] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940448] [Editor's Note: Proposition Number 89 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940497] Mr. Winsor, Chairman of Committee on Legislative Department, Distribution of Powers and Apportionment, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition No. 20 and respectfully recommends that said Proposition No. 20 be indefinitely postponed on the grounds of Public Policy.

That it has examined Proposition No. 35 and respectfully recommends that said Proposition No. 35 be indefinitely postponed, inasmuch as the provision proposed adds nothing to the power of the Legislature.

That it has examined Proposition No. 43 and respectfully recommends that the said Proposition be amended as follows: insert the word "the" before the word "executive" and insert the word "the" before the word "judicial". And as so amended recommends that the said Proposition be adopted.

That it has examined Proposition No. 45 and respectfully recommends that the said Proposition No. 45 be indefinitely postponed.

That it has examined Proposition No. 55 and respectfully recommends that the said Proposition No. 55 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute No. 6.

That it has examined Proposition No. 39 and respectfully recommends that the said Proposition No. 39 be indefinitely postponed, inasmuch as the Legislature will have the right to make the provisions included within the said Proposition without a constitutional reservation thereof.

That it has examined Proposition No. 93 and respectfully recommends that the said Proposition No. 39 be amended in accordance with the amendments attached and that as so amended said Proposition be adopted.

That it has examined Proposition No. 96 and respectfully recommends that the said Proposition No. 96 be indefinitely postponed inasmuch as the subject matter thereof is contained in Proposition No. 43.

That it has examined Proposition No. 97 and respectfully recommends that the said Proposition No. 97 be indefinitely postponed inasmuch as the subject matter of said Proposition is covered in Substitute Proposition No. 4 submitted by this committee.

That it has examined Proposition No. 102 and respectfully recommends that the said Proposition No. 102 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute No. 6.

That it has examined Proposition No. 115 and respectfully recommends that the said Proposition No. 115 be indefinitely postponed inasmuch as so much of the subject matter thereof as the Committee deems advisable is incorporated in Substitute Proposition No. 6.

That it has examined Proposition No. 131 and respectfully recommends that the said Proposition No. 131 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute Proposition No. 6.

That it has examined Proposition No. 133 and respectfully recommends that the said Proposition No. 133 be indefinitely postponed inasmuch as the matter contained therein legislative and is now covered though somewhat inadequately by the state.

That it has examined Proposition No. 146 and respectfully recommends that the said Proposition No. 146 be indefinitely postponed inasmuch as the subject matter thereof is contained in a Proposition heretofore submitted by the Committee on Judiciary.

Mulford Winsor, Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 209-211)

[e940516] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940538] [Editor's Note: Proposition Number 20 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940539] [Editor's Note: Proposition Number 35 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940541] [Editor's Note: Proposition Number 39 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940542] [Editor's Note: Proposition Number 43 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940544] [Editor's Note: Proposition Number 45 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940546] [Editor's Note: Proposition Number 55 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940549] [Editor's Note: Proposition Number 93 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940552] [Editor's Note: Proposition Number 96 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940553] [Editor's Note: Proposition Number 97 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940554] [Editor's Note: Proposition Number 102 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940556] [Editor's Note: Proposition Number 115 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940558] [Editor's Note: Proposition Number 131 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940560] [Editor's Note: Proposition Number 133 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940562] [Editor's Note: Proposition Number 146 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940565] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940567] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 11.24 Tuesday, 22 November 1910, at 13:30 (s16189)

[e942197] Phoenix, Arizona, November 22, 1910.

Mr. President:

Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition No. 103 and respectfully recommends that the accompanying Proposition be substituted for said Proposition No. 103 and that the said Substitute Proposition No. 103 be adopted.

That it has examined Proposition No. 85 and respectfully recommends that said Proposition No. 85 be indefinitely postponed as it is legislative.

That it has examined Proposition No. 87 and respectfully recommends that said Proposition No. 87 be indefinitely postponed as it is legislative.

That it has examined Proposition No. 32 and respectfully recommends that said Proposition No. 32 be indefinitely postponed inasmuch as the subject matter thereof is contained in Substitute Proposition No. 103.

That it has examined section 7 of Proposition No. 33 and respectfully recommends that the said section be amended in accordance with the amendment attached and as so amended do pass.

That it has examined Proposition No. 84 and respectfully recommends that said Proposition No. 84 be indefinitely postponed as it is legislative.

That it has examined Proposition No. 140 and respectfully recommends that the accompanying Proposition be substituted for said Proposition No. 140 and that the said Substitute Proposition No. 140 be adopted.

MULFORD WINSOR, Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 253-254)

[e942200] [Editor's Note: Substitute Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943388] [Editor's Note: Substitute Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943389] [Editor's Note: Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943392] [Editor's Note: Proposition Number 85 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943393] [Editor's Note: Proposition Number 87 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943394] [Editor's Note: Proposition Number 32 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943385] [Editor's Note: The Committee drafted a substitute for Section 7 of Proposition Number 33, which was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943397] [Editor's Note: Substitute Section 7 of Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943409] [Editor's Note: Section 7 of Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943400] [Editor's Note: Proposition Number 84 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943406] [Editor's Note: The text of this substitute proposition is derived from the final version of the Constitution. Proposition Number 140 dealt with juvenile courts, so it follows that Substitute Proposition Number 140 dealt with the same subject. The record notes that Substitute Proposition 140 was incorporated into Section 6 of Substitute Proposition Number 82, which outlined the Judicial Department. The text of the substitute proposition is taken from Article VI, Section 6 of the final Constitution, as it was not included in the original Proposition 82 and deals with the same subject that Substitute Proposition Number 140.]

(Editorial)

[e943407] [Editor's Note: Substitute Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943408] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943410] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943411] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943413] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 12

# Committee on Executive, Impeachment and Removal from Office

---

A standing committee for constitution making.

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### 12.1 Thursday, 13 October 1910, at 10:00 (s15787)

[e933549] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933550] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933551] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933552] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933553] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933554] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933556] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(Editorial, Page 22)

[e933557] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933558] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933559] The President announced the following standing committees:

[...]

3. Executive, Impeachment and Removal from office. (9) Chairman Weinberger, Cassidy, Cunningham, Franklin, Short, Sims (Cochise), Bradner, Wood, Jones (Yavapai).

(The Minutes of the Arizona Constitutional Convention, Page 22)

[e933560] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933561] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.2 Friday, 21 October 1910, at 14:00 (s15854)

[e934654] Secretary (reading): Proposition Number 18 introduced by Mr. Weinberger of Gila County, Relative to recall of public officials.

Mr. President: Second reading of the propositions; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Pages 67-68)

[e934677] Secretary (reading): Proposition Number 79 introduced by Mr. Lovin of Maricopa County. Relative to recall of public officials.

[...]

Mr. Winsor: I move that the rules be suspended and Proposition Number 79 be referred to the Committee on Executive, Impeachment and Removal from Office.

The motion prevailed.

Mr. President: It will be referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934678] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934679] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 12.3 Monday, 24 October 1910, at 09:00 (s15861)

[e934779] Secretary (reading): Proposition Number 24, introduced by Mr. Osborn of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934780] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934781] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 12.4 Tuesday, 25 October 1910, at 14:00 (s15903)

[e935375] Secretary (reading): Proposition Number 63, introduced by Mr. Cunniff of Yavapai County.

Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935376] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935377] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 12.5 Wednesday, 26 October 1910, at 14:00 (s15915)

[e935518] Mr. Weinberger: Mr. President, the Committee on Executive, Impeachment and Removal from Office has a report to make.

Secretary (reading): "Phoenix, Arizona, October 26, 1910. Mr. President: Your committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 63, and respectfully recommends that said proposition be referred to Committee on Judiciary. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935520] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935523] [Editor's Note: Proposition Number 63 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935525] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935527] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.6 Saturday, 29 October 1910, at 14:00 (s15990)

[e936577] Mr. Chairman: Are you ready for the question? Shall the committee of the whole recommend when it arises that Proposition Number 61 be referred to committee number 3 for further consideration? All who favor the proposition will say "aye;" all opposed "no." The secretary will call the roll.

Roll call showed 40 ayes, 6 nays.

Mr. Chairman: The "ayes" have it, and it will be so referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936578] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936579] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.7 Monday, 31 October 1910, at 09:00 (s16032)

[e937167] Secretary (reading): Proposition Number 114, introduced by Mr. Wills of Pinal County. Relative to officers to be chosen.

Mr. President: Second reading of the proposition; referred to the executive committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 134)

[e937254] Secretary (reading): Proposition Number 120, introduced by Mr. Cunniff of Yavapai County. Relative to recall of elected officers.

Mr. President: Second reading of the proposition; referred to the committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937256] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937257] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.8 Tuesday, 01 November 1910, at 09:00 (s16048)

[e937596] Without objection Proposition Number 62 was referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e937630] Without objection Proposition Number 80 was referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e937639] Without objection Proposition Number 80 was referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 137)

[e937582] Without objection Proposition Number 33 was referred to Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e937480] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 18, and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 18, and that the said Substitute Proposition be adopted. J. Weinberger, Chairman; We concur: E.L. Short, S. B. Bradner, R. B. Sims, Lysander Cassidy. I concur except as to the recall of officers if incorporation and cities and towns which should be provided for in the charter and laws of said cities and towns. (signed) Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Pages 139-140)

[e937931] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937490] SUBSTITUTE PROPOSITION No. 18.

Introduced by Committee on Executive, Impeachment and Removal from Office.

A Proposition Relative to Recall of Public Officers.

IT IS HEREBY PROPOSED:

Section 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall by the qualified electors of the State, or of the electoral district from which he was elected.

Section 2. A petition demanding a recall of any such officer in any district shall require the signatures of twenty-five per centum, but not more, of the number of electors, who voted in his district at the last preceding general election for all of the candidates for the office held by the incumbent.

Section 3. Said recall petition must contain a general statement of the grounds of such demand, and must be filed in the office in which a petition for nomination to the office held by the incumbent is required to be filed. The signatures to the petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating same, is required to make and subscribe an oath on the face of said sheet before a competent officer, that the statements therein made are true, and that the signatures are genuine.

Section 4. If said officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a petition is filed, a special election shall be ordered to be held, not less than twenty, nor more than thirty days thereafter, to determine whether such officer shall be recalled. On the ballots at said election shall be printed in not more than two hundred words the reasons as set forth in the petition for demanding his recall, and in not more than two hundred words the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be officially declared.

Section 5. Unless he otherwise requests, in writing, his name shall be placed as a candidate to succeed himself on the official ballot without nomination.

Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes, shall be declared elected for the remainder of the term. Unless the incumbent receives the highest number of votes, he is deemed to be removed from office, upon qualification of his successor. In the event that his successor is not qualified within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

Section 6. No such petition shall be circulated against any officer until he has actually held his office for a period of six months, save and except that it may be filed against a senator or representative in the legislature at any time after five days from the beginning of the first session after his election. After one such petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

Section 7. The general election laws shall apply to recall election, in so far as applicable. Laws necessary to facilitate the operations of the provisions of this article, shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
1088-1090)

[e937932] [Editor's Note: Substitute Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937929] "Phoenix, Arizona, November 1, 1910. Mr. President: We a minority of your Committee on Executive, Impeachment and Removal from Office, begs leave to report we have examined Committee Report on Proposition Number 18, and respectfully report that we do not concur with the Committee Report and respectfully recommend that this minority report be adopted. Substitute annexed. (signed) H. R. Wood, Albert M. Jones."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937933] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e937930] "Phoenix, Arizona, November 1, 1910. Mr. President: A minority of your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 18 offered by the majority of said Committee, relative to Recall, and respectfully recommends that the following annexed (sic) provision be substituted thereof. D. L. Cunningham."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e937934] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e937935] [Editor's Note: Proposition Number 18 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938025] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 120 and respectfully recommends that the consideration of the said Proposition Number 120 be indefinitely postponed. J. Weinberger, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938027] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938029] [Editor's Note: Proposition Number 120 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938031] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 24 and respectfully recommends the consideration of the said Proposition Number 24 be indefinitely postponed. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 140)

[e938035] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938039] [Editor's Note: Proposition Number 24 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938041] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 79 and respectfully recommends that the consideration of the said Proposition Number 79 be indefinitely postponed. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 140-141)

[e938042] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938047] [Editor's Note: Proposition Number 79 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938050] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938052] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **12.9 Wednesday, 02 November 1910, at 14:00 (s16006)**

[e936734] Secretary (reading): Proposition Number 125, introduced by Mr. Orme of Maricopa County. Relative to creating the office of public examiner.

Mr. President: Second reading of the proposition; referred to the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936735] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936736] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **12.10 Wednesday, 09 November 1910, at 09:30 (s16056)**

[e937573] Mr. Weinberger, Chairman of the Committee on Executive, Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 33 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 33 and that Substituted Proposition be adopted.

J. WEINBERGER,  
Chairman

We concur: Alfred Franklin, E. L. Short, Albert M. Jones, H. R. Wood, D.L. Cunningham, S. B. Bradner, R. B. Sims.

I concur: Except that I believe the terms of state officers should be four years and that they should be elected in even years between the years of presidential elections, Lysander Cassidy, J. Weinberger.

(The Minutes of the Arizona Constitutional Convention, Page 145)

[e937576] [Editor's Note: Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937577] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937578] [Editor's Note: Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937583] [Editor's Note: Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937592] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President: Your Committee on Executive, Impeachment and Removal [sic] from Office, begs leave to report it has examined Proposition No. 62 and respectfully recommends the adoption of the following portion of section 1, also the adoption of the following portion of section 2. (Recommendations annexed.)

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937593] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937597] [Editor's Note: Proposition Number 62 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937607] Mr. Weinberger, Chairman of Committee on Executive Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 114, and respectfully recommends that consideration of said Proposition be indefinitely postponed.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937608] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937609] [Editor's Note: Proposition Number 114 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937624] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 80 and respectfully recommends indefinite postponement of consideration of said Proposition.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937625] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937631] [Editor's Note: Proposition Number 80 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937638] Mr. Weinberger, Chairman of Committee on Executive, Impeachment and Removal from Office, made the following report:

Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal [sic] from Office, begs leave to report it has examined Proposition No. 57 and respectfully recommends that consideration of said Proposition be indefinitely postponed.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 146)

[e937645] Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937641] [Editor's note: Proposition Number 57 was copied into the Convention alongside the Committee's report.]

(Editorial)

[e937652] Phoenix, Arizona, November, 9, 1910.

Mr. President:

Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition No. 125 and respectfully recommends that said Proposition be adopted.

J. WEINBERGER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 147)

[e937653] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937656] [Editor's Note: Proposition Number 125 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937657] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937658] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.11 Saturday, 12 November 1910, at 09:30 (s16115)

[e939130] Secretary (reading): "That proposition Number 125 be re-referred to Committee on Executive, Impeachment and Removal from office.

Mr. President: If there is no objection the report of the committee of the whole will be adopted, and it will be re-referred as recommended. Hearing no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 307)

[*e939131*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e939134*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 12.12 Friday, 18 November 1910, at 14:00 (s16144)

[*e939914*] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 61 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 61 and that said Substitute Proposition be adopted. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 434-435)

[*e939928*] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 61 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition Number 61 and that said Substitute Proposition be adopted. J. Weinberger, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 434-435)

[*e939943*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939947*] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939956*] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940045] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 125 and that the Proposition herewith submitted be substituted for said Proposition Number 125 and that said Substitute Proposition be adopted. J. Weinberger, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940051] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Executive, Impeachment and Removal from Office, begs leave to report it has examined Proposition Number 125 and that the Proposition herewith submitted be substituted for said Proposition Number 125 and that said Substitute Proposition be adopted. J. Weinberger, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[e940054] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e940059] [Editor’s Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e940060] [Editor’s Note: Proposition Number 125 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e942412] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942413] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



# Chapter 13

## Committee on Judiciary

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A standing committee for constitution making.

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### 13.1 Thursday, 13 October 1910, at 10:00 (s15788)

[e933562] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933563] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933564] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933565] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933566] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933567] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933569] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933570] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933571] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933572] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933573] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933574] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933575] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933576] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933577] The President announced the following standing committees:

[...]

4. Judiciary. (13) Chairman Cunningham, Baker, Ingraham, Ellinwood, Weinberger, Lynch, Franklin, Crutchfield, Parsons, Goldwater, Wood, Doe, Kingan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933578] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933579] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.2 Monday, 17 October 1910, at 09:00 (s15818)

[e933912] Mr. President: I would suggest that members introducing propositions label each proposition. There are two communications I would like to read.

Mr. Secretary: (reading)...

Mr. President: If there are no objections the letter will be referred to the committee on judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 43)

[e933916] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933917] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.3 Tuesday, 18 October 1910, at 14:00 (s15839)

[e934456] Mr. Ingraham offered a communication from the Yuma County Bar Association which was read and referred to the Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934458] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934460] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.4 Wednesday, 19 October 1910, at 14:00 (s15845)

[e934539] Mr. Crutchfield offered a letter which was referred to the Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934542] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934544] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.5 Saturday, 22 October 1910, at 09:00 (s15890)

[e935177] Secretary (reading): Proposition 20.

Mr. President: Second reading of the proposition; referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935581] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935583] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.6 Tuesday, 25 October 1910, at 14:00 (s15896)

[e935249] Secretary (reading): Proposition Number 50, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935474] Secretary (reading): Proposition Number 68, introduced by Mr. Lynch of Graham County.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[*e935475*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935477*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.7 Wednesday, 26 October 1910, at 09:00 (s15927)

[*e935608*] Secretary (reading): Proposition Number 69, introduced by Mr. Coker of Pinal County. relative to judiciary department.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[*e935612*] Secretary (reading): Proposition Number 71, introduced by Mr. Feeney of Cochise County. Relative to bill of rights.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Pages 87-88)

[*e935613*] Secretary (reading): Proposition Number 84, introduced by Mr. Simms of Graham County. Relative to homestead and exemptions.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary, if there are no objections. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[*e935614*] Secretary (reading): Proposition Number 87, introduced by Mr. Cunningham of Cochise County. Relative to homesteads and exemptions..

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[*e935615*] Secretary (reading): Proposition Number 88, introduced by Mr. Cunniff of Yavapai County. Relative to employer's liability.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935621] Mr. Lynch: Mr. President, I have a communication from Judge Lewis, and also a communication from another party, which I would like to have referred to the judiciary committee.

(The Records of the Arizona Constitutional Convention of 1910, Pages 89-90)

[e935623] Communication from Henry H. Folson of Boston, Mass., referred to the judiciary committee.

(The Minutes of the Arizona Constitutional Convention, Page 81)

[e935624] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935625] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 13.8 Wednesday, 26 October 1910, at 14:00 (s15918)

[e935539] Secretary (reading): "Phoenix, Arizona, October 26, 1910. Mr. President: Your committee on Executive, Impeachment and Removal from Office begs leave to report it has examined Proposition Number 63, and respectfully recommends that said proposition be referred to Committee on Judiciary. J. Weinberger, Chairman."

[...]

The motion prevailed.

Mr. President: Proposition Number 63 will be referred to the committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 91)

[e935585] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935587] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.9 Thursday, 27 October 1910, at 09:00 (s15926)

[e935616] Mr. Cunningham: "Phoenix, Arizona October 27, 1910. Mr. President, Your Committee on Judiciary begs leave to report that it has examined Proposition Number 20, and respectfully recommend[s] that the said Proposition be referred to an appropriate committee other than judiciary. D.L. Cunningham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935619] Mr. Cunningham: "Phoenix, Arizona October 27, 1910. Mr. President, Your Committee on Judiciary begs leave to report that it has examined Proposition Number 20, and respectfully recommend[s] that the said Proposition be referred to an appropriate committee other than judiciary. D.L. Cunningham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 92)

[e935627] [Editor's Note: Proposition Number 20 is referred back to the Convention alongside the report.]

(Editorial)

[e935859] Secretary (reading): Proposition Number 82, introduced by Mr. Lynch of Graham County. Relative to judiciary.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935629] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935630] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.10 Friday, 28 October 1910, at 09:00 (s15978)

[e936669] Secretary (reading): Proposition Number 123, introduced by Mr. Cunniff of Yavapai County. Relative to amendment of Proposition Number 63.

Mr. President: Second reading of the proposition; referred to the Committee on Judiciary. Committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e936699] Secretary (reading): Proposition Number 91 by Mr. Kinney of Gila County. Relative to employment of alien labor.

Mr. President: Second reading of the propositions; referred to the Committee on Judiciary. I think that the lawyers should take action on that. It will be referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937507] Mr. President: Second reading of the proposition; referred to the Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 101)

[e937603] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937605] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **13.11 Monday, 31 October 1910, at 09:00 (s15975)**

[e936200] Communication from A.C. Lockwood of Douglas, Arizona, referred to Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 99)

[e936202] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936203] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **13.12 Tuesday, 01 November 1910, at 09:00 (s16083)**

[e938217] Without objection Proposition Number 47 was referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e938218*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938219*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.13 Tuesday, 01 November 1910, at 14:00 (s15974)

[*e936170*] Mr. President: [...] Any reports of standing committees?

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 50 and respectfully recommends that Proposition Number 50 be adopted. D. L. Cunningham, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[*e936176*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e936180*] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e937123*] [Editor's Note: This portion of the records is modeled in the Convention.]

(Editorial)

[*e937127*] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that Proposition No. 50 as amended be referred to the Committee on Judiciary; carried. Proposition No. 50 referred to Committee on Judiciary.

(The Minutes of the Arizona Constitutional Convention, Page 112)

[*e937128*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937129*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.14 Wednesday, 02 November 1910, at 09:30 (s15996)

[e936610] Secretary (reading): “Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 68, and respectfully recommends that proposition number 68 be adopted by the convention. D. L. Cunningham, Chairman; We concur: Kingan, Doe, Wood, Goldwater, Parsons, Weinberger, Franklin, Ingraham, Lynch, Crutchfield, Baker.”

(Editorial)

[e936611] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e936612] [Editor’s Note: Proposition Number 68 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e936613] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936614] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.15 Wednesday, 02 November 1910, at 14:00 (s15998)

[e936632] Mr. Goldwater: I have a series of resolutions presented to me by Northern Arizona Bar Association addressed to this convention. I desire that we move that they be referred to the judiciary committee.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936635] Mr. Cobb: I want a letter written by Mr. L. Kearney of Clifton, Arizona, to be referred to the judiciary committee.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e936664] Mr. Cunningham: The judiciary would like to make the following report: "Phoenix, Arizona, November 2, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Propositions Numbers 63 and 123 and respectfully recommends that said Proposition Number 63 be indefinitely postponed, together with the amendment thereto, Proposition Number 123. D. L. Cunningham, Chairman; We concur: Kingan, Doe, Weinberger, Ellinwood, Baker, Parsons, Franklin, Ingraham, Lynch."

(The Records of the Arizona Constitutional Convention of 1910, Pages 155-156)

[e936665] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936666] "Phoenix, Arizona, November 2, 1910. To the Constitutional Convention of Arizona. Mr. President: the undersigned, a minority of your Committee on Judiciary respectfully report their nonconcurrence in the report of the Committee on Propositions Numbers 63 and 123, and recommend that Proposition Number 63 be amended as proposed in Proposition Number 123, and that, as amended, Proposition Number 63 be passed. H.R. Wood, Morris Goldwater of the Committee on Judiciary."

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936667] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e936668] [Editor's Note: Proposition Number 63 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936670] [Editor's Note: Proposition Number 123 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936671] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936672] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.16 Thursday, 03 November 1910, at 14:00 (s16019)

[e936932] Secretary (reading): Proposition 135, introduced by Mr. Cunniff of Yavapai County. Relative to married women property.

Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e937029] Mr. President: Second reading of the proposition; referred to Committee on Judiciary, number 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937038] Secretary (reading): Proposition 140, introduced by Mr. Keegan of Gila County. Relative to juvenile courts.

Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936981] Mr. President: Second reading of the proposition; referred to Committee on Judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936984] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936985] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.17 Tuesday, 08 November 1910, at 09:30 (s16047)

[e937461] Mr. Cunningham: Mr. President, the Committee on Judiciary has some reports to make.

Mr. President: The secretary will please read the reports of the Committee on Judiciary.

Mr. Cunningham: The Committee on Judiciary will report on Substitute Proposition Number 82, and also minority report on Proposition Number 69.

Mr. President: If there are no objections it will come up in the regular order of business before the committee of the whole.

Secretary (reading): [...]

(The Records of the Arizona Constitutional Convention of 1910, Pages 239)

[*e937464*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e937466*] [Editor's Note: Proposition Number 69 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[*e937544*] Secretary: I have here a substitute proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[*e937615*] [Editor's Note: Substitute Proposition Number 82 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[*e937643*] Secretary: I have here a substitute proposition. "Phoenix, Arizona, November 8, 1910. Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 82 and respectfully recommends that Proposition Number 82 be indefinitely postponed and that in lieu of Proposition Number 82 the annexed Proposition be substituted therefore to be known as Committee Substitute Number 82, and that Committee Substitute Number 82 be adopted without amendment. D. L. Cunningham, Chairman We concur: A.R. Lynch, E.E. Ellinwood, A.F. Parsons, S.L. Kingan, Fred L. Ingraham, A.C. Baker, Jas E. Crutchfield, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[*e937644*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e937646*] [Editor's Note: Proposition Number 82 was referred back to the Convention alongside the Committee's report.]

(Editorial)

[*e937720*] "Phoenix, Arizona, November 8, 1910. Mr. President: Minority report on Committee Substitute Proposition Number 82, introduced by a minority of the Committee on Judiciary. The undersigned minority of the Standing Committee on Judiciary recommends the adoption of the following Substitute Proposition for majority committee report. Committee Substitute Proposition Number 82. H.R. Wood, Morris Goldwater, Edward M. Doe."

(The Records of the Arizona Constitutional Convention of 1910, Page 239)

[*e937730*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937731] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937732] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 13.18 Thursday, 10 November 1910, at 09:30 (s16064)

[e937766] Mr. Cunningham, Chairman of the Committee on the Judiciary made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 84 and respectfully recommends that said Proposition be referred to one of your committees dealing with questions of Public Policy and suggest that the appropriate committee to consider that Proposition is Committee Number 2 on Legislative Department Distribution of Powers and Apportionment.

D.L. CUNNINGHAM,  
Chairman.

We concur: A. F. Parsons, S.L. Kingan, H. R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Pages 150-151)

[e937767] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937768] [Editor's Note: Proposition Number 84 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937781] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 140, and respectfully recommends that said Proposition be indefinitely postponed.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, Morris Goldwater, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937783] Phoenix, Arizona, November 10, 1910.

Mr. President:

We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 140, and respectfully recommend that said Proposition Number 140 do pass.

Fred L. Ingraham, James E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937784] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937785] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937788] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937805] Mr. Cunningham, Chairman of the Committee on Judiciary made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 139 and respectfully recommends that Proposition Number 139 be indefinitely postponed.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 151)

[e937807] Mr. Cunningham, Chairman of the Committee on Judiciary made the following report:

[...]

Phoenix, Arizona, November 10, 1910.

Mr. President:

We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 139, and respectfully recommend that said Proposition Number 139 do pass.

Fred L. Ingraham, James E Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[e937808] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937810] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937811] [Editor's Note: Proposition Number 139 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937828] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report that it has examined Proposition Number 144 and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as your Committee in its Substitute Proposition has recommended the adoption of its Proposition deemed sufficient to cover all needed provisions contained in this Number 144 Proposition.

D. L. CUNNINGHAM,  
Chairman

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[e937830] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937831] [Editor's Note: Proposition Number 144 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937845] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910. Mr. President: Your Committee on Judiciary, begs leave to report it has examined Proposition Number 92 and respectfully recommends that said Proposition be indefinitely postponed.

D. L. CUNNINGHAM, Chairman.

We concur: A. F. Parsons, S. L. Kingan, H. R. Wood, A. R. Lynch, J. Weinberger, A. C. Baker, Morris Goldwater, Fred L. Ingraham, E. E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 152)

[e937846] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937848] [Editor's Note: Proposition Number 92 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937856] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 135 and respectfully recommends that said Proposition be indefinitely postponed.

D. L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater, Fred L. Ingraham, E.E. Ellinwood.

(The Minutes of the Arizona Constitutional Convention, Page 153)

[e937857] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937858] [Editor's Note: Proposition Number 135 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937864] Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 87, and respectfully recommends that said Proposition be referred to same Committee to which Proposition Number 84 may be referred for the same reasons as stated by your Committee, in its report thereon.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, James E. Crutchfield, Morris Goldwater, Fred L. Ingraham, E.E. Ellinwood.

(Editorial)

[e937865] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937866] [Editor's Note: Proposition Number 87 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937876] Mr. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 10, 1910.

Mr. President:

Your Committee on Judiciary, begs leave to report it has examined Proposition Number 71, and respectfully recommends that Proposition Number 71 be indefinitely postponed.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, E.E. Ellinwood, S.L. Kingan, H.R. Wood, A.R. Lynch, J. Weinberger, A.C. Baker, Morris Goldwater.

(The Minutes of the Arizona Constitutional Convention, Page 153)

[e937877] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937878] [Editor's Note: Proposition Number 71 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937879] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937880] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **13.19 Monday, 21 November 1910, at 09:30 (s16143)**

[e939866] Mr. Cunningham, Chairman of Committee on Judiciary made the following report:

Phoenix, Arizona, November 19, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition No. 88 and respectfully recommends that said Proposition be amended to read as follows:

"The legislature or the people shall enact an equitable and sufficient employer's liability law or laws for the protection and safety of employers in all hazardous occupations. And recommend that same be adopted."

Your Committee further recommends that in the opinion of the majority of your Committee the above words will meet all necessary requirements and limitations. That section 2 of said Proposition No. 88 with the above Substitutes adopted would be surplusage. That sections 3, 4, and 5 are fully covered by other provisions adopted or under consideration.

D. L. CUNNINGHAM,  
Chairman.

We concur: E. E. Ellinwood, A. F. Parsons, J. Weinberger, Fred L. Ingraham, A. C. Baker, Alfred Franklin.

(The Minutes of the Arizona Constitutional Convention, Pages 226-227)

[*e939867*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939870*] Phoenix, Arizona, November 18, 1910.

Mr. President:

We, a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 88 and respectfully recommend that sections 3 and 5 of said Proposition are covered by Proposition Number 50, section 4 by the report of the Committee on Labor. Section 1 and 2 should be adopted.

JAS. E. CRUTCHFIELD,  
H. R. WOOD,  
MORRIS GOLDWATER.

(The Minutes of the Arizona Constitutional Convention, Page 227)

[*e939874*] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[*e939885*] [Editor's note: Proposition Number 88 was referred to the Convention alongside the committee reports.]

(Editorial)

[*e939900*] Secretary (reading): Report of Committee on Judiciary on Proposition Number 47 recommending that it be indefinitely postponed; also report of a minority of committee on judiciary on Proposition Number 47, recommending that it do pass.

[Editor's Note: As there is no record of the text of the Report of Committee on Judiciary on Proposition Number 47, the editors have approximated it based on the available information.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[*e939904*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939909] Secretary (reading): Report of Committee on Judiciary on Proposition Number 47 recommending that it be indefinitely postponed; also report of a minority of committee on judiciary on Proposition Number 47, recommending that it do pass.

[Editor's Note: As there is no record of the text of the Minority Report of Committee on Judiciary on Proposition Number 47, the editors have approximated it based on the available information.]

(The Records of the Arizona Constitutional Convention of 1910, Page 492)

[e939910] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e939912] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the committee reports.]

(Editorial)

[e940046] Mr. Cunningham, Chairman of Committee on Judiciary, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition Number 91 and respectfully recommends that the Proposition be amended by striking out all the words following the word "language" in line three for the reason a majority of your Committee are of the opinion the words stricken out would conflict with the Supreme Law of the land.

A majority of your Committee recommend that as amended that Proposition Number 91 do pass.

D.L. CUNNINGHAM,  
Chairman.

We concur: A.F. Parsons, Fred L. Ingraham, Alfred Franklin, A.C. Baker, J. Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 228-229)

[e940048] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940056] Phoenix, Arizona, November 18, 1910. Mr. President:

We, a minority of your Committee on Judiciary begs leave to report it has examined Proposition No. 91 and respectfully recommends that we believe it is just and trust that it is in accord with the United States Constitution. James E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 229)

[e940058] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e940061] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the committee reports.]

(Editorial)

[e940102] D.L. Cunningham, Chairman of the Committee on Judiciary, made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Judiciary begs leave to report it has examined Proposition No. 50 as amended and respectfully recommends that said amended Proposition No. 50 be further amended by striking out the last sentence to-wit: the words "any contract or argument to waive any right to recover damages for death or injury shall be void," for the reason said words if adopted in this Constitution would limit the rights of contract and deny to persons injured the equal protection of the law and therefore be in conflict with the Constitution of the United States and take away the liberty of the people if valid.

We further recommend that as amended said Proposition do pass.

D.L. CUNNINGHAM,

Chairman.

We concur: A.C. Baker, J. Weinberger, A.F. Parsons, E.E. Ellinwood, Alfred Franklin, S.S. Keegan.

[Editor's Note: Keegan is named as supporting this report. However, as he was not a member of this committee, the editors have inferred that this is an error and Kingan signed the report instead.]

(The Minutes of the Arizona Constitutional Convention, Page 229)

[e940104] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940106] Phoenix, Arizona, November 21, 1910.

Mr. President: The undersigned, a minority of your Committee on Judiciary, beg leave to report they have examined Proposition Number 50 and respectfully recommend that said Proposition No. 50 do pass as amended by the Committee of the Whole. Fred L. Ingraham, Jas. E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention)

[e940107] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e940110] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the committee reports.]

(Editorial)

[e940111] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940112] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 14

# Committee on Suffrage and Elections

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A standing committee for constitution making.

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### 14.1 Thursday, 13 October 1910, at 10:00 (s15791)

[e933590] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933592] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933593] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933594] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933596*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933598*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933599*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933601*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933602*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933604*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933606*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[*e933608*] The President announced the following standing committees:

[...]

5. Suffrage and Elections. (11) Chairman Jones (Yavapai), Orme, Cobb, Osborn, Kinney, Ingraham, Lovin, Moeur, Tovrea, Langdon, Scott.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933610] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933611] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.2 Wednesday, 19 October 1910, at 14:00 (s15846)

[e934554] Mr. Osborn offered a letter which was referred to the Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 57)

[e934555] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934557] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.3 Saturday, 22 October 1910, at 09:00 (s15923)

[e935602] Secretary (reading): Proposition 21.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935607] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935610] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.4 Monday, 24 October 1910, at 09:00 (s15864)

[e934808] Secretary (reading): Proposition Number 31, introduced by Mr. Jones of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934852] Secretary (reading): Proposition Number 42, introduced by Mr. Orme of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934853] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934854] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.5 Tuesday, 25 October 1910, at 09:00 (s15909)

[e935481] Secretary (reading): Proposition Number 46, introduced by Mr. Bradner of Cochise County. Relative to educational qualification of voters.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935484] Secretary (reading): Proposition Number 70, introduced by Mr. Winsor of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935487] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935489] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.6 Tuesday, 25 October 1910, at 14:00 (s15897)

[e935265] Secretary (reading): Proposition Number 51, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935360] Proposition No. 61, read second time and referred to Committee on Suffrage and Elections.

(The Minutes of the Arizona Constitutional Convention, Page 77)

[e935362] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935364] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.7 Wednesday, 26 October 1910, at 09:00 (s15932)

[e935640] Secretary (reading): Proposition Number 74, introduced by Mr. Colter of Apache County. Relative to suffrage.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935641] Secretary (reading): Proposition Number 90, introduced by Mr. Jones of Yavapai County. Relative to direct primary.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 89)

[e935645] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935648] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**14.8 Friday, 28 October 1910, at 09:00 (s15951)**

[*e935808*] Secretary: There is a petition to be presented this morning.

Mr. President: Read the petition.

Secretary (reading): "To the Representatives of the People of Arizona in Constitutional Convention Assembled. Gentlemen: Knowing the open saloon to be the curse of thousands of our sisters, bringing shame and misery and poverty to them, and knowing also that the open saloon is the cause of three-fourths of the crime, insanity, and poverty in our Territory, and knowing that the awful danger of drunkenness threatens our children so long as the open saloon is allowed to exist in Arizona; and Being convinced that little relief will be afforded if the matter is left to the Legislature because of the notoriously unscrupulous character of the saloon business and its influence with Legislatures, Therefore, we, the women of Arizona, helpless and without the ballot to protect ourselves or our children do hereby respectfully petition you to incorporate in the Constitution as presented to the people and [sic] article forbidding the manufacture and sale of intoxicating liquors in the State of Arizona." Signed by 3,200 resident women of the Territory of Arizona.

Mr. President: It will be referred to the committee on suffrage and elections. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages 99-100)

[*e935810*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935813*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**14.9 Saturday, 29 October 1910, at 14:00 (s15947)**

[*e935762*] Mr. President: The communication will be referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[*e935784*] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President, your Committee on Suffrage and Elections begs leave to report that it has examined Proposition Number 21, and respectfully recommends that it be amended so as to read as follows: 'The general assembly at its first session shall enact a direct primary law, which shall also provide for an advisory vote on the election of senators.' Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935785] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935786] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935809] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President, your Committee on Suffrage and Elections begs leave to report that it has examined Propositions Numbers 90, 51, 46, and 31, and respectfully recommends that they be not adopted. Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935812] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935816] [Editor's Note: Proposition Number 90 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935819] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935821] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935825] [Editor's Note: Proposition Number 31 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935855] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report that it has examined Proposition Number 70, and respectfully recommends that it be amended to read as follows: 'The first general assembly shall enact a law providing for general publicity before and after election of all campaign contributions and expenditures, both of campaign committees and candidates.' Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e935857] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e935858*] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e935869*] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report that it has examined Proposition Number 61, and respectfully recommends that it be adopted. Albert M. Jones, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Pages 108-109)

[*e935871*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e935874*] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e935896*] Secretary (reading): "Phoenix, Arizona, October 29, 1910. Mr. President: Your Committee on Suffrage and Elections begs leave to report as follows:

1. That your committee have thoroughly investigated and discussed the operation of this convention under the Enabling Act to provide that the officers be chosen at the first election of State and other officers shall be nominated by a direct primary.

2. That is is the opinion of your committee that such a provision is within the power of this convention.

3. That it is the opinion of your committee that such direct primary should be required by this convention, and that in such direct primary and the election following, provision should be made whereby an advisory vote of the people shall be taken upon candidates for United States Senators.

4. That as to the working of these measures in detail, will involve much effort upon the part of some member or members of the convention, and will require considerable time, your committee wishes first an expression of the opinion of this convention upon the matters herein reported. Albert M. Jones, Chairman; We concur: Fred L. Ingraham, John P. Orme, Alfred Kinney, Sidney P. Osborn, Henry Lovin, John Langdon, James Scott, E. A. Tovrea, Lamar Cobb."

(The Records of the Arizona Constitutional Convention of 1910, Page 109)

[*e935900*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e936563*] [Editor's Note: This portion of the record is modeled in the Convention and Committee of the Whole.]

(Editorial)

[e936565] Mr. Webb: I move that the report of the committee as to Propositions Numbers 46 and 51, recommending that said propositions be referred to the Committee on Suffrage and Elections, be adopted, and said propositions be so referred.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936567] Mr. Webb: I move that the report of the committee as to Propositions Numbers 46 and 51, recommending that said propositions be referred to the Committee on Suffrage and Elections, be adopted, and said propositions be so referred.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936570] Secretary (reading): Proposition Number 108, introduced by Mr. Bradner of Cochise County. Relative to elections.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936571] Secretary (reading): Proposition Number 111, introduced by Mr. Short of Yuma County. Relative to elections.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936573] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936574] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.10 Monday, 31 October 1910, at 09:00 (s16036)

[e937209] Secretary (reading): Proposition Number 117, introduced by Mr. Curtis of Santa Cruz County. Relative to bribery and corruption.

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[*e937210*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937211*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.11 Tuesday, 01 November 1910, at 09:00 (s16080)

[*e938202*] Without objection Proposition Number 30 was referred to Committee on Suffrage and Election.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[*e938204*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938205*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.12 Tuesday, 01 November 1910, at 14:00 (s15991)

[*e936583*] Mr. President: If there are no objections, the recommendation will be adopted and re-referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[*e936585*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e936587*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.13 Wednesday, 02 November 1910, at 14:00 (s16008)

[e936754] Secretary (reading): Proposition Number 128, introduced by Mr. Winsor of Yuma County. Relative to official ballots and conduct of elections.

[...]

Mr. President: Second reading of the proposition; referred to the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936755] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936756] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.14 Thursday, 03 November 1910, at 14:00 (s16022)

[e936971] Secretary (reading): Proposition 143, introduced by Mr. Connelly of Cochise County.

Mr. President: Second reading of the proposition; referred to Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936972] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936973] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**14.15 Saturday, 05 November 1910, at 09:30 (s16062)**

[e937721] Mr. President: Reports of standing committees.

Mr. Jones (Yavapai): Your committee on Suffrage and Election begs leave to report on Propositions Number 74 and 143.

Secretary (reading): Proposition Number 74, introduced by Mr. Colter of Apache County. Relative to suffrage. "Phoenix, Arizona, November 5, 1910. Mr. President: Your Committee on Suffrage and Election, begs leave to report it has examined Proposition Number 74 and respectfully recommends that it be indefinitely postponed.. We concur: Sidney P. Osborn, Lamar Cobb, Henry Lovin, B.B. Moeur, John P. Orme, Alfred Kinney, James Scott, John Langdon, Fred L. Ingraham."

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937722] Mr. President: Reports of standing committees.

Mr. Jones (Yavapai): Your committee on Suffrage and Election begs leave to report on Propositions Number 74 and 143.

[...]

"Phoenix, Arizona, November 5, 1910. Mr. President: A minority of your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 74 and respectfully recommends that it be adopted. Albert M. Jones, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 255)

[e937723] Mr. Jones, Chairman of the Committee on Suffrage and Election made the following report:

Phoenix Arizona, November 5, 1910. Mr. President: Your Committee on Suffrage and Election begs leave to report that it has examined Proposition No. 143, and respectfully recommends that it be indefinitely postponed.

ALBERT M. JONES,  
Chairman.

We concur: Lamar Cobb, Alfred Kinney, John Langdon, Henry Lovin.

(The Minutes of the Arizona Constitutional Convention, Page 150)

[e937724] Mr. Jones, Chairman of the Committee on Suffrage and Election made the following report:

[...]

Phoenix, Arizona, November 5, 1910.

Mr. President:

We the undersigned, a minority of your Committee on Suffrage and Election beg leave to report we have examined Proposition No. 143, and respectfully recommend that the following Substitute Proposition No. 143 be adopted and that Proposition No. 143 be indefinitely postponed.

Fred. L. Ingraham, Sidney P. Osborn, John P. Orme, B.B. Moeur, James Scott.

Minority report was filed with permission.

(The Minutes of the Arizona Constitutional Convention, Page 150)

[e938605] [Editor's Note: The editors have created a blank document to represent the substitute recommended by the minority report.]

(Editorial)

[e937726] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937728] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.16 Thursday, 10 November 1910, at 09:30 (s16063)

[e470420] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937733] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937734] [Editor's Note: Proposition Number 74 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937735] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937736] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938612] [Editor's Note: Substitute Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937738] [Editor's Note: Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e937740*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e937741*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.17 Monday, 14 November 1910, at 09:30 (s16089)

[*e938251*] Communication from Taylor, Arizona, read and referred to Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[*e938252*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938253*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 14.18 Tuesday, 15 November 1910, at 09:30 (s16091)

[*e938264*] [The text of this petition is missing.]

(The Minutes of the Arizona Constitutional Convention, Page 176)

[*e938265*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938268*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.19 Monday, 21 November 1910, at 09:30 (s16146)

[e939932] Mr. Jones, Chairman of Committee on Suffrage and Election, made the following report:

Phoenix, November 18, 1910.

Mr. President:

Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 42 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 46 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 128 and respectfully recommends that it be indefinitely postponed for the reason that it is entirely legislative and should be left to the Legislature.

That it has examined Proposition Number 30 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 111 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 51 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 117 and respectfully recommends that it be indefinitely postponed for the reason that the main features therein are embodied in Substitute Proposition Number 21.

That it has examined Proposition Number 108 and respectfully recommends that it be indefinitely postponed.

A.M. JONES,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 227-228)

[e939933] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939935] [Editor's Note: Proposition Number 42 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939936] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939937] [Editor's Note: Proposition Number 128 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939939] [Editor's Note: Proposition Number 30 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939941] [Editor's Note: Proposition Number 111 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939944] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939946] [Editor's Note: Proposition Number 17 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939949] [Editor's Note: Proposition Number 108 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939969] Mr. Chairman: The next proposition before the committee is Number 108. Read the report.

Secretary (reading): "Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 108, and respectfully recommends that it be indefinitely postponed. The undersigned members of your Committee on Suffrage and Election beg leave to report they have examined Proposition Number 108, and respectfully recommend that the same do pass."

[Editor's Note: There is no record of this minority report until it appears in the afternoon session of the Committee of the Whole on November 22, 1910. Given the Convention's usual procedure, the editors have inferred that the minority report was likely presented to the Convention alongside the majority report and referred to the Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e939970] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e939971] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939973] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.20 Monday, 21 November 1910, at 14:00 (s16220)

[e943571] Letter from Richard E. Sloan, Governor of Arizona, read and referred to Committee on Suffrage and Election.

(The Minutes of the Arizona Constitutional Convention, Page 236)

[e943572] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943573] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 14.21 Tuesday, 22 November 1910, at 19:30 (s16165)

[e940503] PHOENIX, ARIZONA, NOV. 18TH, 1910

MR. PRESIDENT:

Your committee on Suffrage and Elections begs leave to report it has examined Proposition No. 21 and respectfully recommends that within proposition be substituted in lieu thereof and that Substitute proposition No. 21 be adopted.

We concur except as to Section 2 and 15 which we respectfully recommend be stricken out.

Albert M. Jones

I concur, except as to sections 2, 7, and 15.

Lamar Cobb

I concur, except as to section 2.

Sidney P. Osborn

Albert M. Jones, Chairman.

We concur:

B. B. Moeur

John P. Orme

Fred L. Ingraham

James Scott

Henry Lovin

John Langdon

Alfred Kinney

[Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Printing. However, it comes up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[*e940509*] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Printing. However, it comes up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[*e940623*] [Editor's Note: There is no record of when Substitute Proposition 21 was returned to the Convention from the Committee on Printing. However, it comes up in the Committee of the Whole on November 22, so the editors have inferred that it was returned before that session.]

(Editorial)

[*e940627*] [Editor's Note: The majority report was referred to the Convention.]

(Editorial)

[*e940630*] [Editor's Note: Majority Substitute Proposition 21 was referred to the Convention.]

(Editorial)

[*e940632*] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[*e940634*] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e940636*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e940638*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 15

# Committee on Counties and Municipalities

---

A standing committee for constitution making.

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### 15.1 Thursday, 13 October 1910, at 10:00 (s15794)

[e933614] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933617] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933618] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933619] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933620] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933623] The President announced the following standing committees:

[...]

6. Counties and Municipalities. (5) Chairman Sims, (Cochise), Colter, Baker, Feeney, Moore.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933626] Pamphlet on Commission Form of Government for Cities, offered by Mr. Crutchfield was referred by the President to Committee Number Six, on Counties and Municipalities.

(The Minutes of the Arizona Constitutional Convention, Page 24)

[e933628] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933629] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 15.2 Monday, 24 October 1910, at 09:00 (s15892)

[e935202] Secretary (reading): Proposition Number 40, introduced by Mr. Webb of Graham County.

Mr. President: Second reading of the proposition; referred to the Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935279] Secretary (reading): Proposition Number 52, introduced by Mr. Simms of Cochise County.

Mr. President: Second reading of the proposition; referred to the committee on counties and municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935281] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935282] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 15.3 Thursday, 03 November 1910, at 14:00 (s16017)

[e936916] Secretary (reading): Proposition 133, introduced by Mr. Tovrea of Cochise County. Relative to highways.

Mr. President: Second reading of the proposition; referred to Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e937004] Mr. President: Second reading of the proposition; referred to Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937006] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937008] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 15.4 Tuesday, 15 November 1910, at 09:30 (s16094)

[e938288] Mr. Sims of Cochise, Chairman of Committee on Counties and Municipalities, made the following report: Phoenix, Arizona, November 15, 1910. Mr. President: Your Committee on Counties and Municipalities begs leave to report it has examined Proposition Number 146 and 133 and respectfully recommends that said Proposition be referred to Committee on Legislative Department, Distribution of Powers and Apportionment. R. B. Sims, Chairman We concur: A.A. Moore, Thos. Feeny, A.C. Baker.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938289] Mr. Sims of Cochise, Chairman of Committee on Counties and Municipalities, made the following report: Phoenix, Arizona, November 15, 1910. Mr. President: Your Committee on Counties and Municipalities begs leave to report it has examined Proposition Number 146 and 133 and respectfully recommends that said Proposition be referred to Committee on Legislative Department, Distribution of Powers and Apportionment. R. B. Sims, Chairman We concur: A.A. Moore, Thos. Feeny, A.C. Baker.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[*e938290*] [Editor's Note: Proposition Number 133 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e938291*] [Editor's Note: Proposition Number 146 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e938292*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938293*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 15.5 Thursday, 17 November 1910, at 09:30 (s16127)

[*e939502*] Mr. Sims: The committee on counties and municipalities desires to make a report.

Mr. President: If there is no objection, we will revert back to the head of reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 17, 1910. Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition Number 52 and respectfully recommends that the proposition herewith submitted be substituted for said Proposition 52, and that said Substitute Proposition Number 52 be adopted, and the original Proposition Number 52 be indefinitely postponed. R.B. Sims, Chairman. We concur: Thos. Feeney, A.A. Moore, Fred T. Colter, A.C. Baker."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[*e939701*] [Editor's Note: The Committee report recommended the adoption of Substitute Proposition Number 52.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1151-1153)

[*e939704*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939702] [Editor's Note: Substitute Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939707] [Editor's Note: Proposition Number 52 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939716] Mr. Sims: The committee on counties and municipalities desires to make a report.

[...]

"Phoenix, Arizona, November 17, 1910. Mr. President: Your committee on counties and municipalities begs leave to report it has examined Proposition Number 40 and respectfully recommends that the proposition herewith submitted by the committee on counties and municipalities known as committee Substitute Number 40 be substituted for said Proposition Number 40, and that said original be postponed. R.B. Sims, Chairman. We concur: Thos. Feeney, A.A. Moore, Fred T. Colter, A.C. Baker."

(The Records of the Arizona Constitutional Convention of 1910, Page 420)

[e939724] [Editor's Note: The Committee report recommended the adoption of Substitute Proposition Number 40.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1138-1139)

[e939725] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939726] [Editor's Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939727] [Editor's Note: Proposition Number 40 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939728] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939729] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 15.6 Thursday, 17 November 1910, at 14:00 (s16123)

[e939336] Mr. President: I will ask the gentleman from Pima, Mr. Cooper, what committee he wants this referred to.

Mr. Cooper: The committee on counties and municipalities.

Mr. President: It will be so referred. Committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 421)

[e939337] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939339] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 16

# Committee on Education and Public Instruction

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A standing committee for constitution making.

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### 16.1 Thursday, 13 October 1910, at 10:00 (s15796)

[e933636] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933638] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933639] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933640] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933642] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933644] The President announced the following standing committees:

[...]

7. Education and Public Instruction. (5) Chairman Moeur, Bolan, Kinney, Hutchinson, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933646] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933648] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 16.2 Friday, 21 October 1910, at 14:00 (s15853)

[e934642] Secretary (reading): Proposition Number 15 introduced by Mr. Moeur of Maricopa County, Relative to education.

Mr. President: Second reading of the propositions; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 67)

[e934643] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934644] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 16.3 Tuesday, 25 October 1910, at 09:00 (s15911)

[e935499] Secretary (reading): Proposition Number 44, introduced by Mr. Orme of Maricopa County. Relative to charitable institutions.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935502] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935504] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 16.4 Tuesday, 25 October 1910, at 14:00 (s15893)

[e935207] Secretary (reading): Proposition Number 41, introduced by Mr. Crutchfield of Maricopa County.

Mr. President: Second reading of the propositions; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935208] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935209] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 16.5 Wednesday, 26 October 1910, at 09:00 (s15935)

[e935650] Secretary (reading): Proposition Number 73, introduced by Mr. Simms of Graham County. Relative to education.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935653] Secretary (reading): Proposition Number 75, introduced by Mr. Colter of Apache County. Relative to public health.

Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935655] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935656] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 16.6 Friday, 28 October 1910, at 09:00 (s16055)

[e937568] Mr. President: Second reading of the proposition; referred to the Committee on Education and Public Institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937579] Mr. President: The communication will be referred to the Committee on Education. Gentlemen, we are through with our regular order of business this morning. What is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937667] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937668] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 16.7 Monday, 14 November 1910, at 09:30 (s16095)

[e938296] Communication from W.C.T.U., Arizona, read and referred to Committee on Education and Public Institutions.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938558] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e938418] Mr. Moeur: The Committee on Education have a report this morning. Mr. President: If there are no objections we will refer back.

Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions, begs leave to report it has examined Proposition Number 44 and respectfully recommends that it do not pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938420] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938448] [Editor's note: Proposition Number 44 was copied into the Convention alongside the committee's report.]

(Editorial)

[e938463] Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Propositions Number 75, 73 and 41 and respectfully recommends that they do not pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Page 310)

[e938464] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938473] [Editor's note: Proposition Number 41 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938477] [Editor's note: Proposition Number 73 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938480] [Editor's note: Proposition Number 75 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938532] Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Proposition Number 15 and respectfully recommends that Committee Substitute Proposition Number 15 be submitted therefore and that Committee Substitute Proposition Number 15 do pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(The Records of the Arizona Constitutional Convention of 1910, Pages 310)

[e938540] Secretary (reading): "Phoenix, Arizona, November 14, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Proposition Number 15 and respectfully recommends that Committee Substitute Proposition Number 15 be submitted therefore and that Committee Substitute Proposition Number 15 do pass. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, C.C. Hutchinson, Jas. C. White."

(Editorial)

[e938543] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938548] [Editor's Note: Substitution Proposition Number 15 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938551] [Editor's Note: Proposition Number 15 was referred to the Convention alongside the Committee's report and the substitution.]

(Editorial)

[e938559] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938560] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 16.8 Thursday, 17 November 1910, at 14:00 (s16151)

[e940155] Mr. President : [...] If there are no objections we will refer back to reports of committees.

Secretary (reading): "Report of committee on education on Proposition Number 100. Phoenix, Arizona, November 17, 1910. Mr. President: Your Committee on Education and Public Institutions begs leave to report it has examined Proposition Number 100 and respectfully recommends that it be indefinitely postponed as it has been thoroughly covered in Substitute Proposition. B.B. Moeur, Chairman. We concur: Alfred Kinney, John Bolan, Jas.C.White, C.C. Hutchinson."

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940156] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940157] [Editor's Note: Proposition Number 100 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940158] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940160] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 17

# Committee on State and School Lands

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A standing committee for constitution making.

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### 17.1 Thursday, 13 October 1910, at 10:00 (s15797)

[e933654] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933656] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933657] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933661] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933662] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933664] The President announced the following standing committees:

[...]

8. State and School Lands. (5) Chairman Coker, Jones (Yavapai), Simms (Graham), Orme, Cunningham.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933665] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933668] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 17.2 Tuesday, 18 October 1910, at 09:00 (s15826)

[e934144] Communication from F. B. Smith, of Globe, Arizona, read and referred to the Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934145] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934146] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 17.3 Thursday, 20 October 1910, at 09:00 (s15878)

[e935006] Secretary (reading): Proposition Number 13, introduced by Mr. Webb, Relative to public lands.

Mr. President: Second reading of the proposition; referred to Committee on State and School lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e935007] Secretary (reading): Proposition Number 16, introduced by Mr. Sims, Relative to school lands.

Mr. President: Second reading of the proposition. It will be referred to Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e935008] Communication from Henry C. White of Phoenix, Arizona, read and referred to Committee on State and School Lands.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e935009] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935010] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 17.4 Saturday, 22 October 1910, at 09:00 (s15942)

[e935709] Secretary (reading): Proposition 28.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935710] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935712] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 17.5 Tuesday, 25 October 1910, at 09:00 (s15912)

[e935507] Secretary (reading): Proposition Number 78, introduced by Mr. Orme of Maricopa County. Relative to public lands.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 80)

[e935508] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935510] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 17.6 Wednesday, 26 October 1910, at 09:00 (s15936)

[e935659] Mr. Cunniff: I move that it be referred to the Committee on State and Local Lands.

Mr. President: It is so ordered, without objection.

(The Records of the Arizona Constitutional Convention of 1910, Page 87)

[e935666] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935667] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 17.7 Wednesday, 02 November 1910, at 14:00 (s16009)

[e936760] Secretary (reading): Proposition Number 129, introduced by Mr. Moore of Yavapai County. Relative to state lands.

Mr. President: Second reading of the proposition; referred to the Committee on State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936761] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936762] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 17.8 Monday, 21 November 1910, at 14:00 (s16141)

[e939802] Mr. Coker, Chairman of Committee on State and School Lands, made the following report:

Phoenix, Arizona, November 18, 1910.

Mr. President:

Your Committee on State and School Lands begs leave to report it has examined Proposition No. 78 and respectfully recommends that the Proposition herewith submitted be substituted for Proposition No. 78 and that Substituted Proposition be adopted.

That it has examined Proposition No. 28 and respectfully recommends that the same do not pass as it is in conflict with the Enabling Act.

That it has examined Proposition No. 13 and respectfully recommends that the same be indefinitely postponed for the reason that the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Proposition No. 16 and respectfully recommends that the same be indefinitely postponed as the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Proposition No. 129 and respectfully recommends that the same be indefinitely postponed as the matters therein contained have been fully covered by Substitute Proposition No. 78.

That it has examined Memorial No. 1, and respectfully recommends that it be adopted.

ELMER W. COKER, Chairman

(The Minutes of the Arizona Constitutional Convention, Page 234)

[e939828] [Editor's Note: The Committee report recommended the adoption of Substitute Proposition Number 78.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1186-1190)

[e939831] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939833*] [Editor's Note: Substitute Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939835*] [Editor's Note: Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939838*] [Editor's Note: Proposition Number 28 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939839*] [Editor's Note: Proposition Number 13 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939841*] [Editor's Note: Proposition Number 16 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939845*] [Editor's Note: Proposition Number 129 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939846*] [Editor's Note: Memorial Number 1 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939848*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e939849*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 18

# Committee on Public Service Corporations

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A standing committee for constitution making.

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### 18.1 Thursday, 13 October 1910, at 10:00 (s15798)

[e933673] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman In-  
graham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon,  
Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933675] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman In-  
graham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon,  
Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933676] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman In-  
graham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon,  
Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933678] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman In-  
graham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon,  
Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933679] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933680] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933682] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933683] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933684] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933685] The President announced the following standing committees:

[...]

9. Public Service Corporations other than Railroads. (9) Chairman Ingraham, Parsons, Jones (Maricopa), Kinney, Lynch, Moeur, Wills, Langdon, Pusch.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933688] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933690] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.2 Monday, 24 October 1910, at 09:00 (s15866)

[e934833] Secretary (reading): Proposition Number 36, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Public Service Corporations, other than Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934834] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934835] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.3 Tuesday, 25 October 1910, at 14:00 (s15898)

[e935314] Secretary (reading): Proposition Number 58, introduced by Mr. Coker of Pinal County.

Mr. President: Second reading of the proposition; referred to the committee on Public Service Corporations other than Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935316] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935317] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.4 Friday, 28 October 1910, at 14:00 (s15962)

[e936255] Secretary (reading): "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has considered Proposition Number 38, and respectfully recommends that Proposition Number 38 be referred to the Committee on Public Service Corporations other than Railroads. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan."

Mr. President: If there is no objection to referring this proposition to the Committee on Corporations other than Railroads, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 105)

[e935958] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935960] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.5 Tuesday, 01 November 1910, at 14:00 (s15993)

[e936589] The president announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

[Editor's Notes: The Records incorrectly states that Cooper replaced Langdon on the Committee of Private Corporations and Banks and that Langdon replaced Cooper on the Committee on Labor. Langdon did not serve on the Committee of Private Corporations and Banks.]

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e936591] The president announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

[Editor's Notes: The Records incorrectly states that Cooper replaced Langdon on the Committee of Private Corporations and Banks and that Langdon replaced Cooper on the Committee on Labor. Langdon did not serve on the Committee of Private Corporations and Banks.]

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e936593] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936594] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.6 Monday, 21 November 1910, at 14:00 (s16221)

[e943575] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943576] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.7 Tuesday, 22 November 1910, at 09:30 (s16156)

[e940307] Mr. Ingraham, Chairman of Committee on Public Service Corporations other than Railroads made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Public Service Corporations other than Railroads begs leave to report it has examined Proposition No. 36 and recommends that said Proposition No. 36 be indefinitely postponed, it having been in substance enacted in Section 5 of Proposition No. 52 already adopted by this Convention.

That it has examined Proposition No. 38 and respectfully recommends that said Proposition No. 38 be amended by inserting the word "ratably" after the word "liable" and before the word "for" and that as amended said Proposition do pass.

FRED L. INGRAHAM.

Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940310] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940315] [Editor's Note: Proposition Number 36 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940317] [Editor's Note: Proposition Number 38 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940318] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940319] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 18.8 Wednesday, 23 November 1910, at 19:30 (s16177)

[e941650] Secretary (reading): "Mr. President: Your Committee on Public Service Corporations Other Than Railroads reports its has examined Proposition Number 58, and respectfully recommends a substitute therefore, and recommends that said substitute, being Substitute Proposition Number 58 be adopted. Concurred in by a majority of the committee. Fred. L. Ingraham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941652] [Editor's Note: Substitute Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941653] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e941655] [Editor's Note: Substitute Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941657] [Editor's Note: Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e941660*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e941661*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 19

# Committee on Private Corporations and Banks

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A standing committee for constitution making.

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### 19.1 Thursday, 13 October 1910, at 10:00 (s15800)

[e933693] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933694] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933696] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933699] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933700] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933702] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933705] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933706] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933708] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933709] The President announced the following standing committees:

[...]

10. Private Corporations and Banks. (9) Chairman Roberts, Keegan, Goldwater, Ellinwood, Tuthill, Tovrea, Winsor, Curtis, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933711] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933713] [Editors' note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.2 Thursday, 20 October 1910, at 09:00 (s15879)

[e935013] Communication from John Doan of Douglas, Arizona, read and referred to Committee on Private Corporations and Banks.

(The Minutes of the Arizona Constitutional Convention, Page 60)

[e935016] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935017] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.3 Monday, 24 October 1910, at 09:00 (s15860)

[e934774] Secretary (reading): Proposition Number 22, introduced by Mr. Baker of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934794] Secretary (reading): Proposition Number 29, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934841] Secretary (reading): Proposition Number 37, introduced by Mr. Ingraham of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934867] Secretary (reading): Proposition Number 53, introduced by Mr. Baker of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934868] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934870] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.4 Tuesday, 25 October 1910, at 14:00 (s15908)

[e935453] Secretary (reading): Proposition Number 67, introduced by Mr. Roberts of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935456] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935457] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.5 Friday, 28 October 1910, at 09:00 (s16057)

[e937572] Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 102)

[e937674] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937679] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.6 Saturday, 29 October 1910, at 14:00 (s15989)

[e936559] Secretary (reading): Proposition Number 105, introduced by Mr. Wells of Yavapai County. Relative to corporations.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations.

(Editorial)

[e936561] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936562] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.7 Monday, 31 October 1910, at 09:00 (s16037)

[e937221] Secretary (reading): Proposition Number 118, introduced by Mr. Curtis of Santa Cruz County. Relative to corporations, banking and currency.

Mr. President: Second reading of the proposition; referred to the Committee on Private Corporations and Banks.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

[e937222] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937224] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 19.8 Friday, 18 November 1910, at 14:00 (s16132)

[e939665] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 22 and respectfully recommends that the Proposition herewith submitted by the Committee to be known as Committee Substitute Proposition Number 22 be substituted for Proposition Number 22 and that said Committee Substitute Proposition Number 22 be adopted by the Convention. C.M. Roberts, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939670*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939682*] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 22 and respectfully recommends that the Proposition herewith submitted by the Committee to be known as Committee Substitute Proposition Number 22 be substituted for Proposition Number 22 and that said Committee Substitute Proposition Number 22 be adopted by the Convention. C.M. Roberts, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[*e939683*] [Editor's Note: Substitute Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939685*] [Editor's Note: Proposition Number 22 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939755*] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 101 and respectfully recommends that said Proposition Number 101 be indefinitely postponed inasmuch as the substance thereof is contained in Committee Substitute Proposition Number 22.

That it has examined Proposition Number 67 and respectfully recommends that said Proposition Number 67 be indefinitely postponed inasmuch as the substance thereof is contained in Substitute Proposition Number 22.

That it has examined Proposition Number 53 and respectfully recommends that said Proposition Number 53 be indefinitely postponed.

That it has examined Proposition Number 105 and respectfully recommends that said Proposition Number 105 be indefinitely postponed inasmuch as the substance contained in Proposition Number 105 is contained in Committee Substitute Proposition Number 22.

That it has examined Proposition Number 37 and respectfully recommends that said Proposition Number 37 be indefinitely postponed as Committee Substitute Proposition Number 22 embraces the substance of that contained in said Proposition Number 37.

That it has examined Proposition Number 118 and respectfully recommends that said Proposition Number 118 be indefinitely postponed inasmuch as Committee Substitute Proposition Number 22 covers the substance embraced in said Proposition Number 118.

C.M. Roberts, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 434)

[e939756] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939758] [Editor's Note: Proposition Number 101 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939761] [Editor's Note: Proposition Number 67 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939766] [Editor's Note: Proposition Number 53 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939768] [Editor's Note: Proposition Number 105 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939771] [Editor's Note: Proposition Number 29 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939776] [Editor's Note: Proposition Number 37 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939778] [Editor's Note: Proposition Number 118 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939781] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939783] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 20

# Committee on Railroads

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A standing committee for constitution making.

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### 20.1 Thursday, 13 October 1910, at 10:00 (s15801)

[e933715] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933716] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933717] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933718] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933719] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933720] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933721] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933723] The President announced the following standing committees:

[...]

11. Railroads. (7) Chairman Jones (Maricopa), Cunniff, Ellinwood, Bradner, Connelly, Short, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933724] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933725] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.2 Saturday, 22 October 1910, at 09:00 (s15937)

[e935669] Secretary (reading): Proposition 25.

Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935671] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935672] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 20.3 Monday, 24 October 1910, at 09:00 (s15865)

[e934826] Secretary (reading): Proposition Number 34, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934827] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934828] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 20.4 Wednesday, 26 October 1910, at 09:00 (s15938)

[e935675] Secretary (reading): Proposition Number 81, introduced by Mr. Webb of Graham County. Relative to railroad commissions.

Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935677] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935678] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 20.5 Friday, 28 October 1910, at 14:00 (s15944)

[e935732] "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Railroads begs leave to report that it has examined Proposition Number 25 and respectfully recommends that it do not pass, the second paragraph of the same having been incorporated in Proposition Number 113 to the extent to

which your committee deems advisable. We further recommend that Proposition Number 25 be referred to the Committee on Executive for consideration of the first paragraph. F.A. Jones, Chairman; We concur: M.G. Cunniff, C.C. Jacome, E.E. Ellinwood, S.B. Bradner. I concur except as to referred to Committee on Executive, E.L. Short.”

[Editor’s Note: The exact text of the Committee report is found in the Weinberger files (microfilm 51.1.19B) at the State Archives, Phoenix.]

(The Records of the Arizona Constitutional Convention of 1910, Page 103)

[*e935734*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e935738*] [Editor’s Note: Proposition Number 25 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[*e935797*] Mr. Jones, Chairman of the Committee on Railroads, reported Propositions Nos. 25, 34, and 81.

[Editor’s Note: The Records on this date only include the reports on Propositions 25 and 81, however, the Minutes indicate that there was a report on Proposition 34. The document text provided is taken from Page 621 of the Records when the same report is read aloud in the Committee of the Whole.]

(The Minutes of the Arizona Constitutional Convention, Page 88)

[*e935800*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e935803*] [Editor’s Note: Proposition Number 34 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[*e935815*] Secretary (reading): ”Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Railroads begs leave to report that it has examined Proposition Number 81, and respectfully recommends that it do not pass for the reason that such provisions of the Interstate Commerce Act as are applicable to interstate traffic are embodied in Proposition Number 113; that certain provisions of the Interstate Commerce Act are not applicable to local commerce, and that a delay might result in the creation of a commission in the event that there be a delay in the first legislative enactment provided therefore. F.A. Jones, Chairman; We concur: M.G. Cunniff, C.C. Jacome, E. E. Ellinwood, S.B. Bradner.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 103-104)

[e935818] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935822] [Editor's Note: Proposition Number 81 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935823] [Editor's Note: This portion of the Records is modeled in the Convention.]

(Editorial)

[e935981] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e935983] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e935989] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[e935991] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be

referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e935993*] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e935995*] Mr. Cunniff: The submission of these reports is a little premature. It was my understanding in going over this proposition that it should not be submitted until the committee's report in full is submitted. Otherwise, I do not see how we can act intelligently. Therefore, I move that the matter be referred to the committee on railroads, so that all propositions reported on and the complete report of the committee may be submitted, at the same time.

Mr. Roberts: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 104)

[*e935997*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935999*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.6 Saturday, 29 October 1910, at 14:00 (s15988)

[*e936555*] Secretary (reading): Proposition Number 109, introduced by Mr. Webb of Graham County. Relative to railroads.

Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936556] Secretary (reading): Proposition Number 113, introduced by Mr. Jones of Maricopa County. Relative to railroads and common carriers.

Mr. President: Second reading of the proposition; referred to the Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936557] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936558] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.7 Thursday, 03 November 1910, at 14:00 (s16025)

[e937056] Secretary (reading): Proposition 142, introduced by Mr. Ellinwood of Cochise County. Relative to railroad and other transportation companies, telegraph and other transmitting companies.

Mr. President: Second reading of the proposition; referred to Committee on Railroads.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937058] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937059] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.8 Tuesday, 15 November 1910, at 09:30 (s16093)

[e938281] Telegram from George A. Olney of Safford, Arizona, read and referred to Committee on Railroads.

(The Minutes of the Arizona Constitutional Convention, Page 176)

[e938283] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e938285*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.9 Saturday, 19 November 1910, at 09:30 (s16183)

[*e942017*] [Editor's Note: Substitute Proposition Number 113 is considered jointly by the Committee on Railroads and the Committee on Public Service Corporations Other than Railroads. The records of the Convention do not state when Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report. We may assume that Proposition Number 133 was referred to the Convention alongside the Committee's Report.]

(Editorial)

[*e942020*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e942023*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 20.10 Thursday, 24 November 1910, at 09:30 (s16179)

[*e942084*] [Editor's Note: The report from the Committee on Railroads on Proposition Number 34 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942087*] [Editor's Note: Proposition Number 34 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e941764*] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point. Document text taken from page 621 of the Records.]

(Editorial)

[e941765] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e941767] [Editor's Note: Proposition Number 142 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942108] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 25 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942113] [Editor's Note: Proposition Number 25 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942159] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 81 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942164] [Editor's Note: Proposition Number 25 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[e942222] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point. Document text taken from page 621 of the Records.]

(Editorial)

[e942229] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942231*] [Editor's Note: Proposition Number 109 was considered in the Committee of the Whole on this day, so the editors have inferred that it was returned to the Convention from the Committee on Railroads by this point.]

(Editorial)

[*e942232*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e942235*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 21

# Committee on Agriculture, Irrigation and Water Rights

---

A standing committee for constitution making.

---

### 21.1 Thursday, 13 October 1910, at 10:00 (s15802)

[e933729] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933730] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933732] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933734] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933733] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933736] The President announced the following standing committees:

[...]

12. Agriculture, Irrigation and Water Rights. (5) Chairman Orme, Colter, Coker, Moore, Simms (Graham).

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933737] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933739] [Editors' Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 21.2 Tuesday, 25 October 1910, at 14:00 (s15906)

[e935434] Secretary (reading): Proposition Number 66, introduced by Mr. Orme of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on Irrigation and Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935437] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935438] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **21.3 Wednesday, 02 November 1910, at 14:00 (s16007)**

[e936746] Secretary (reading): Proposition Number 127, introduced by Mr. Coker of Pinal County. Relative to water and water rights.

Mr. President: Second reading of the proposition; referred to the Committee on Agriculture, Irrigation and Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936747] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936748] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **21.4 Thursday, 10 November 1910, at 09:30 (s16068)**

[e937913] Communication from stockholders of the Montezuma Canal company of Safford, Arizona, read and referred to Committee on Agriculture, Irrigation, and Water Rights.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937914] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937915] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **21.5 Monday, 21 November 1910, at 14:00 (s16147)**

[e940052] Mr Orme, Chairman of Committee on Agriculture, Irrigation and Water Rights, made the following report:

Phoenix, Arizona, November 21, 1910.

Mr. President:

Your Committee on Agriculture, Irrigation and Water Rights, begs leave to report it has examined Proposition Number 66 and respectfully recommends

that the Proposition herewith submitted be substituted for Proposition Number 66 and that said Substitute Proposition Number 66 be adopted.

That it has examined Proposition Number 127 and respectfully recommends that it be indefinitely postponed as the substance matter contained therein is covered in Committee Substitute Number 66.

JOHN P. ORME, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 235)

[e940067] [Editor's Note: The Committee report recommended the adoption of Substitute Proposition Number 66.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1171-1172)

[e940070] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940071] [Editor's Note: Substitute Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940072] [Editor's Note: Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940073] [Editor's Note: Proposition Number 127 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940075] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940077] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 21.6 Monday, 28 November 1910, at 09:30 (s16254)

[e944841] [Editor's Note: The Committee was instructed to compose new Substitute Proposition Number 66 on riparian water rights. This proposition was not printed.]

(Editorial)

[e944842] [Editor's Note: The proposition was referred to the Convention.]

(Editorial)

[e944843] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944845] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 21.7 Tuesday, 29 November 1910, at 14:00 (s16252)

[e944804] WATER AND WATER RIGHTS

“The common law doctrine of riparian water rights within this state shall not hereafter obtain or be of any force or effect in this state.

The water of every river, creek or running stream in this State are hereby declared to be public property, subject, however, to the beneficial use of any person or persons, company or corporation under such reasonable restrictions and regulations as the legislative powers may prescribe.

Beneficial use shall be the basis the measure and the limit of the right to the use of public waters, and priority of appropriation for such use shall give the better right except that in times of scarcity a preference shall be given to the following purposes in the order named, viz: Domestic, stock water, agricultural, mining and manufacturing purposes.

All existing rights to the use of water in this State for beneficial purposes are hereby recognized and confirmed, subject to the limitations herein prescribed in the case of future appropriations and use of water.”

(The Minutes of the Arizona Constitutional Convention, Page 324)

[e944805] [Editor's Note: The report was referred to the Convention for consideration alongside New Substitute Proposition Number 66.]

(Editorial)

[e944806] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944807] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 22

# Committee on Mines and Mining

---

A standing committee for constitution making.

---

### 22.1 Thursday, 13 October 1910, at 10:00 (s15803)

[e933741] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933743] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933744] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933746] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933747] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933748] The President announced the following standing committees:

[...]

13. Mines and Mining. (5) Chairman Cobb, Cunniff, Feeney, Lovin, Short.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933749] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933750] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 22.2 Tuesday, 25 October 1910, at 14:00 (s15904)

[e935392] Secretary (reading): Proposition Number 64, introduced by Mr. Bolan of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935394] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935396] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 22.3 Wednesday, 02 November 1910, at 14:00 (s16010)

[e936766] Secretary (reading): Proposition Number 130, introduced by Mr. Moore of Yavapai County. Relative to establishing the office of mine inspector.

Mr. President: Second reading of the proposition; referred to the Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936767] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936768] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 22.4 Thursday, 03 November 1910, at 14:00 (s16021)

[e936958] Secretary (reading): Proposition 138, introduced by Mr. Cunniff of Yavapai County. Relative to state geologist.

Mr. President: Second reading of the proposition; referred to Committee on Mines and Mining.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936959] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936960] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 22.5 Friday, 18 November 1910, at 14:00 (s16149)

[e940139] Secretary (reading): "Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Mines and Mining begs leave to report it has examined Proposition Number 64 and respectfully recommends that Committee Substitute Number 64 be adopted.

That it has examined Proposition Number 138 and respectfully recommends that it be indefinitely postponed, as the subject matter therein contained is covered by Committee Substitute Number 64.

That it has examined Proposition Number 130 and respectfully recommends that it be indefinitely postponed as the subject matter therein is covered by Committee Substitute Proposition Number 64. Lamar Cobb, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[*e940161*] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Mines and Mining begs leave to report it has examined Proposition Number 64 and respectfully recommends that Committee Substitute Number 64 be adopted.

That it has examined Proposition Number 138 and respectfully recommends that it be indefinitely postponed, as the subject matter therein contained is covered by Committee Substitute Number 64.

That it has examined Proposition Number 130 and respectfully recommends that it be indefinitely postponed as the subject matter therein is covered by Committee Substitute Proposition Number 64. Lamar Cobb, Chairman.”

[Editor’s Note: The text of the substitute proposition is missing. The document text provided is an approximation based on a comparison of Propositions No. 130 and No. 138.]

(The Records of the Arizona Constitutional Convention of 1910, Page 435)

[*e940164*] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[*e940168*] [Editor’s Note: Substitute Proposition Number 64 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e940174*] [Editor’s Note: Proposition Number 64 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e940178*] [Editor’s Note: Proposition Number 138 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e940180*] [Editor’s Note: Proposition Number 130 was referred to the Convention alongside the committee’s report.]

(Editorial)

[*e940182*] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e940183*] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 23

# Committee on Federal Relations

---

A standing committee for constitution making.

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### 23.1 Thursday, 13 October 1910, at 10:00 (s15804)

[e933753] The President announced the following standing committees:

[...]

14. Federal Relations. (3) Chairman Parsons, Standage, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933754] The President announced the following standing committees:

[...]

14. Federal Relations. (3) Chairman Parsons, Standage, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933755] The President announced the following standing committees:

[...]

14. Federal Relations. (3) Chairman Parsons, Standage, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933756] The President announced the following standing committees:

[...]

14. Federal Relations. (3) Chairman Parsons, Standage, Wells.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933758] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933759] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 23.2 Monday, 17 October 1910, at 09:00 (s15823)

[e934056] Mr. Cunniff: I move that the proposition be referred to the Committee on Federal Relations.

Mr. President: It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 46)

[e934059] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934060] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 23.3 Wednesday, 19 October 1910, at 09:00 (s15838)

[e934406] Second reading of Proposition No. 3; referred to Committee on Federal Relations.

(The Minutes of the Arizona Constitutional Convention, Page 56)

[e934409] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934411] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 23.4 Thursday, 20 October 1910, at 09:00 (s15843)

[e934488] Mr. Parsons: Mr. President, I have a report to offer.

Secretary (reading):

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934490] Mr. Parsons: Mr. President, I have a report to offer.

Secretary (reading):

Phoenix, Arizona, October 20, 1910

Mr. President: Your committee on Federal Relations, to whom was referred Proposition Number 2, defining boundaries of the State of Arizona, respectfully submit[s] the following report: Your committee having investigated this matter in the office of the Surveyor General and having received the assistance of that official in its efforts is satisfied that the boundaries as described in said Proposition Number 2 are correct; and we therefore recommend the adoption of said Proposition Number 2 without alteration or amendment.

A. F. Parsons, Chairman, I concur, Ed. W. Wells.

(The Records of the Arizona Constitutional Convention of 1910, Page 57)

[e934493] [Editor's Note: Proposition Number 2 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e934491] [Editor's Note: The Convention met in between the Committee referring its report on Proposition Number 2 and the Committee receiving the recommitted Proposition Number 2.]

(Editorial)

[e935024] [Editor's Note: The Convention re-committed Proposition Number 2 to the Committee on Federal Relations.]

(Editorial)

[e935031] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935033] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 23.5 Friday, 28 October 1910, at 09:00 (s16054)

[e937559] Proposition Number 99, read second time and referred to Committee on Federal Relations.

(The Minutes of the Arizona Constitutional Convention, Page 87)

[e937690] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937692] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 23.6 Tuesday, 01 November 1910, at 09:00 (s15983)

[e936332] "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations, begs leave to report it has examined Proposition Number 3 and respectfully recommends unanimously that said Proposition be referred to Committee on Ordinance. A.F. Parsons, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e936333] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936334] [Editor's Note: Proposition Number 3 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936341] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations begs leave to report it has examined Proposition Number 2 and respectfully recommends unanimously that said Proposition Number 2 be adopted. California having in her Constitution expressly waived all claims to any portion of Arizona east of the mid-channel of the Colorado River, and the treaties between Mexico and the United States fixed the mid-channel of said river as the boundary between the United States and Mexico below the point where the boundary between upper and lower California intersects said river. A.F. Parsons, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Pages 138-139)

[e936342] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937401] [Editor's Note: Proposition Number 2 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937426] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Federal Relations begs leave to report it has examined Proposition Number 99 and respectfully recommends unanimously that said Proposition be adopted without alteration or amendment. A.F. Parsons, Chairman"

(The Records of the Arizona Constitutional Convention of 1910, Page 139)

[e937428] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938018] [Editor's Note: Proposition Number 99 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936335] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936336] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 24

# Committee on Militia and Public Defense

---

A standing committee for constitution making.

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### 24.1 Thursday, 13 October 1910, at 10:00 (s15806)

[e933762] The President announced the following standing committees:

[...]

15. Militia and Public Defence. (3) Chairman Tuthill, Osborn, Standage.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933763] The President announced the following standing committees:

[...]

15. Militia and Public Defence. (3) Chairman Tuthill, Osborn, Standage.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933764] The President announced the following standing committees:

[...]

15. Militia and Public Defence. (3) Chairman Tuthill, Osborn, Standage.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933765] The President announced the following standing committees:

[...]

15. Militia and Public Defence. (3) Chairman Tuthill, Osborn, Standage.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933766] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e933768*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.2 Monday, 24 October 1910, at 09:00 (s15868)

[*e934861*] Secretary (reading): Proposition Number 49, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[*e934862*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e934863*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.3 Tuesday, 25 October 1910, at 14:00 (s15910)

[*e935494*] Secretary (reading): Proposition Number 77, introduced by Mr. Feeny of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[*e935495*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e935496*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.4 Saturday, 29 October 1910, at 14:00 (s15987)

[e936552] Secretary (reading): Proposition Number 107, introduced by Mr. Hutchinson of Coconino County. Relative to militia.

Mr. President: Second reading of the proposition; referred to the Committee on Militia and Public Defense.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936553] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936554] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.5 Wednesday, 02 November 1910, at 14:00 (s15999)

[e936640] Telegrams received by Mr. Connelly from Harry Jennings and the bunch of Lowell, Arizona, Douglas Democrats that Supported You, of Douglas, Arizona, and Henry Sullivan, and 200 others of Bisbee, Arizona, read and referred to the Committee on Militia and Public Defense.

(The Minutes of the Arizona Constitutional Convention, Page 114)

[e936641] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936642] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.6 Monday, 07 November 1910, at 14:00 (s16045)

[e937336] Mr. Jones (Maricopa): I move that it be referred to the Committee on Military Affairs.

Mr. Osborn: I second the motion.

The motion prevailed.

[Editor's Note: The Minutes indicate that Mr. Cassidy of Maricopa moved the motion instead of Mr Jones of Maricopa.]

(The Records of the Arizona Constitutional Convention of 1910, Page 237)

[e937339] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937340] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.7 Tuesday, 08 November 1910, at 09:30 (s16078)

[e938166] Communication from John J. Patton, Bisbee, Arizona, Bruce Perley, of Bisbee Arizona and residents of Cochise County, relative to the practice of medicine referred to Committee on Militia and Public Defense.

(The Minutes of the Arizona Constitutional Convention, Page 143)

[e938169] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938170] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.8 Tuesday, 22 November 1910, at 09:30 (s16162)

[e940343] Mr. Tuthill, Chairman of the Committee on Militia and Public Defense made the following report:

Phoenix, Arizona, November 22, 1910.

Mr. President:

Your Committee on Militia and Public Defense begs leave to report that it has examined Proposition Nos. 49, 77, 107 and Resolution from the Common Council of Phoenix and recommends as follows:

That the resolution be referred to Committee No. 1.

That Proposition No. 49 be indefinitely postponed.

That Proposition No. 77 be indefinitely postponed.

That Proposition No. 107 be indefinitely postponed and the Committee Substitute No. 107 be substituted therefor as the provisions of the original are mainly covered by the Substitute.

A.M. TUTHILL,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 243)

[e940344] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940346] [Editor's Note: The Communication was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940347] [Editor's Note: Proposition Number 49 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940349] [Editor's Note: Proposition Number 77 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940351] [Editor's Note: Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940354] [Editor's Note: There is no record of the contents of Substitute Proposition 107 as created by the Committee on Militia and Public Defence. However, an approximation has been made by the editors based on the Article on Militia in the final constitution and the intervening amendments that were made.]

(Editorial)

[e940355] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940357] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940359] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.9 Monday, 28 November 1910, at 09:30 (s16233)

[*e943982*] Mr. President (reading): Resolution Number 17, introduced by Mr. Cooper of Pima County: WHEREAS, This convention by its acts, has created numerous offices and has fixed the salaries and emoluments therefor, and WHEREAS: It is neither ethical nor right that those who have participated in this work should receive the benefit and advantages thereof; therefore, BE IT RESOLVED: That no member of this convention shall be eligible for election to any office, either state, county, precinct or municipal, created by this constitution, for a period of five years from and after the admission of Arizona as a state. (laughter and applause) If there are no objections it will be referred to the Committee on Militia and Public defense. Reports of committees.

(The Records of the Arizona Constitutional Convention of 1910, Pages 714-715)

[*e943983*] [Editor's Note: Resolution Number 17 was amended and presented as Proposition Number 153.]

(Editorial)

[*e943985*] [Editor's Note: Resolution Number 17 was amended and presented as Proposition Number 153.]

(Editorial)

[*e943986*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e943987*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 24.10 Monday, 05 December 1910, at 14:00 (s16297)

[*e946407*] Mr. Tuthill: There is a report of a standing committee on the desk.

Mr. President: The secretary will read the report.

Secretary (reading): "Report of Committee on Militia and Public Defense on Resolution Number 14 [sic], recommending it pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[*e946408*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946406] [Editor's Note: Resolution Number 17 Proposition Number 153 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946409] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946410] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 25

# Committee on Public Debt, Revenue and Taxation

---

A standing committee for constitution making.

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### 25.1 Thursday, 13 October 1910, at 10:00 (s15807)

[e933770] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933772] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933773] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933774] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933775] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Page 22-23)

[e933776] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Page 22-23)

[e933777] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933778] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933779] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933781] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933782] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933783] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933784] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933785] The President announced the following standing committees:

[...]

16. Public Debt, Revenue and Taxation. (13) Chairman Keegan, Wills, Webb, Wood, Ellinwood, Osborn, Moore, Lovin, Roberts, Standage, Pusch, Scott, White.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933787] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933788] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 25.2 Thursday, 20 October 1910, at 09:00 (s15881)

[e935036] Secretary (reading): Proposition Number 10, introduced by Mr. Cunniff, Relative to loaning the state's credit.

Mr. President: Second reading of the proposition. It will be referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e935038] Secretary (reading): Proposition Number 11, introduced by Mr. Cunniff, Relative to exemption from taxation.

Mr. President: Second reading of the proposition. It will be referred to the Committee on Public Debt, Revenue and Taxation

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e935041] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935042] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **25.3 Monday, 24 October 1910, at 09:00 (s15869)**

[e934876] Secretary (reading): Proposition Number 56, introduced by Mr. Ellinwood of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation. If there is no objection it is so referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934877] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934878] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **25.4 Tuesday, 25 October 1910, at 14:00 (s15900)**

[e935331] Secretary (reading): Proposition Number 59, introduced by Mr. Coker of Pinal County.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935411] Secretary (reading): Proposition Number 65, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the committee on Public Debt, Revenue and Taxation.

(Editorial)

[e935413] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935415] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 25.5 Wednesday, 26 October 1910, at 09:00 (s15939)

[e935682] Secretary (reading): Proposition Number 83, introduced by Mr. Crutchfield of Maricopa County. Relative to taxation and exemptions.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935685] Secretary (reading): Proposition Number 85, introduced by Mr. Cunningham of Cochise County. Relative to collection of privilege licenses taxes.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935688] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935689] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 25.6 Saturday, 29 October 1910, at 14:00 (s15986)

[e936547] Secretary (reading): Proposition Number 106, introduced by Mr. Wells of Yavapai County. Relative to finance and taxation.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936548] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936549] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 25.7 Wednesday, 02 November 1910, at 14:00 (s16005)

[e936724] Secretary (reading): Proposition Number 122, introduced by Mr. Wills of Pinal County. Relative to revenue and taxation exemption.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Pages 156-157)

[e936740] Secretary (reading): Proposition Number 126, introduced by Mr. Jacome of Pima County. Relative to taxation.

Mr. President: Second reading of the proposition; referred to the Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936741] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936742] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 25.8 Thursday, 03 November 1910, at 14:00 (s16024)

[e937016] Secretary (reading): Proposition 147, introduced by Mr. Ingraham of Yuma County. Relative to taxation.

Mr. President: Second reading of the proposition; referred to Committee on Public Debt, Revenue and Taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937017] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937018] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **25.9 Wednesday, 16 November 1910, at 09:30 (s16109)**

[e938991] Mr. President: Reports of Standing Committees.

Secretary (reading): "Mr. President: Your committee on public debt, revenue and taxation begs leave to report it has examined Proposition Number 85 and respectfully recommends that it be referred to the legislative committee. J.J. Keegan, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 391)

[e938994] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938996] [Editor's Note: Proposition Number 85 was referred to the Convention alongside the committee's report.]

(Editorial)

[e938997] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939001] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**25.10 Wednesday, 16 November 1910, at 14:00  
(s16110)**

[*e938985*] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition No. 106 and recommends that the Proposition herewith substituted be substituted for Proposition No. 106 and that Substituted Proposition be adopted.

J.J. KEEGAN,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 193-194)

[*e938990*] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition No. 106 and recommends that the Proposition herewith substituted be substituted for Proposition No. 106 and that Substituted Proposition be adopted.

J.J. KEEGAN,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Pages 193-194)

[*e938998*] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[*e939002*] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[*e938993*] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[*e939007*] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation made the following report:

Phoenix, Arizona, November 16, 1910. Mr. President: Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 10 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 11 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 59 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 65 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 83 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 122 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 147 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

That it has examined Proposition Number 126 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

J.J. KEEGAN, Chairman

(The Minutes of the Arizona Constitutional Convention, Page 194)

[e939015] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939016] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939018] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939019] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939021] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939023] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939025] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939026] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939028] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939034] Mr. Keegan, Chairman of Committee on Public Debt, Revenue and Taxation, made the following report:

[...]

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Public Debt, Revenue and Taxation, beg leave to report that it has examined Proposition Number 56 and respectfully recommends that the further consideration of the same be indefinitely postponed.

J.J. KEEGAN,  
Chairman.

We concur: Sidney P. Osborn, Orrin P. Standage, W.T. Webb, Jas. C. White, Henry Lovin, A.A. Moore, H.R. Wood, George Pusch, James Scott, Thos. N. Willis.

(The Minutes of the Arizona Constitutional Convention, Page 195)

[e939038] Phoenix, Arizona, November 16, 1910.

Mr. President:

The undersigned a minority of your Committee on Public, Debt, Revenue and Taxation begs leave to report they have examined Proposition No. 56 and respectfully recommend that same do pass.

E. E. ELLINWOOD,  
C.M ROBERTS.

(The Minutes of the Arizona Constitutional Convention, Page 165)

[e939040] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939041] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939043] [Editor's Note: The report was referred back to the Convention with its associated propositions.]

(Editorial)

[e939045] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939047] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 26

# Committee on Labor

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A standing committee for constitution making.

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### 26.1 Thursday, 13 October 1910, at 10:00 (s15808)

[e933797] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933798] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933799] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933800] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933801] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933802] The President announced the following standing committees:

[...]

17. Labor. (5) Chairman Bolan, Bradner, Morgan, Feeney, Cooper.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933804] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933805] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.2 Monday, 17 October 1910, at 14:00 (s15831)

[e934214] Petition signed by laboring men of Globe, Arizona, read and referred to the Committee on Labor.

[Editor's Note: The Minutes records this petition as having been referred by the Convention twice on this day, once in the morning and once in the afternoon. The Journal records that it was referred in the afternoon, therefore the editors have chosen to represent the Journal's version of events.]

(The Minutes of the Arizona Constitutional Convention, Page 47)

[e934236] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934240] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.3 Thursday, 20 October 1910, at 09:00 (s15882)

[e935046] Secretary (reading): Proposition Number 9, introduced by Mr. Cunniff, Relative to a legal day in all state works.

Mr. President: Second reading of the proposition. If there are no objections it will be referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e935047] Secretary (reading): Proposition Number 12, introduced by Mr. Webb, Relative to labor.

Mr. President: Second reading of the proposition; to be referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 60)

[e935048] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935050] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.4 Friday, 21 October 1910, at 09:00 (s15849)

[e934591] Telegram received by the President was referred to the Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 62)

[e934593] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934596] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.5 Monday, 24 October 1910, at 09:00 (s15867)

[e934845] Secretary (reading): Proposition Number 39, introduced by Mr. Short of Yuma County.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 74)

[e934846] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934847] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.6 Tuesday, 25 October 1910, at 09:00 (s15914)

[e935514] Secretary (reading): Proposition Number 38, introduced by Mr. Ingraham of Yuma County. Relative to labor and corporations.

[...]

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935515] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935516] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.7 Tuesday, 25 October 1910, at 14:00 (s15895)

[e935226] Secretary (reading): Proposition Number 47, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the propositions; referred to the committee on labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935234] Secretary (reading): Proposition Number 48, introduced by Mr. Parsons of Cochise County.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 83)

[e935235] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935236] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.8 Wednesday, 26 October 1910, at 09:00 (s15940)

[e935692] Secretary (reading): Proposition Number 72, introduced by Mr. Ellinwood of Cochise County. Relative to workmen's compensation.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935694] Secretary (reading): Proposition Number 76, introduced by Mr. Connelly of Cochise County. Relative to department of labor.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935697] Secretary (reading): Proposition Number 86, introduced by Mr. Cunningham of Cochise County. Relative to collection of privilege license.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 88)

[e935701] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935703] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.9 Friday, 28 October 1910, at 09:00 (s15953)

[e936021] "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has examined Proposition Number 47, and respectfully recommends that Proposition Number 47 be referred to the legislative committee. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan, W.F. Cooper."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936026] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935843] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936048] "Mr. President: Your Committee on Labor begs leave to report that it has examined Proposition Number 39 and respectfully recommends that Proposition Number 39 be referred to the legislative committee. We recommend [the] striking out of [the] clause, 'and for the employment of convict labor for such purposes.' John Bolan, Chairman; We concur: Thomas Feeney, William Morgan, S.B. Bradner."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936053] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936055] [Editor's Note: Proposition Number 39 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936085] "Phoenix, Arizona, October 28, 1910. Mr. President: Your Committee on Labor begs leave to report that it has considered Proposition Number 38, and respectfully recommends that Proposition Number 38 be referred to the Committee on Public Service Corporations other than Railroads. John Bolan, Chairman; We concur: Thomas Feeney, S.B. Bradner, William Morgan."

(The Records of the Arizona Constitutional Convention of 1910, Page 100)

[e936088] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936092] [Editor's Note: Proposition Number 39 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937363] Letter received by Mr. Cassidy referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 86)

[e937594] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937595] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.10 Saturday, 29 October 1910, at 14:00 (s15949)

[e935780] Mr. Bolan: I have here a communication addressed to the convention by a number of signers from Cochise County, relative to Proposition Number 91, which communication I would like to have read.

Secretary reads communication signed by 200 residents of Cochise County, Arizona.

Mr. President: Referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 108)

[e936541] Secretary (reading): Proposition Number 110, introduced by Mr. Bolan of Cochise County. Relative to legislative department.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936543] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936544] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.11 Tuesday, 01 November 1910, at 14:00 (s15994)

[e936597] The president announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e936598] The president announced that Mr. Cooper had resigned from the Committee on Labor and Mr. Langdon appointed a member of that Committee, and that Mr. Langdon had resigned from the Committee on Public Service, other than Railroads and Mr. Cooper appointed a member of that Committee.

(The Minutes of the Arizona Constitutional Convention, Page 109)

[e936599] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936600] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.12 Thursday, 03 November 1910, at 14:00 (s16020)

[e936942] Secretary (reading): Proposition 136, introduced by Mr. Cunniff of Yavapai County. Relative to employment on public works.

Mr. President: Second reading of the proposition; referred to Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 171)

[e936948] Secretary (reading): Proposition 137, introduced by Mr. Cunniff of Yavapai County. Relative to blacklists.

Mr. President: Second reading of the proposition; referred to Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Pages 171-172)

[e937047] Secretary (reading): Proposition 141, introduced by Mr. Keegan of Gila County. Relative to child labor.

Mr. President: Second reading of the proposition; referred to committee on labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e937048] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937050] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **26.13 Monday, 07 November 1910, at 09:30 (s16042)**

[e937905] Petition from residents of Wellton, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 132)

[e938008] Secretary (reading): Proposition Number 134, introduced by Mr. Tovrea of Cochise County. Relative to private corporations.

Mr. President: Second reading of the proposition; referred to the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e938010] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938011] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **26.14 Monday, 07 November 1910, at 14:00 (s16043)**

[e937303] Communication from residents of Globe, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 138)

[e937305] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937307] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.15 Thursday, 10 November 1910, at 09:30 (s16069)

[e937920] Communication from residents of Copper Hill, Gila County, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937921] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937922] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.16 Monday, 14 November 1910, at 09:30 (s16092)

[e938275] Communication from Courtland, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938277] Communication from Gleason, Arizona, read and referred to Committee on Labor.

(The Minutes of the Arizona Constitutional Convention, Page 168)

[e938278] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938282] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.17 Thursday, 17 November 1910, at 14:00 (s16124)

[e939357] Mr. Bolan, Chairman of Committee on Labor made the following report:

Phoenix, Arizona, November 17, 1910.

Mr. President:

Your Committee on Labor begs leave to report it has examined Proposition Number 48 and respectfully recommends that it do pass.

That it has examined Proposition No. 134 and respectfully recommends that it do pass.

That it has examined Proposition No. 147 and respectfully recommends that it do pass as amended.

That it has examined Proposition No. 76 and respectfully recommends that it do pass.

That it has examined Proposition No. 141 and respectfully recommends that it do pass.

That it has examined Proposition No. 9 and respectfully recommends that it do pass.

That it has examined Proposition No. 72 and respectfully recommends that it do pass.

JOHN BOLAN,

Chairman.

We concur: John Bolan, Wm. Morgan, John Langdon, S. B. Bradner, Thos. Feeney.

(The Minutes of the Arizona Constitutional Convention, Pages 201-202)

[e939359] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939361] [Editor's Note: Proposition Number 48 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939362] [Editor's Note: Proposition Number 134 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939371] [Editor's Note: Though the Minutes notes the Committee reporting on Proposition Number 147, this is a mistake, as Proposition Number 147 related to taxation and was not referred to the Committee on Labor. More likely is that the Committee on Labor reported on Proposition Number 137, which related to Black Lists and came up for discussion in the Committee of the Whole at the same time as the other propositions in this report.]

(Editorial)

[e939364] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939365*] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939366*] [Editor's Note: Proposition Number 9 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939367*] [Editor's Note: Proposition Number 72 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e939372*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e939373*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.18 Saturday, 19 November 1910, at 09:30 (s16193)

[*e942470*] Mr. Cunniff: I move that those propositions be referred back to the Committee on Labor.

Mr. Feeney: I second that motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[*e942471*] Mr. Cunniff: I move that those propositions be referred back to the Committee on Labor.

Mr. Feeney: I second that motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 461)

[*e942541*] Mr. Cunniff: I move this proposition be recommitted to the Committee on Labor.

Mr. Bolan: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942542] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942543] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.19 Wednesday, 23 November 1910, at 13:30 (s16187)

[e942102] Secretary (reading): "Phoenix, Arizona, November 23, 1910. Mr. President: Your Committee on Labor begs to leave to report that it has examined Proposition Number 110 and respectfully recommends that it do not pass as the subject matter contained in said Proposition is not necessary. That it has examined Proposition Number 141 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition Number 141, and your committee further recommends that Substitute Proposition Number 141 do pass. That it has examined Proposition Number 86 and respectfully recommends that it do not pass. That it has examined Proposition Number 136 and respectfully recommends that it do not pass, as the matter is entirely covered by Proposition Number 48 as adopted by the Convention. That it has examined Proposition Number 12 and respectfully recommends that it do not pass as the subject matter in [the] Proposition is already covered by matter in [the] Constitution. That it has examined Proposition Number 76 and respectfully recommends that it do not pass as the subject matter is partly covered in Substitute Proposition Number 76 be adopted. That it has examined Proposition Number 137 and respectfully recommends that it do not pass as the subject matter is contained in Substitute Proposition Number 137 do pass. John Bolan, Chairman. We concur: S.B. Bradner, Thomas Feeney, John Langdon, William Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942104] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e942106] [Editor's Note: Proposition Number 110 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942107] [Editor's Note: Proposition Number 86 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942110*] [Editor's Note: Proposition Number 136 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942112*] [Editor's Note: Proposition Number 12 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942115*] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942119*] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942816*] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942123*] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942128*] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942817*] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942135*] [Editor's Note: The text of Substitute Proposition Number 137 as proposed by the Committee on Labor is missing. The document text for this event has been recreated using the text as it appears in the final 1912 Constitution and by undoing any known amendments.]

(Editorial)

[*e942137*] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e942818*] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942140] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942141] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 26.20 Friday, 25 November 1910, at 09:30 (s16212)

[e943255] Mr. Roberts: I move that Proposition Number 76 be referred to the Committee on Labor, copies typewritten and place upon the desks.

Mr. Feeney: I second that motion.

The motion prevailed.

[Editor's Note: There is a discrepancy in the source material on whether the original Proposition Number 76 or Substitute Proposition Number 76 was re-committed. The report document says it was the substitute, whereas Roberts' motion as recorded in the Records and the Minutes says it was the original.]

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943257] Mr. Roberts: I move that Proposition Number 76 be referred to the Committee on Labor, copies typewritten and place upon the desks.

Mr. Feeney: I second that motion.

The motion prevailed.

[Editor's Note: There is a discrepancy in the source material on whether the original Proposition Number 76 or Substitute Proposition Number 76 was re-committed. The report document says it was the substitute, whereas Roberts' motion as recorded in the Records and the Minutes says it was the original.]

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943258] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943259] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**26.21 Friday, 25 November 1910, at 19:30 (s16208)**

[e943091] Secretary (reading): Mr. President, your Committee on Labor begs leave to report it has had under consideration Proposition Number 76, and respectfully reports that same has been typewritten as ordered by this convention. Your committee recommends that the following paragraph be added: "Suitable legislation shall be added to carry the same into effect." John Bolan, Chairman. We concur: Except to Sections 1 and 3. Thos. Feeney, S.B. Bradner.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e943099] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943262] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Report.

(Editorial)

[e943265] [Editor's Note: Proposition Number 76 was referred back to the Convention alongside the Report.

(Editorial)

[e943111] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943113] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 27

# Committee on Schedule, Mode of Amending and Miscellaneous

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A standing committee for constitution making.

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### 27.1 Thursday, 13 October 1910, at 10:00 (s15809)

[e933809] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933810] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933812] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933813] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933815] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933816] The President announced the following standing committees:

[...]

18. Schedule, Mode of Amending and Miscellaneous. (5) Chairman Colter, Connelly, Tuthill, Kingan, Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933817] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933819] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 27.2 Thursday, 20 October 1910, at 09:00 (s15883)

[e935055] Secretary (reading): Proposition Number 8, introduced by Mr. Cunniff, Relative to validating existing territorial Laws.

Mr. President: Second reading of the proposition. It will be referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 59)

[e935057] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935058] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 27.3 Saturday, 22 October 1910, at 09:00 (s15931)

[e935637] Secretary (reading): Proposition 23.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935643] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935647] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 27.4 Tuesday, 25 October 1910, at 09:00 (s15916)

[e935519] Secretary (reading): Proposition Number 54, introduced by Mr. Colter of Apache County. Relative to mode of amending.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending, and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 79)

[e935522] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935524] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 27.5 Tuesday, 25 October 1910, at 14:00 (s15901)

[e935346] Secretary (reading): Proposition Number 60, introduced by Mr. Webb of Graham County.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 84)

[e935347] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935349] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **27.6 Tuesday, 01 November 1910, at 09:00 (s16084)**

[e938221] Without objection Proposition Number 14 was referred to Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e938223] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938224] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **27.7 Wednesday, 02 November 1910, at 14:00 (s16012)**

[e936780] Secretary (reading): Proposition Number 132, introduced by Mr. Moore of Yavapai County. Relative to public health.

Mr. President: Second reading of the proposition; referred to the Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Pages 157-159)

[e936781] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936782] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 27.8 Thursday, 03 November 1910, at 14:00 (s16023)

[e936993] Secretary (reading): Proposition 145, introduced by Mr. Jones of Yavapai County. Relative to marriages between the races.

Mr. President: Second reading of the proposition; referred to Committee on Schedule, Mode of Amending and Miscellaneous.

(The Records of the Arizona Constitutional Convention of 1910, Page 172)

[e936995] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936996] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 27.9 Tuesday, 22 November 1910, at 19:30 (s16159)

[e940304] Mr. Colter Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report.

Phoenix, Arizona, November 22, 1910.

Mr. President: Your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition No. 23 and respectfully recommends that said Proposition be indefinitely postponed as it is provided for in the ordinance.

That it has examined Proposition No. 14 and recommends that said Proposition be indefinitely postponed.

That it has examined Proposition No. 145 and respectfully recommends that it do pass.

FRED T. COLTER,  
Chairman.

We concur: A.M. Tuthill, S.L. Kingan, P.F. Connelly, C.C. Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 254-255)

[e940306] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940308] [Editor's Note: Proposition Number 23 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940312] [Editor's Note: Proposition Number 14 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940314] [Editor's Note: Proposition Number 145 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940320] Mr. Colter, Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report:

Phoenix, Arizona, November 22, 1910.

Mr. President: A minority of your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition No. 60 and respectfully recommend that Proposition No. 60 be substituted as herein submitted and respectfully recommend that Proposition No. 60 do pass.

"The legislature shall never pass any law discriminating against any school of medicine or other methods of healing."

FRED T. COLTER,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940321] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940323] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940324] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940326] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940329] Mr. Colter, Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report:

[...]

Phoenix, Arizona, November 22, 1910.

Mr. President:

We, a majority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report we have examined Proposition No. 132 and respectfully recommend that Substitute Proposition herewith submitted for Proposition No. 132 be substituted and that Substitute Proposition No. 132 do pass.

FRED T. COLTER,  
Chairman.

We concur: A.M. Tuthill, P.F. Connelly

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940332] [Substitute Proposition Number 132]

There shall be a State Sanitary Engineer, who shall be appointed by the Governor. He shall have such powers and duties as the Legislature may prescribe and shall be highly qualified in sanitation.

(The Minutes of the Arizona Constitutional Convention, Page 255)

[e940335] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940337] [Editor's Note: Substitute Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940338] [Editor's Note: Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940340] Mr. Colter, Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report:

[...]

Phoenix, Arizona, November 22, 1910.

Mr. President: We, a minority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report we have examined Proposition No. 132 and respectfully recommend that said Substitute Proposition No. 132 be indefinitely postponed for the reason that I am opposed to the creation of any more state officers.

S.L. KINGAN.

(The Minutes of the Arizona Constitutional Convention, Pages 255-256)

[e940341] [Editor's Note: The Minority Report on Proposition Number 132 was referred to the Convention.]

(Editorial)

[e940360] Mr. Colter, Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report:

[...]

Phoenix, Arizona, November 22, 1910.

Mr. President:

A majority of your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition No. 54, and respectfully recommends that Proposition do pass as amended.

FRED T. COLTER,  
Chairman.

I concur: A.M. Tuthill.

I concur except as to percentage in section 1 and 3. I believe that a majority of the Legislature should be sufficient and that ten per cent initiative petition is sufficient.

P.F. CONNELLY.

(The Minutes of the Arizona Constitutional Convention, Pages 255-256)

[e940363] Mr. Colter, Chairman of the Committee on Schedule, Mode of Amending and Miscellaneous made the following report:

[...]

A minority of your Committee on Schedule, Mode of Amending and Miscellaneous beg leave to report it has examined Proposition No. 54, and respectfully recommend that the minority report herewith submitted be substitute therefor and that such minority report to pass.

S.L. KINGAN,  
C.C. JACOME.

(The Minutes of the Arizona Constitutional Convention, Page 255-256)

[e940366] [Editor's Note: Substitute Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940367] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940368] [Editor's Note: Substitute Proposition Number 54 was referred to the Convention.]

(Editorial)

[e940371] [Editor's Note: The Minority Report from the Committee on Schedule on Proposition Number 54 was referred to the Convention.]

(Editorial)

[e940373] [Editor's Note: Proposition Number 54 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940374] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940378] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 27.10 Monday, 28 November 1910, at 13:30 (s16264)

[e945090] Mr. Colter: Mr. President, the Committee on Miscellaneous is ready to report.

Mr. President: Bring in your report. Read the report.

Secretary (reading): Report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 8, recommending that the proposition submitted be substituted therefor and that the substitute do pass.

(Editorial, Page 751)

[e945098] [Editor's Note: Substitute Proposition Number 8 was referred to the Convention.]

(Editorial)

[e945099] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945100] [Editor's Note: Substitution Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945102] [Editor's Note: Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945103] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945104] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 28

# Committee on Ordinance

---

A standing committee for constitution making.

---

### 28.1 Thursday, 13 October 1910, at 10:00 (s15810)

[e933823] The President announced the following standing committees:

[...]

19. Ordinance. (3) Chairman Goldwater, Crutchfield, Hutchinson.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933824] The President announced the following standing committees:

[...]

19. Ordinance. (3) Chairman Goldwater, Crutchfield, Hutchinson.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933826] The President announced the following standing committees:

[...]

19. Ordinance. (3) Chairman Goldwater, Crutchfield, Hutchinson.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933827] The President announced the following standing committees:

[...]

19. Ordinance. (3) Chairman Goldwater, Crutchfield, Hutchinson.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933830] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933832] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.2 Saturday, 15 October 1910, at 14:00 (s15819)

[e933925] Mr. Ellinwood: Mr. President, I move that the resolution be referred to the committee on ordinance.

Mr. Sims: I second that motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 41)

[e933927] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933928] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.3 Friday, 21 October 1910, at 14:00 (s15855)

[e934660] Secretary (reading): Proposition Number 19 introduced by Mr. Parsons of Cochise County, Relative to federal relations.

Mr. President: Second reading of the propositions; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 68)

[e934661] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934662] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**28.4 Thursday, 27 October 1910, at 14:00 (s15934)**

[e935657] Secretary (reading): "Phoenix, Arizona, October 27, 1910. Mr. President: Your Committee on Ordinance begs leave to report that it has examined Proposition Number 19, and respectfully returns same without any recommendation. Morris Goldwater, Chairman; I concur: C. C. Hutchinson."

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935658] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935661] [Editor's Note: Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935649] Secretary (reading): "Phoenix, Arizona, October 27, 1910. Mr. President: Your Committee on Ordinance begs leave to report the following Proposition Number 119, entitled Ordinance, and recommends that same be adopted. Morris Goldwater, Chairman, I concur: C. C. Hutchinson."

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935652] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935644] Mr. President: This is an amended Proposition Number 119 introduced by the ordinance committee, Morris Goldwater of Yavapai County, Chairman.

Secretary (reading): Proposition Number 119 introduced by the ordinance committee, relative to ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 96)

[e935646] [Editor's Note: Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e935662] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935664] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.5 Saturday, 29 October 1910, at 14:00 (s15985)

[e936535] Secretary (reading): Proposition Number 112, introduced by Mr. Scott of Navajo County. Relative to ordinance.

Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 121)

[e936536] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936538] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.6 Tuesday, 01 November 1910, at 09:00 (s16085)

[e938229] Mr. President: If there is no objection, the proposition will be so referred.

Without objection Proposition Number 3 was referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 138)

[e938226] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938228] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.7 Wednesday, 02 November 1910, at 14:00 (s16004)

[e936720] Secretary (reading): Proposition Number 121, introduced by Mr. White of Pima County. Relative to ordinance.

Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 156)

[e936728] Secretary (reading): Proposition Number 124, introduced by Mr. White of Pima County. Relative to ordinance.

Mr. President: Second reading of the proposition; referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 157)

[e936729] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936730] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 28.8 Wednesday, 16 November 1910, at 09:30 (s16126)

[e939495] Mr. Goldwater, Chairman of Committee on Ordinance, made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Ordinance begs leave to report it has considered Propositions Nos. 112, 3, 121, 124, and as the substance of the same is incorporated in Proposition No. 119 it recommends indefinite postponement of Propositions Nos. 112, 3, 121, 124. Your Committee also returns Proposition No. 119 and has attached thereto several amendments and recommends that the amendments be adopted and that as amended the proposition be ordered engrossed and have a third reading.

MORRIS GOLDWATER,

Chairman.

We concur: C.C. Hutchinson, Jas. E. Crutchfield.

(The Minutes of the Arizona Constitutional Convention, Page 193)

[e939498] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939499] [Editor's Note: Proposition Number 112 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939500*] [Editor's Note: Proposition Number 3 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939501*] [Editor's Note: Proposition Number 121 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939503*] [Editor's Note: Proposition Number 124 was referred to the Convention alongside the committee's report.]

(Editorial)

[*e939652*] Mr. Goldwater, Chairman of the Committee on Ordinance made the following report:

Phoenix, Arizona, November 16, 1910.

Mr. President:

Your Committee on Ordinance begs leave to report the following Proposition Number 119 entitled Ordinance and recommends that the same be adopted.

MORRIS GOLDWATER,

Chairman.

I concur: C.C. Hutchinson.

[Editor's Note: It is unclear why the Committee on Ordinance created this report on Proposition Number 119, as the Committee had referred the proposition along with a report to the Convention on October 31, and both documents were placed on the Committee of the Whole calendar for November 17. The documents are not referred back to the Committee on Ordinance or to any other committee in the meantime. Nevertheless, the Committee seems to have prepared a report that was effectively the same as the first report.]

(The Minutes of the Arizona Constitutional Convention)

[*e939653*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939654*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e939655*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **28.9 Wednesday, 07 December 1910, at 14:00 (s16314)**

*[e947323]* [Editor's Note: Resolution Number 1 was referred to the Convention.]

(Editorial)

*[e947329]* [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

*[e947332]* [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 29

# Committee on Matters for Separate Submission

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A standing committee for constitution making.

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### 29.1 Thursday, 13 October 1910, at 10:00 (s15811)

[e933836] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933837] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933838] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933842] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933843] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933845] The President announced the following standing committees:

[...]

20. Matters for Separate Submission. (5) Chairman Wills, Franklin, Webb, Tovrea, Keegan.

(The Minutes of the Arizona Constitutional Convention, Pages 22-23)

[e933846] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933847] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 29.2 Tuesday, 18 October 1910, at 09:00 (s15827)

[e934157] Telegram from Wm. Burke read and referred to the Committee on Separate Submission.

(The Minutes of the Arizona Constitutional Convention, Page 49)

[e934158] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934159] [That the Committee rise.]

(Editorial)

## 29.3 Saturday, 22 October 1910, at 09:00 (s15941)

[e935695] Secretary (reading): Proposition 27.

Mr. President: Second reading of the proposition; referred to the Committee on Matters for Separate Submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 70)

[e935698] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935700] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 29.4 Monday, 24 October 1910, at 09:00 (s15862)

[e934786] Secretary (reading): Proposition Number 26, introduced by Mr. Franklin of Maricopa County.

Mr. President: Second reading of the proposition; referred to the Committee on matters for separate submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 73)

[e934788] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934789] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 29.5 Saturday, 29 October 1910, at 14:00 (s15948)

[e935769] Communication from Alexander Barker of Mammoth, Arizona, referred to Committee on Matters for Separate Submission.

(The Minutes of the Arizona Constitutional Convention, Page 89)

[e935770] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935772] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 29.6 Wednesday, 16 November 1910, at 14:00 (s16119)

[e939306] Mr. President: If there are no objections we will refer back to the reports of standing committees.

Secretary (reading): "Phoenix, Arizona, November 16, 1910. Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition Number 27, and respectfully recommends that said Proposition Number 27, relating to suffrage be not adopted. Thomas N. Wills, Chairman. We concur: J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939309] Secretary (reading): [...]

"Phoenix, Arizona, November 16, 1910. Mr. President: We a minority of your committee on matters for separate submission beg leave to report we have examined Proposition Number 27, and respectfully recommend that said Proposition Number 27, relating to suffrage be adopted. W.T. Webb, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939311] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939312] [Editor's Note: Proposition Number 27 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939315] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e939316] Secretary (reading): "Phoenix, Arizona, November 16, 1910. Mr. President: Your committee on matters for separate submission begs leave to report that it has examined Proposition 26 and respectfully recommends that said Proposition Number 26, relating to state wide prohibition be not adopted. Thomas N. Wills, Chairman. We concur: J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939320] "Phoenix, Arizona, November 16, 1910. Mr. President: We a minority of your committee on matters for separate submission begs leave to report we have examined Proposition Number 26 and respectfully recommend that Proposition Number 26, relative to state wide prohibition be adopted. W.T. Webb, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 409)

[e939321] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939323] [Editor's Note: Proposition Number 26 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939324] [Editor's Note: The minority report was referred to the Convention.]

(Editorial)

[e939327] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939328] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 30

# Committee on Style, Revision and Compilation

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A standing committee for constitution making.

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### 30.1 Thursday, 13 October 1910, at 10:00 (s15812)

[e933853] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933854] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933855] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933858] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933859] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933860] The President announced the following standing committees:

[...]

21. Style, Revision and Compilation. (5) Chairman Cunniff, Ingraham, Cassidy, Lynch, Weinberger.

(The Minutes of the Arizona Constitutional Convention, Pages 22-24)

[e933861] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e933862] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.2 Tuesday, 25 October 1910, at 14:00 (s15891)

[e935175] Proposition No. 5, referred to Committee on Style, Revision and Compilation.

[Editor's Note: There is some confusion in the sources surrounding which proposition relating to the preamble is amended in the Convention and copied into the Committee on Style, Revision and Compilation in this session. The Records state that it is Proposition Number 1 which is referred, however the Minutes record that it is Proposition Number 5. In the morning session of the Convention on 26 October Winsor remarks: 'In the report of the committee of the whole there is a technical error, which might be very confusing. The report states that the committee recommends that Proposition Number 5 be substituted for Number 1. The committee recommends that Proposition Number 5 be adopted and Proposition Number 1 be indefinitely postponed.' (Records, Page 85). For clarity, the editors have chosen to follow the Records' account of the Convention's actions on the afternoon of 25 October, and then model Winsor's corrected version of events in the session on the morning of 26 October. However, the Records do not record the adoption of Baker's motion to refer the proposition in question to the Committee on Style, Revision and Compilation, so the description text of this event is drawn from the Minutes, and thus refers to Proposition Number 5.]

(The Minutes of the Arizona Constitutional Convention, Page 76)

[e935183] [Editor's Note: The Convention realized on October 26 that the procedure followed to replace Proposition Number 1 was potentially confusing and decided instead to adopt Proposition Number 5 rather than amend Proposition Number 1 to include the text of Proposition Number 1.]

(Editorial)

[e935185] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935187] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.3 Wednesday, 26 October 1910, at 09:00 (s15888)

[e935124] Mr. Cunniff: Committee on Style, Revision and Compilation has a report to make.

(The Records of the Arizona Constitutional Convention of 1910, Page 85)

[e935133] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e935138] [Editor's Note: This section of the Records is modelled in the Convention.]

(Editorial)

[e935547] Mr President: It will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 86)

[e935551] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935552] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.4 Thursday, 27 October 1910, at 09:00 (s15955)

[e935862] Communication from B.J. Tiernann, New York, New York, read and referred to the Committee on Style, Revision, and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 93)

[e935863] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e935865] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.5 Saturday, 29 October 1910, at 14:00 (s15970)

[e936082] Mr. Webb: I move that the report of the committee as to Proposition Number 21 be adopted, that the proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936531] Mr. Webb: I move that the report of the committee of the whole on Proposition Number 70 be adopted, that said proposition be engrossed, and have a third reading.

Mr. Winsor: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 120)

[e936532] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e936533] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.6 Tuesday, 01 November 1910, at 14:00 (s15968)

[e936038] Reports of standing committees.

Mr. Cunniff: Mr. President, the Committee on Style, Revision and Compilation has a report to submit.

Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 21 and respectfully recommends that, in view of the fact that it cannot determine whether the intention of the Proposition is to provide for direct primary, nominations of candidates to United States Senatorship or a direct advisory vote of the electors for United States Senators, the Proposition be re-referred to the Committee on Suffrage and Election with instructions that said Committee report as to the meaning of the Proposition. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 144)

[e936044] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936087] [Editor's Note: Proposition Number 21 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936084] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 70 as amended and respectfully recommends that it amended to read as follows, and that it be adopted as so amended:

The legislature, at its first session, shall enact a law providing for general publicity before and after election of all campaign contributions to, and expenditures of campaign committees and candidates for public office. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 144-145)

[e936109] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936564] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936141] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to respectfully recommend that the phrases, 'legislative assembly,' 'general assembly,' and 'legislature' used in various Propositions, 'legislature' be adopted as the one to use in the constitution and that mandates to the legislature be phrased the 'The legislature, at its first session shall' in preference to other forms. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[e936143] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937130] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e937132] Mr. President: The proposition has been adopted and will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 151)

[e937134] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937135] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.7 Thursday, 03 November 1910, at 14:00 (s16026)

[e937072] Secretary (reading): Proposition Number 68.

Mr. President: Third reading of the proposition; those in favor of the passage of the proposition will answer "aye;" those opposed "no." The secretary will call the roll.

Roll call showed 33 "ayes," 12 "nays."

Mr. President: Passed. Goes to Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 173)

[e937074] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937075] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.8 Monday, 07 November 1910, at 09:30 (s16044)

[e937313] Secretary: There is a report of the Committee on Style, Revision, and Compilation. (Reading): "Phoenix, Arizona, November 7, 1910. Mr. President: Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 68 and respectfully recommends its adoption without change. M.G. Cunniff, Chairman." Proposition Number 68, introduced by Mr. Lynch of Graham County. Relative to criminal prosecutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 227)

[e937314] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937318] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937319] [Editor's Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e938013] [Editor's Note: Proposition Number 68 was referred to the Committee on Style, Revision and Compilation to be compiled into the final Constitution.]

(Editorial)

[e938015] [Editor's Note: Substitute Proposition Number 4 was referred to the Committee on Style, Revision and Compilation to be compiled into the final Constitution.]

(Editorial)

[e938016] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938017] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.9 Wednesday, 09 November 1910, at 09:30 (s16059)**

[e938225] Mr. President: The proposition is passed and will be referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 254)

[e937694] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e937695] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.10 Thursday, 10 November 1910, at 09:30 (s16081)**

[e938203] Mr. President: The motion is carried. Shall it be engrossed and have a third reading? Those in favor answer "aye;" those opposed "no." The "ayes" have it, and it comes up for a third reading.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

[e938206] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e938207] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.11 Saturday, 12 November 1910, at 09:30 (s16116)**

[e939136] Mr. Cunniff: I move that the proposition as amended be engrossed and have a third reading.

Mr. Jones (Yavapai): I second the motion.

Mr. President: Are there any objections? Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e939140] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939142] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.12 Tuesday, 15 November 1910, at 14:00 (s16133)

[e939647] Mr. President: Shall it be engrossed and have a third reading?

[...]

Mr. President: If there is no objection, that will be considered as passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939648] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939649] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.13 Tuesday, 15 November 1910, at 19:30 (s16121)

[e939322] Mr. Jones (Maricopa): "Mr. President, your committee of the whole begs leave to report it has examined Substitute Proposition Number 33, and recommends that it be adopted as amended, with the exception of section 7, which is to be referred to the committee on legislative department."

Mr. Cunniff: I move the adoption of the report.

Mr. Jones (Maricopa): I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939325] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939326] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.14 Wednesday, 16 November 1910, at 09:30 (s16134)**

[e939674] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939675] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e939676] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.15 Thursday, 17 November 1910, at 14:00 (s16148)**

[e940114] Mr. President: If there is no objection to the report of the committee of the whole on Proposition Number 119 recommending that it be adopted will be accepted.

Those in favor signify by saying "aye;" opposed "no." The "ayes" have it. Shall it be engrossed and have a third reading? All those in favor will signify by saying "aye;" those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940117] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940118] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.16 Friday, 18 November 1910, at 14:00 (s16167)

[e940849] Secretary (reading): “Phoenix, Arizona, November 18, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 2 and respectfully recommends that it be amended as follows: strike out the words “all of that portion of the territory of Arizona included within the following limits” and that it be adopted as so amended and as punctuated in the appended revised copy. M.G. Cunniff, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Page 438)

[e940859] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e940863] [Editor’s Note: Proposition Number 2 as amended by the Committee on Style was referred to the Convention alongside the committee’s report.]

(Editorial)

[e942387] [Editor’s Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e941061] Mr. Cunniff: I move that it be re-referred to the committee on style, revision and compilation for verification and correction of this matter.

Mr. President: If there is no objection, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e942391] [Editor’s Note: The Committee on Style presented its suggested amendment to the Convention. The Convention agreed to the amendment, but then Baker raised a query over the use of the term “territory” versus “state.” As a result, the proposition is re-referred to the Committee on Style for correction and clarification of this matter.]

(Editorial)

[e942392] [Editor’s Note: The Committee on Style presented its suggested amendment to the Convention. The Convention agreed to the amendment, but then Baker raised a query over the use of the term “territory” versus “state.” As a result, the proposition is re-referred to the Committee on Style for correction and clarification of this matter.]

(Editorial)

[e942393] Mr. Parsons: Number 9 was amended by adding after “hours” in line 2 the word “and no more,” and striking out the word “work” after the word “hours,” and as amended recommends that it pass.

Mr. President: Those in favor will answer “aye;” those opposed “no.” The “ayes” have it. Shall it be engrossed and have a third reading? Those in favor will answer “aye;” opposed “nay.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 459)

[e942394] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942395] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.17 Saturday, 19 November 1910, at 09:30 (s16194)**

[e942527] Mr. President: Gentlemen, the motion is carried. The question now comes: shall it be engrossed and have a third reading? Those in favor of it being engrossed and having a third reading will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942528] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942529] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.18 Saturday, 19 November 1910, at 14:00 (s16199)**

[e942782] Mr. President: Shall Proposition Number 106 be engrossed and have a third reading? Those in favor answer "aye;" opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942783] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942784] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.19 Monday, 21 November 1910, at 14:00 (s16219)

[e943511] Mr. President: [...] Those in favor of passing Substitute Proposition Number 61 as amended answer “aye;” those opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943526] Mr. President: [...] Shall Substitute Proposition Number 64 be engrossed and have a third reading? All in favor? Opposed? The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943546] Mr. President: [...] Shall Substitute Number 43 as amended be engrossed and have a third reading? Those in favor say “aye;” opposed “no.” The “ayes” have it.

[Editor’s Note: No Substitute Proposition Number 43 is mentioned in the Records or Minutes, so the editors have inferred that Hunt misspoke and meant to refer to Proposition Number 43.]

(Editorial)

[e945318] Mr. President: [...] Shall Number 93 be engrossed and have a third reading? Those in favor say “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943555] Mr. President: [...] Shall Number 40 as amended be engrossed and have a third reading? All in favor say “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

[e943564] Mr. President: [...] Shall Substitute Number 52 as amended be engrossed and have a third reading? All in favor say “aye” opposed “no.” The “ayes” have it. That takes up all our business from the committee of the whole. Every committee should bring in their reports so we will have something to work on.

(The Records of the Arizona Constitutional Convention of 1910, Pages 520-521)

[e943568] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943569] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.20 Tuesday, 22 November 1910, at 09:30 (s16164)

[e940439] Mr. Cunniff, Chairman of Committee of Style, Revision and Compilation made the following report:

Phoenix, Arizona, November 22, 1910.

Mr. President:

Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 2 and respectfully recommends that it be adopted as amended in the appended engrossed copy, the phrase “state of Lower California” having been changed to “territory of lower California” on assurance from the Mexican consul in Phoenix that lower California is a territory of Mexico and not a state.

M. G. CUNNIFF,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 243)

[e940441] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e941478] [Editor’s Note: Proposition Number 2 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e940455] Mr. Cunniff, Chairman of Committee on Style, Revision, and Compilation made the following report:

Secretary (reading): Phoenix, Arizona, November 22, 1910. Mr. President: Your Committee on Style, Revision, and Compilation begs leave to report it has examined Proposition Number 139 and respectfully recommends that Proposition Number 139 shall be amended as follows: Strike out the word ‘child.’ Add after the word ‘eighteen’ the word ‘years.’ Strike out the word ‘a’ between the word ‘of’ and ‘crime.’ Reverse the position of the phrases ‘are confined’ and ‘adult prisoners.’ Insert the words ‘such’ before the word ‘minor’ in the last line and add ‘s’ to the word ‘minor’ in the last line. Strike out the word ‘offenders’ and the Committee further recommends that Proposition Number 139 so amended to read as follows be adopted. M.G. Cunniff, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 522-523)

[e940457] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e940460] [Editor’s Note: Proposition Number 139 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e940461] [Editor's Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e941498] Proposition No. 2 referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 244)

[e940547] Secretary (reading): Proposition Number 139.

Mr. President: Third reading of the proposition. Those in favor of final passage will answer "aye" as their names are called; those opposed "no."

Roll call showed 27 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940548] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e940550] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.21 Tuesday, 22 November 1910, at 13:30 (s16204)

[e943515] Mr. President: [...] That Proposition Number 15 do pass as amended. Those in favor signify by saying "aye;" opposed "no." The "ayes" have it. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943520] Mr. President: [...] That Proposition Number 125 do pass as amended. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943522] Mr. President: [...] Proposition Number 88. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943068] Mr. President: [...] Proposition Number 47. Shall it be engrossed and have a third reading? Those in favor will answer “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943169] Mr. President: [...] That Proposition Number 108 do pass as amended. Shall it be engrossed and have a third reading? Those in favor signify by saying “aye;” opposed “no.” The “ayes” have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943247] Mr. President: [...] Proposition Number 72. Shall it be engrossed and have a third reading? Those in favor will answer “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943525] Mr. President: [...] That Proposition Number 91 follow the same course. Those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943528] Mr. President: [...] Proposition Number 50 do pass as amended. Those in favour will answer “aye;” those opposed “no.” The “ayes” have it. Shall it be engrossed and have a Third Reading? Those in favor will answer “aye;” opposed “no.” The “ayes” have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 555)

[e943529] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943530] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.22 Tuesday, 22 November 1910, at 19:30 (s16174)

[e941564] Mr. President: Shall it be engrossed and have a third reading? Those in favor answer “aye;” opposed “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941567] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e941568] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.23 Wednesday, 23 November 1910, at 13:30 (s16184)**

[e942037] Mr. Crutchfield: Mr. President, I move that Substitute Proposition Number 6 do pass as amended.

Mr. Cunniff: I second that motion.

The motion prevailed.

Mr. President: Shall it be engrossed and have a third reading?

Mr. Parsons: I move that it be engrossed and have a third reading, and be referred to the committee on style, revision and compilation.

Mr. Roberts: I second that motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e942080] Mr. President: Shall it be engrossed and have a third reading?

Mr. Webb: Mr. President, I move that Substitute Proposition Number 22 be engrossed and have a third reading, and [be] referred to the committee on style, revision and compilation.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 607)

[e942081] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e942082] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.24 Wednesday, 23 November 1910, at 19:30 (s16205)**

[e943071] Recommendation on Substitute Proposition No. 113 adopted; proposition ordered engrossed and have a third reading and referred to the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 277)

[e943074] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943076] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.25 Thursday, 24 November 1910, at 09:30 (s16240)

[e944432] Mr. President: [...] The question comes up on the substitute for Proposition Number 107, that it do pass as amended. Those in favor of that motion will answer "aye;" opposed "no." Shall it be engrossed and have a third reading? Those in favor answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 632-633)

[e944436] Mr. President: [...] That [section 7 of] Proposition Number 33 do pass. Shall it be engrossed and have a third reading? Those in favor answer "aye;" opposed "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944438] Mr. President: [...] That Substitute Proposition Number 140 do pass. Shall it be engrossed and have a third reading? Those in favor will answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944442] Mr. President: [...] That Substitute Proposition Number 103 do pass as amended. Those in favor of adopting this report will answer "aye;" opposed "no." Shall it be engrossed and have a third reading? Those in favor will answer "aye" as their names are called; those opposed will "no." The secretary will call the roll on the engrossing.

Roll call showed 27 "ayes" and 15 "nays."

Mr. President: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 633)

[e944446] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944449] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.26 Friday, 25 November 1910, at 09:30 (s16211)

[e943204] Proposition No. 145 ordered engrossed and to have a third reading and referred to the Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 288)

[e943209] Mr. President: Shall it be engrossed and have a third reading?

Mr. Webb: I move that Substitute Proposition Number 137 be engrossed, have a third reading and be referred to the Committee on Style, Revision and Compilation.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943221] Mr. President: Shall it be engrossed and have a third reading?

Mr. Weinberger: I move that Substitute Proposition Number 141 be engrossed, have a third reading and referred to the Committee on Style, Revision and Compilation.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 649)

[e943222] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943224] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.27 Friday, 25 November 1910, at 13:30 (s16206)

[e943078] [Editor's Note: Proposition Number 47 was engrossed and referred back to the Convention.]

(Editorial)

[e943171] [Editor's Note: Proposition Number 108 was engrossed and referred back to the Convention.]

(Editorial)

[e943253] [Editor's Note: Proposition Number 72 was engrossed and referred back to the Convention.]

(Editorial)

[e944485] [Editor's Note: Proposition Number 140 was engrossed and referred back to the Convention.]

(Editorial)

[e944571] [Editor's Note: Substitute Proposition Number 103 was referred back to the Convention for reconsideration.]

(Editorial)

[e943145] [Editor's Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e943151] Mr. President: The proposition is passed. It will be referred to the committee in compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 652)

[e944903] Referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 289)

[e944537] Referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 290)

[e944557] Mr. President: [...] Proposition Number 72 will be referred to the committee [on] compilation, and when it comes back you have another chance to vote on it.

(The Records of the Arizona Constitutional Convention of 1910, Page 655)

[e945246] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945247] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.28 Friday, 25 November 1910, at 19:30 (s16250)**

[e944748] Mr. President: The proposition is passed. It comes up for engrossment.

(The Records of the Arizona Constitutional Convention of 1910, Page 682)

[e944749] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944750] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.29 Saturday, 26 November 1910, at 09:30 (s16231)**

[e943959] Mr. President: [...] Shall Number 54 be engrossed and have a third reading? All in favor answer "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943960] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e943961] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.30 Saturday, 26 November 1910, at 13:30 (s16236)**

[e944236] Mr. President: [...] Shall it be engrossed and have a third reading? All in favor answer "aye;" opposed "no." Call the roll.

Roll call showed 28 "ayes" and 8 "nays."

Mr. President: The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944239] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e944240*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.31 Monday, 28 November 1910, at 09:30 (s16235)

[*e944000*] Mr. Cunniff: Mr. President, I should like to make a report for the Committee on Style, Revision and Compilation so far as we have gone. We have worked all the time including holidays and Sundays, with the exception of the time that we are in session, and you all know the time we have spent in session. However, we are prepared to report on the following: Substitute Proposition Number 4 on the initiative and referendum, the proposition on distribution of powers and the proposition on ordinance. These reports I shall now turn in to be considered in their regular order of business.

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[*e944001*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e944004*] [Editor's Note: Substitute Proposition Number 4 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[*e944011*] Phoenix, Arizona, November 28, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Committee Substitute Proposition No. 119 as amended by the Committee of the Whole, has compared the amended copy with the Enabling Act and recommends that in the appended revised and engrossed form said Proposition be adopted.

That it has examined Substitute Proposition No. 43 and respectfully recommends that with the heading "Distribution of Powers" and the words "Legislative" "Executive" and "Judicial" beginning with capitals it be adopted as in the appended engrossed copy.

M.G. CUNNIFF Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 312)

[e944017] Phoenix, Arizona, November 28, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Committee Substitute Proposition No. 119 as amended by the Committee of the Whole, has compared the amended copy with the Enabling Act and recommends that in the appended revised and engrossed form said Proposition be adopted.

That it has examined Substitute Proposition No. 43 and respectfully recommends that with the heading "Distribution of Powers" and the words "Legislative" "Executive" and "Judicial" beginning with capitals it be adopted as in the appended engrossed copy.

M.G. CUNNIFF

Chairman.

[Editor's Note: No Substitute Proposition Number 43 is mentioned in the Records or Minutes, so the editors have inferred that this excerpt actually refers to Proposition Number 43.]

(The Minutes of the Arizona Constitutional Convention, Page 312)

[e944014] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944785] [Editor's Note: Cunniff described the amendments to Proposition Number 119 in the debate on 29 November.]

(Editorial)

[e944786] [Editor's Note: The Committee's amendments were referred to the Convention.]

(Editorial)

[e944023] [Editor's Note: No Substitute Proposition Number 119 is mentioned in the Records or Minutes, so the editors have inferred that this excerpt actually refers to Proposition Number 119.

Proposition Number 119 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e944018] [Editor's Note: The Committee's amendments were referred to the Convention.]

(Editorial)

[e944021] [Editor's Note: Proposition Number 43 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944024] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944026] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.32 Monday, 28 November 1910, at 13:30 (s16247)

[e944494] Mr. President: [...] The question now comes up on the adoption of Memorial Number 1. Those in favor of adopting Memorial Number 1 will say "aye;" those opposed "nay." The "ayes" have it and it is adopted. Shall it be engrossed and have a third reading? Those in favor of engrossing and giving it a third reading say "aye;" those opposed "nay." The motion is carried and the Memorial is so ordered.

(Editorial)

[e947516] Substitute Proposition No. 60 ordered engrossed and to have a third reading and referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 318)

[e944868] Mr. President: [...] The question is now on the adoption of Substitute Proposition Number 58 as amended. Those in favor of so adopting it say "aye;" those opposed "nay." The "ayes" have it and it is so ordered. Shall it be engrossed and have a third reading? All those in favor of engrossment and third reading of Substitute Proposition Number 58 say "aye;" the "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944862] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e944864] Mr. President: [...] Gentlemen, we have some propositions for third reading and the secretary will please read them. Secretary (reading): Proposition Number 137.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944885] Secretary (reading): Proposition Number 145.

(The Records of the Arizona Constitutional Convention of 1910, Page 732)

[e944906] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e944908] [Editor's Note: Substitute Proposition is referred to the Committee on Style.]

(Editorial)

[e945074] Roll call showed 36 "ayes" and 6 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 751)

[e945075] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945076] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.33 Tuesday, 29 November 1910, at 09:30 (s16246)**

[e944498] [Editor's Note: Memorial Number 1 came up for final passage in the Convention.]

(Editorial)

[e947525] Secretary (reading): Proposition Number 60.

Mr. President: Third reading of Proposition Number 60. Those in favor of adopting Proposition Number 60 will answer "aye;" those opposed "nay," when the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944753] [Editor's Note: Substitute Proposition Number 94 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e944500] [Editor's Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e944509] Mr. President: The question comes up on the adoption of Memorial Number 1. Those who are in favor of the adoption say “aye;” those opposed “nay.” The “ayes” have it and the Memorial Number 1 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 752)

[e944779] Mr. President: [...] Those in favor of the passage of Proposition Number 94 as amended will answer “aye” as their names are called; those opposed will answer “no.” The secretary will call the roll.

Roll call showed 41 “ayes” and 7 “nays.”

Mr. President: Proposition Number 94, bill of rights, is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944798] Mr. President: [...] Third reading of the proposition. Those in favor of the proposition will answer “aye” as their names are called; opposed “no.” The secretary will call the roll on final passage.

Roll call showed 44 “ayes” and 3 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 763)

[e944799] Mr. President: [...] The question will come up on the final passage. Call the roll, Mr. Secretary.

Roll call showed 46 “ayes” and no “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 764)

[e944800] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944801] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.34 Tuesday, 29 November 1910, at 14:00 (s16261)**

[e945044] Mr. Cunniff: If there is no objection, I would like to revert to the head of “Reports of standing committees,” as the Committee on Style, Revision and Compilation wishes to report now on Substitute Proposition Number 140, and Substitute Proposition Number 82.

Secretary (reading): Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 140, and respectfully recommends that as revised and incorporated in Substitute Number

82 it be adopted. Your committee further begs leave to report it has examined Substitute Proposition Number 82, being the judiciary proposition, and respectfully recommends that the appended amendments be made thereto, and that the said proposition as amended and revised in the appended engrossed copy be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
772-773)

[e945045] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945046] [Editor's Note: Substitute Proposition Number 140 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945043] Mr. Cunniff: If there is no objection, I would like to revert to the head of "Reports of standing committees," as the Committee on Style, Revision and Compilation wishes to report now on Substitute Proposition Number 140, and Substitute Proposition Number 82.

Secretary (reading): Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 140, and respectfully recommends that as revised and incorporated in Substitute Number 82 it be adopted. Your committee further begs leave to report it has examined Substitute Proposition Number 82, being the judiciary proposition, and respectfully recommends that the appended amendments be made thereto, and that the said proposition as amended and revised in the appended engrossed copy be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
772-773)

[e945047] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945048] [Editor's Note: Substitute Proposition Number 140 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945049] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[*e945050*] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.35 Wednesday, 30 November 1910, at 14:00 (s16262)**

[*e945063*] Mr. Cunniff Chairman of the Committee on Style, Revision and Compilation made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Paragraph No. 7, of Substitute Proposition No. 33 and respectfully recommends that it be adopted as revised and amended and incorporated in the Accompanying revised and amended drafts of Substitute Proposition No. 33.

M.G. CUNNIFF, Chairman

(The Minutes of the Arizona Constitutional Convention, Page 795)

[*e946297*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e946305*] [Editor's Note: Substitute Section 7 of Substitute Proposition Number 33 was engrossed and referred back to the Convention alongside the Committee's report. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[*e945061*] Mr. Cunniff, Chairman of the Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition No. 33 and respectfully recommends that the amendment appended be adopted, that in the appended engrossed copy the said Proposition be adopted as amended and revised.

M.G. CUNNIFF, Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 336)

[e946298] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946308] [Editor's Note: Substitute Proposition Number 33 was engrossed and referred back to the Convention alongside the Committee's report. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946250] Mr. Cunniff, Chairman of the Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition No. 6 and respectfully recommend that the appended amendment thereto be adopted and that said Proposition as amended and revised in the appended engrossed draft be adopted.

M.G. CUNNIFF,  
Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 338)

[e946251] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946252] [Editor's Note: Substitute Proposition Number 6 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945757] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e946524] Substitute Proposition referred to Committee on Style, Revision and Compilation.

(The Minutes of the Arizona Constitutional Convention, Page 336)

[e946444] Mr. President: Shall it be engrossed and have a third reading? Those in favor of engrossing and giving the proposition a third reading say "aye;" those opposed "nay."

Mr. Chairman: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Mr. Chairman: [...] The “ayes” have it and it is so ordered.)

[e946692] Substitute Proposition No. 33 read third time and passed on final passage.

(The Minutes of the Arizona Constitutional Convention, Page 337)

[e947427] [Editor’s Note: The convention voted to adopt Substitute Section 7 of Substitute Proposition Number 33. To model this, the editors have shown the Substitute Section returning to the Committee on Style alongside Substitute Proposition Number 33 where it will be incorporated.]

(Editorial)

[e947430] [Mr. Cunniff:] I move that the substitute paragraph 7 of Substitute Proposition Number 33 be adopted.

Mr. Feeney: I second the motion.

The motion prevailed.

[Editor’s Note: By voting to adopt the substitute paragraph, the convention voted for it to be incorporated within Substitute Proposition Number 33.]

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e947431] [Mr. Cunniff:] I move that the substitute paragraph 7 of Substitute Proposition Number 33 be adopted.

Mr. Feeney: I second the motion.

The motion prevailed.

[Editor’s Note: By voting to adopt the substitute paragraph, the convention vote for it to be incorporated within Substitute Proposition Number 33.]

(The Records of the Arizona Constitutional Convention of 1910, Page 795)

[e947433] [Editor’s Note: By voting to adopt the substitute paragraph, the convention voted for it to be incorporated within Substitute Proposition Number 33.]

(Editorial)

[e946281] Source details Page 800

Description Mr. President: [...] Any other amendments? If not, we will call the roll on the final passage of the bill.

Roll call showed 36 “ayes” and 11 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 800)

[e947252] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947253] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**30.36 Thursday, 01 December 1910, at 09:30 (s16266)**

[e945101] Mr. Cunniff: “Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 18 and respectfully recommends that the appended amendments be adopted and that the said proposition as amended and revised in the appended engrossed draft be adopted.”

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945131] [Editor’s Note: The list of appended amendments is not included in the records. For this reason, the editors have compared the current version of the text with the amendments proposed to it in the 1 December session and made the changes necessary for the amendments to be applied.]

(Editorial)

[e945105] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e945133] [Editor’s Note: The list of appended amendments is not included in the records. For this reason, the editors have compared the current version of the text with the amendments proposed to it in the 1 December session and made the changes necessary for the amendments to be applied.]

(Editorial)

[e945107] [Editor’s Note: Substitute Proposition Number 18 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945108] [Editor’s Note: This portion of the records is modeled in the Convention.]

(Editorial)

[e945199] Mr. President. The motion is lost. It comes up on third reading. Those in favor of the passage of the proposition will answer “aye,” as their names are called; those opposed “no.” The secretary will call the roll.

[...]

Roll call showed 35 “ayes” and 11 “nays.”

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 812)

[e945313] Mr. President: [...] Shall it be engrossed and have a third reading? Those in favor will answer “aye;” those opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945314] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945315] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.37 Thursday, 01 December 1910, at 14:00 (s16269)

[e945135] Mr. President: [...] We will first take up the records of committees.

Mr. Cunniff: Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Propositions Numbers 40, 47, 50, 61, 62, 64, 68, 91, 93, 107, 108, 125, 141, and respectfully recommends that the appended amendments be adopted and that the propositions be adopted in the appended engrossed form.

[Editor's Note: The Records state that the Report included Proposition Number 68 but the Minutes do not. However, a separate Committee report was made, and Proposition Number 68, placed on final passage on 7 November 1910, the Editor's have inferred that the Minutes are correct.]

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the propositions.]

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945139] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945141] [Editor's Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945144] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945146] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945147] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946024] Mr. Cunniff: The next is Substitute Proposition Number 62. It has not been printed, but has been revised by the committee, and has nearly the same form as the original, with much of the original left out.

[Editor's Note: As the records of the committees do not survive, the editors do not know the content of the Committee on Style's proposed amendment to the propositions. However, the Minutes recorded that in the Convention 'Mr. Ellinwood moved [...] to strike out the following words in the engrossed copy of said Substitute Proposition: "and all justices of the peace and constables, whose precincts include a city or town or part thereof."']

(Editorial)

[e946025] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945149] [Editor's Note: Proposition Number 62 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945151] [Editor's Note: Substitute Proposition Number 64 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945153] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945868] Mr. Cunniff (reading): Report of Committee on Style, Revision and Compilation relative to Proposition 93, section 1, line 3, strike out after the word "house" the words "to an." Section 2, line 1, strike out the word "passed" and insert the word "enact."

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945869] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945321] [Editor's Note: Proposition Number 93 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945156] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945834] [Editor's Note: The Report of the Committee on Style does not survive. A comparison of the various records gives an indication of what the committee's suggested amendments might have been. When Ingraham makes his amendment a few lines later to add the words "or primary" after the word "election," the Minutes expand upon the intended placement of the words, stating that the word "election" was "at the end of said Proposition." In the final version of the Constitution, the words "election or primary" are the final words of Article VII, Section 14, suggesting that an amendment was made at some point to strike out the remainder of the proposition.]

(Editorial)

[e945835] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[e945158] [Editor's Note: Proposition Number 108 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945159] [Editor's Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945161] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945166] [Editor's Note: This portion of the records was modelled in the Committee of the Whole.]

(Editorial)

[e945295] Mr. Cunniff: I move you that the matter be re-referred to the committee on style, revision and compilation.

Mr. Ellinwood: I second the motion.

The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945297] Mr. Cunniff: I ask unanimous consent to have Proposition Number 47 re-referred to the Committee on Style, Revision and Compilation.

Mr. President: If there are no objections, the proposition will be referred to the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945308] Mr. President: Call the roll on the final passage.

Roll call showed 47 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 818)

[e945785] Mr. President: The secretary will call the roll on final passage.

Roll call showed 39 "ayes" and 10 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945975] Mr. President: Roll call on final passage.

Roll call showed 45 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 821)

[e945985] Mr. President: The secretary will now call the roll on the final passage.

Roll call showed 45 "ayes" and 1 "nay."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945987] Mr. President: [...] If there are no further amendments, we will call the roll on final passage.

Roll call showed 39 "ayes" and 9 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 822)

[e945993] Mr. President: Call the roll on final passage.

[...]

Roll call showed 37 "ayes" and 10 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946010] Mr. President: Call the roll on the final passage of the proposition.

Roll call showed 47 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946017] Mr. President: The secretary will call the roll on final passage.

Roll call showed 44 "ayes" and 2 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 823)

[e946084] Mr. President: Call the roll on final passage.

Roll call showed 44 "ayes" and 2 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 825)

[e945413] Mr. President: [...] Shall it have a third reading? Those in favor of that motion answer "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e946135] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946137] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.38 Friday, 02 December 1910, at 09:30 (s16276)

[e945415] Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 150 and respectfully recommends that it be adopted unamended. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945416] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945418] [Editor's Note: Proposition Number 150 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945496] Mr. Cunniff: I have a report on Proposition Number 9. "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 9 and respectfully recommends that the following amendments be adopted: Line 4—strike out the word "and: and capitalize the "t" of "the" beginning a new sentence therewith. Line 5—strike out "pass" and insert "enact." Line 6—strike out "to" and insert "shall." And that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945502] Mr. Cunniff: I have a report on Proposition Number 9. "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 9 and respectfully recommends that the following amendments be adopted: Line 4—strike out the word "and: and capitalize the "t" of "the" beginning a new sentence therewith. Line 5—strike out "pass" and insert "enact." Line 6—strike out "to" and insert "shall." And that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945505] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945508] [Editor's Note: The Committee on Style amendments to Proposition Number 9 were referred to the Convention alongside the Committee's report.]

(Editorial)

[e945510] [Editor's Note: Proposition Number 9 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945565] Mr. Cunniff (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 48 and respectfully recommends that the following amendments be adopted: Section 1, line 1. Strike out "that;" capitalize the "n" of "no." Section 2, line 4. Strike out the words "appropriate legislation," insert "laws." Line 5—insert after "and" the word "shall." Line 6—strike out "thereof" insert "of said section" and that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945567] Mr. Cunniff (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Proposition Number 48 and respectfully recommends that the following amendments be adopted: Section 1, line 1. Strike out "that;" capitalize the "n" of "no." Section 2, line 4. Strike out the words "appropriate legislation," insert "laws." Line 5—insert after "and" the word "shall." Line 6—strike out "thereof" insert "of said section" and that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 831)

[e945569] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945571] [Editor's Note: The Committee on Style amendments to Proposition Number 48 were referred to the Convention alongside the Committee's report.]

(Editorial)

[e945572] [Editor's Note: Proposition Number 48 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945602] Secretary (reading): "Phoenix, Arizona, December 2, 1910, Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 137 and respectfully recommends that the word 'legislation' therein be stricken out and the word 'laws' be inserted and that the word "carry" be stricken out and the word 'put' be inserted and that the appended revised and amended form of said proposition be adopted. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945603] Secretary (reading): "Phoenix, Arizona, December 2, 1910, Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 137 and respectfully recommends that the word 'legislation' therein be stricken out and the word 'laws' be inserted and that the word "carry" be stricken out and the word 'put' be inserted and that the appended revised and amended form of said proposition be adopted. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 832)

[e945604] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945605] [Editor's Note: The Committee on Style amendments to Substitute Proposition Number 137 were referred to the Convention alongside the Committee's report.]

(Editorial)

[e945606] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945487] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e945488] Mr. President: If there are no objections, the proposition will be placed on final passage. Those in favor say "aye;" those opposed "nay." The "ayes" have it. Proposition Number 150 is passed. Is the chairman of the Committee on Style, Revision and Compilation ready to report?

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945533] Mr. President: If there are no objections, the secretary will call the roll on third reading for final passage.

Roll call showed 45 "ayes" and no "nays."

Mr. President: Proposition Number 9 is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 830)

[e945630] Mr. President: [...] If there are no further amendments the roll will be called on the final passage.

[...]

Mr. President: Call the roll on final passage.

Roll call showed 46 "ayes" and 3 "nays".

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 834-835)

[e945649] Mr. Sims: Mr. President, I wish to move reconsideration of Proposition Number 48. At the time I voted on that proposition I was under the impression that it might impair our constitution in some way, but since looking it up I have changed my mind. As it is in other constitutions, I do not see why we should not have it in ours.

[...]

Roll call showed 27 "ayes" and 22 "nays."

Mr. President: The Proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 835-838)

[e945650] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945651] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.39 Friday, 02 December 1910, at 14:00 (s16275)**

[e945370] Mr. Cunniff: Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 52 and respectfully recommends that the appended amendments be adopted and that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Pages 838-839)

[*e945371*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e946371*] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[*e946372*] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[*e945375*] [Editor's Note: Substitute Proposition Number 52 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[*e945378*] Mr. Cunniff: Mr. President, the Committee on Style, Revision and Compilation is prepared to report on Substitute Proposition Number 22. "Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 22, and respectfully recommends that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[*e945380*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e946380*] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e946390] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e945382] [Editor's Note: Substitute Proposition Number 22 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945384] Mr. Cunniff: Mr. President, the committee is ready to report on Substitute Proposition Number 113, being the corporation commission.

Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to report it has examined Substitute Proposition Number 113 and respectfully recommends that the appended amendments be adopted, and the appended engrossed form of the proposition be adopted. M. G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Pages 843-844)

[e945386] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945387] [Editor's Note: Substitute Proposition Number 113 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945391] Mr. Cunniff: The committee on compilation has two other propositions ready for report if you desire. Substitute Proposition Number 15, on education. "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 15 and respectfully recommend that the appended amendment be adopted and that the appended engrossed form of the said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 846)

[e945394] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946387] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e946388] [Editor's Note: In the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments. However, some of these changes are specified in the Convention on further amendment prior to the final passage of the proposition. We have modeled those changes here.]

(Editorial)

[e945395] [Editor's Note: Substitute Proposition Number 15 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945397] [Editor's Note: This portion of the record is modelled in the Convention.]

(Editorial)

[e946429] Mr. President: Are there any other amendments? Hearing none, the secretary will call the roll on final passage.

Roll call showed 43 "ayes" and 3 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 840)

[e946716] Mr. President: If there are no other amendments, call the roll on final passage. Hearing none, the secretary will call the roll.

Roll call showed 44 "ayes" and 4 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 843)

[e945686] Mr. President: Any other amendments? If not, we will call the roll on final passage.

[...]

Roll call showed 32 "ayes" and 8 "nays."

Mr. President: The proposition has passed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
845-846)

[e946713] Mr. President: Call the roll on final passage.

Roll call showed 37 "ayes" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 847)

[e945399] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945400] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 30.40 Saturday, 03 December 1910, at 09:30 (s16283)

[e945693] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 47, that was improperly engrossed and respectfully recommends the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945695] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945698] [Editor's Note: Proposition Number 47 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945707] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 58 and respectfully recommends the appended amendment be adopted and the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
848-849)

[*e945801*] [Editor's Note: The changes made upon the engrossment are not included in the Record or the Minutes. However, in the Convention session, Cunningham moves to change the word "provided" to "prescribed." Because the text already read "prescribed" when it entered the Committee, it is possible that the word was changed to "provided" in the Committee on Style, and Cunningham's amendment in Convention was to revert to the prior wording.]

(Editorial)

[*e945803*] [Editor's Note: The changes made upon the engrossment are not included in the Record or the Minutes. However, in the Convention session, Cunningham moves to change the word "provided" to "prescribed." Because the text already read "prescribed" when it entered the Committee, it is possible that the word was changed to "provided" in the Committee on Style, and Cunningham's amendment in Convention was to revert to the prior wording.]

(Editorial)

[*e945708*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e945719*] [Editor's Note: Substitute Proposition Number 58 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 848-849)

[*e945763*] Mr. Cunniff (reading): "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 106 and respectfully recommends that the appended amendments be adopted and the appended engrossed form be adopted."

(Editorial, Page 849)

[*e945848*] [Editor's Note: From the debate on Substitute Proposition Number 106 in the Convention on 3 December, it seems that the words "state auditor" were mistakenly omitted from the proposition.]

(Editorial)

[*e945849*] [Editor's Note: From the debate on Substitute Proposition Number 106 in the Convention on 3 December, it seems that the words "state auditor" were mistakenly omitted from the proposition.]

(Editorial)

[*e945764*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945765] [Editor's Note: Substitute Proposition Number 106 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e945705] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e945706] Mr. President: The secretary will call the roll on the final passage.  
Roll call showed 47 "ayes" and no "nays."  
Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 848)

[e945823] Mr. President: If there are no other amendments the secretary will call the roll on the final passage.

Roll call showed 40 "ayes" and 7 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 849)

[e945932] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945933] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.41 Saturday, 03 December 1910, at 14:00 (s16285)**

[e946006] Mr. Cunniff: Mr. President, when the report was made yesterday on Substitute Proposition Number 22, it was to be compiled elsewhere, and as that made the record a little incorrect, the committee is now reporting on that paragraph in its revised form: "Mr. President: Your Committee on Style, Revision and Compilation begs leave to report it has examined section 14 on Substitute Proposition Number 22, and respectfully recommends that the appended form of said section be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946007] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946717] [Editor's Note: Section 14 of Substitute Proposition Number 22 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946054] Mr. Cunniff: The next is Number 40. This is the proposition on counties that was referred to the committee the other day. "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 40 and respectfully recommends that the appended engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946055] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946059] [Editor's Note: Substitute Proposition Number 40 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946111] Mr. Cunniff: The next is Substitute Proposition Number 78 on public lands. "Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 78, and respectfully recommends that the following engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946113] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946115] [Editor's Note: Substitute Proposition Number 78 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946143] Mr. Cunniff: The next is Substitute Proposition Number 21 on suffrage and elections: "Mr. President, Your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that the appended amendments be adopted, and that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946146] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946148] [Editor's Note: Substitute Proposition Number 21 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946002] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e946003] Mr. President: Are there any other amendments? If not, we will call the roll on the final passage of the bill.

Roll call showed 40 "ayes" and 7 "nays."

Mr. President: Proposition Number 106 is passed. Any other propositions?

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946719] Mr. President: Call the roll on that section.

Roll call showed 47 "ayes" and no "nays."

Mr. President: The section is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 864)

[e946109] Mr. President: [...] Call the roll on the final passage of the bill.

Roll call showed 46 "aye" and no "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 867)

[e946142] Mr. President: [...] Call the roll on the final passage of the bill. Those in favour will answer "aye"; opposed "no".

Roll call showed 41 "ayes" and 5 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946232] Mr. President: [...] Call the roll on the final passage of the bill. Those in favour will answer "aye"; opposed "no".

Roll call showed 41 "ayes" and 5 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 870)

[e946234] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946235] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.42 Monday, 05 December 1910, at 09:30 (s16288)

[e946188] Mr. President: I will ask the chairman of the committee on revision if he has anything?

Mr. Cunniff: First will be Substitute Proposition Number 8 on schedule. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 8 and respectfully recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 878)

[e946189] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946190] [Editor's Note: Substitute Proposition Number 8 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946307] Mr. Cunniff: The next is Substitute Number 54, on mode of amending. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Substitute Proposition Number 54, and respectfully recommends that the appended, engrossed form be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946309] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e946310*] [Editor's Note: Substitute Proposition Number 54 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[*e946319*] Mr. Cunniff: The next is Proposition Number 88 on employer's liability. "Your committee on style, revision and compilation begs leave to report it has examined Proposition Number 88, and recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[*e946320*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e946322*] Mr. Cunniff: [...] This has been revised more or less extensively and the phrases changed, especially in the second part. One thing that has been done is that the fellow servant doctrine in the second part has been cut out, because that has been passed in another form.

[Editor's Note: As the records of the committees do not survive, the editors do not know the full content of the Committee on Style's proposed amendment to the proposition. The editors have removed the doctrine pertaining to the fellow servant as this was mentioned explicitly by Mr. Cunniff as a change. Similarly, the editors have made alterations to the final sentence of section 2 based on a quotation made by Mr. Ellinwood in the Convention.]

(Editorial)

[*e946323*] [Editor's Note: The Proposed Amendment was referred to the Convention alongside the Committee's Report.]

(Editorial)

[*e946324*] [Editor's Note: Proposition Number 88 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[*e946346*] Mr. Cunniff: The next is Proposition Number 72. "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 72 and respectfully recommends that the appended engrossed form of said proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946347] [Editor's Note: The Committee report was referred to the Convention.]

(Editorial)

[e946349] [Editor's Note: Proposition Number 72 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946304] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e946306] Mr. President: [...] Any other amendments, gentlemen? If not, we will call roll on final passage.

Roll call showed 47 "ayes" and 1 "nay."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 880)

[e946318] Mr. President: Are there any amendments to be offered? If not, we will call the roll on final passage.

Roll call showed 41 "ayes" and 6 "nays."

Mr. President: The proposition is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 881)

[e946351] Mr. President: Call the roll on final passage.

Roll call showed 45 "ayes" and 5 "nays."

Mr. President: The proposition is passed.

[Editor's Note: The Minutes indicate that there were only three nays.]

(The Records of the Arizona Constitutional Convention of 1910, Page 885)

[e946375] Mr. President: [...] The question now comes up on the final passage of Proposition Number 72 as amended. Those in favor of final passage say "aye;" those opposed "nay." The secretary will call roll.

Roll call showed 39 "ayes" and 9 "nays."

Mr. President: By your vote you have adopted Proposition Number 72.

(The Records of the Arizona Constitutional Convention of 1910, Page 886)

[e946354] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946355] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.43 Monday, 05 December 1910, at 14:00 (s16299)

[e946529] Secretary (reading): "Third reading of Proposition."

Mr. President: Third reading of the proposition. Those in favor of adopting the proposition will answer "aye;" those opposed will answer "no," as their names are called.

Secretary will call the roll.

Roll call showed 37 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946533] [Editor's Note: This portion of the records is modeled in the Committee of the Whole.]

(Editorial)

[e946532] Mr. Cunniff: "Mr. President, your Committee on Style, Revision and Compilation begs leave to report it has examined Proposition Number 151 and respectfully recommends that the appended engrossed form be adopted." Mr. President, I move the report of the committee be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946534] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946535] [Editor's Note: Proposition Number 151 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e946548] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e946549] Mr. President: If there are no amendments, the secretary will call the roll on the final passage.

Roll call showed 44 "ayes" and no "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 889)

[e946550] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946551] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.44 Monday, 05 December 1910, at 19:30 (s16292)

[e946367] Mr. Short: "Mr. President, your printing committee begs leave to report the printing and return of sixteen pages of the constitution as prepared by the revision committee."

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946368] [Editor's Note: The Draft Constitution was referred to the Committee on Printing.]

(Editorial)

[e946369] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946374] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.45 Tuesday, 06 December 1910, at 09:30 (s16305)

[e946928] Mr. President: Gentlemen of the convention the [first part of] article number four has been adopted. If there are no objections the first part of the Constitution of the State of Arizona will be referred to the Committee on compilation and will be enrolled. I would suggest to the committee that they enroll seven copies.

(The Records of the Arizona Constitutional Convention of 1910, Page 906)

[e946929] [Editor's Note: The unresolved articles—such as Article IV, which had yet to be voted upon in its full form—were referred alongside the draft Constitution.]

(Editorial)

[e946930] [Editor's Note: Per the Convention's instructions, the Committee on Style, Revision and Compilation enrolled the text of the Constitution that had been agreed to that point. These changes to the text were determined by comparing the text of the draft to the text of the final Constitution.]

(Editorial)

[e946943] [Editor's Note: Per the Convention's instructions, the Committee on Style, Revision and Compilation enrolled the text of the Constitution that had been agreed to that point. These changes to the text were determined by comparing the text of the draft to the text of the final Constitution.]

(Editorial)

[e946931] [Editor's Note: Per the Convention's instructions, the Committee on Style, Revision and Compilation enrolled the text of the Constitution that had been agreed to that point. The first part of Article IV had been agreed by the Convention; however, as there had been no final vote on the article as a whole, it had not yet been officially incorporated into the text. These changes to the text were determined by comparing the text of the draft to the text of the final Constitution.]

(Editorial)

[e946944] [Editor's Note: Per the Convention's instructions, the Committee on Style, Revision and Compilation enrolled the text of the Constitution that had been agreed to that point. The first part of Article IV had been agreed by the Convention; however, as there had been no final vote on the article as a whole, it had not yet been officially incorporated into the text. These changes to the text were determined by comparing the text of the draft to the text of the final Constitution.]

(Editorial)

[e946932] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946933] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.46 Tuesday, 06 December 1910, at 14:00 (s16307)

[e946949] [Editor's Note: The enrolled version of Article IV, Part 1 of the Constitution was referred back to the Convention.]

(Editorial)

[e946950] [Editor's Note: The enrolled version of Part 1 of the Constitution was referred back to the Convention.]

(Editorial)

[e946955] [Editor's Note: The Committee on Style referred the draft of Part 2 of the Constitution to the Convention.]

(Editorial)

[e946956] [Editor's Note: The Committee on Style referred the draft of Part 2 of the Constitution to the Convention.]

(Editorial)

[e946957] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946958] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.47 Wednesday, 07 December 1910, at 09:30 (s16311)

[e947203] [Editor's Note: At the conclusion of the Committee of the Whole session on the afternoon of 6 December, Goldwater says, "Gentlemen, we have completed the printed part of the constitution." In the morning session of the Convention, before resolving into the Committee of the Whole, he says, "Gentlemen, we have some other matter to come before the committee of the whole..." It is clear, therefore, that Part 2 of the draft had been disposed of that the following articles were presented to the Convention in a third part.]

(Editorial)

[e947204] [Editor's Note: At the conclusion of the Committee of the Whole session on the afternoon of 6 December, Goldwater says, "Gentlemen, we have completed the printed part of the constitution." In the morning session of the Convention, before resolving into the Committee of the Whole, he says, "Gentlemen, we have some other matter to come before the committee of the whole..." It is clear, therefore, that Part 2 of the draft had been disposed of that the following articles were presented to the Convention in a third part.]

(Editorial)

[e947205] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947206] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### **30.48 Wednesday, 07 December 1910, at 19:30 (s16316)**

[e947456] [Editor's Note: At the conclusion of the Convention session on the afternoon of 7 December, after the Convention considered Article X, Hunt says, "I would like to ask the chairman of the printing committee when there will be some other printed matter ready for the convention?" Given that the Convention considered the Draft Constitution as the articles were printed, it is clear that a new group of articles, beginning with Article XI, constituted a fourth part of the draft.]

(Editorial)

[e947458] [Editor's Note: At the conclusion of the Convention session on the afternoon of 7 December, after the Convention considered Article X, Hunt says, "I would like to ask the chairman of the printing committee when there will be some other printed matter ready for the convention?" Given that the Convention considered the Draft Constitution as the articles were printed, it is clear that a new group of articles, beginning with Article XI, constituted a fourth part of the draft.]

(Editorial)

[e947459] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947460] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.49 Thursday, 08 December 1910, at 09:30 (s16320)

[e947722] Mr. President: If there is no objection it will be referred to the committee. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 966)

[e947725] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947726] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.50 Thursday, 08 December 1910, at 19:30 (s16324)

[e947783] [Editor's Note: When this report was read in the Convention, the delegates remarked that the Committee on Style struck out the words "until the legislature shall otherwise provide" in section 8. The following debate shows a common consensus that the Committee on Style did not have the authority to make those adjustments. However, after Mr. Cassidy provided the reasoning behind the change, the Convention did not offer an amendment to remove the words:

Mr. Parsons: Before we leave section 9, I would like to inquire about section 8 on line 25, page 9. As I understood the secretary to read, the words "until the legislature shall otherwise provide," were omitted.

Mr. Cassidy: I think these words were stricken out by the revision committee.

Mr. Parsons: The revision committee did not have authority to do that.

Mr. Cunniff: I find in looking up this copy it was stricken out by the revision committee.

Mr. Parsons: Mr. President, I think the revision committee exceeded its authority. I think it changes the sense of the meaning of the proposition and that the committee had no right to do it.

Mr. Cassidy: Mr. President, I think the reason it was stricken out is this: There cannot be any session of the legislature to otherwise provide until after this election is held, consequently it is superfluous.

Mr. Parsons: It may be true.]

(Editorial)

[e947787] [Editor's Note: When this report was read in the Convention, the delegates remarked that the Committee on Style struck out the words "until the legislature shall otherwise provide" in section 8. The following debate shows a common consensus that the Committee on Style did not have the authority to

make those adjustments. However, after Mr. Cassidy provided the reasoning behind the change, the Convention did not offer an amendment to remove the words:

Mr. Parsons: Before we leave section 9, I would like to inquire about section 8 on line 25, page 9. As I understood the secretary to read, the words "until the legislature shall otherwise provide," were omitted.

Mr. Cassidy: I think these words were stricken out by the revision committee.

Mr. Parsons: The revision committee did not have authority to do that.

Mr. Cunniff: I find in looking up this copy it was stricken out by the revision committee.

Mr. Parsons: Mr. President, I think the revision committee exceeded its authority. I think it changes the sense of the meaning of the proposition and that the committee had no right to do it.

Mr. Cassidy: Mr. President, I think the reason it was stricken out is this: There cannot be any session of the legislature to otherwise provide until after this election is held, consequently it is superfluous.

Mr. Parsons: It may be true. ]

(Editorial)

[e947789] [Editor's Note: Election Ordinance Number 2 Proposition Number 148 came up for consideration in the Convention in December 8 evening session.]

(Editorial)

[e948066] Secretary (reading): Report of Committee on Style, Revision and Compilation on Election Ordinance Number 1, recommending that the appended engrossed copy be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 999)

[e948069] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948072] [Editor's Note: Election Ordinance Number 1 Proposition Number 152 was engrossed and returned to the Convention. However, in the absence of intermediary copies of the propositions, the editors have chosen to refrain from engrossing propositions until the consideration of the draft constitution, when there is more documentary evidence to support these amendments.]

(Editorial)

[e948289] [Editor's Note: This portion of the record is modeled in the Convention.]

(Editorial)

[e948333] Mr. President: I would suggest to the gentleman that we had better adopt all the ordinances except the seal so that part of it can be enrolled. It is quite a lengthy article. If that would meet the approval of the gentlemen of

the convention, we will call the roll on the passage of the ordinance with the exception of that part in regard to the seal and that can be taken up in the morning. The secretary will call the roll on the final passage with the exception of that portion which relates to the seal.

Roll call showed 33 “ayes” and 7 “nays.”

Mr. President: Gentlemen of the convention, Article XXII, Schedule and Miscellaneous, has been adopted, with the exception of the seal.

(The Records of the Arizona Constitutional Convention of 1910, Page 998)

[e948291] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e948292] [Editor’s Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 30.51 Friday, 09 December 1910, at 09:30 (s16330)

[e948293] Secretary (reading): “Phoenix, Arizona, December 8, 1910. Mr. President: Your Committee on Seal begs leave to report and recommends that the following section be added to Article XXII, as Section 20. E.E. Ellinwood, Chairman.

Section 20. The Seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing, to the left in the middle distance on a mountain side is a quartz mill, in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be enscribed [sic] ‘Great Seal of the State of Arizona’ with the year of admission of the State into the Union.”

Mr. President: Call the roll on its final passage.

[...]

Roll call showed 28 ayes and 11 nays.

Mr. President: The seal has been adopted by this convention; the new seal.

[Editor’s Note: The adopted section on the seal was referred to the Committee on Style to be incorporated into Article XXII, as Section 20.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1002-1003)

[e948335] [Editor’s Note: When the Convention adopted the Report of the Committee on the Seal, the proposed seal was adopted into the Constitution as Article XXII, Section 20.]

(Editorial)

[e948337] [Editor's Note: When the Convention adopted the Report of the Committee on the Seal, the proposed seal was adopted into the Constitution as Article XXII, Section 20.]

(Editorial)

[e948425] [Editor's Note: The Constitution was enrolled and engrossed by the Committee.]

(Editorial)

[e948426] [Editor's Note: The Constitution was enrolled and engrossed by the Committee.]

(Editorial)

[e948377] [Editor's Note: The engrossed version of the Constitution was referred to the Convention.]

(Editorial)

[e948296] Mr. Cunniff, Chairman of Committee on Style, Revision and Compilation, made the following report:

Phoenix, Arizona, December 9, 1910.

Mr. President:

Your Committee on Style, Revision, and Compilation begs leave to report it has examined the Constitution of the State of Arizona as enrolled and engrossed in the accompanying copy and respectfully recommends its adoption.

M.G. CUNNIFF,

Chairman.

(The Minutes of the Arizona Constitutional Convention, Page 432)

[e948297] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948298] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e948299] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 31

# Committee on Powers of the Convention

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A committee appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

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### 31.1 Wednesday, 19 October 1910, at 09:00 (s15833)

[e934242] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934243] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934245] Mr. Franklin moved, and Mr. Cunningham seconded, that a Committee to consist of Mr. Ellinwood, Mr. Kingan and Mr. Baker be appointed to confer with the Secretary of the Territory to ascertain the legal power of the Convention in the matter of printing.

[...]

Amended motion of Mr. Franklin was adopted.

(The Minutes of the Arizona Constitutional Convention, Pages 53-54)

[e934246] [Editor's Note: The signature on the Committee's report the following day indicates that Baker was chosen as the Committee's chairman.]

(Editorial)

[e934247] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934249] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 31.2 Wednesday, 19 October 1910, at 14:00 (s15850)

[e934612] Mr. Baker: (as chairman of special committee on power[of the convention]) made the following report:

”To the Constitutional Convention of Arizona:

Your special committee appointed to report upon the power of the convention to order propositions submitted to your convention to be printed, hereby report[s] that in its opinion this convention has the right and power to order and cause to be printed any reasonable number of any proposition the convention may think proper, and that the cost of such printing will be a legal charge against the funds appropriated by Congress for the purposes incidental to the holding of this convention. A. C. Baker, Chairman”

(The Records of the Arizona Constitutional Convention of 1910, Page 56)

[e934613] [Editor's Note: The Committee refers the report to the Convention for consideration.]

(Editorial)

[e934615] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e934617] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 32

# Committee of the Whole

### 32.1 Tuesday, 25 October 1910, at 14:00 (s15887)

*[e935105]* Mr. Chairman: The committee of the whole will now come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

*[e935107]* Mr. Chairman: The committee of the whole will now come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

*[e935110]* Propositions Nos. 1 and 5, read with the recommendations of the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 75)

*[e935113]* Propositions Nos. 1 and 5, read with the recommendations of the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 75)

*[e935114]* Propositions Nos. 1 and 5, read with the recommendations of the Committee on Preamble and Declaration of Rights.

(The Minutes of the Arizona Constitutional Convention, Page 75)

*[e935117]* Mr. Baker: Now, Mr. President, I move an amendment that Proposition Number 5 be substituted for Proposition Number 1.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 81)

*[e935118]* Mr. Chairman: Gentleman of the committee, it has been moved and seconded that Proposition Number 5 be substituted for Proposition Number 1. Are you ready for the question?

Mr. Baker: In support of the motion that Proposition Number 5 be substituted for Proposition Number 1, I simply wish to say to the convention that Proposition Number 5 is a brief statement of everything I deem essential, or necessary, for a preamble to a constitution. It strikes me that a preamble ought to

be very brief. It does not necessarily have to be long. I have no doubt but that the people of this state expect a brief, a simple, a plain, a short constitution. Therefore, I believe that Proposition Number 5 is all sufficient for practical purposes. I move that Proposition Number 5 be substituted for Proposition Number 1.

Mr. Cunniff: I support and second Judge Baker's motion. In the first place Proposition Number 5 is very brief. In the second place it is smoother, it moves along pleasantly and does not have the jerkiness of Proposition Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Pages 81-82)

[e935120] Mr Chairman: The question before the house is that Proposition 5 be substituted for Number 1. Those in favor answer "aye," those opposed answer "no." The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910)

[e935122] The motion prevailed and the Committee arose to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[e935125] Mr. Cunniff: I move that the committee arise and report.

Mr. Webb: I second the motion that the committee of the whole arise and recommend to the convention that Proposition Number 5 be substituted for Proposition Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

[e935126] The motion prevailed and the Committee arose to report.

(The Records of the Arizona Constitutional Convention of 1910, Page 82)

## **32.2 Saturday, 29 October 1910, at 14:00 (s15950)**

[e936242] Mr. Chairman: The committee will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936243] Mr. Chairman: The committee will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936244] Mr. Chairman: The committee will please come to order. Mr. Secretary, what was the business that was referred to the committee of the whole?

Secretary: The report of the Committee on Suffrage and Elections on Proposition Number 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936047] Mr. Chairman: Read the original Proposition Number 21.

Secretary: Proposition Number 21, introduced by Mr. Baker of Maricopa County, relative to primary elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936245] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 21.]

(Editorial)

[e936246] Mr. Cunniff: I move that the committee of the whole recommend that the amendment of the Committee on Suffrage and Elections be referred to the printing committee and the usual number of copies ordered printed.

Mr. Tovrea: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 113)

[e936247] Mr. Jones (Yavapai): I would say in reference to the report of the Committee on Suffrage and Elections, that it is the intention of that report to recommend that all of Proposition Number 21, with the exception of the first line and a half be stricken out, and the proposition adopted as reported to the convention; so there is the injection of only half a line.

(The Records of the Arizona Constitutional Convention of 1910, Page 114)

[e936248] Mr. Winsor: I move to amend the proposition by inserting the words "for all state, county, municipal, and precinct, officers."

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 114)

[e936249] Mr. Winsor: I suggest that Judge Baker be given five minutes in which to properly frame the amendment.

Mr. Baker: I could not properly do the matter justice in that time.

Mr. Chairman: Gentlemen, you have heard the motion. Are you ready for the question?

Mr. Cobb: Mr. Chairman, the committee considered the matter very carefully, and we concluded that owing to the fact that there are so many small precincts and school districts in the territory, the matter should be left to the legislature.

Mr. Jones (Yavapai): The committee went over that proposition very carefully. There are many precincts in the mountains where there is no primary election held. therefore, they would have no names of precinct officers on the ballot.

Mr. Lynch: Further than this, the provision of the amended bill as presented makes it mandatory on the legislature to enact such a law. Now, the term "municipality" is very broad; it would cover practically every subdivision we have. Therefore, your first legislature would be compelled to enact a primary law which would cover all the officers of all these subdivisions.

Mr. Orme: The intention of the committee was to compel the legislature to work out these laws. The committee does not think it right that we should put any legislative matter whatever in the constitution, or as little as possible. Under these conditions, we thought the legislature would have time to work out

each and every condition for, according to the recommendation in our report, we compel them to pass a direct primary law.

Mr. Ingraham: The sentiment of the committee seems to be that Proposition Number 21 was unnecessarily long. As I understand it, the report of the committee was drawn upon the supposition that the initiative and referendum law would be provided in this constitution, and that we could rest upon a mere suggestion or direction to the legislature that they enact an adequate direct primary law. If the people are not satisfied with the law int the legislature shall enact, or if the legislature shall fail to make any enactment, it is within the power of the people to cause such law to be made, if they so desire, under the initiative.

(The Records of the Arizona Constitutional Convention of 1910, Pages 114-115)

[e936251] Mr. Chairman: The question is on the amendment offered by the gentleman from Yuma, Mr. Winsor; those in favor will manifest it by saying "aye," those opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936252] Mr. Winsor: I move that what the committee arise, it recommend that the report of the Committee on Suffrage and Elections on Proposition Number 21 be adopted, and that the proposition as so amended, be adopted.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936253] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936254] [Editor's Note: Cunniff's motion was not mentioned again.]

(Editorial)

[e936051] Mr. Winsor: I move that when the committee arise, it recommend that the report of the Committee on Suffrage and Elections on Proposition Number 21 be adopted, and that the proposition as so amended, be adopted.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936054] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936396] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936343] Mr. Chairman: We have next the report of the Committee on Suffrage and Elections on Propositions Numbers 90, 51, 46, and 31.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936344] Read Proposition Number 90; we will consider that first.

Secretary (reading): Proposition Number 90, introduced by Mr. Jones of Yavapai County. Relative to direct primary.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936345] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 90.]

(Editorial)

[e936346] Mr. Chairman: What is your pleasure concerning Proposition Number 90?

Mr. Winsor: I move that when the committee arises, that it recommend that Proposition Number 90 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936347] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936348] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936349] [Editor's Note: Proposition Number 90 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936350] Secretary (reading): Proposition Number 31, introduced by Mr. Jones of Maricopa. Relative to primary elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936351] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 31.]

(Editorial)

[e936352] Mr. Winsor: I move that when the committee arises, it recommend that Proposition Number 31 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936353] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[*e936354*] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[*e936355*] [Editor's Note: Proposition Number 31 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e936374*] [Editor's Note: The Report from the Committee on Suffrage on Propositions Number 90, 51, 46, and 31 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e936356*] Secretary (reading): Proposition Number 51, introduced by Mr. Ellinwood. Relative to qualification of voters.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[*e936357*] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Propositions Number 51 and 46.]

(Editorial)

[*e936358*] Mr. Ellinwood: I move that when this committee rises, it report that it does not concur with the report of the committee, and that it recommends that the proposition do pass.

Mr. Hutchinson: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[*e936359*] Mr. Cunniff: I move an amendment to the motion of the gentleman from Cochise, that when this committee arises, it recommend that these two propositions, Numbers 46 and 51, on qualification of voters be referred to the Committee on Suffrage and Elections. Proposition Number 46, introduced by Mr. Bradner, is almost identical with Proposition Number 51. The committee should not bring in these reports until they have their own proposition with which to compare.

(Editorial)

[*e936360*] Mr. Cunniff: I move an amendment to the motion of the gentleman from Cochise, that when this committee arises, it recommend that these two propositions, Numbers 46 and 51, on qualification of voters be referred to the Committee on Suffrage and Elections. Proposition Number 46, introduced by Mr. Bradner, is almost identical with Proposition Number 51. The committee should not bring in these reports until they have their own proposition with which to compare.

(The Records of the Arizona Constitutional Convention of 1910, Pages 115-116)

[e936361] Mr. Chairman: It is moved that this committee report to the convention a recommendation that Proposition Numbers 46 and 51 be referred to the Committee on Suffrage and Elections. All in favor answer "aye;" all opposed, "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936362] Mr. Chairman: It is moved that this committee report to the convention a recommendation that Proposition Numbers 46 and 51 be referred to the Committee on Suffrage and Elections. All in favor answer "aye;" all opposed, "no." The "ayes" have it, and it is so ordered.

[Editor's Note: The Committee's decision to recommend to the Convention that Proposition Numbers 46 and 51 be referred to the Committee on Suffrage and Elections indicates that Ellinwood's recommendation, as amended by Cunniff, was implicitly adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936363] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936364] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936365] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936367] Secretary (reading): Proposition Number 70, with report of Committee on Suffrage and Elections, amending same to read as follows: "The general assembly as its first session shall enact a direct primary law, which shall also provide for an advisory vote on the election of Senators."

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936366] Secretary (reading): Proposition Number 70, with report of Committee on Suffrage and Elections, amending same to read as follows: "The general assembly as its first session shall enact a direct primary law, which shall also provide for an advisory vote on the election of Senators."

Mr. Chairman: Does the committee care for the reading of the proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936368] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 70.]

(Editorial)

[e936369] Mr. Winsor: Inasmuch as the report of the Committee on Suffrage and Elections comprehends all the subject matter of the proposition, which I regard as constitutional, I move that when the committee arise, it recommends that the proposition be adopted as amended.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936370] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 115)

[e936371] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936372] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936373] [Editor's Note: As the Committee of the Whole recommended that Proposition Number 70 be adopted as amended by the Committee on Suffrage and Elections, the report from the Committee on Suffrage and Elections on Proposition Number 70 has been represented as referred back to the Convention.]

(Editorial)

[e936376] Secretary (reading): Report of the Committee on Suffrage and Elections on Proposition Number 61, recommending that it be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936375] [Editor's Note: Proposition Number 61 was referred to the Committee alongside the Committee on Suffrage report.]

(Editorial)

[e936377] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 61.]

(Editorial)

[e936378] Mr. Cunniff: I move that when the committee rise, it recommends that this proposition be adopted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936379] Mr. Baker: Mr. Chairman, in my opinion, this is purely legislative matter and has no place in the constitution, If you are going to encumber the constitution with the qualifications of each separate officer, you will have a constitution from here to Washington Street, or across the length of the city. This only provides the qualifications of persons holding the office of sheriff, deputy sheriff, etc. What about your senators, your representatives, your boards of supervisors and various other officers? Would it not look funny in your constitution to fix the qualifications of one class of officers, and leave all other officers with no qualifications?

Mr. Ellinwood: I wish to say that it seems to me that the provision is not broad enough to get into the constitution. I think that every person who holds an office in the state should be an elector in the precinct in which he holds office.

Mr. Jones (Yavapai): The gentleman who has just spoken seems to have overlooked that the police officers of the state are the ones who do the arresting, and take the citizens to jail. I think it is absolutely necessary that these should be qualified electors of the precinct from which they come. We could only make a proviso as to elective officers while this includes appointive officers, such as deputy sheriffs; and they surely should be citizens and electors of the precinct. I think this is a good clause, and should go into the constitution, as it is fundamental that this constitution should lay out the qualifications of its state and county officers. I do not think the proposition should be made as broad as suggested, because that provision would disqualify all of our lady school teachers.

Mr. Ingraham: I would like to inquire from the gentleman from Yavapai if the intention of this proposition is not do [sic] do away with Pinkerton men. If so, I am heartily in favor of it.

Mr. Jones (Yavapai): It is the object of this proposition to prohibit citizens of other states from becoming officers of this state. In the northern part of the territory, where I live, they are importing citizens from other states whenever a new sheriff is elected.

Mr. Feeney: I heartily agree with Mr. Ellinwood. I think all officers should come under this category.

(The Records of the Arizona Constitutional Convention of 1910, Page 116)

[e936380] Mr. Cunningham: I desire to offer as an amendment to the motion that when this committee arises it recommend that the report of the committee upon Proposition Number 61 be referred to the Committee on Executive, Impeachment and Removal from Office, committee number 3.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936381] Mr. Ingraham: I cannot see any reason for this, unless the members desire to avoid the question. What is the use of referring this back and forth from one committee to another.

Mr. Ellinwood: I am free to say that I am not prepared to vote on the proposition now. It ought to be referred so that we can have further consideration of the matter.

Mr. Cunningham: The result of the motion as amended will more than probably be that committee number 3 in its report will specify the qualifications of all the officers, and in that way it will cover the point as well as the qualifications of other officers.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936382] Amendment accepted by Mr. Cunniff.

(The Minutes of the Arizona Constitutional Convention, Page 93)

[e936383] Mr. Chairman: Are you ready for the question? Shall the committee of the whole recommend when it arises that Proposition Number 61 be referred to the committee number 3 for further consideration? All who favor the proposition will say "aye;" all opposed "no." The secretary will call the roll.

Roll call showed 40 ayes, 6 nays.

Mr. Chairman: The "ayes" have it, and it will be so referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936384] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936385] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936395] [Editor's Note: The Report from the Committee on Suffrage and Elections on Proposition Number 61 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936386] Mr. Jones (Yavapai): As chairman of the Committee on Suffrage and Elections, I wish to move that when the committee arises, it report that it is the sense of the committee that the officers to be chosen at the first election shall be nominated by direct primary; that in such direct primary election full provision shall be made whereby an advisory vote of the people shall be taken on candidates for United States Senators.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936387] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to the special report from the Committee on Suffrage and Elections on direct primary.]

(Editorial)

[e936388] Mr. Jones (Yavapai): As chairman of the Committee on Suffrage and Elections, I wish to move that when the committee arises, it report that it is the sense of the committee that the officers to be chosen at the first election shall be nominated by direct primary; that in such direct primary election full provision shall be made whereby an advisory vote of the people shall be taken on candidates for United States Senators.

(The Records of the Arizona Constitutional Convention of 1910, Page 117)

[e936389] Mr. Cunniff: The committee has considered this subject for the last ten days or so, and I am not clear that we have the power to do this. I think we should have more time to look into our powers, and make the consideration of the report of the committee a special order for the committee of the whole. I move therefore that it become a special order of said committee on Monday.

(The Records of the Arizona Constitutional Convention of 1910, Page 118)

[e936390] Mr. Winsor: I believe several members of the convention are laboring under the misapprehension that this provision would be included with the constitution. That is not the case; as I understand it, it will simply be included in the election ordinance.

Mr. Moeur: The Enabling Act is quite brief in laying down specifications for the first election of state officers. The substance of it is that the qualifications of electors shall be the same as that under the laws of 1901, but any further regulation of this election is limited. It seems to me that any person who studies the Enabling Act will come to the conclusion that this convention in the election ordinance provides some election laws; that is we must conceded that this election must be conducted in accordance with the rules laid down in the territorial statues for some year, say 1901. Also we must provide in some way, either by nomination of political party in convention assembled, or by petition or by direct primary or in some other way. Now the purpose of this resolution is to get at the opinion of this convention as to save the committee a large amount of work. I would say to the gentlemen who are in favor of postponing this matter, that if we can get an expression of the convention on the matter, we can go ahead and attend to the matter.

Mr. Wells: That is a very important proposition, and one on which the question of constitutionally may arise. We should not hesitate to do all that is right and proper, and I think we should make it a special order for Monday, in order to investigate.

(The Records of the Arizona Constitutional Convention of 1910, Page 118)

[e936391] Mr. Chairman: The secretary will read the original motion made by Mr. Jones.

Secretary (reading): "Mr. Jones (Yavapai) moved that when this committee do arise, it report that it be the sense of the convention that the officers to be chosen at the first election shall be nominated by direct primary. That in such direct primary election full provision shall be made whereby an advisory vote of the people shall be taken on candidates for a United States Senator. Mr. Cunniff amended, making the matter a special order for the committee of the whole on Monday.

Mr. Jones (Yavapai): I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 118)

[*e936392*] Mr. Chairman: You have heard the motion. All those in favor say "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 118)

[*e936393*] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[*e936394*] [Editor's Note: The Special Report from the Committee on Suffrage and Elections on Direct Primary was referred back to the Convention alongside the Committee's report.]

(Editorial)

[*e936397*] Secretary (reading): "Report from the Committee on Legislative Department, Distribution of Powers and Apportionment, recommending that the proposition herewith submitted be substituted for Proposition Number 4."

(The Records of the Arizona Constitutional Convention of 1910, Page 118)

[*e936398*] Mr. Winsor: That was not placed on the calendar of the committee of the whole. It cannot come up until the substitute also comes before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[*e936399*] Secretary (reading): "Report of the Committee on Ordinance on Proposition Number 19, returning same without any recommendation."

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[*e936400*] [Editor's Note: Proposition Number 19 was copied into the Committee alongside the Committee's report.]

(Editorial)

[*e936401*] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 19.]

(Editorial)

[*e936402*] Mr. Cunniff: I move that the consideration of this be postponed until the other ordinance proposition as recommended by the committee comes up before the committee of the whole.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[*e936403*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936404] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e936405] [Editor's Note: Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936406] [Editor's Note: The Report from the Committee on Suffrage on Proposition Number 19 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936407] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936408] Secretary: There are no further matters on the calendar of the committee of the whole.

Mr. Winsor: I move that the committee do now arise, and report progress.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

[e936409] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 119)

### **32.3 Monday, 31 October 1910, at 09:00 (s15977)**

[e936226] Mr Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936229] Mr Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936922] Mr. Chairman: The committee will come to order. The first business before the committee of the whole is the special report of the Committee on Suffrage and Elections relating to direct primary. Read the report.

Secretary reads the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 125)

[e936927] Mr. Chairman: Gentlemen, what is your pleasure?

Mr. Jones (Maricopa): I move that it is the sense of the committee that the resolution be adopted, and provisions be made to have it carried out.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 125-126)

[e936933] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e936939] Mr. Jones (Maricopa): I move that when the committee arises, it report such recommendation to the convention.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e936944] Mr. Jones (Maricopa): I move that when the committee arises, it report such recommendation to the convention.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e936950] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e936953] Mr. Chairman: There is nothing further to come before the committee. A motion to arise will be in order.

Mr. Winsor: I move that the committee arise, and report to the convention.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

[e936955] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 126)

## 32.4 Tuesday, 01 November 1910, at 09:00 (s16076)

[e938104] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938106] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938110] Mr. Chairman: [...] The matter on the calendar for consideration is Proposition Number 99. The secretary will read it, with the recommendation of the committee the Proposition Number 99 be adopted without alteration or amendment.

Secretary (reading): "Proposition Number 99, introduced by Mr. Wills of Pinal County. Relative to livestock. Committee recommends its adoption without alteration."

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938112] Mr. Chairman: [...] The matter on the calendar for consideration is Proposition Number 99. The secretary will read it, with the recommendation of the committee the Proposition Number 99 be adopted without alteration or amendment.

Secretary (reading): "Proposition Number 99, introduced by Mr. Wills of Pinal County. Relative to livestock. Committee recommends its adoption without alteration."

(The Records of the Arizona Constitutional Convention of 1910, Page 141)

[e938115] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 99.]

(Editorial)

[e938119] Mr. Chairman: You have heard the report of the committee read. What is your pleasure?

Mr. Cunniff: Mr. Chairman, I would like to inquire of the gentleman who introduced the proposition whether there is any purpose in mentioning the specific diseases; would it not be better to leave them out, making the proposition read "the introduction and spread of infectious diseases." Would that not cover the ground? I realize that this is an accurate reproduction of the provision in another constitution, but it seems to me that it is unnecessary to name the diseases, which are, as I understand it, infectious diseases.

Mr. Willis: It may not be necessary to name them, but I do not see that it does any harm.

Mr. Parsons: It seems to me as those diseases named in the proposition to be adopted are the most prominent diseases to which stock is subject, and that it is certainly not inappropriate to have them specifically mentioned, so that people may know without having to consult a lawyer, what constitutes infectious diseases. As already shown, this is an exact copy of the constitution of Wyoming, where the stockmen have interests largely identical with those in Arizona. While it might sound better to a person of trained intellect to leave these words out, I think for the benefit of the stockmen that they had better be left in.

Mr. Tuthill: I would like to ask the gentleman from Pinal, what particular necessity there is for a clause like this in the constitution. The present revised statutes seem to cover the case completely. Of course, there may be a very good reason that I know nothing of. If none exists, why encumber the constitution with it.

Mr. Winsor: It seems to me that this direction to the legislature to pass a law which is already on the statute books and in effect, could produce absolutely nothing but confusion, as directing the legislature to do something that is already done, and indicating that in some manner not explained, it should be altered or amended. Now our constitution, except in such cases as are specifically prohibited, will leave with the legislature and the people the authority to pass such laws as they may desire to pass, and it seems to me that if there are amendments desired in the livestock law that that power and right is reserved

to the legislature, without any reference to the subject. I think that wherever possible, without working injury to the people of any legitimate industry, that such matters should be left alone. Wherever it is necessary, it is well enough to have a specific recommendation or instruction, but this does not seem to be the case here.

(The Records of the Arizona Constitutional Convention of 1910, Pages 141-142)

[e938123] Mr. Wills: I move that this proposition be adopted just as it stands.

(The Records of the Arizona Constitutional Convention of 1910, Page 142)

[e938125] Mr. Cunniff: I move as an amendment that the words "pleuropneumonia, glanders, splenetic or Texas fever" be omitted, likewise the word "other" making the proposition read: "Introduction and spread of infectious diseases."

(The Records of the Arizona Constitutional Convention of 1910, Page 142)

[e938129] Mr. Winsor: I think for the information of those who want to do what is right about this, that we should have some explanation why this provision is necessary. If it is necessary, let us have the explanation.

Mr. Franklin: Mr. Chairman, the idea of the gentleman from Yavapai, as I gather it, is that the enumeration in this constitution of certain diseases would possibly, if there were other diseases, which the livestock men desire to be protected against, preclude the legislature from enacting laws to that effect.

Mr. Webb: I would like to ask whether the introduction of this proposition might keep the legislature from doing things it might do if the constitution is silent. If that be true, we give the legislature greater power by remaining silent than by naming their powers. I have often heard learned gentlemen on this floor, (gentlemen of the bar), say that to mention matters specifically in a law eliminates all other things.

Mr. Ellinwood: My understanding is that under the police power of the state, such laws may always be enacted. There is absolutely no necessity for such a law. I am in favor of this matter simply because the gentleman from Pinal wants it. So far as the language is concerned in naming the specific diseases, or items, are mentioned in a statute, the rule of ejusdem generis prevails, and it can be given no greater latitude than the words used in the statutes. The legislature can do just exactly what the gentleman from Pinal desires; furthermore, you could not prevent the legislature from enacting such a law with an injunction; they do it at every session.

Mr. Jones (Yavapai): It is my opinion that while it is highly desirable, this provision should not go into the constitution. There will be just as great necessity for legislation protecting the horticultural interests and persons. If we undertake to do so here, it will simply confuse the legislature.

Mr. Ellinwood: On the line mentioned by the gentleman from Yuma, I would like to say that the present statutes of Arizona cover these matters, and there is both a livestock sanitary board and a sheep sanitary board that have charge of them, and the present laws of Arizona will continue in effect unless we change them.

Mr. Tuthill: I would like to have a single reason why this should be put in the constitution. I would like very much to vote for this provision; I am heartily

in accord with anything that will protect the livestock interests, but I do not see any use of shooting one dog with two bullets, if you can kill him with one.

Mr. Cunningham: I will endeavor to answer the question of the gentleman from Yuma. If this provision appears in the constitution, it will require hereafter that such legislation be on the statute books. If it does not appear in the constitution, then the legislature will have the right to eliminate it entirely if it wishes. It is simply to insure permanence.

Mr. Tuthill: Can anyone conceive of a legislature in Arizona repealing any part of this clause in the next 500,000 years?

Mr. Webb: To answer the gentleman from Cochise, I will say that if he will refer to the proposition, he will see that only one-half is mandatory, and the rest is to the effect that the legislature may do it. As to this measure, I think the gentleman who introduced it has no more interest in it than myself. He can certainly be no more ardent for such a law. If it will do any good both the gentleman from Pinal and I want it there. My opinion is that it will do no good.

(The Records of the Arizona Constitutional Convention of 1910, Page 142)

[e938133] Mr. Webb: [...] I move that when the committee arise, it report to the convention the recommendation that Proposition Number 99 be not passed.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 143)

[e938135] Mr. Doe: Mr. Chairman, I am opposed to the proposition upon two grounds. First, that it is restrictive in its character upon the power of the legislature; I am heartily in favor of legislation to protect the stock interests, but I think this is a restriction upon what the legislature might do in their behalf, rather than purely for their benefit. I am opposed to all matters that are purely legislative in character, and that have no place in the constitution; they should be left to legislative discretion.

(The Records of the Arizona Constitutional Convention of 1910, Page 143)

[e938138] Mr. Chairman: Are you ready for the question? All in favor of the motion say "aye;" those opposed "no." The "aye" have it. The motion is carried. This disposes of business before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 143)

[e938140] [Editor's Note: With the adoption of Webb's amendment to reject, the competing proposals were dropped.]

(Editorial)

[e938142] [Editor's Note: With the adoption of Webb's amendment to reject, the competing proposals were dropped.]

(Editorial)

[e938144] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[*e938149*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e938155*] Mr. Hunt: I move the committee of the whole do now arise.  
Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 143)

[*e938159*] The motion prevailed.

Mr Chairman: The committee of the whole will now arise and report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 143)

## 32.5 Tuesday, 01 November 1910, at 14:00 (s15984)

[*e936431*] Mr. Chairman: The convention as a committee of the whole will be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[*e936432*] Mr. Chairman: The convention as a committee of the whole will be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 145)

[*e936434*] Mr. Chairman: [...] The secretary will please read the calendar.

Secretary: (reading): The first proposition on the calendar is the report of the Committee on Style, Revision and Compilation on Proposition Number 70 as amended.

(The Records of the Arizona Constitutional Convention of 1910, Pages 145-146)

[*e936568*] Proposition No. 70 and report of Committee on Style, Revision and Compilation read.

(The Minutes of the Arizona Constitutional Convention, Page 110)

[*e936440*] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 70.]

(Editorial)

[*e936445*] Mr. Winsor: Mr. Chairman, I move that the recommendation of the Committee on Style, Revision and Compilation be adopted.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 146)

[e936446] Mr. Osborn: Mr. Chairman, I would like to know the difference between the report of the Committee on Style, Revision and Compilation, and the one brought in by the Committee on Suffrage and Elections.

(The Records of the Arizona Constitutional Convention of 1910, Page 146)

[e936451] Mr. Chairman: The secretary will please read the report of the Committee on Suffrage and Elections and that of the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 146)

[e936452] Secretary reads reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 146)

[e936460] Mr. Parsons: Mr. Chairman, it seems to me that the proposition as amended is indefinite, and should state both "before and after elections." Now it might be that committees or candidates sometime after elections might desire to make such report of the money but there is no provision for any definite time or the limitation of time. It might mean thirty days, sixty or ninety days after the election, and this proposition does not provide for time or limitation, therefore, I move that the report be re-referred to the Committee on Suffrage and Elections and the matter of definite time or limitation of time before and after election be given attention and consideration. Gentleman, I say that some attention should be paid to the time when these reports should be made both before and after elections. I would refer you to the original bill. Now it seems to me there should be some limitation of time in which this report should be made so that candidates or party committees could not take their own time as the case might be.

[...]

Mr. Ellinwood: Mr. Chairman, I agree with the gentleman from Cochise, and I second his motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 146-148)

[e936472] Mr. Winsor: The committee agrees that the constitution should contain a good campaign publicity law, yet we left that this proposition would cover the ground thoroughly. Although this is a legislative matter, we agreed to the proposition as being sufficient, and since it contains the words, "before and after," we still believe that the ground is well covered in the proposition. We must understand that the constitutional convention cannot provide for all these matters in the constitution, but we are the machinery which must frame a fundamental law and the legislature must do the rest. I think we can safely leave this matter to the legislature and to the people.

Mr. Parsons: I think that it should have some designation as to when that time should be. There should be a stated and specific time before and after the elections in which these reports should be made. As this bill now stands I do

not see how such reports are to be made, for if there is to be a law requiring a report of the expenditure of money on elections, there should certainly be a limited time in which such reports should be made, therefore, I again move that this report be referred to the Committee on Suffrage and Elections.

Mr. Jones (Yavapai): The object of the committee on suffrage and elections in making the report as it now stands has been partly covered by the gentleman from Yuma, Mr. Winsor, but I would also add, as chairman of that committee, that if there is to be a publication of the campaign funds so that the people may know what money is begin expended in the campaign, then it will be necessary to make a publication at least two or three days before the election, and that would leave the time open for money to be used to influence the election, and then, too, this first publication would not be the last publication for to include all the expenditures it would be necessary to make publication after the election.

Mr. Winsor: Mr. Chairman, it seems to me the only way to dispose of this question is to leave it to the legislature to provide for the time of publication.

Mr. Osborn: Mr. Chairman, I have not yet a clear conception as to the proposition and the amendment to the report of the suffrage and elections committee.

Mr. Cunniff: This is the report of the committee on suffrage and elections, is it not? But I will say that it would be well to read the report as it is punctuated and that will possibly explain the proposition in a more satisfactory manner. Now, Mr. Chairman, the phrasing used by the committee on style, revision and compilation has not changed the sense of the proposition submitted by the Committee on Suffrage and Elections. In our own opinion we felt that the bill covered the ground very thoroughly; that it would accomplish the purpose of the bill without any further mandatory phrasing, and that it could safely be left to the legislature with regard to all suggestions as to the time for the publication of the expenditures for campaign purposes. It is in our judgement very accurate and very plain.

Mr. Parsons: Mr. Chairman, I insist that if there is going to be an ordinance incorporated into this constitution with regard to an election and that ordinance contains instructions as to the conduct of elections, or if this convention is going to make provisions for elections, as the proposition now before us, I say that we should adopt such provisions as will apply not only to the first state election but all elections thereafter, and if there is to be no ordinance then all the oratory of yesterday was worse than wasted. If we are to provide a law for the publication of funds, appropriated for campaign use at these elections, I insist that the law should cover the ground perfectly and without the slightest question of doubt in the minds of the legislature, but the proposition does not make such a provision. I ask for an argument against the question of the time for such publication. In all the able remarks and arguments put forth by my worthy colleagues on this question there has not been one argument against the question of time or the limitation of time that should be set forth in this bill.

Mr. Cunniff: This is the report of the Committee on Style, Revision and Compilation, and as a committee, we have agreed that this proposition as it now stands is sufficient and covers the ground thoroughly, and that if this convention in its constitution provides the fundamental law, the legislature can comply with this law and make such other provisions as they may deem necessary as to the provisions of such an election law, therefore, I would suggest, that the bill as it has been amended and reported is sufficient and accurate without any further

recommendation.

Mr. Kingan: The constitution will not be in force until after the election, not in force until after the proclamation of the President. Will there be an election to which this bill could be applied. I think that it is purely a legislative matter.

Mr. Moeur: Mr. Chairman, I do not know whether the motion of the gentleman has ever been seconded or not, or whether it should be seconded, as I cannot see why he should wish for any particular time, as that will not prevent the expenditure of a million or more dollars in any campaign. The question is do we want the publication of the campaign funds, if so it is sufficient that we provide for the fundamental law and leave the rest to the legislature.

Mr. Ellinwood: Mr. Chairman, I agree with the gentleman from Cochise, and I second his motion.

Mr. Winsor: Mr. Chairman, I would like an explanation as to how our constitution will apply to the first state election.

Mr. Parsons: I did not ask for an explanation, I asked for an argument, and I insist that attention should be given to this question of time before the proposition is adopted into the constitution.

Mr. Cunniff: I would like to hear an explanation from the gentleman from Cochise as to what he would make of the phrasing of the bill?

Mr. Parsons: As to that I would not wish to suggest to the committee, and I do not care just how it is framed, just so that provision is included within the proposition.

Mr. Cunniff: I think that matter should be determined by the special committee on state elections.

Mr. Parsons: Which, the Committee on Ordinance or primary elections? By the good and efficient authority cited here yesterday by Judge Baker, this has nothing to do with general elections, and that committee was to prepare a primary election law. This proposition is a very different matter.

Mr. Kingan: In order to report on this matter, I understand that a special committee will determine the matter of primary elections. I do not understand how they can do so until we are a state.

Mr. Winsor: I think the gentleman from Cochise is laboring under too much confusion. It is the sense of this convention to provide for publicity of contributions to the campaign funds, and we are endeavouring to place such a fundamental law in the constitution. This provision has been submitted and recommended for our adoption. The bill which has been drafted includes all that is necessary for this convention to adopt, and it is absolutely unnecessary to go into legislative matters.

(The Records of the Arizona Constitutional Convention of 1910, Pages 146-149)

[e936474] Mr. Parsons moved, seconded by Mr. Ellinwood to amend by re-referring Proposition No. 70 to Committee on Suffrage and Election and making Proposition applicable to first State election; lost.

(The Minutes of the Arizona Constitutional Convention, Page 111)

[e936479] Mr. Ellinwood: I move that this be referred to the Committee on Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936483] Mr. Cunniff: Mr. Chairman, I would suggest that the motion of the gentleman from Cochise is foreign to the question. This question has nothing to do with state elections. The motion for the adoption of this report has been made and seconded.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936485] Mr. Ingraham: The matter before the convention is not a matter than [sic] can be referred to the Committee on Ordinance as there can be no such law included in the ordinance unless the committee has such instructions from the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936491] Mr. Parsons: Now, I rise to a point of order. I understand that the question before this committee of the whole is the report of the Committee on Style, Revision and Compilation, with recommendation that it be adopted. I am opposed to the adoption of that report unless it contains some definite time as to when the reports on the money expended in campaigns should be made. There is not time stated in the provisions of this bill, and I think that there should be a time limitation, as the candidates or committees might take sixty days or ninety days, and use their own judgement in the matter and if publicity of funds is to be a law there should be a time set for these reports for the benefit of the people. There has been no argument against a time limitation and I have asked for one and I insist on some argument against it or that it should be included in the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936492] Mr. Cunniff: I understand the argument of the gentleman from Cochise, but I am still of the opinion as are other members of this convention and the Committee on Suffrage and Election that the bill as it now stands is sufficient and covers the ground thoroughly and that we can leave it to the legislature to make such other provisions as to time, how long before or after the election such reports should be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936493] Mr. Webb: I rise to a point of order. I do not think that the question is being discussed from the right standpoint. The question being discussed is, shall we or shall we not provide for publicity of campaign expenses in the election for the first state officers? The question comes up as to whether this will effect the election of such officers if incorporated into the constitution, and I would say that this question is a matter for the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936494] Mr. Parsons: If this be true that is the very strongest argument in favor of having a clause for the time limitation within this proposition. Any argument against it is simply worthless, for if we are to incorporate such a law in the constitution we want the law clear and definite and accurate and without flaw, such a law as cannot be construed by any legislative body.

Mr. Osborn: The Committee on Suffrage and Elections thought that might safely be left to the legislature.

Mr. Jones (Yavapai): The reason we did not go into every detail was because of the belief that the members of the convention would not consider it their duty to work out every law that is legislative in nature, and since we are to provide only for fundamental laws, that we should leave all others to the people or to the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936495] [Editor's Note: Webb's point of order is not further discussed, so it has been dropped from consideration.]

(The Records of the Arizona Constitutional Convention of 1910, Page 149)

[e936496] Motion of Mr. Winsor to adopt report on Proposition No. 70 carried.

(The Minutes of the Arizona Constitutional Convention, Page 111)

[e936497] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e936499] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936569] [Editor's Note: Proposition Number 70 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936504] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Style, Revision and Compilation, begs leave to respectfully recommend: That of the phrases 'legislative assembly,' 'general assembly,' and 'legislature,' used in various propositions, 'legislature' be adopted as the one to use in the constitution, and that mandates to the legislature be phrased, 'The legislature shall,' and 'The legislature at its first session shall,' in preference to other forms. M.G. Cunniff, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936507] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to the report from the Committee on Style, Revision and Compilation on Phrasing of Legislature.]

(Editorial)

[e936511] Mr. Cunniff: I move that the report of the committee be adopted as read.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936512] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936513] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e936515] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936517] Secretary (reading): "Phoenix, Arizona, November 1, 1910. Mr. President: Your Committee on Judiciary begs leave to report is has examined Proposition Number 50 and respectfully recommends that Proposition be adopted. D.L. Cunningham, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936519] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936522] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 50.]

(Editorial)

[e936525] Mr. Cunningham: I move the adoption of the report.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936530] Mr. Ellinwood: [...] Mr. Chairman, there has arisen in my mind a question as to this proposition, so I move to amend the proposition in the third line, page one, of the printed proposition by striking out the word "with" and insert in lieu thereof, "made by" and strike out in the same line the word "waiving," and insert in lieu thereof "to waive."

Mr. Lynch: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936534] Amendment adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936537] [Editor's Note: The adoption of Ellinwood's recommendation to amend the proposition supersedes this proposal.]

(Editorial)

[e936539] Mr. Winsor: I move that the committee of the whole recommend that Proposition Number 50 be adopted.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936540] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936542] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e936545] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936546] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936560] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936550] Mr. Hunt: Mr. Chairman, I now move that the committee of the whole arise and report progress.

Mr. Weiberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

[e936551] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 150)

**32.6 Thursday, 03 November 1910, at 09:30 (s16014)**

[e936798] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936799] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936800] Mr. Chairman: The committee of the whole will come to order. The secretary will please read the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936801] Secretary (reading): "November 3, 1910. Committee of the Whole. Consideration of Propositions Numbers 63, 123, 68 and 98."

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936802] Mr. Chairman: The secretary will read the report of the committee on Proposition Number 63.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936803] Mr. Chairman: The secretary will read the report of the committee on Proposition Number 63.

(The Records of the Arizona Constitutional Convention of 1910, Page 158)

[e936804] [Editor's Note: Proposition Number 63 was referred to the Committee of the Whole alongside the report from the Committee on Judiciary.]

(Editorial)

[e936805] [Editor's Note: Proposition Number 123 was referred to the Committee of the Whole alongside the report from the Committee on Judiciary.]

(Editorial)

[e936806] Mr. Cunniff: I beg to advise that Proposition Number 123 is an amendment of Proposition Number 63, and the should be considered jointly.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
158-159)

[e936807] Secretary (reading): Proposition Number 63, introduced by Mr. Cunniff of Yavapai County. Relative to injunctions.

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Numbers 63 and 123.]

(The Records of the Arizona Constitutional Convention of 1910, Page 159)

[e936808] Mr. Cunningham: I desire to move that this committee when it arise recommend to the convention that it adopt the majority report of the Committee on Judiciary, which is to indefinitely postpone both bills.

Mr. Langdon: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 159)

[e936809] Mr. Cunniff: I move an amendment that the minority report be substituted.

Mr. Jones: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 159)

[e936810] Mr. Cunningham: The effect of the provision in the Constitution would be that if a judge should issue a writ of injunction under certain circumstances, and honestly and earnestly endeavor to enforce the law, he would, without any intent, be guilty of a crime. You would place him in a position to be punished for any absolutely honest error he might make in the discharge of his duty. He could not be heard to defend himself. He would be impeached for passing on a question earnestly, sincerely and honestly. If the case should be carried to the supreme court, and there he should be reversed and that court would find that he had no right to issue an injunction in that case, he would lose his office, while he could not be heard and there would be no trial nor would he be given any opportunity of upholding his action.

Mr. Cunniff: Will the gentleman from Cochise permit a question?

Mr. Cunningham: Certainly.

Mr. Cunniff: Is it not true that under the method of impeachment the judge will have a trial in the state senate?

Mr. Cunningham: Yes, but where will he have any defense to put up. If the supreme Court should hold —

Mr. Chairman: Gentlemen in their discussion will please address the chair, and not each other.

Mr. Cunningham: I was only answering the question of the gentleman. Now, I will suggest that other propositions which have been presented to this convention seemed to me to cover the ground intended by this. It is not the intention of the gentleman who has addressed the convention preceding me to make as drastic measure as this one is, and it is no doubt his intention that did the people in the circumstances mentioned should be protected and have their rights adjudicated. The system of laws under which we are living has grown up along the lines of experience from “when the memory of man runneth not to the contrary.” At one time when a jury decided a case adversely to what the court and the prosecution thought it should have decided the jury was punished with the punishment that should have been meted to the criminal; — they were punished for the mistake. People have grown beyond that so far that the idea seems horrid to us now to make a jury responsible for any error it may make. It is history, and we certainly would not revert back at this late day to times that we look upon now as barbarian. We certainly could not afford to. We must stand squarely at the front; and it would be nothing but to call back to those former times to hold a man who has no discretion in his power responsible for a mistake in exercising his discretion. No opportunity is given a man, who is held for punishment, to be heard before he is punished. No other law has

gone so far, and I hope one never will. This is a free country, and a liberty loving country, and every man has the right to be heard in his defense before he is punished under any circumstances. Such a right is given in Proposition Number 104 introduced by Mr. Ingraham of Yuma.

Under our present injunction proceeding, the judge has the right to exercise his discretion, and the man against whom the injunction is sought has every right that any free liberty-loving man should wish. It is certainly in harmony with the laws we are living under— that have come down to us from our ancestors across the water. Why should we in this twentieth-century borrow from the stone ages a law that a man shall be punished without being given a chance to be heard. Now, all this talk of courts ruining the country is answered by the very words of the gentleman from Yavapai as referred to in some political organization. This country is to be governed by laws, and not by men, and if you set down laws and require that the judge administer the law, he administers the law, not as a man. If you are proposing to have the man answer for malfeasance in office, then you are placing the man in the position on the bench not to issue an injunction under any circumstances until he is mandamusd by the higher court, or he will be removed from office. What kind of an administration of law would you have under these circumstances?

Mr. Moeur: Will the gentleman yield to a question? I would like to know if this Proposition Number 63 will constitutional?

Mr. Cunniff: It will be if we make it so.

Mr. Cunningham: In answer to the gentleman from Cochise, I would like to say that a Proposition Number 104 as introduced by Mr. Ingraham, though an excellent measure, does not touch this matter at all. I would like to say further, that having fun loaded the argument for [sic, of] the gentleman from Cochise with the utmost care, it seems to me that the whole essence of the argument is a plea for special privileges for the court. I believe, gentlemen, in equal rights for all, and special privileges for none, not even the courts.

Mr. Lynch: Mr. Chairman, during the past year I have frequently had occasion to read the periodical known as the "Appeal to Reason" and I have found that the main work of the "Appeal to Reason" (the socialist organ) at the present time, is to fight the courts, and I was perfectly astounded to come into this convention of democrats in the Territory of Arizona and find we have members whose whole aim was to attack the integrity of our American courts. I want to say that I am thankful for the fact that over in Graham County I did not have to run for delegate on a socialist platform. (applause) And it seems to me that the gentleman from Yavapai County has been unfortunate in that respect, in that he has been compelled to run on a platform that might well be, as to this proposition, referred back to the "Voice of the People." He points to defects in our system of courts; I know there are defects. I know our courts have gone along for years doing things they ought not to have done in labor disputes. I know the courts have gone their own way in issuing injunctions in these labor disputes, but I want to call your attention that the courts that have done these things are the federal appointive courts, and not the elective courts. You find rare instances where a judge has violated the constitution in reference to injunctions. The gentleman says that this proposition is simply means that if a court violate the constitution the court is subject to impeachment or removal; that does present a judge who violates a constitution is not subject to removal from office and impeachment. If this is the only thing that the gentleman

from Yavapai asks we have a full remedy in this matter. As was said by the gentleman from Cochise County, in the olden times we punished the man who made a mistake. This simply means that if a judge makes a mistake in his interpretation of the law or in his interpretation of the constitution, then he is subject to removal from office. I will go further and say that the Chinese in olden times used to have (and may still have) a law that if a physician treated a man and the man died, the physician was put to death.

Mr. Tuthill: They ought to have it yet.

Mr. Lynch: Under this, if a judge decides a case in which a labor question arises, off goes his head if he makes a mistake. What sort of a thing is this to put into a constitution. If the statement of the gentleman from Yavapai is correct, and the only object of this proposition is to prevent judges from violating the constitution, we do not need it. And I, as one of the committee who were called "ornaments of the legal profession" which committee vote was unanimous in their disapproval of the socialistic plank being put into this constitution, wish to say that I certainly shall oppose it.

Mr. Cunniff: I wish to say that there was nothing sarcastic in my remarks.

Mr. Parsons: Mr. Chairman, I desire to say that I yield to no member on this floor in my desire to see the courts of our country administered in such a way that will be most beneficial to all, be he rich or poor, black or white, but I do not think it necessary for me to lend my assistance to the adoption in our organic law of a proposition like this. I know of nothing to warrant the statement made that the court himself knows he is doing wrong. This is a phrase I object to most seriously. Now, gentlemen, who is to determine whether the issuance of an injunction is contrary to the constitution or not; is it to be the judge, or the person against whom the injunction runs, the man whose liberty is being restrained. Under our existing law if a judge in the exercise of his discretion does anything wrongfully or corruptly or in violation of the constitution of the state [or] of the union, he is subject to impeachment, but, as has been stated, he is not subject to summary dismissal without hearing. It is an error of the heart and not the head. I regret to hear one of our most valuable and cultured members arraigning the courts of the country. I believe that men more honorable or of higher ideals do not exist in this country than the men who compose our judiciary. I hope that this will not get into our constitution, for the only result would be to secure the turning down of our constitution, and I, therefore, oppose this measure. (applause).

(The Records of the Arizona Constitutional Convention of 1910, Pages 160-163)

[e936811] Mr. Cunniff: Mr. Chairman, I would like to offer a substitute to the amendment that the proposition do pass, so that the amendment would read that the proposition be recommitted to the Committee on Judiciary.

Mr. Crutchfield: I second this amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 163)

[e936812] Mr. Ellinwood: I hope that this amendment will not prevail. I am certain that I speak for the judiciary committee in saying that we do not want that proposition back. The committee was unanimous, and we are as able to pass on it now as any time.

(The Records of the Arizona Constitutional Convention of 1910, Page 163)

[e936813] Mr. Cunniff: If that is the case, I will revert to my first amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 163)

[e936814] Mr. Ingraham: I sympathize with the mover of this proposition in his effort to reach what many members of this convention consider an evil. I believe that there have been such usurpations, and that the courts have sometimes issued injunctions, especially in labor disputes, that were too drastic. My objection is to the manner of reaching the difficulty. When the gentleman said that the executive had checks and balances; and that the legislative department and the people had checks and balances but the judiciary had none, he expressed a truth that is in the minds of many, and I believe that to the convention must come to the conclusion that there should be some check on the judiciary, and I can see no other check than the recall. The reason I consider this proposition impracticable is that it runs against the very fundamental proposition that if you have a judiciary, that judiciary must of course pronounce what is the law. The judiciary must be composed of men, therefore, and those men have the power to say what is the law, and that is what the court does when it pronounces and puts forth an injunction. Now the penalty is this, that injunctions are sometimes temporary and that they are granted without any hearing. They must be because of the rights involved. A street railway is extending its lines across property, and an injunction is sought. The court cannot say "we will hear you next week" because immediate protection is necessary. Gentlemen of the convention, it seems to me that the only remedy for that sort of usurpation is this: that if the public is convinced that it is a plain case of usurpation on the part of the judge, they can force him to forfeit his office by the recall. I cannot think of any other adequate check on the judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 163)

[e936815] Mr. Chairman: Are you ready for the question? The amendment proposed by the gentleman from Yavapai is that when this committee arise it recommend that Proposition Number 63 as amended by Number 123 be adopted. All in favor of the amendment will answer "aye;" all opposed "no." The secretary will call the roll.

Roll call showed 18 "ayes" and 32 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 163)

[e936816] Mr. Wells: Mr. Chairman, I desire to make an explanation of my vote. I would not do it were it not that we have a verbatim report of the proceedings, and in that report I presume it will show the statement of my colleague from Yavapai. I understand he stated that the delegation from Yavapai was pledged to this proposition as a whole. We have acted in harmony all the way through, and it is proper that it should be so, but as a minority of that delegation I wish to say that neither the proposition nor the amendment are in accord with my desires. My vote is no.

Mr. Cunniff: I beg my distinguished colleague's pardon, and will change my statement to the Democratic delegation from Yavapai County.

Mr. Wells: That is satisfactory.

Secretary: The vote is 18 "ayes," and 32 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
163-164)

[e936817] Mr. Chairman: [...] The main question is that when the committee arises it recommend that Propositions Numbers 63 and 123 be indefinitely postponed. All in favor of that motion will say “aye;” all opposed “no.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 164)

[e936818] [Editor’s Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e936819] [Editor’s Note: Proposition Number 63 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e936820] [Editor’s Note: Proposition Number 123 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e936821] [Editor’s Note: The Committee on Judiciary report was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936822] [Editor’s Note: The Committee on Judiciary minority report was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936823] The sergeant at arms announced that Mr. Franklin had taken his seat.

(The Minutes of the Arizona Constitutional Convention, Page 117)

[e936824] Secretary (reading): “Mr. President, Your Committee on Judiciary begs leave to report that it has examined Proposition Number 68, and respectfully recommends that Proposition be adopted by the convention.”

(The Records of the Arizona Constitutional Convention of 1910, Page 164)

[e936825] [Editor’s Note: Proposition Number 68 was referred to the Committee of the Whole alongside the Committee on Judiciary report.]

(Editorial)

[e936826] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 68.]

(Editorial)

[e936827] Mr. Cunningham: I move that when the committee arise, it do report to the convention recommending the adoption of Proposition Number 68.

[...]

Mr. Weinberger: I second Mr. Cunningham's motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 164)

[e936828] Mr. Jones (Maricopa): I move an amendment that when the committee arise it recommend to the convention that it refer Proposition Number 68 to the Committee on Preamble and Declaration of Rights.

Mr. Roberts: I second the motion of Mr. Jones.

(The Records of the Arizona Constitutional Convention of 1910, Page 164)

[e936829] Mr. Chairman: The main question is that the committee recommend the adoption of the proposition, amended by Mr. Jones that when the committee arise it recommend that the proposition be referred to the Committee on Preamble and Declaration of Rights.

Mr. Weinberger: I would like to inquire the reason of the amendment.

Mr. Jones (Maricopa): The reason is that there are several clauses in this proposition that refer to other propositions now in the hands of the committee on preamble, and they should all be considered at one time.

Mr. Cunningham: Now, Mr. Chairman, this provision is one in which all the people of Arizona are interested. It gives a right to prosecute without the ungainly grand jury system in certain circumstances. It is a provision that I have no doubt this convention is almost unanimously in favor of. Its place in the constitution perhaps would be in the bill of rights, and that the committee, if it should be adopted here, would have something to say as to its place in the instrument. I can conceive of no objection to this provision, and I cannot conceive of any reason why we should apply dilatory tactics here. I believe we should pass on motions as we get to them. We are now in the fourth week, and we have not adopted a great many measures. We refer and re-refer matters to committees, to give them an opportunity to work on them. Now unless some gentlemen of the convention will show me why this provision should not become a part of the constitution, I say we should go to work, and work promptly and diligently, and get through with provisions as we go along, so that the contested matters may have the right of way. I insist upon the matter being passed upon now.

Mr. Jones (Maricopa): Exactly the same proposition is now before the Committee on Preamble. Should that committee pass a measure that is technically opposed to this, or in some way not exactly agreeing with this, it will take up the same amount of time here to pass upon their report on this proposition also.

Mr. Cunniff: If the Committee on Judiciary has examined the proposition now before the preamble committee in connection with this, and has substituted this for all the other forms, it seems to me that we might adopt this now, but if they have not done so, it does not seem the thing to do. Sometimes, "the more haste, the less speed."

Mr. Lynch: I would like to state that we have examined the other propositions, and found them so nearly conforming to this that we saw no reason why

this should not pass. It can be amended when the report of the Committee on Preamble and Declaration of Rights comes up. This is not the final passage of the matter, but it pushes it along on the calendar just that much, and it seems to me we should have it out of the way.

(The Records of the Arizona Constitutional Convention of 1910, Pages 164-165)

[e936830] Mr. Ingraham: I move an amendment to section 2 by adding this sentence: "The court or judge thereof shall upon the petition of 200 resident taxpayers of the county, make such order."

(The Records of the Arizona Constitutional Convention of 1910, Page 165)

[e936831] Mr. Chairman: I would not regard that motion as bearing on the main motion or amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 165)

[e936832] Mr. Chairman: [...] It will come up on the amendment as offered by Mr. Jones, that will be referred to the Committee on Preamble. All in favor of the motion answer "aye;" all opposed "nay." The nays seem to have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 165)

[e936833] Mr. Ingraham: Mr. Chairman, I now move my amendment. I think the amendment is necessary for this reason: The proposition as it now stands will leave the matter of the calling of the grand jury within the discretion of the judge, and it will leave the prosecution chiefly with the district attorney. A hearing will be had in the Justice Court. It might cause the defendant to be held for an indefinite time to await the action of the Superior Court. My amendment is aimed at this situation. Suppose the judge has refused to call a grand jury. It seems to me the people should have more protection, and if this amendment were inserted this will give them more power.

(The Records of the Arizona Constitutional Convention of 1910)

[e936834] Mr. Parsons: I would like to ask the gentleman from Yuma a question. Is it your idea that a superior judge will not have the right to call a grand jury? Is it an accumulative method? The wording of the section as amended would leave it ambiguous. This should be noticed as it would leave it to the judge to call a grand jury at his own pleasure unless a petition was filed.

Mr. Ingraham: The only construction to place upon this is the accumulative remedy.

(The Records of the Arizona Constitutional Convention of 1910, Pages 165-166)

[e936835] Mr. Cunniff: Mr. Chairman, why not say, "Grand juries shall be drawn and summoned only by order of the superior court at said court's discretion, provided that the court or judge thereof must on petition of two hundred resident taxpayers of the county make such order."

(The Records of the Arizona Constitutional Convention of 1910, Page 166)

[e936836] Mr. Chairman: Does the gentleman from Yuma accept the amendment of the gentleman from Yavapai?

Mr. Ingraham: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 166)

[e936837] Mr. Kingan: It seems to me the number should be arbitrary. Two hundred taxpayers would not work right. For instance in counties like Apache and Mohave, it might be very difficult to get two hundred taxpayers, while in Cochise or Maricopa counties, they might be calling for grand juries all the time.

Mr. Lynch: With the idea of the gentleman from Pima that we should be calling for grand juries all the time, I cannot agree, for if it were left with the people, they would not desire to leave their business for this purpose, and I do not see any reason for fear on that point, but I say that it might be better to make it state a certain percentage. As it is I do not think that this is necessary for it is going back to the old idea that our courts are corrupt. I do not agree with you nor the distinguished gentleman from Yavapai. If the courts are corrupt so also might the taxpayers or a percentage of them be so. I am still of the opinion that the motion should be seconded and voted on by this committee just as it is.

Mr. Chairman: Will the secretary please read the amendment of the gentleman from Yuma?

Secretary (reading): "The court or judge thereof shall on petition of 200 resident taxpayers of said county make such order."

Mr. Weinberger: Mr. Chairman, I believe the proposition as it now reads is entirely satisfactory. If you will look to section 1, you will find it broad enough, and it seems to me we should leave the details to be provided for by the legislature and not in this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 166)

[e936838] Mr. Colter: Mr. Chairman, I think that if the amendment obtains, that it should be made to read a certain percent and not two hundred taxpayers, as I know it might or will be a source of trouble in some counties. If an amendment is in order, I move that the words "two hundred taxpayers," be changed to read "five percent."

(The Records of the Arizona Constitutional Convention of 1910, Page 166)

[e936839] Mr. Lynch moved to amend by inserting the words, "five per cent of the qualified electors" in lieu of "two hundred resident taxpayers." (accepted by Mr. Ingraham.)

(The Minutes of the Arizona Constitutional Convention, Page 118)

[e936840] Mr. Doe: No time is provided for, and I do not see how a judge can call a grand jury unless the time be provided for, as he might be busy in one county and at the same time be called upon to call a grand jury in another county, and as all you good lawyers know that it is impossible for a judge to

arrange his work in the courts to go at the call of some other county. Such measure as this without full instructions will work confusion in the courts.

Mr. Jones (Maricopa): Is there any more room for amendments; if not, I think we have spent the necessary time on this question and I move the whole matter be re-referred to the appropriate committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 166)

[e936841] Mr. Chairman: A motion has been made and seconded to refer it to the Committee on Preamble and Declaration of Rights. Will the secretary please read the proposition and then read the amendment.

Secretary: reads Proposition Number 68 and the amendment.

Mr. Chairman: Those in favor of the motion say "aye;" those opposed say "no." The nays have it.

(Editorial)

[e936842] Mr. Chairman: Now the question comes upon the original motion. Gentlemen are you ready for the question?

Mr. Parsons: I understand it is the amendment?

Mr. Chairman: The amendment is lost. The question is: Shall the proposition be adopted? Those in favor of the motion say "aye;" those opposed "nay." The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 167)

[e936843] [Editor's Note: When the Committee made a final decision on their recommendation the Report was implicitly adopted.]

(Editorial)

[e936844] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936845] [Editor's Note: The Committee on Judiciary report was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936846] Mr. Chairman: [...] The secretary will read the committee report on Proposition Number 98.

Secretary reads report.

Mr. Chairman: Gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 167)

[e936847] [Editor's Note: Proposition Number 98 was referred to the Committee of the Whole alongside the report from the Committee on Preamble.]

(Editorial)

[e936848] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 98.]

(Editorial)

[e936849] Mr. Ellinwood: I move that the following be substituted for section 1. "Section 1. All political power is inherent in the people, and all free governments are formed on their Authority and instituted for their benefit; the faith of the people of Arizona stands pledged to the preservation of a republican form of government, and subject to this limitation only, and they have at all times the inalienable right to alter, reform or abolish their government in such manner as they think it expedient." Now Mr. Chairman, the proposition as recommended by the committee is indeed too broad and that one clause will leave too much power in the hands of the people. We are bound by the Enabling Act to maintain a republican form of government. The language used by the committee is the exact wording of the old constitution of Texas when it was a republic. However, in 1876, when the constitution of Texas was revised, gentlemen of the convention, the language was amended to read as I have offered in my Amendment. This is essential under the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 167)

[e936852] Mr. Chairman: Gentlemen you have heard the motion by the gentleman from Cochise, are you ready for the question?

Mr. Cunniff: Mr. Chairman, as this is only one of the many reports which will come up before the Committee on Preamble, and as there are several others which may come up before the convention, I move that this proposition be referred to that committee until one proposition is decided upon.

[Editor's Note: The Minutes state that Mr. Jones seconded Cunniff's motion but do specify whether the Mr. Jones in question was A.M. Jones of Yavapai County or F.A. Jones of Maricopa County.]

(The Records of the Arizona Constitutional Convention of 1910, Page 167)

[e936853] Mr. Cassidy: I would like to inquire whether it is the intention of the Committee on Preamble and Declaration of Rights to submit another report, or is this report final? If this is the final report I think we should pass upon it now.

Mr. Chairman: Will the chairman of the Committee on Preamble shed light upon the question?

Mr. Crutchfield: As chairman of the committee I would say that as I have been absent for a week and other members have been away also, we have not had a meeting, however, we had before this time considered a number of propositions and agreed upon in this one as being the best, although they are all very much alike. It is our intention to call a meeting at once and consider others in order that we may make a report at an early date.

Mr. Chairman: Are you getting ready to bring in another report?

Mr. Crutchfield: We expect to cover most of the ground at our next meeting and give a final report on all propositions submitted.

Mr. Cunniff: Is it not the best way to consider all the propositions and then decide upon which seems the most intelligent and most likely to be adopted and

report to the convention in this manner. It seems to me that it is certainly a great waste of energy and time to consider them one by one and report them in the same way when they all could be handled at the same time and disposed of at once.

(The Records of the Arizona Constitutional Convention of 1910, Pages 167-168)

[e936854] Mr. Chairman: The question before the committee of the whole is the motion of the gentleman from Yavapai, to the effect that Proposition Number 98 be re-referred to the Committee on Preamble and Declaration of Rights. Those in favor of the motion say "aye;" those opposed "nay." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936855] [Editor's Note: With the adoption of Cunniff's recommendation, Ellinwood's recommendation was dropped.]

(Editorial)

[e936856] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e936857] [Editor's Note: Proposition Number 68 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e936858] [Editor's Note: The Committee on Preamble report was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e936859] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e936860] Mr. Short: Mr. Chairman, I move that the committee of the whole now arise and report progress made.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

[e936861] Mr. Chairman: It has been moved and seconded that the committee of the whole do now arise and report progress.

The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 168)

**32.7 Friday, 04 November 1910, at 09:30 (s16028)**

[e937104] Mr. Chairman: The committee will come to order. Mr. Secretary, what is the order?

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937105] Mr. Chairman: The committee will come to order. Mr. Secretary, what is the order?

Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937107] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937108] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937111] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937113] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937114] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937121] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937122] Secretary: Consideration of Proposition Number 4 with minority reports and amendments, and also Substitute Proposition Number 4 offered by Mr. Baker yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937125] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 4.]

(Editorial)

[e937126] Mr. Moeur: Read the original proposition.

Mr. Webb: I think there is no reason for reading this original, as I believe the committee was unanimous in reporting the substitute in place of the original Number 4, except as to some minor points.

Mr. Moeur: This is a very important question, and I would like to get all of the information possible. I insist on the reading of the original proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 175)

[e937133] Mr. Baker: For the purpose of getting it properly before the committee of the whole, I now move that as an amendment to the substitute bill containing substantially the provisions of Proposition Number 4 as originally introduced by myself, except as to leaving blank the percentage for the initiative and referendum, and transposing some of the sentences to make them more logical and better reading, and to make more clear the extension of the initiative and referendum as to the localities. The wording of that has been changed in the proposed amendment so as to read "every county, city, town, or other municipality." These are substantially the changes in the amendment, I am now going to offer.

(The Records of the Arizona Constitutional Convention of 1910, Pages 175-176)

[e937137] Mr. Webb: I wish the record to show that my name be stricken from the majority report on Proposition Number 4. It is on a separate minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937138] [Editor's Note: The amendment was not discussed further; however, it seems likely that a change to the effect of withdrawing one's support would not have been objected to.]

(Editorial)

[e937141] Mr. Weinberger: My name should be on the majority report, agreeing with the substance of the report except as to paragraph 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937144] Mr. Weinberger obtained consent to have his name placed on the majority report of the Committee on Legislative Department, Distribution of Powers and Apportionment on Substitute Proposition No. 4.

(The Minutes of the Arizona Constitutional Convention, Page 122)

[e937145] Mr. Webb: I would suggest that the substitute offered by the gentleman from Maricopa be read.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937147] Secretary reads Mr. Baker's substitute proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937151] Mr. Winsor: Mr. Chairman, I suggest that in the interest of expedition and system that the minority reports which relate to simply one section of the committee proposition be acted upon in order; after which the question shall be upon the substitution of the amendment proposed by the gentleman from Maricopa. That will dispose of all amendments with relation to that section, and we'll leave the complete bill or another of these amendments incorporated therein.

Mr. Hunt: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937153] Mr. Chairman: You have heard the suggestion; if there are no objections the chair will consider the motions before the House is that the minority report headed by Mr. Cunniff be taken up, that being the first in the order of printing.

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937157] Mr. Cunniff: I move that the amendment be substituted for paragraph 8 of the substitute bill.

Mr. Cassidy: I second the motion.

Mr. Chairman: The motion is that the minority report signed by Mr. Cunniff, Mr. Cassidy, and Mr. Weinberger, be inserted in lieu of lines 15-25 on page 8 of the printed copy of the original bill. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 176)

[e937159] Mr. Baker: Mr. Chairman, I am opposed to this amendment for the reason that it is not broad enough. It is not extensive enough; it does not give the people in certain localities and opportunity to use the initiative and referendum, to which I believe they are all entitled. You will notice that the language used reserves the right to the qualified electors of every incorporated city, town and county. It extends no further, the well established rule of law being that when certain things are enumerated or stated in a statute or in a constitution, all others not directly mentioned are excluded. Now, under this rule the initiative and referendum will be strictly limited to the city, the town, and the county; but here you have your irrigation districts. Here in this county, and in all counties, you have school districts which exercise local powers to pass local rules and regulations, such as the issuance of bonds, purchase of school sites with changing of school houses. Under this measure every school district, no matter how directly interested the people may be in the matter, cannot use the initiative and referendum, simply because it is limited to cities, towns and counties. that is my objection to the amendment. It cripples its use. The

language in the original bill is much better, and would cover any body that does any legislating or makes any local regulations.

Mr. Cunniff: I have not the slightest objection at all, nor I think have the other gentlemen who have signed the minority report, to making a change and adding the words "or other municipality." The point is very much deeper than that. As I understand it, the point is that paragraph 8 of the substitute proposition, and also the amendment offered by the gentleman from Maricopa, does not indicate clearly what powers are given to cities. We have now in the territory of Arizona in regard to one very important matter a segregation of the city from the county, in regard to legislation on that matter, and it seems to me that solutions of the powers to be given to the counties and cities is one that is sound in principle, and I believe we should carry out the same plan in the state government for Arizona, in regard to the distribution of powers as to cities and counties. In other words, the purpose of this amendment is to provide "home rule" for cities. I do not think we should allow this proposition to go into the constitution of Arizona without a clearer definition of what the subdivisions in the State of Arizona are. Now my idea is set forth in this amendment, but a new idea of government in Arizona as to the kind and amount of power that is given to counties, has been proposed in the Committee on Legislative Department, and the fundamental idea thereof is expressed in the proposition as amended here by the gentleman from Graham. That the idea is that any action taken by the county shall rule the cities as well as the counties. Now, I am very strongly opposed to this substitute proposition of the committee and that of Mr. Baker, because that paragraph does not make clear what is their distribution of powers in that particular. The purport of this amendment is that we should have a segregation of the city from county control. Therefore, the question for the convention to decide is which idea do we wish to have set forth in this constitution, whether the one that is the substitute committee report and also in the report of the gentleman from Maricopa, which seems to follow that committee report in this respect, or this amendment where it is clearly settled. There were two views held by the gentlemen of the legislative committee, as to this, and where there is a difference of opinion among men giving it careful consideration, that paragraph must be susceptible of two interpretations by the various courts. I had this under discussion with the gentleman from Graham and told him that the purpose of our amendment was to the distinction that there should be segregation of cities, and his idea as expressed to me was that as he wished to carry out their theory of government he would bring in a minority report making this scheme of county control even over cities. At least that is the way I understood it.

Mr. Baker: The gentleman is making a distinction without a difference, so far as applied to this amendment. If you will notice the amendment which I have offered to the original bill, which has the same language as used in the original Proposition Number 4, the cities, towns, counties, etc., in all municipal matters are confined in the initiative and referendum to local laws—local special municipal legislation. They could not legislate about general law. No city or town passes general laws. The general laws are enacted by the legislature, by the state at large, and they control the whole state. Now the term, "local special legislation," refers to those matters that the county has a right to make or the district or city has a right to make under power given by the general law. Thus, when you undertake to say in the amendment that you give the same power

by the initiative and referendum confirmed to them by law, you have only said that which exists already and must necessarily exist. There is no use in this; it is simply a waste of words. You might as well paint a cow with horns and all, and then write on it, "This is a cow." (laughter) It is absolutely and wholly unnecessary. The original bill limits the use of this legislation to special and local matters, and has nothing to do with general laws.

Mr. Cassidy: I think the gentleman from Yavapai is entirely mistaken as to the scope of this amendment, and I think the gentleman from Maricopa has truly stated the real situation. Paragraph 8 in the Substitute Proposition Number 4 has been changed by the amendment by adding a few words after a certain sentence. Now the gentleman from Maricopa says that paragraph means what it would mean if those words were added. I think this is undoubtedly true, yet I find on discussion of this matter with some members of the committee and of the convention that some of them had the idea that it did not mean what I supposed it meant and that it did not mean what the gentleman from Maricopa supposed it meant. Now, this paragraph reserves the power of the initiative and referendum as to all local, special and municipal legislation. Does this mean that the county, for instance, can legislate only on those matters over which it is given authority by the general law, or does it mean that the county can legislate on all matter on which it is not forbidden by general law. In other words, does it give a government of delegated powers, or a government of reserved powers? Now, gentlemen, there is all the difference in the world. If it is a government of delegated powers, then under this initiative law the county can pass no legislation except as to subjects concerning which it is authorized to legislate by general law. On the other hand, if it means that it is a government of reserved powers, then it means that the county or city can pass legislation on any subject on which it is not forbidden by general law. If this language means a government of reserved powers, it gives every county and every city increased powers within its own limits, and we will have instead of the revised statutes of the State of Arizona, the revised statutes of the County of Maricopa, the County of Yavapai, and other counties of Arizona. Now, I say, if this language is ambiguous or uncertain, and I find that it is uncertain because members of the convention do not agree as to what it means, then now is the time to make it certain, and if it means to authorize counties to legislate only on matters concerning subjects on which they are authorized by general law then why not add those words and make it specific—make it certain. That is all this amendment proposes to do. It simply proposes to make definite and express what the gentleman from Maricopa says it already means. If a picture is painted, and it is meant to be a cow, and if there is any doubt as to whether it is a cow or not, then let us say, "It is a cow." (applause)

Mr. Cunniff: I might add to the words of the gentleman from Maricopa that the trouble is some think it is not a cow, but a sheep.

Mr. Baker: While I oppose the proposition, my original idea is absolutely correct. As we are using the illustration of painters, if you have not ability enough to paint a cow so everyone will know it is a cow, you have no business painting at all. (applause) You are making laws—the greatest kind of laws, and you ought to have the ability to express it so that you do not have to write on it what you meant by it. But outside of these matters, we have back of all of this the other objection I raised to this amendment, that is the limitation of the right of the people to use the initiative and referendum, confining it to cities, towns

and counties, while you have other bodies in the county that also have rights, as I have already illustrated, such as school districts, irrigation districts, and other districts that might be formed by the legislature. That is the principal objection I am making.

Mr. Webb: I was misquoted by the gentleman from Yavapai, and while I do not think I was intentionally misquoted, I did not intend to convey to him the meaning he seemed to draw from the very brief and talk we had. I am opposed to the amendment proposed because I think it is without precedent. I do not think you can find in any initiative or referendum law now written nor in any constitution or statute book the language which the gentleman proposes. I think the proposition of the gentleman from Maricopa is taken either from Colorado or Oregon, and mine is from Oklahoma. This is only one reason. Another is that we want to leave too much to the legislature. also it does not provide a different percentage of the voters in a county or district from that required in a city or town. I think the initiative and referendum should be as securely reserved to the different districts as to the state at large.

Mr. Cunniff: I wish to say in answer to the gentleman from Graham, that when the Oklahoma convention took up this matter they had before them the Oregon text, but changed that to suit their local conditions. I say therefore that we should change that Oregon text to meet our local conditions and set forth the idea we wish to have in the constitution of the State of Arizona.

Mr. Cobb: I am inclined to favor the amendment of the gentleman from Yavapai if he will add the word "municipality."

Mr. Cunniff: If the gentleman from Graham will make the motion, I will agree. Now, I cannot agree with the gentleman from Graham, Mr. Webb, if it is his idea to make the powers of the towns, cities and counties co-extensive with that of the entire territory. I think we should first change the name from the State of Arizona to the United Municipalities, or the United Republics of Arizona.

Mr. Webb: Mr. Chairman, I desire to say to the gentleman from Graham [sic, Yavapai] that I have no such thought or intention, nor has this convention the power to do such a thing, but I do not think that power should be co-equal on all matters [upon which] they have the right to legislate.

Mr. Feeney: Mr. Chairman, I would like to ask, have the counties the right to legislate? That is the problem that has been bothering me.

Mr. Cunniff: Mr. Chairman, the amendment is word for word like this amendment, except the word "counties" is omitted. That is the one that signed by Mr. Coker, Mr. Feeney and Mr. Morgan, and if we are going to have a discussion on that matter, I think it would be well to have it in connection with this. so that the final vote to may be understood to be a vote on these two, and if anybody wishes to amend this by cutting out the word "counties," I think the discussion should take place at this time. The amendment is exactly the same as the other, except "counties" is entirely cut out, and it seems to me if what the gentleman from Graham said is true, then I am pledged to reserve this power to cities as well as the state at large, but I wanted to make it clear that the counties have such powers reserved to them as are given under the general law and incorporated cities and other municipalities within the county shall have the power to use the initiative and referendum separate from the county.

Mr. Doe: Do I understand that if the amendment is carried that it shuts off a vote on the minority report?

(The Records of the Arizona Constitutional Convention of 1910, Pages 176-180)

[e937163] Mr. Cobb: In the minority report signed by Cunniff, Weinberger and Cassidy it is proposed to add after the word "counties" in the third line "and all other municipalities;" also, in the fourth line after the word "counties" add "and all other municipalities;" and in the fifth line after the word "counties" add "and all other municipalities."

Mr. Chairman: It is proposed to add after the word "counties" the words "and all other municipalities."

(The Records of the Arizona Constitutional Convention of 1910, Page 180)

[e937165] Mr. Cassidy: Mr. Chairman, on yesterday I was looking up some decisions in Oregon, and I find that the Supreme Court has decided that where initiative powers are given generally to counties, districts and cities, that the word "district," where the district includes incorporated cities and also includes other territory, that the larger will prevail—that the larger includes the smaller, and that where there is a conflict between an incorporated city and the district in which the city is included, the court holds that the district prevails, and that the law as adopted prevails over the entire district, including the limits in which the city is located, and I feel certain that if we use the word "county" here, and have any election on any county subject, that our courts will construe that the law will apply to the whole county, notwithstanding some subdivision in that county may have voted otherwise.

Mr. Cunniff: Mr. Chairman, if this distributes the power under the general law, it is to be understood that nothing of this kind can take its place until the general law, or our paragraph on counties and municipalities, distributes that power and states what matter should be under the county legislation and what would be under the city legislation.

Mr. Jones (Maricopa): Mr. Chairman, if I understood correctly, Judge Baker's principal objection to the minority report was because it was not broad enough; it did not include school districts and irrigation districts. Mr. Cobb's motion includes these words, "and all other municipalities."

Mr. Webb: Mr. Chairman, the gentleman from Cochise, Mr. Feeney, asked the question— has the county power to legislate on any matter? No member will deny that they have the right to regulate certain things; you may call it what you will. They doubtless will always have that right, and I should say that the initiative and referendum should be as jealously guarded for them as it is guarded for the people in cities and municipalities.

Mr. Weinberger: Mr. Chairman, if the initiative and referendum powers be reserved to the people will it be to the people of the smaller subdivision. The decisions of the courts are to that effect that if the majority of the people of a larger subdivision vote on a subject, and a majority vote a certain way, that the majority vote carries regardless of the will of any smaller subdivision within the larger body, and I am afraid that if the word "county" is going to be included within this amendment, that the smaller subdivision will be deprived of the power we are going to give them.

Mr. Cunniff: Mr. Chairman, that distribution of powers is a matter to come up under municipalities, where those matters will be presumably prescribed, and

would it not be true that if that is prescribed in that way, then there could not be any such interpretation as the gentleman points as being made.

Mr. Baker: If some provision were made whereby if an election were called within a county, a city or a town. Could at the same time vote upon the same subject, the proposition might be solved. I think the people within the cities or towns within that county should have the right to express their approval or disapproval of any matter that might be brought before the people, and if some provision were made whereby the state [sic, city] or town could at the same time vote upon the subject there would be a solution.

Mr. Cunniff: Mr. Chairman, I think there should be definitive provision, either in this constitution or by general law, stating what powers are given to cities. For example, if particular matters be left to the county, the rights of the cities should be properly observed.

Mr. Webb: Mr. Chairman, if the position just taken be followed to a logical conclusion, must you not segregate the city from the state. The county is a smaller portion of the state, and matters that come up in counties are local matters, and those local matters that must come up before a county may, possibly be to the detriment of the city or town, but I take it that the people of any subdivision within the state should have the right to express the [sic, their] approval or disapproval of any measure and that the state and each subdivision should control, within its boundaries.

Mr. Cunniff: Mr. Chairman, I would like to answer the gentleman from Graham. He says that there are matters on which a county may act that are not matters of legislation. I observed in taking up that matter, in the Oklahoma constitution they varied from the form used in Oregon by adding the words "or action." I would be perfectly willing that that phrase should go in here; that meaning this, that the legislation and the action that are given to counties and are given to cities shall be prescribed in our paragraph or section on counties and municipalities.

Mr. Webb: Do you hold that the same percentage should be required to sign a petition in a county and a city?

Mr. Cunniff: Yes.

Mr. Webb: If that be true, then should not the same be required in the state?

Mr. Cunniff: Mr. Chairman, it seems to me that this is practically the same proposition in getting a percentage of a county as in a town.

Mr. Roberts: If the people of my county thought that they were to be deprived of the rights that they expected to be reserved to them, there would not have been one member in this convention on our platform. (applause)

Mr. Short: Mr. Chairman, for my own benefit, in case the initiative and referendum is extended to the counties and also to cities and towns or municipalities, I would like to have some gentleman of the law, who is a member of this convention, say that [sic, what] the status of the town or city would be which lies partly in one county and partly in another.

(The Records of the Arizona Constitutional Convention of 1910, Pages 180-182)

[e937169] Mr. Chairman: The question is upon the adoption of the minority substitute as amended by the gentleman from Graham. The amendment of the

gentleman from Graham has been accepted, as I understand it. Are you ready for the question?

[Editor's Note: Later in the session, the chairman clarified that Cobb's amendment was accepted by the "gentleman from Yavapai," Mr. Cunniff, whose minority report was under consideration.]

(Editorial)

[e937171] Mr. Webb: Roll call.

Mr. Chairman: As many as are in favor of the adoption of the substitute for paragraph 8 of the original bill, when their names are called will answer "aye;" those opposed will answer "no."

Mr. Parsons: Mr. Chairman, before this vote is taken I desire to ask some of the better informed brethren in the legal profession here, and also some of the gentlemen who advocated this amendment, a question or two, so that I may be added to thereby vote more intelligently. The question has been presented by Mr. Feeney of Cochise as to whether a county can legislate. Now, I am quite familiar with the fact that in our statutes provisions are made by general law for legislative departments in incorporated cities and towns, and I want to say that I have not found in the copy of the statutes to which I have had access any provision whereby the county is authorized to legislate. What provision is there in our statutes that provides for a legislative body in the county? I think you will all admit that there is none. The gentleman from Yavapai suggest that they have gotten around that in Oklahoma by adding the words "or other action." What do we say with reference to the power the initiative and referendum in our definition by the committee? What have we the right to initiate? Law. Anything else? No. We have the right, as laid down here to simply initiate law. What have we the right to refer to the vote of the people? A law that may have been passed by the legislature of our state, which a given percentage of the voters desire to pass upon. If we agree to say that a county, that is not a legislative department recognized by general law of the state, shall be allowed to exercise the initiative and referendum with reference to matters other than pertaining to the county, then we are not giving counties special preference over the state at large and over subdivisions of the state. If you are going to apply this to counties you must provide for establishing a legislative body in the county. Now, this is the way it presents itself to my mind, and it seems to me that any proposition or amendment that comes in here that give the counties the right to legislate is unsupported by any provision of the law, and instead of giving the state and all its subdivisions an equal chance, it would be allowing the county to do something that the state itself could not do.

Mr. Webb: Mr. Chairman, if I am not wrongly informed, the candidates to this convention from Cochise county were pledged, either from the stump or in their platform, to favor the Oregon plan of initiative and referendum. If the gentleman will turn to the Oregon plan he will find that it does include counties.

Mr. Feeney: Mr. Chairman, I would like to point out to the gentleman from Cochise, Mr. Parsons, that he will find on page 4277 in the volume of Oklahoma Constitutional Convention, line 7 the phrase, "as to all local legislation or action."

Mr. Baker: Mr. Chairman, if you will turn to page 368 of the revised statutes of this territory, you will find the provision for the board of supervisors: "To

make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws.” (applause)

Mr. Cunniff: I would like to add if the gentleman from Cochise wishes to move an additional amendment to put in the phrase “or action” I will be very glad to do so.

Mr. Roberts: I came here standing on this progressive platform which assured the people of every county, city and town the right to use the initiative and referendum, and I will go down with it for the people of the state to use this mode of procedure. I do not propose to make any distinction between the people of the cities and the people of the counties.

Mr. Parsons: Mr. Chairman, I want to read from a portion of the Cochise county platform as follows: “Believing in the ability and discretion of the people and that they are capable of self-government, and the closer the law-making power is to the people, the better the results and safer the government, we pledge our candidates for the constitutional convention to use their utmost endeavor to place in the constitution self-executing provisions for the initiative and referendum on all laws and all amendments to the constitution substantially according to what is know as the ‘Oregon Plan.’”

(The Records of the Arizona Constitutional Convention of 1910, Pages 182-184)

[e937177] Mr. Lynch: Mr. Chairman, I would like also to substitute the following: “The right to perform all other acts and things which may be necessary to the full discharge of the duties of the chief legislative authority of the county government,” which undoubtedly established in the county a legislative right.

[Editor’s Note: It is unclear what Lynch’s amendment was meant to change so the editors have made an approximation.]

(The Records of the Arizona Constitutional Convention of 1910, Page 184)

[e937179] Mr. Weinberger: Mr. Chairman, the objection that is going to be heaped upon this amendment is that by giving the counties these powers the cities and towns within that county are going to be deprived of their powers. You are going to deprive the city and town of its power of home rule, for you are going to give the county the right. I therefore move an amendment to Mr. Cobb’s amendment by striking out the word “county.”

(The Records of the Arizona Constitutional Convention of 1910, Page 184)

[e937181] Mr. Chairman: Mr Cobb’s is not an amendment. It has been accepted by the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Page 184)

[e937184] Mr. Weinberger: Then I move an amendment to the minority report by striking out the word “county.”

[...]

Mr. Ellinwood: I second the motion of the gentleman from Gila, Mr. Weinberger.

(The Records of the Arizona Constitutional Convention of 1910, Page 184)

[e937189] Mr. Cunniff: Mr. Chairman, I would like to point out to Mr. Weinberger that to this phrase “and other municipalities” is accepted also, so I think his amendment would cover the county and also this phrase “or other municipalities,” since the county is a municipality.

Mr. Bolan: Mr. Chairman, I think the same as Mr. Cunniff. In regard to the county, I think that the county, as well as the town, and the state, should all have a say in this initiative and referendum; that is, that the government that this is supposed to give to the cities shall not take all of the power away from the counties.

Mr. Cunniff: Mr. Chairman, I think the gentleman from Cochise does not understand, I stand for the very same thing he does.

Mr. Moeur: Mr. Chairman, so far as the cities are concerned, I would like to have them have the power to legislate, but there are a good many things that come into the city that the county has to pay for, and the taxpayer should have some consideration—especially prohibition. (applause) I agree with the gentleman from Maricopa. It seems to me we fail to recognize one thing. The city is a municipality of delegated powers. All the powers are given to it by the general law, and the county is also a government on delegated powers, given to it by general law, and no word or words that we could put into this initiative could change that fact. Now then, if the county has only such powers given to it as are delegated to it, and the city has only such powers given to it as are delegated to it, there is no way in which I could conceive that the interests of the city and the interests of the county could come into conflict. Under our present system, the general law, the very point which I think is in the minds of a great many delegates here is local option, which is governed by general law. In that general law the critics are segregated from the county, and there is no possible way by which a county could legislate so that the cities would not have a separate vote. If that is the stumbling block in the way it seems to me that we might disregard it. The city has its full rights under the general law, laws of equal weight with the laws regulating county affairs, and it seems to me it would not be possible to come into conflict.

Mr. Ellinwood: I second the motion of the gentleman from Gila, Mr. Weinberger.

Mr. Jones (Maricopa): Mr. Chairman, as the gentleman from Grah, has just said, those conditions and restrictions are laid down now by law, and if we put other restrictions into this constitution, this constitution will repeal every law that is repugnant to this constitution.

Mr. Cunniff: Mr. Chairman, I would like to say that it was the understanding of the delegates here that this provision in the committee’s report does not actually do that thing, and therefore, in order to remove it from all misunderstanding, this other proposition has been prepared.

Mr. Baker: Mr. Chairman, it seems to me that there is some confusion in the minds of the gentleman. The language of the provision that you are going to prepare, except this amendment offered by the gentleman from Yavapai, is that these counties, cities, and towns, and other municipalities are limited under the constitution itself to municipal legislation for their respective municipalities. That necessarily limits the power of the city, the power of the county, or of any municipality in the county, to only use the initiative and referendum in reference to something that is local to them. Rake the local option law in this county at the present time. The county has the right to exercise it, except in cities. Now

then, the prohibition law as it now stands is local to the county everywhere except in the cities. It does not cover cities because cities are separate under the general law. Now as to the local option within these cities. It is to the city local. They have a perfect right to have it or not to have it. The county may separate it from the county but they cannot separate it from the city, but, on the other hand, the city can have it. Now this is my understanding of the proposition.

Mr. Cunniff: Mr. Chairman, I beg to say that there are members here in this convention who advocated putting that in there, who take it to mean just the opposite, and so long as any misunderstanding as that can exist I believe it is vital for us to make clear our position on these matters.

(The Records of the Arizona Constitutional Convention of 1910, Pages 184-186)

[e937198] Mr. Chairman: The question is on the amendment of paragraph 8, and the motion is to strike out the words "county." Are you ready for the question? Mr. Cobb offers an amendment to insert the words "or other municipalities." The other amendment to insert the words "or other municipalities" was accepted and consequently it is not necessary to be put. Your motion is to strike out the word "county." Are you ready for the question?

Mr. Webb: Roll call.

Mr. Chairman: As many as are in favor of the proposition to strike out the word "county" will answer "aye" when their names are called, and those opposed will answer "no." The secretary will call the roll.

Roll call showed 12 "ayes" and 40 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 186)

[e937207] [Editor's Note: Lynch's amendment was not mentioned again.]

(Editorial)

[e937202] Mr. Chairman: The motion of the gentleman from Gila is lost. The question is now on the adoption of the minority report found on page 11; that is the substitution of that in place of paragraph 8, found on page 8, lines 15 to 25. Are you ready for the question? As many as are in favor of the substitution will when their names are called answer "aye;" those opposed, "no."

Roll call showed 11 "ayes" and 41 "nays."

Mr. Chairman: The motion is lost.

(Editorial)

[e937212] Mr. Cassidy: I move that Mr. Webb's amendment be substituted for paragraph 8 of Substitute Proposition Number 4 of the legislative committee.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 186)

[e937213] Mr. Chairman: I would call attention to the fact that the committee has ruled that the amendments be taken up in their order. The next amendment will be the one signed by Feeney, Coker and Morgan.

(The Records of the Arizona Constitutional Convention of 1910, Page 186)

[e937215] Mr. Coker: Mr. Chairman, I do not care to urge the adoption of my minority report, and would therefore make a motion that it be withdrawn, with the unanimous consent of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 186)

[e937219] Mr. Ellinwood: I move the adoption of the report of Mr. Coker.

Mr. Feeney: I second the motion.

Mr. Chairman: It is moved and seconded the minority report found on page 12, signed by Feeney, Coker and Morgan be adopted. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 186)

[e937220] [Editor's Note: As Ellinwood moved the adoption of the report, Coker's motion to withdraw the report did not receive unanimous consent.]

(Editorial)

[e937223] Mr. Webb: I am opposed to the proposed amendment for the reason that it eliminates all counties and other municipalities, and the platform upon which I was elected pledged me to the support—or pledged me to reserve to the people of these municipalities the right of the initiative and referendum.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
186-187)

[e937225] Mr. Chairman: The question is on the adoption of the substitution of lines 1 to 11 on page 11 for lines 15 to 25 found on page 8. Are you ready for the question? As many as are in favor of the proposition when the roll is called will answer "aye;" those opposed will answer "no." The secretary will call the roll.

Roll call showed 3 "ayes", 45 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 187)

[e937227] Mr. Webb: I now move that the minority report offered by myself be substituted for the eighth clause in the proposition known as Substitute Proposition Number 4.

Mr. Franklin: I second the motion.

Mr. Chairman: It is moved and seconded that Mr. Webb's minority report be substituted for paragraph 8. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 187)

[e937228] Mr. Webb: Mr. Chairman, I offered this amendment for the reason that it reserves as great an initiative and referendum power to the people of the counties, cities and towns, as it is possible to reserve under the greatest reservation of power held by the state at large. I offer it because it follows practically the language of other initiative and referendum laws, upon which

the courts have passed, and I offer it for the further purpose that it permits, if in the wisdom of this convention it be deemed best, that a different percentage be fixed for cities and towns.

Mr. Baker: I am opposed to it for the remarkable reason that it says too much and does not say enough. It is useless to repeat the same verbiage and apply [it] to a town and city as separate from a county, unless you want to extend the constitution here something like the Oklahoma constitution— thousands of words in it. It is simply writing useless verbiage, and for that reason it says too much. Then again, one paragraph applies to cities and towns; the next paragraph will apply to counties, but the same rule is applied in each single instance, except the blanks for percentage. There is no use of double work of that kind. Why now follow the language of the original proposition; that is, to every county, city, town or other municipality? You save at least one-half a page of writing. Another objection is that it does not go far enough. It falls short just where the gentleman from Yavapai falls short. It does not cover school districts. It absolutely two towns and counties. The school trustees, I again repeat, would have no benefit from the initiative and referendum. They are excluded from this. I contend that the school Affairs in the county are important matters to which the initiative and referendum; for instances what kind of school house shall be built, and where. These are things which the people should have a voice. For these reasons I am opposed to the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 187)

[e937229] Mr. Webb: Mr. Chairman, I want to thank the gentleman for reminding me of that omission. I have already amended my printed copy by interlining to cover that matter, but in making a motion I had forgotten it. I would like to offer the further amendment that in line 12 after the word “town” the words “and all other municipalities” be inserted, and in line 15, after the word “their” the word “local” be inserted. That would cover one objection, and an objection well made by the gentleman from Maricopa. He did me the honor, however, to say that it was the best amendment proposed except his own. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 187-188)

[e937230] Mr. Chairman: I presume that the gentleman from Graham, having moved that this language be substituted, will accept his own amendment.

Mr. Webb: Yes, he will be glad to.

(The Records of the Arizona Constitutional Convention of 1910, Pages 187-188)

[e937231] Mr. Lynch: May I ask a question? This states, “and such counties may prescribe the manner of exercising the initiative and referendum power as to their municipal legislation.” Does this mean by the county board or the people at large?

Mr. Webb: I would refer to the law which he himself read a few minutes ago, which does give to counties in Arizona legislative power, and it must provide by whom they are enacted.

Mr. Lynch: Mr. Chairman, I want to know if this means that the county board of supervisors can make laws by which the initiative and referendum can be carried into effect, or does it mean the people themselves?

Mr. Baker: Mr. Chairman, I am glad to say that I am still honestly of the opinion that among all of the amendments that have been brought, his is nearer correct than some of the others, but I again impress upon the convention that it is simply a repetition and extension of the matter, separating the cities from the towns; that it is a useless use of words. It is repeating the same thing over again, and you might as well put it in the compact form. You will find that done if you will refer to the proposition that I am going to offer, on the last page, or the page before the last, it is expressed in this manner: "Initiative and Referendum powers reserved to the legal voters of every city, town and municipality as to all local, special, and municipal legislation." It puts it in compact form and saves one-half page of writing in your constitution. The same provision would be found in the substitute offered by the legislative committee.

Mr. Webb: I simply desire to say that my objection in doing what the gentleman calls multiplying words was to make it possible to fix a different percentage, which I thought should be fixed. If in the judgment of the convention the same percentage should be required in towns and counties, I have not the slightest objection to eliminating one of these paragraphs and inserting the necessary words in the first paragraph, but I still hold that a different percentage should be required. I still hold there is just as much reason for a different percentage in towns and counties as there is cities and state. Some of our counties are as large as the territory you would have to travel over to get a lawful petition in the state. I will say that on any matter on which the county has a right to act,—matters which they have a right to regulate, the board of supervisors may initiate or the people themselves, I guard their right just as carefully as I would of the state.

Mr. Baker: Mr. Chairman, one question then. In one county you have, for instance, two cities, one 5,000 and 1,000. Do you think the same percentage should apply to both?

Mr. Webb: Yes, I know of no reason why it should not.

Mr. Baker: It would strike me as being unfair. It would put the whole initiative and referendum system out of joint. The point I want to make is the impossibility of making the distinction.

Mr. Webb: Mr. Chairman, doesn't the amendment proposed by the gentleman from Maricopa contemplate that the same percentage shall be fixed, not only in large and small towns, but in the county?

Mr. Baker: That is where the trouble will come.

Mr. Webb: All the propositions here have contemplated that the same percentage should be required either from towns or from cities.

(Editorial)

[e937233] Mr. Chairman: The question is on the adoption of the substitute offered by the gentleman from Graham, Mr. Webb, as amended by him. As many are in favor of the adoption of the substitute will as the roll is called answer "aye;" those opposed will answer no. Will the secretary call the roll?

Roll call showed 14 "ayes" and 38 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 189)

[e937234] Mr. Chairman: The motion is lost. The question now turns on the report of the entire committee. It is moved and seconded that Proposition Number 4 introduced by Mr. Baker as a substitute for Substitute Proposition Number 4 be adopted. Are you ready for the question?

Mr. Baker: I do not propose to occupy but a moment of your time in presenting this amendment. It is a substitute in itself. It will be understood by you gentlemen that if there is any criticism [that] falls from my lips it does not arise from the fact that I am not one of the warmest and truest advocates of the system of initiative and referendum that there is on this platform. I want to say that I absolutely believe in its principles. I believe it initiates a true republican form of government, and will enable the people of this state to hold the government within their control. I want to call the attention of the convention now to the general frame of this amendment I have offered. I submit to you in a general way that it is properly drawn; that it has been expressed in legally accepted language; that it has been passed upon by the courts in some instances, and that it is a bill that I think will be readily understood and appreciated by the people. I do not wish any one here to think for one single moment that it is a creation of my mind for it is not. I do not pretend to have pioneered upon the subject in any way, shape or form. I have accepted that which other law-making bodies have in the past adopted and under which they are living at the present time. The bill is largely a copy of the Colorado law and that body had the advantage of the Oregon law up to the present time. the South Dakota law, the Oklahoma law, the Montana law, the Maine proposition and the Missouri proposition, and I believe they have perfected the matter about as well as it can be perfected. You will notice that the provision in this amendment now leaves the percentage blank. The original proposition as I introduced it call for 8 per cent for the initiative and 5 per cent for the referendum. In this amendment I have withdrawn that proposition and left it blank for this convention to fill in, following along the line of the substitute bill of the Legislative Committee in that respect.

Another distinction is that the power of the people to a statutory law or to initiate a statutory law and the power of the people to initiate a constitutional provision or to alter one, or to amend their constitution. They are put upon the same equal footing. I mean by that that the same percentum to amend the constitution and amended a statutory law [would be required.] This bill does not provide for any distinction between these two matters in that respect. The bill as presented by the Legislative Committee appears to recognize the necessity for some distinction in the percentum between the amendment of your constitution and the amendment of a purely statutory law. I do not wish to consume your time upon that point, but I insist here in behalf of the people of this state that this point is vital. The point is absolutely essential. I hold that it is the right of these people to have the power to amend their constitution with the same percentum that they would amend a statutory law. I can see no reason for the distinction. No man need argue to me that the people are not competent to amend their constitution. I contend that they are intelligent enough, that they will exercise the power with the same discretion that they would in reference to a statutory law. It is not true that the people are going to vote on this constitution as a whole? If they have the ability to pass upon it

as a whole, they certainly would have the ability to pass upon any amendment to the constitution. And that is the vital difference between the two bills now. I know that in the history of this country the word "constitution" has such a halo of glory around it that the people stand in fear of it in a certain sense of the word. I am not accustomed to follow the advice of Colonel Roosevelt, not at all, but I do say that of all the advice that has been given to the state of Arizona or New Mexico in the formation of their state constitution, the advice of Colonel Roosevelt is the best yet given, and that is for these two states to make their constitution easily amendable, easily amendable. [sic] I am satisfied he was right in that respect, and this being the distinction between these two bills, I favor the amendment that I am offering.

Now again; there is a clause in the original bill that I do not like a little bit. In the substitute bill as offered by the Legislative Committee, on the last page of that, commencing at the fifth line, you will find this provision: "If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars in which there is a conflict." A little verbiage criticism there. What is meant by measure or amendment? Do they mean one and the same thing? Is not an amendment to the constitution a measure? Then if that construction should be put upon that clause you would find that if the people passed two conflicting measures the one getting the highest number of votes should prevail. Is there not a serious defect there? The statutory law would not necessarily be limited to the word "measure," and it will enable you to correct a conflict by a constitutional measure. That is mere verbal criticism; it is a matter of construction. But I am after the whole thing. I again repeat that to my mind it is an indictment against the system. You are intimating that the people are going to pass conflicting laws. Why is it necessary to intimate that the people are going to be so weak [sic, weak] that they will foolishly pass two conflicting laws at the same election? I do not like for it to be written in the constitution because it strikes me as a reflection upon them. I would advise you to go back and write in a legislative enactment and when the legislative body shall meet and pass upon it. [sic] I have been informed that the measure came from the statutory law of Oregon. It is not in the constitution of Oregon. I have not had access to the statutes of Oregon in this respect, but even if I were learned in passing upon the matter I should be very much inclined to vote against it even in Oregon. I will admit that in the history of Oregon there was some conflict between two laws on the river, in which two states were interested, both Washington and Oregon, and on account of this conflict these legislators got together and legislated about the control of the fisheries all along the river, but I know of no other instance that is likely to occur. Anyhow, I raise that point against it. There are other parts of the bill that I might criticize. Take on page 1. The first of these reserved powers is the initiative. Is not that a clear statement? Is it not perfectly clear that the first of these powers is the initiative? You have named the child. Is not that sufficient? If you will turn down on the second page you will find this bill saying that "all petitions submitted under the power of the initiative shall be known as "initiative petitions." Why repeat it? Now the bills reported back by the Legislative Committee has a whole raft of detail attached to the operation of the initiative and referendum. You are writing into your constitution minute detail for the operation of the initiative and referendum and thereby tying your

hands. Either one of these small details is always purely a subject of legislative matter, and you are writing them into your constitution so as to become fixed, and if you wanted to amend them your legislature could not do it. The only way you could change one of these details would be by amending your constitution. Then, if you are going to require a higher percentage you will be in difficulty sure enough because you have some little bit of detail in your constitution that you find impossible to apply and you cannot get rid of it without getting this increased percentum to amend your constitution. Another provision, "This section of the constitution shall be in all regards as executive." I would like to ask why that clause was written in there when you have gone ahead in other parts of the bill and provided these small details for the operation of the initiative and referendum. That is wholly unnecessary because you have attempted to write down just how it should be done. Now going back to the bill I have offered. I claim no credit for it is not the creation of my brain. I have just simply accepted and taken the provisions that the courts have passed upon that I think are clear.

(The Records of the Arizona Constitutional Convention of 1910, Pages 189-191)

[e937235] Mr. Goldwater: "Phoenix, Arizona, November 4, 1910. Mr. President: Your Committee of the Whole having had under consideration Substitute Proposition Number 4 and amendments begs to report progress and asks leave to sit again at 2 o'clock. Morris Goldwater, Chairman."

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937236] Mr. Winsor: Mr. Chairman, I move the committee of the whole do now arise and report progress and ask permission to resume its session at 2 p.m.  
Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937237] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

## 32.8 Friday, 04 November 1910, at 14:00 (s16030)

[e937154] Mr. Goldwater: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937155] Mr. Goldwater: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 192)

[e937238] Mr. Goldwater: [...] The question before the committee is the motion of the gentleman from Maricopa, Judge Baker, to substitute his proposition for Substitute Proposition Number 4, as reported by the Committee on Legislative Department, Distribution of Powers and Apportionment.

Mr. Winsor: While it is understood that I will take up the matter of discussing the proposition and criticisms offered this morning by Judge Baker, and, doubtless, I should do so, I feel that it is a physical impossibility for me to enter into a lengthy discussion of the subject, yet I feel that it is my duty as chairman of the committee on legislation to speak in reference to the criticisms offered by the gentleman from Maricopa, Mr. Baker, for a few moments. The first of his criticisms is directed to the powers reserved to the people, and the difficulty of doing so in the proposition submitted by the committee. The gentleman from Maricopa, Mr. Baker, criticized the committee proposition because of the details contained therein. I want to plead guilty of the charge. I want to say also if there is any place where we should go into detail in this constitution it is in the matter of the initiative and referendum. All other matters I am in favor of leaving to the legislature and the people. The people have expressed their wish that a check be placed upon the abuses by the legislature and this is our only opportunity to do so. It has been necessary to have some means of checking the actions of the legislature of Arizona as well as other states and this is the very reason for the agitation for the initiative and referendum. It has been caused by abuses, and I cannot see why we should not have a reasonably complete and effective initiative and referendum law in Arizona. As far as I know the Democratic platform in the last campaign pledged the Democratic candidates and many of the Republicans that the constitution would contain an operative initiative and referendum law and we have no legitimate excuse to fail in our pledges. In this proposition there is provided an operative initiative and referendum and there is no detail that would work a hardship. I agree with the gentleman from Maricopa that we should cast no reflection upon the representatives of the people, but I am in favor of a measure that will prevent action that will cause reflection upon the legislature, therefore, I am in favor of this proposition. The proposition was taken from statutes of the State of Oregon. It has been called to my attention in the last few minutes that one of the proposed amendments is almost identical with that of the legislative committee.

I agree with the gentleman that if we are going to have a proposition that contains these details, that this will make a safe and operative initiative and referendum, such as the people have declared they want, and such a proposition is the only one worthy of our notice. There is but little difference between the other two we had under consideration, but in this one there is sufficient detail to insure a safe and operative initiative and referendum law such as I understand that the Democrats desire to put into the constitution. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 192-193)

[e937251] Mr. Cunniff: As a member of the legislative committee I regard the statements by Mr. Winsor a sufficient and safe solution of the problem before us. Personally, the only departure we made as advocates of the minority report, when the legislative committee reported, were that the proposition was sufficient and had in its embodiment all that was necessary in Proposition Number 4. Every line has been gone over with the utmost care in every proposition, including the proposition by the committee and the proposition of the gentleman from Maricopa. On examination we find that each has its own merits and demerits but on the whole they are all very much alike. To the joint product

we have given the most careful examination to every point. However in these important questions where there has been a difference, we have not been at all partial to the author or producer, but have considered the merits of all the propositions with the purpose of incorporating the best we found, and with the careful examination and study that has been given these propositions, I am willing to accept this committee report as the best proposition that can be secured and it should be adopted. I can only agree with the gentleman from Yuma with [sic, that] the expectations of the people of Arizona are that we shall have a safe and operative initiative and referendum, containing such details as will guard our legislature, and I see no detail of this measure that is unnecessary. I move an amendment to the proposition of the gentleman from Maricopa that this committee report be substituted for Proposition Number 4.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 193-194)

[e937253] Mr. Chairman: The motion before the committee that is the substitute offered by the gentleman from Maricopa, Judge Baker, be adopted in place of the report of the committee on legislature.

Mr. Cunniff: There was no motion to adopt the committee report.

Mr. Chairman: Mr. Baker's motion means to adopt the committee report which was surely seconded by some member. As to the committee report that should go together with the majority and minority report.

Mr. Baker: Which should go together?

Mr. Chairman: The question comes up on the adoption of Mr. Baker's substitute for Substitute Proposition Number 4. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 194)

[e937255] Mr. Webb: I rise to a point of information, if not of order. It seems to me the motion is that made by Mr. Baker, which I seconded, that the substitute offered by Mr. Baker be substituted for the committee Substitute Proposition Number 4, for the reason that the committee has one other proposition as a substitute for Proposition Number 4. The motion should be on the adoption of the substitute for the original Proposition Number 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 194)

[e937258] Mr. Baker: My intention was to amend the report of the committee. The report of the committee offers a substitute for the original Proposition Number 4. I move to amend the report of the committee by substituting my own proposition for the substitute offered by the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 194)

[e937259] Mr. Chairman: The question was on the adoption of the substitute for Proposition Number 4.

Mr. Winsor: It strikes me that this committee cannot substitute any report or proposition. It can recommend that such and such propositions do or do not pass, but it is not for the committee of the whole to substitute. It can only make recommendations.

[Editor's Note: Winsor's comment clarifies that the Committee of the Whole could not substitute one proposition for another, but rather, could only submit a recommendation to the Convention that a substitution be made.]

(The Records of the Arizona Constitutional Convention of 1910, Page 194)

[e937260] Mr. Chairman: The question was on the adoption of the substitute for Proposition Number 4.

Mr. Winsor: It strikes me that this committee cannot substitute any report or proposition. It can recommend that such and such propositions do or do not pass, but it is not for the committee of the whole to substitute. It can only make recommendations.

[Editor's Note: Winsor's comment clarifies that the Committee of the Whole could not substitute one proposition for another, but rather, could only submit a recommendation to the Convention that a substitution be made.]

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937263] Mr. Chairman: Gentlemen are you ready for the question? The question is on the recommendation of the committee on the substitute offered by Mr. Baker. All in favor of the proposition will answer "aye;" those opposed will answer "nay" when the roll is called.

Roll call showed 13 "ayes" and 39 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937282] Mr. Winsor: I move that the substitute by the legislative committee be amended to strike out paragraph 8 in committee Substitute Proposition Number 4, and insert in lieu thereof the provision contained in the amendment thereto, offered by Mr. Baker, taking from line 20 on page 4 down to and including the word "municipalities" on line 8 of page 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937285] Mr. Chairman: Gentlemen, the question is on the adoption of the report of the legislative committee on the Substitute Proposition. The motion will be to strike out paragraph 8 in committee Substitute Proposition Number 4 and insert in lieu thereof the provision contained in the amendment thereto offered by Judge Baker, taking from line 20 on page 4 down to and including the word "municipalities" on line 8, page 5. Those in favor of the amendment answer "aye," and those opposed "nay," when the roll is called.

Roll call showed 26 "ayes" and 26 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937286] Mr. Crutchfield: A number of gentlemen did not understand whether [it was] Mr. Baker's original or the substitute they were voting on. I understand that there was a misunderstanding as to which of Mr. Baker's propositions was being inserted.

Mr. Chairman: If there are any gentleman who desire to change their vote they may do so.

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937289] Mr. Cunniff: I move that the blank on line 9 of Substitute Proposition Number 4 by the legislative committee be inserted by the word "ten,"

[Editor's Note: The Committee voted on the amendments for each blank individually; therefore, the editors have represented the amendments as being proposed separately.]

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937295] Mr. Cunniff: I move that the blank on line 9 of Substitute Proposition Number 4 by the legislative committee be inserted by the word "ten," and the blank on line 10 [sic, 13] by the word "five."

Mr. Chairman: It has been moved and seconded that the blank in line 9 of Substitute Proposition Number 4 be filled by the word "ten," and the blank on line 10 [sic, 13] be filled by the word "five." Are you ready for the question?

[Editor's Note: Cunniff later corrected himself, stating that he meant to amend line 13, instead of line 10. This initial confusion seems to continue throughout this set of amendments. While it can be assumed that most of these amendments mean line 13 instead of line 10, it is difficult to know for sure.]

(The Records of the Arizona Constitutional Convention of 1910, Page 195)

[e937296] Mr. Baker: I move to amend the motion of the gentleman from Yavapai that the blank in line 9 be filled by the word "eight" instead of "ten."

(The Records of the Arizona Constitutional Convention of 1910, Pages 195-196)

[e937301] Mr. Ellinwood: I move to offer a second amendment that the blank in line 13 be filled with the word 'five' and that the blank in line 10 [sic, 13] be filled by the word 'ten.'

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937306] Mr. Ellinwood: I move to offer a second amendment that the blank in line 13 be filled with the word 'five' and that the blank in line 10 [sic, 13] be filled by the word 'ten.'

[Editor's Note: It seems unlikely that Ellinwood moved that the blank in line 13 be filled with "five", as Cunniff has already moved that amendment. The Minutes and the Arizona Republican both write that Ellinwood suggested "five" for the blank in line 9 instead. The Records include a vote on an amendment to fill the blank in line 9 with "five", without including the initial amendment or who proposed it. From this, it is reasonable to conclude that the Records have mistakenly attributed this amendment to line 13 instead of line 9. Therefore, this amendment only models the second half of Ellinwood's suggestion as written in the Records.]

(Editorial)

[e937309] Mr. Moeur: In line 9 I want the figure "15"

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937310] Mr. Moeur: In line 9 I want the figure "15" and in line 10 [sic, 13] the figure "10."

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937311] Mr. Orme: I am a little slow of comprehension and I do not want to vote until I understand all of the amendments or just what we are voting on. I do not understand what we are to vote on now.

Mr. Chairman: The matter before the house is the filling of the blank percentages in Substitute Proposition Number 4. We will take up the amendments in their order. The gentleman from Yavapai, Mr. Cunniff, moved to fill the blank on line 9 by inserting the word "ten," and by filling the blank on line 13 by inserting the word "five." The motion of the gentleman from Maricopa, Mr. Baker, moved to amend that line 9 should read "eight" and that line 10 [sic, 13] should read "ten."

Mr. Cunniff: I should like to ask has anybody filled in line 10 [sic, 13]?

(Editorial)

[e937312] Mr. Ellinwood: I move that line 10 [sic, 13] be filled by the figure or the word "ten."

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937315] Mr. Wills: I move an amendment to that motion that line 10 [sic, 13] be filled by the figure "20."

[Editor's Note: The Arizona Republican records that "Mr. Wills offered '20 for the initiative", meaning that his amendment was intended for line 9 or 10 instead of 13. This suggests that this amendment may have been meant to fill line 10. However, it remains inconclusive so the editors have modelled the amendment on line 13.]

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937317] Mr. Cunniff: I should have said line 13, the blank in line 13 should read "five."

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937320] Mr. Lynch: I move an amendment that the blank in line 9 be filled by inserting the word "twelve"

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937322] Mr. Lynch: I move an amendment that the blank in line 9 be filled by inserting the word "twelve" and the blank in line 13 be filled by the word "eight."

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937324] Mr. Cunniff: If in order I would like to ask if there is any motion to fill in line 10? It is premature to take action on line 10 as we have no action on it by the committee, and this line should not be disposed of until we have the details of the amendment.

Mr. Baker: As a matter of information, I would like to understand how we are to vote on this. I understand that the figure "8" is proposed 4 line 9 and

figure "12" for the same place, and the figure "five;" we also have 5, 8, 10, 12 and also 15. I would like to know as to the method of voting on this question. Gentleman, I understand that the rule is to commence with the smallest number and so on up the line until all have been voted upon or none adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937327] Mr. Cunniff moved to suspend the rules and that the blank line 10 be considered first.

(The Minutes of the Arizona Constitutional Convention, Page 125)

[e937328] Motion lost by standing vote of 29 to 20.

(The Minutes of the Arizona Constitutional Convention, Page 125)

[e937329] Mr. Webb moved to divide the question and take up the blanks in lines 9 and 13 separately; carried.

(The Minutes of the Arizona Constitutional Convention, Page 125)

[e937330] Mr. Webb moved to divide the question and take up the blanks in lines 9 and 13 separately; carried.

(The Minutes of the Arizona Constitutional Convention, Page 125)

[e937333] Mr. Chairman: The question before the house is on filling the blank in line 9. Those in favor of inserting the word "five" in line 9 answer "aye;" those opposed "nay."

Roll call showed 2 "ayes" and 50 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 196)

[e937335] Mr. Baker: I have never had an opportunity to speak on this question which is so important and so vital.

Mr. Chairman: I want to protest against the placing of a high percent. You are going to vote on a most important measure, that of the initiative law, and by putting the figure 8 percent on this constitutional measure you are making an 8 percent initiative and a 5 percent referendum. I cannot conceive of any reason why we do not follow the constitution makers of other states. We are scattered from one end of the territory to the other, engaged in mining, farming and various other industrial pursuits, and that our population does not equal in the whole territory the number in even some of our nearby cities like Los Angeles. If you place a high percentage for the initiative you have favored for the corporation, the rich, and the wealthy, but the people at large you are sacrificing. Why take it alone in the Southern Pacific shops, it would be an easy matter for them to go out and get the percent required, while the people would find it difficult if they were forced to secure the percent you require if you make it a high percent. I think that 8 percent represents the people and anything higher places the initiative in the hands of the corporations, and I beg of you to trust in the people, not the corporations. If you are going to give this power to the people give them the whole hog or give them none. Give them the hide, tallow, meat and all and the full power of the initiative law, and if you give them the figure at 8 percent you will give them the power that they are crying for; if not the law will be killed so far as the people are concerned. An 8 per centum will give to the people the initiative power and 10 percent will kill it.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
196-197)

[e937338] Mr. Chairman: Gentlemen, the question comes up on the filling in of the blank in line 9 with 8 percent. Those in favor of the motion will answer “aye;” those of contrary mind will answer “no” when the roll is called.

Roll call showed 3 “ayes” and 49 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 197)

[e937341] Mr. Chairman: Gentlemen the motion is lost, The next motion is on filling the blank in line 9 with the figure 10. Those in favor will answer “aye;” those opposed “nay.”

Roll call showed 35 “ayes” and 16 “nays” (loud applause).

The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 197)

[e937345] [Editor’s Note: The competing proposals for the blank in line 9 were dropped.]

(Editorial)

[e937346] [Editor’s Note: The competing proposals for the blank in line 9 were dropped.]

(Editorial)

[e937347] Mr. Chairman: The question now comes up on filling the blank in line 13 with the figure 5. Those in favor will answer “aye,” and those opposed “nay” when the roll is called.

Roll call showed 41 “ayes” and 11 “nays.”

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 197)

[e937348] [Editor’s Note: The competing proposals for the blank in line 13 were dropped.]

(Editorial)

[e937349] [Editor’s Note: The competing proposals for the blank in line 13 were dropped.]

(Editorial)

[e937351] [Editor’s Note: The competing proposals for the blank in line 13 were dropped.]

(Editorial)

[e937352] [Editor’s Note: The competing proposals for the blank in line 13 were dropped.]

(Editorial)

[e937353] [Editor's Note: The competing proposals for the blank in line 13 were dropped.]

(Editorial)

[e937354] Mr. Cunniff: Mr. Chairman, I move you that the committee of the whole defer filling of the blanks in line 10 until such time as it can be amended and that the committee of the whole refer it to the Committee on Schedule, Mode of Amending and Miscellaneous.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 197)

[e937356] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 197)

[e937360] Mr. Webb: I move that the committee of the whole do now arise and recommend that Substitute Proposition Number 4 as amended do pass, and that the minority reports on the proposition be indefinitely postponed.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 197-198)

[e937362] Mr. Kingan of Pima county in the committee of the whole while a motion to recommend the adoption of the committee's substitute for the Baker direct legislation measure was pending presented the following logical argument against it on the ground that it was subversive of representative government and was calculated almost certainly to defeat statehood. The address of Mr. Kingan, who is regarded as one of the foremost constitutional lawyers in the southwest, was painstakingly prepared, and it was read by him to the committee. It follows:

I am opposed to this proposal, for the reason that it is of doubtful validity under the enabling act and the constitution of the United States, and will delay, if not defeat, statehood.

By section 20 of the enabling act, it is provided that the constitution to be framed by this body shall be republican in form, and shall not be repugnant to the constitution of the United States.

The federal constitution declares: 'The United States shall guarantee to every state in this union a republican form of government.'-Article IV, Section 4.

A republican form of government has always been distinguished from a democratic form of government. A republican form of government is a government by representation, a government by agents, by delegates; a democratic form of government is a government by the people acting directly and where power is reserved by themselves. A republic is a government by representation, a democracy a government by the people acting directly.

These distinctions were well understood by the founders of this government. No persons ever understood the differences better.

In the tenth paper of "The Federalist," written by Madison is the following: "From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens who assemble and administer the government in person, can admit of no cure for the mischief of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.

Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property, and have in general been as short in their lives as they have been violent in their deaths. Theocratic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would at the same time be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promising the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

The two great points of difference between a democracy and a republic are: First, the delegation of the government in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended."

Also, in the twenty-eighth paper of "The Federalist," written by Madison is the following: "What then are the distinctive characters of the republican form? ...If we resort, for a criterion, to the different principles on which different forms of government are established. we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior."

Judge Cooley also defines a republican form of government in his work on the constitution of the United States and says: "The Constitution—It is imposed as a duty upon the United States to guarantee to every state in the Union a republican form of government. The requirement sprang from a conviction that government of dissimilar principles and forms were less adapted to a federal union than those which were substantially alike, and that the superintending government ought to possess authority to defend the system as agreed upon against innovations which would bring with them discord and antagonistic principles.

The terms of this provisions presuppose a pre-existing government of a form that is to be guaranteed. As long therefore, as the existing republican forms are continued by the states, they are guaranteed by the federal constitution. Whenever the states may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter. The only restriction imposed upon them is that they shall not exchange republican for anti-republican constitutions.

What is republican—By republican government is understood a government

by representatives chosen by the people; and it contrasts on one side with a democracy, in which the people or community as an organized whole wield sovereign powers of government and on the other side rule of one man, as king, emperor, czar, or sultan, or with that of one class of men, as an aristocracy.

Also, Bouvier says speaking of a republican or representative democracy: 'A form of government where the powers of the sovereignty are delegated to a body of men, elected from time to time to exercise them for the benefit of the whole nation'—Bouvier's *Institutions*, Volume I, page 31.

Mr. Black, in his work on constitutional law, at page 27 says: "The United States is a federal republic. So also each of the states is a republic, and the constitution guarantees to each the continuance of republican government."

And further, he says, on the same page: "The system of government in the United States and in the several states is distinguished from a pure democracy in this respect, that the will of the people is made manifest through representatives chosen by them to administer their affairs and make their laws.'

Also, Judge McClain, for many years an associate justice of the supreme court of Iowa, and a professor on constitutional law, in his book recently published on constitutional law, and discussing the initiative and referendum, whether the exercise of the powers of government by the people through the electoral body is not in violation of the provision in the federal constitution (Article IV, Section 4), that each state shall have a republican form of government necessarily involves the exercise of government by representative officers and bodies and the distribution of the powers among distinct and independent departments."

The framers of the constitution of the United States had before them the constitutions of the thirteen original states; they were familiar with them. These thirteen states came into the Union with their existing constitutions, hence, it must follow that these constitutions provided a republican form of government.

A survey of these constitutions shows that each and all of them provided by government by representation and not by direct act or vote of the people. In regard to the legislative branch of the government and the people to legislate, the following brief summary is submitted.

New Jersey constitution of 1776, in force until 1844. 'Section 1— That the government of this province shall be vested in a governor, legislative council and general assembly.' It then provided by sections 5 and 6 that to the assembly shall have the lawmaking power.

New York Constitution of 1777, in force until after 1801. Legislative power vested in the senate and assembly.

North Carolina Constitution of 1776, in force to 1868. The legislative power in a senate and house of commons.

Pennsylvania constitution of 1776, in force at time of adoption of constitution of the United States. The supreme legislative power is vested in a house of representatives.

Delaware constitution of 1776, continued in force at the time of adoption of the constitution of the United States. The legislative power is vested in "The general assembly of Delaware."

South Carolina Constitution of 1776, in force until 1778, and Constitution of 1778 in force until 1790, and until after the adoption of the constitution of the United States. Under both constitutions the legislative power is vested in a representative body under different names.

Maryland constitution of 1776, in force until 1851. Legislative power vested in “the general assembly of Maryland.”

Massachusetts constitution of 1780, and still in force. Legislative power vested in a senate and house of representatives.

Virginia constitution of 1776, in force until 1830. Legislative power is vested in “the general assembly of Virginia.”

New Hampshire constitution of 1774, in force until 1784, and constitution of 1784 until the adoption of the constitution of the United States. Vests legislative power in a representative body, under different names.

Georgia constitution of 1777, in force at time of adoption of constitution of the United States. Vests the legislative power in a representative body.

Charter-Rhode Island remained under its charter of 1663 until 1842. The legislative power is vested in the general assembly.

The phrase “republican form of government” as used in the constitution, therefore, means a government by representation.

The Supreme Court of the United States, the final authority in all matters touching the constitution, has declared such to be the meaning of the term.

It is true that the United States guarantees to every state a republican form of government. It is also true that no state can pass a bill of attainder, and that no person can be deprived of life, liberty, or property, without due process of law. All these several provisions of the Constitution must be construed in connection with the other parts of the instrument and in the light of surrounding circumstances.

The guaranty is of a republican form of government. No particular government is designated as a republican, neither is the exact form to be guaranteed, in any manner especially designated. There, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended.

The guaranty necessarily implies a duty on the part of the states themselves to provide such a government. All the states had governments when the constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner especially provided. These governments the constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to protect. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the constitution—*Minor vs. Happersett*, 21 Wallace, Page 175.

By the constitution a republican form of government is the guaranty to every state in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies whose legitimate acts may be said to be those of the people themselves; but, while the people are thus the sources of political power, their governments, national and state, have been limited by written constitutions, and they have themselves thereby set bounds to their own power as against the sudden impulses of mere majorities—*In re Duncan*, 129 U.S. page 461.

In the case of *Downes vs. Bidwell*, in the opinion of the court date May 27, 1901, the following language is used, speaking of article IV, section 4 of the constitution: “According to the definition of Webster, a government in which the supreme power rests in the whole body of the people and is exercised by representatives elected by them.” —*Downes v. Bidwell*, 182 U.S. page 279.

There are decisions and expressions of text-writers to the effect that by the term, "republican form of government," it was intended only to guard against monarchical forms of government; but the authorities already cited, and particularly the expressions of the supreme court of the United States, show conclusively that the term, "republican in form," is used in the constitution, in contra distinction to a democracy.

It will be observed that the guaranty of the federal constitution, as to a republican form of government, applies only to the states. There is no prohibition in the constitution, therefore, against direct government in any of the subdivisions or municipalities of the states, the prohibition only extending to the states as political entities. The decisions of the courts of California and Minnesota upon the initiative and referendum, have therefore no place in this discussion, for they relative to local government only.

I take it, therefore, as a settled principal [sic, principle] of constitutional law, that the words, "republican form of government," as used in the constitution, mean a government by representation and not by direct act of the people.

The law-making power is the greatest power in government, and its manner of exercise denotes the form of a government. It follows from what has been said that this power, in a republic, must be exercised by the people through their representatives, for, if the power be exercised directly, the government is not a republic but a democracy.

What then is proposed by this measure?

"The legislative authority of the state shall be vested in a legislature consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independently of the legislature; and they also reserved for use at their own option the power to approve or reject at the polls any act, or item, section or part of any act, of the legislature.

The veto power of the governor shall not extend to initiative of [sic, or] referendum measures approved by a majority of the qualified electors.

This section shall not be construed to deprive the legislature of the right to enact any measure."

A legislature is established but with limited powers. The legislature may act, but its every act may be undone by the people. It may pass a law, but the law may be repealed at any time by referendum. Laws may be passed by the people acting independently and without the legislature. Practically any law may be enacted without the legislature and any law enacted by the legislature may be repealed by the people without legislative consent. The legislature had, therefore, no real law-making power, for all of its acts may be undone and laws may be passed without its sanction or consent. The real and substantial legislative power is not delegated to it, but it is reserved. It cannot be said that any real power is ever delegated when the granting power reserves to itself, at all times, and in all things, the power to revoke, to undo that which has been done, and to act for itself independently.

The ultimate controlling power of legislation, under this proposal, lies with the people, for under the referendum all acts of the legislature, including repeals by that body, may be referred and completely abrogated.

Under this act, therefore, the legislative power is not delegated, but retained by the people is [sic] to be exercised directly by them. The legislature is a mere form, a body shorn of power. It is not a government by representation, but

government directly. Such a form of government is not republican in form, but democratic, and is repugnant to the constitution of the United States.

But, it may be urged that because this proposal provides for a legislature and that this legislature may act and that its acts may become law, that because some shreds of power are left it, that because some shreds of power are left it, that representative government is preserved, and the act is valid. This is the argument of the supreme court of Oregon in passing on the constitutionality of the initiative and referendum in that state. The court says: "The initiative and referendum amendment does not abolish or destroy the republican form of government or substitute another in its place. The representative form of government still [re]mains. The people have simply reserved to themselves a larger share of legislative power."—74 Pacific 716.

This is a surprising statement to find in a law book. The court tacitly admits that republican form government is one by representation, and at the same time says that a law aimed at the destruction of this system is valid, and for the reason that it does not destroy at one blow and whole and entire system. It says in effect: "A republican form of government is a government by representation; a law that would wholly destroy government by representation is invalid, but a law that only destroys half of the representative power is valid."

But, as before set out, the statement of the power of the supreme court of Oregon that only part of the power of the legislature is taken away is not correct, for there is not a law that may be passed by it that may not be repealed without its consent, with some trifling exceptions, and there is not a law that may be proposed that may not be passed without its consent. It is difficult to believe that such a body is the repository of any real power.

The Oregon case, just cited, is now on appeal in the supreme court of the United States.

In the case of *Kilbourne vs. Thompson*, 103 U.S. page 168, Mr. Justice Miller, at page 190 says: "It is believed to be one of the chief merits of the American system of written constitutional law, that all the power entrusted to government, whether state or national, are divided into three grand departments—the executive, legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons entrusted with this power in any one of these branches shall not be permitted to encroach upon the power confided to others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other."

If it lies in the power of the people of this state, under the constitution of the United States to destroy the legislative [sic, legislature] and take the law-making power into their own hands or retain it in their hands, they must have the same power to destroy the executive and the judiciary. All are forms of republican government, all instances of delegated power of governments by representation. If the law-making power may be destroyed, so may the law-enforcing power and the law-construing power. One is no more sacred than the other. If you say to the legislature, "We reserve the right to undo all that you have done or may do," you may reserve the same right as to the judiciary and the same right as to the executive.

Indeed, it is now proposed to destroy the power of the executive by denying it the power of veto and to seriously impair the judiciary by denying it the power to declare unconstitutional any law passed by the people. This last proposal, if put into effect, destroys the constitution for, if there is no power to declare a law enacted by the people unconstitutional, then every new law will be just as supreme as the constitutional itself, and the constitution would consist, not of the instrument, so-called, but of every law that might be passed. And if there be no judiciary, with power to say which law is supreme, in case of conflict, what is left but that uncertainty which leads to anarchy.

Again, I conceived the initiative and referendum repugnant to the enabling act in another way. By section 24 of the enabling act, the laws of this territory shall remain in force until changed by the legislature, except as changed by the enabling act, or this constitution. The proposed constitution, with the initiative and referendum, does not change the existing laws, but only provides a means or method of legislation by which they may be changed, only the legislature may therefore change the existing laws. They cannot be changed by the referendum, nor can they be repealed by implication by initiating a new law in conflict with them. The initiative and referendum cannot then apply to existing laws, and the broad statement contained in this proposal, that any law may be initiated or referred is not permissible under the enabling act. The clause or phrase of the enabling act just mentioned indicates also that Congress, in passing the enabling act, contemplated that the legislative power should be vested in the legislature.

The constitution of the United State is the supreme law of the land, and the enabling act is supreme so far as we are concerned. I am not now debating the merits or the lack of merits of the initiative or referendum; I am confining myself to the constitutionality of the matter. It is immaterial whether the proposal be good or bad from an economic or political standpoint, if it be bad under the constitution.

As before stated, the case from Oregon involving the constitutionality of the initiative is now on appeal in the supreme court of the United States. The case will not be reached for hearing, I am reliably informed, before a year from this date. The decision of the supreme court will be final. I am well aware that in many instances the decision of what is or what is not republican in form rests with Congress and is a political and not a judicial question, but the manner in which the case now before the supreme court has arisen, involving as it does, rights of property under a law of Oregon initiated and passed by the people and not by the legislature, makes it imperative for the court to pass upon it. With the requirement in the enabling act that the constitution of Arizona shall be republican in form, and not repugnant to the constitution of the United States, with initiative and referendum in the Arizona Constitution, with the constitutionality of that precise and identical matter now a mooted question and pending before the supreme court for final decision, is it likely that the President, himself a lawyer, and for many years a judge, will act on the Arizona constitution until after the Supreme Court shall have passed on it? And should that court hold the initiative and referendum unconstitutional, is it likely that the President will ever approve the Arizona constitution? You are therefore, by inserting this matter in the constitution, delaying, if not ultimately defeating statehood.

With the grave doubt in my mind as to the constitutionality of the proposal

and with the conviction, as before stated, that its insertion in the constitution of Arizona will delay, and perhaps entirely defeat statehood, I cannot give this proposal my support.

[...]

Judge Edward M. Doe, delegate in the constitutional convention from Coconino county, made a strong appeal for statehood. It was brief and calculated to move those who care more for the admission of Arizona than for the inclusion of pet theories in a constitution which can never be more than waste paper. Judge Doe said:

The initiative and referendum are neither copyrighted nor created by any political party, but without regard to party lines it has been demonstrated that the people of this territory favor them to the extent of demanding their embodiment in the constitution, even though not in accord with the views of the President and of Congress, under the belief that the President and Congress would not dare disapprove a constitution solely by reason of its embodying such popular provisions. It was under such conditions and by reason of such belief that a majority of the members of this convention were instructed in favor of those measures.

During the recent campaign, at least 99 per cent of the voters were unaware of the probable unconstitutionality of those measures. There can be no doubt that the overwhelming majority of the people want statehood, and I cannot but believe, that if made aware of the situation as it exists, they would release instructed delegates from their instructions in that regard.

In the campaign which resulted in our selections as delegates the people of the several counties passed upon the desirability and the advisability of providing for the initiative and referendum in the constitution. The determination of the validity of these measures and the duty of preparing a constitution which shall be in accord with the constitution of the United States and comply with the requirements of the enabling act devolve upon me. I fancy that many of us were not fully advised ourselves, upon this phase of the question until since the close of the campaign, and to those of you who as now advised believe these measures unconstitutional I venture to suggest that you communicate to your constituents the information you now have and ask whether in the light of such information they still desire you to act upon your existing instructions.

That provision of the constitution substitute proposition reading:

“Section 1—The legislative authority of the state shall be vested in a legislature consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independently of the legislature; and they also reserved for use at their own option the power to approve or reject at the polls any act, or item, section or part of any act, of the legislature.” concisely and unequivocally repudiates the republican or representative form of government guaranteed to all the states by section 4 of article 4 of the constitution of the United States as required in the express provisions of the enabling act.

The primary meaning of the word “democracy” is the Athenian form of government where the governing power is directly exercised by the assembled people. It has, however, lately come to mean a government in which the whole governing power is vested in the people, whether exercised by them directly or through representatives elected by them.

Webster’s definition of a “republic” is “a government in which the supreme

power resides in the whole body of the people, and is exercised by representatives elected by them." This definition has been quoted with approval by the supreme court of the United States in *Downes vs. Bidwell*, 182 United States 279.

The men who framed our constitution were largely men possessed of a broad knowledge of existing form[s] of government and just as well aware of the distinction between a republic and a democracy as between either of those and a monarchical form of government. Had they desired a government in which the people of the states might either exercise governmental powers directly or through representatives exercised by them at their option, they would unquestionably have guaranteed to the states a democratic form of government. Presumably they believed a representative form of government preferable under existing and, so far as they could foresee, future conditions, and used the word "republican" instead of "democratic" advisedly.

The Supreme Court of the United States has said in [In] *re Duncan*, 139 United States 461: "By the constitution, a republican form of government is guaranteed to every state in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws by virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves."

And again in the case of *Minor vs. Happersett*, 21 Wallace 176, that court said: "It is true that the United States guarantees to every state a republican form of government. It is also true that no state can pass a bill of attainder, and that no person can be deprived of life, liberty, or property without due process of law. All these several provisions of the constitution must be construed in connection with the other parts of the instrument, and in the light of surrounding circumstances.

The guarantee necessarily implies a duty on the part of the states themselves to provide such a government. All the states had governments when the constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner especially provided. These governments the constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to protect. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the constitution."

The constitutions of the states referred to by the court made no provision for government by the people directly, but were essentially representative and republican in form.

It may be said that these expressions of the court are dicta, but that court even by way of illustration or as a dictum rarely expresses itself save after careful consideration of its expressions. The question of the constitutionality of the initiative and referendum is now pending in that court in the case of *State vs. Pacific States Telephone & Telegraph Company*, 99 Pacific 421, on appeal from the supreme court of Oregon, and I am advised is Number 197 of the calendar of the court and cannot by any possibility be heard before next spring, and in all probability will not be reached for hearing before next fall, and the decision of the court can scarcely be expected in the present somewhat disorganized condition before the following spring.

The Enabling Act in express terms requires that our constitution shall be republican in form, and it would be ridiculous to assume that the President,

himself a great constitutional lawyer, would approve a constitution containing these debatable measures while a case involving the constitutionality of such provisions is pending in the supreme court of the United States and we must look for delay in the president's approval of such a constitution until at least a year from next spring, and in the event the decision is announced after the adjournment of Congress, then the required joint approval of the president and Congress will be delayed for upwards of two years. If that decision be adverse, disapproval will follow as a matter of course. That it will be adverse, I believe to have been clearly foreshadowed by the existing expressions of the court. In such event the people will hear no excuse from those who have followed their instructions inconsiderately given. Results alone count. It has been said that the voice of the people resembles the voice of God. Let me again urge you to submit the question fairly to your constituents and asked to be released from your present instructions. Failing in this, and acting upon your present instructions, I prophesy you will find the wrath of a disappointed people wondrously like the wrath of God and sooner felt.

[Editor's Note: These two speeches are not recorded chronologically in the *Arizona Republican*; however, it is clear from the Records that Doe's speech took place after Kingan's.]

(The *Arizona Republican*, 5 November 1910, Vol. XXI. No. 167, Page 1)

[e937366] Mr. Franklin: Mr. Chairman, I move a reconsideration of the motion of the gentleman from Yuma, Mr. Winsor, to strike out the words beginning on line 15 to and including the words on line 25 of Substitute Proposition Number 4 introduced by the legislative committee, and insert in lieu thereof the words beginning on line 20 to and including line 25 on page 4, and the words beginning on line 1 to and including line 10 on page 5 of the amendment to substitute Proposition Number 4 introduced by Mr. Baker of Maricopa.

Mr. Chairman: Do you want to put in the same thing again?

Mr. Franklin: Yes sir.

(The Records of the Arizona Constitutional Convention of 1910, Page 208)

[e937369] Mr. Webb: Mr. Chairman, I will say that with the consent of my second I will withdraw my motion for the adoption of the report of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 208)

[e937371] Mr. Franklin: Mr. Chairman, without that this takes precedence.

Mr. Cunniff: Mr. Chairman, may I ask for information? Is the idea of this order that we may incorporate the words "and other municipalities?" That was the only difference.

Mr. Chairman: The gentleman from Maricopa will have to repeat that or put it in writing. The chair is not able to follow him.

Mr. Franklin: I move for a reconsideration of the motion of the gentleman from Yuma, Mr. Winsor, to strike out the words beginning on line 15 to and including the words on line 25 on page 8 of Substitute Proposition Number 4, introduced by the committee on legislative department, and insert in lieu thereof the words beginning on line 20 to and including the words on line 25, page 4

and the words beginning on line 1 and including the words on line 10 on page 5 of the amendment to Substitute Proposition Number 4, introduced by Mr. Baker of Maricopa County.

Mr. Ingraham: Mr. Chairman, I suggest that the gentleman move for a reconsideration of the vote by which the gentleman from Yuma was lost.

Mr. Cunniff: Mr. Chairman, I have made a careful examination of this matter and shall simply oppose any such motion as that.

Mr. Chairman: If the chair understands the matter right, the gentleman from Maricopa moves to amend the motion that was lost. What do you want to do, reconsider that and put it in something else?

Mr. Franklin: Yes, sir.

Mr. Ellinwood: Is not a motion before the house?

Mr. Chairman: Yes, but the gentleman, as I understand it, withdrew his motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 208-209)

[e937378] Mr. Chairman: It is moved and seconded that the motion to amend Substitute Proposition Number 4, which was lost to be reconsidered. All those in favor of reconsidering the motion will answer "aye" when their names are called; those opposed "no." Will the secretary call the roll?

Roll call showed 26 "ayes" and 26 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 209)

[e937380] Mr. Cunniff: Mr. Chairman, I move that this committee arise and report progress, and recommend that this discussion be resumed tomorrow morning as soon after 9:30 o'clock as convenient.

Mr. Jones (Yavapai): I second that motion.

Mr. Chairman: It has been moved and seconded that the committee arise to report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 209)

[e937382] Mr. Webb: Mr. Chairman, I desire to amend the motion to this effect, that we do now arise and report to the convention that Substitute Proposition Number 4 as amended, do pass, and that further consideration of all minority reports on Proposition Number 4 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 209)

[e937383] Mr. Baker: Mr. Chairman, it seems to me that the minority should have a full and complete hearing.

Mr. Webb: I desire to say in answer to the gentleman from Maricopa, that under our rules there is just as much freedom in the convention as in the committee of the whole.

Mr. Chairman: The question is on the adoption of the motion of the gentleman from Yavapai and amended by the gentleman from Graham. The original motion is that the committee do arise and report progress, and as leave to sit again tomorrow morning, which the gentleman from Graham amends by asking

that the committee do arise and recommend that Substitute Proposition Number 4 do pass and that further consideration of all minority reports and other propositions attached thereto be indefinitely postponed. Are you ready for the question?

Mr. Parsons: Mr. Chairman, it seems to me that we have left part of this proposition incomplete. There is no provision with reference to the percentage of voters that should be required. As I understand his motion the proposition would be adopted as a part of our constitution with a blank it as to the percentage. It seems to me we can ill afford to do that.

Mr. Webb: Mr. Chairman, the question raised by the gentleman from Cochise was disposed of by a former motion. However I presume that my motion should have been changed to the effect that further consideration of the filling of that space be left until another matter which is before the committee be brought up, and be attended to at the same time.

Mr. Chairman: That motion was never put.

(The Records of the Arizona Constitutional Convention of 1910, Pages 209-210)

[e937386] Mr. Webb: I would change my motion to this: That the committee do now arise and report back to the house, recommend that further consideration of Substitute Proposition Number 4 be postponed until the committee of the whole has before it, or until such time as is referred to the committee of the whole the report of the cCommittee [sic] on Schedule, Mode of Amending and Miscellaneous, and that further consideration of the minority report on Proposition Number 4 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 110)

[e937387] [Editor's Note: Under the Rules, Webb was within his right to amend his own motion.]

(Editorial)

[e937389] Mr. Baker: Mr. Chairman, I am opposed to this because we are putting this matter off for an indefinite period. We ought to settle this initiative and referendum and settle it at this time and connectively. [sic] We have been several days upon the discussion of this matter already, and I am very much in favor of giving the minority in this convention tomorrow a full opportunity to be thoroughly and completely heard.

Mr. Chairman: There is no disposition to prevent discussion. The motion made by the gentleman from Yavapai was that when the committee do arise it do so and so. Anyway the motion of the gentleman from yavapai is that when the committee does arise it report progress and ask leave to sit again tomorrow. The gentleman from Graham offers an amendment that when the committee does arise it recommend that Substitute Proposition Number 4 be accepted with the amendments thereto, and that further consideration of the amendment for the purpose of filling the blanks be postponed until the committee of the whole has before it the report of the committee on schedule, mode of amending and miscellaneous.

Mr. Wills: I second the motion in the first place, but there is no second to the motion of Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Page 210)

[e937392] Mr. Chairman: In that case the question is on the gentleman from Yavapai's motion that when the committee arise it report process and ask leave to sit again tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 210)

[e937393] Mr. Chairman: In that case the question is on the gentleman from Yavapai's motion that when the committee arise it report process and ask leave to sit again tomorrow morning. Are you ready for the question? As many as are in favor say "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 210)

[e937395] Mr. Cassidy: Mr. Chairman, I notice there are two blanks on page 8 in reference to the local initiative and referendum, which have not been filled. Is a motion in order to fill these blanks at this time?

Mr. Chairman: A motion is in order if you want to make it.

(The Records of the Arizona Constitutional Convention of 1910)

[e937396] Mr. Ellinwood: Mr. Chairman, I move you that the committee do arise.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

[e937397] Mr. Chairman: It is moved and seconded that the committee do arise and report progress. Those in favor say "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 211)

## **32.9 Saturday, 05 November 1910, at 09:30 (s16035)**

[e937196] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 212)

[e937199] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 212)

[e937406] Mr. Cooper: Mr. Chairman.

Mr. Chairman: The gentleman from Pima, Mr. Cooper.

Mr. Cooper: I would like at this time in justice to myself, to offer a brief explanation of the attitude I assume on this proposition, and why at this time I am constrained to vote against it. I distinctly understand and fully realize that at present I am not lined up on the popular side of this measure. I wish to say, however, that I am not seeking popularity, but I am seeking to satisfy my

own conscience and to carry out by my conduct what I consistently believe to be the best method, and the only method at present, of securing what we have struggled for so long—statehood for Arizona. I want to say at the same time that I do not oppose the very broadest and fullest measure of the rights of the people to govern themselves. I want to say that I am as highly in favor of the freedom of the people of these United States and of this Territory of Arizona as any man who sits in this convention or who lives within the boundaries of this territory.

I do not intend to discuss the merits or demerits of the initiative and referendum—whether or not it is valuable as a means to secure what the people desire in the matter of legislation, but shall confine my remarks entirely to what, in my humble judgement, will be its effect, if incorporated in our constitution, upon our chances for early admission to statehood; and, gentlemen, do not understand that I am assuming to arrogate to myself any superior knowledge, but shall endeavor simply to express my personal views, based upon what I sincerely believe to be plain and logical reasoning from the facts before us.

I have a most distinct and vivid recollection that shortly after my advent to this great territory some twenty years ago, I was very strongly impressed with the fact that the people of Arizona were fervent and sincere in their desire for statehood. In fact, the first campaign after my arrival seemed to be based on that one issue, and that alone. Nothing else was worthy of discussion; and if my memory serves me correctly in every congressional campaign since that time, the loudest cry has been for immediate statehood for Arizona, singly and alone. I have heard many most eloquent appeals made to the voters for their support for this priceless boon. I have seen many, many times, in my mind's eye, the emblem of these great United States beautified and glorified by the addition of the bright new star of Arizona. I have heretofore believed and do now believe, that these appeals were sincere, and that the people of Arizona did and do now want statehood, and that they want it now. I fervently believe that if the people of this territory had been informed as to the doubtful constitutionality of this proposition during the late campaign, possibly events today might have a different trend.

I can show by one instance that I have always been consistently and sincerely in favor of statehood. I simply desire to recall that in 1906, in the face of inevitable defeat I accepted the nomination for Congress at the hands of the Republican party, and I think the sacrifices I made at that time warrant me in the statement that I do not think my loyalty to this can be questioned any more.

But, gentlemen, the fear I have that if this measure be adopted as a part of our constitution at this time, it will result if not in the entire failure of our effort at admission, or at least in indefinite delay, has driven me to the point where I cannot conscientiously cast my vote in its favor.

You have been told, and I take it for granted, that no gentleman here doubts the truth of the statement, that a number of respectable courts have already declared that a constitution containing these provisions is not “republican in form” as contemplated by the Constitution of the United States, and as demanded from the people of this territory by the Enabling Act.

All the legal definitions of a “republican form of government” as the term is used in the Constitution of the United States, are against these measures. The universal opinion of text writers on constitutional interpretation has been

announced as opposed to them.

With all these facts before us, can there be any necessity for still urging that these measures be adopted now and made a part of this constitution at this time? Adopted as amendments to the constitution of Oregon, the initiative and referendum have resulted in an appeal from the supreme court of that state to the court of highest appeal in the United States, and that appeal is now pending there. It involves the very question of constitutionality, and as that court is now more than two years behind with its business it must be the inevitable conclusion that the question will not be settled for an indefinite time.

Does any gentleman present believe that the President of these United States, eminent constitutional lawyer that he is, will approve our constitution, if it contains these measures, before the Supreme Court has determined this constitutional question? For one, I do not.

For more than half a century the highest hope of Arizona's citizens, from the brave pioneers, who faced death in a thousand forms, to the growing children of this territory today, has been the achievement of statehood with all its attendant blessings. Shall we, as representatives of them all, now jeopardize the solitary opportunity ever afforded to us for the realization of that hope, by assuming the risk that must necessarily be involved in this action? Can we not patiently bear for a little longer the "ills we have" rather than take a single chance of destroying this first and only opportunity we have ever had? Surely after sixty years without the initiative and referendum, we can still live for a little, free from any fatal results from misplaced confidence in our legislatures, and allow this very doubtful question to be forever settled.

Why not submit a constitution free from a single feature that will render our admission questionable; and if after we have been crowned with statehood, and the Supreme Court has placed the seal of approval on this form of government, the people desire it, adopt it by amendment as has been done in other states? I say unto you: "Seek ye first statehood, then shall all these things be given unto you."

The suggestion of the gentleman from Maricopa, Mr. Baker, that this constitution be made easily amendable, I think should be the controlling one with this convention, and with that in view there can be no doubt as to our admission. If this were the last time we had the opportunity to express the sentiments and wishes of this people as to our form of government, then this constitution might be ... [words missing.]

Mr. Wood: In answer to the suggestion of the distinguished gentleman from Coconino County, Judge Doe, that we write to our constituents and find out if they will not relieve us from our campaign pledges, I will state that only two days ago I received a letter from a gentleman in Yavapai County relating to this—a gentleman who is in touch with more taxpayers in Yavapai County than any other man there—in fact the county treasurer of Yavapai County. He comes in touch with every taxpayer either personally or through letter one or more times every year, and knows the feeling of the taxpayers in that county better than any other man. In his letter to me, he wrote among other things the following:

"You do not need any props to hold you steady but you will be pleased, I am sure, to learn that the people of Yavapai County know that you are honest and may be depended upon under all circumstances to stand by your platform, regardless of all adverse criticism that may be offered by Republicans or Republican newspapers. You know why you and the rest of this convention were

chosen to represent the great majority of this territory. You will live up to your pledges to the letter, and if any greater reward than the satisfaction of duty well done is yours, this will be amply sufficient. No greater reward, in fact, may come to any man." Now, Mr. Chairman, I personally heard the President of the United States in his speech in Prescott before hundreds of people, in his advice as to what kind of a constitution Arizona should write, say: "Make your constitution as progressive as you wish, but do not legislate therein," and if that is not an answer to whether or not it will be accepted, I do not know an answer. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 212-214)

[e937411] Mr. Ellinwood: As I view this substitute proposition as it is now before the committee, it embodies the best initiative and referendum law that I know of now in force, with perhaps one exception. I therefore move to strike out the words on page 6 of the substitute in line 13: "The legislature or" and on page 9 in line 19 and 20 "or any measure referred to the people by the legislature." I find that one of the chief criticisms of the system of referendum—a criticism that is made by all writers who oppose the system—is that this power of referendum ought not to be vested in the legislature itself. The people have the right by petition upon the proper percentage to repeal any law enacted by the legislature, but when you permit the legislative body itself to refer back the people some law, you have the people passing continually upon laws which ought in the first place to be passed by the legislature itself.

Suppose a proposition comes before the legislature and you have in full effect your initiative and referendum, you can by referendum repeal any law that they propose, yet the politician in the legislature, the man who does not want to make a record one way or the other (say on the repeal of the ranger law or a local option law;) who does not want to go on the record either as opposing it or not, will pass it on to the people. He will pass that up to the people. There are hundreds of laws proposed to vote on which members of the legislature feel will impair their records, and they refuse to vote on anything that will impair their records, and they refuse to vote on anything that will disturb their standing condition in their own locality, so they pass it up to the people. My opinion is that every member of the legislature should be required to vote one way or the other. If a member votes for the law, and it is a good measure, there is no need of the referendum, and you do not have the expense of an election, because the legislature has passed the bill and it is the kind of law the people want. If, on the other hand, the members vote against a good measure, you have the power of the initiative to put it in force and effect. This criticism has been universal in every state where this law is in effect. With this exception this substitute is the best I have as yet seen written in any statute book, and I therefore move this amendment.

Mr. Cunniff: Mr. Chairman, I wish to second the motion of the gentleman from Cochise.

(Editorial)

[e937414] Mr. Cunniff: Mr. Chairman, I wish to second the motion of the gentleman from Cochise. If there is one thing we are endeavoring to do, it is

to place responsibility on public officers to carry out to the full the idea that public office is a private trust. This matter of permitting the legislature to refer matters to the people is one way for the legislature to get out of responsibility. I heartily subscribe to every word the gentleman from Cochise has spoken on the subject.

Mr. Cunningham: Mr. Chairman, I heartily concur in the amendment offered by the gentleman, and it will be seen by reading on page 6 a little further down in that provision, on line 15, the words 'enacted by the legislature.' I think this change makes the reading of the section better.

Mr. Chairman: The question is on the motion of the gentleman from Cochise to amend this substitute.

Mr. Baker: Mr. Chairman, I do not understand the proposition. I will admit that I never have been in love with the language used by the legislative committee in presenting this matter, and I have never been thoroughly convinced that it is the best language, but I am satisfied if you strike out this right of the legislature to refer to a matter to the people, you make a grave mistake. I do not know of a single constitution with the initiative and referendum, but has this exact language, giving the legislature the power to refer to the people. I do not see any reason why we should depart from this position that all others have taken. I do not understand why this legislature should not have the right to refer the matter to the people. They practically do that under the local option. The legislature simply refers the matter actually and practically to the people. That is the effect of the local option law, and bond issues, and all other legislation of like nature, and it strikes me that this should remain exactly as it is. I do not understand why the friends of this measure are thus amending, and it will have to be explained to me better.

Mr. Winsor: Mr. Chairman, if I could interpret the provisions of this paragraph as the gentleman from Cochise evidently does, I think I should be compelled to agree with him; he seems to take the ground that the legislature would have the power under this provision to refer matters to the people without the legislature having taken action thereon or the members of the legislature having been compelled to place themselves on the record either in favor or against it. A careful reading of the third paragraph of page 6 shows that the legislature may only refer to the people such measures as shall have been enacted by the legislature. I can really see no objection to giving the legislature the power to refer such matters to the people.

Mr. Ellinwood: Mr. Chairman, it seems to me that the answer to the gentleman from Yuma is the statement itself. If the legislature have acted, why refer it to the people? The people can take care of themselves after the proposition is written as a law. If they have enacted and made it a law, and it is a wise law, there is no reason for the action on the part of the people. If it is unwise, they have the power themselves to repeal it by the referendum. Answering the gentleman from Maricopa that this is written in the several constitutions of other states in similar language, we should recall that the initiative and referendum is of recent origin. That it is written in most of the constitutions is beyond question, but in every constitution where it has been written it has been subject to the severe criticism of the people living under the law and the authors writing on the subject; and this is one of the reasons why the initiative and referendum has been so much criticized, namely that it fails to place any responsibility on the legislature. I say when you have gotten up a law as splendid as this, we

should be progressive enough not to write in our constitution that which is so much criticized in the constitutions of other states. It seems to me you give the legislature under this an opportunity to shirk; the people can take care of themselves, after the legislature has passed a law unwisely.

Mr. Baker: Will the gentleman from Cochise kindly cite me a single book containing this criticism on the initiative and referendum. I have paid close attention to this question for the past five or six months.

Mr. Ellinwood: During the noon hour I will hand the gentleman from Maricopa a volume on the referendum in America, where this criticism is made in every constitution which has the referendum.

Mr. Ingraham: Mr. Chairman, it seems the position of the gentleman from Cochise involves him in an absurdity. It seems to me to place in this initiative and referendum a provision that five percent of the people may call a referendum and then say that a majority of the legislature representing the entire state shall not have the same power that five percent of the people have, is an extreme absurdity.

Mr. Ellinwood: If they enact this law, they will not have to call the referendum. If it is a bad law, the people will get the five percent.

Mr. Jones (Maricopa): The question of wise or unwise laws might give rise to honest difference of opinion. I can conceive of a legislature being honestly divided on a question, and deem it quite proper to have the people decide. I should like to have the amendment defeated.

Mr. Chairman: Are you ready for the question? Call the roll.

Mr. Doe: This is a matter in which I think the majority of the Republican members have no responsibility, being as they are opposed to the initiative and referendum being put in the constitution at this time. We would simply be compelled to vote on a matter that is of no consequence to us. It seems to me that the responsibility of this matter should devolve on the majority who favor the initiative and referendum in order that we may not be a disturbing element. What I request is that those who do not care to vote on this question be absolved from doing so.

Mr. Ellinwood: This is the very position you will find the legislature to be in. (applause) When a measure comes up, they will want to dodge it. (applause)

Mr. Cooper: Mr. Chairman, I do not want to dodge it. I want to vote on everything.

Mr. Cobb: Mr. Chairman, I heartily concur with Mr. Ellinwood's amendment, and I am satisfied that there will be a great many members of the legislature by whom this means of escape would be used. They would refer to the people matters which the legislature could settle, and settle probably satisfactorily to the people.

Mr. Jones (Yavapai): I would like to ask the gentleman from Cochise if this act would prevent the people from passing a constitutional amendment.

Mr. Ellinwood: The committee on amendments will take care of that.

(The Records of the Arizona Constitutional Convention of 1910, Pages 215-217)

[e937415] Roll call showed 32 "ayes" and 20 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 217)

[e937419] Mr. Webb: Mr. Chairman, there is in this bill what appears to me is an omission that ought to be corrected. The significance of this has been pointed out by the senior member from Maricopa. I think that all who are now favor of this substitute proposition will endorse this amendment. I move to amend by striking out the word "and" on line 17, page 8, where it first occurs, and insert after the word "county" where it first occurs, the words "and all other municipalities." In line 18, strike out "and" where it first occurs, and after the word "counties" the words "and municipalities." In line 20 strike out the word "and" and insert after "counties" the words "and all other municipalities." In line 25, add after the word county "county" the words "or other municipalities," and strike out "or" the last word in line 24.

Mr. Cunniff: I second the motion to amend.

(The Records of the Arizona Constitutional Convention of 1910, Pages 217-218)

[e937420] Mr. Coker: I move you further to amend by adding the words on page 8 in the 18th line after the words "counties and municipalities" this amendment: "Provided that said incorporated city, town or municipality less than a county, shall not be controlled in such local matters in its respective limits, by any other larger governmental body in the county or by the county."

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 218)

[e937422] Mr. Moeur: I object to the amendment of the gentleman from Pinal because I think it works a hardship on the counties, and I hope every member in this convention will vote against it.

Mr. Webb: I wish to say particularly that I believe the last amendment is in direct violation to the pledges made by myself, and nearly all, if not all, the majority members of this convention, in that it defeats local self-government.

Mr. Baker: I would like to say that if this goes into the measure, it defeats the initiative and referendum, and you might as well put it out of the convention hall.

Mr. Jones (Maricopa): In my opinion, the convention would make a serious mistake to put this in the bill. Under it, every county could secede from the state, and each ward in a city could have self-government. It is illogical and un-American, and should not be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 218)

[e937429] Mr. Chairman: Those in favor of the amendment of the gentleman from Pinal will answer "aye" when the roll is called; those opposed will answer "no." Call the roll.

Roll call showed 27 "ayes" and 23 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 218)

[e937431] Mr. Chairman: The motion is carried. The question now comes up on the motion offered by the gentleman from Graham, Mr. Webb, that paragraph 8 on page 8 be amended on lines 17, 18, 19, 20, and 25 by adding the words "or other municipality."

Mr. Webb: I desire to say that the purpose of my amendment has been entirely changed and reversed by the amendment which has just been made to my amendment. Therefore, I am now opposed to my amendment. I ask for a division of the question. I want it divided at the point where my amendment ended.

(The Records of the Arizona Constitutional Convention of 1910, Page 218)

[e937432] Mr. Chairman: The chair rules that the question of dividing the amendment is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 218)

[e937433] Mr. Ingraham: It seems to me that we have arrived at the very peculiar position that if a county shall vote for a certain police measure it is now up to every town, every school district, every irrigation district, every municipality whatsoever in that county to say "No you don't; not over me." It seems to me that this is clearly a question of local self-government, and home rule.

Mr. Colter: It seems to me that we have lost sight of the initiative and referendum, and run into local option.

Mr. Cobb: I just want to say to the gentleman who are trying to kill local option that they will succeed in killing whisky in the entire state.

Mr. Feeney: I want to tell the gentleman from Graham County that my vote was not passed [sic, cast] for any such purpose. I want absolute home rule in incorporated cities and other municipalities, but this does not resolve itself into a fight on the liquor question. I will not stay under cover, but come out in the open and say that I am against prohibition.

Mr. Roberts: I want to say that this thing will absolutely destroy the will of the majority to rule except in the state as a whole or the smallest district.

(The Records of the Arizona Constitutional Convention of 1910, Pages 218-219)

[e937440] Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Graham as amended by Mr. Coker. As many as are in favor of the adoption will answer "aye," contrary-minded "no."

Mr. Short: In explanation of my vote I would like to say that these amendments are not what I would like to see, but I am so heartily in favor of home rule that I vote "aye."

Roll call showed 26 "ayes" and 26 "nays." (applause)

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937443] Mr. Webb: Mr. Chairman, I now in good faith again submit the amendment as first offered by me, that we may have an opportunity of voting on that alone.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937447] Mr. Coker: Again in equal good faith I offer my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937450] Mr. Moeur: I would like to offer an amendment to the amendment the—

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937451] Mr. Chairman: The gentleman from Maricopa is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937452] Mr. Crutchfield: I move that the committee arise and report progress, and ask for a further consideration on Monday morning.

[...]

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937455] Mr. Cunniff: I see no reason for that.

Mr. Crutchfield: I see a very serious reason why we cannot decide this question dispassionately this morning.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937456] Mr. Chairman: Call the roll on the question as to whether the committee shall arise and report progress and ask leave to sit again Monday morning. Those in favor answer "aye;" contrary minded "no."

Mr. Cunniff: It is a shame that this initiative and referendum, the most important matter [we] have, should get tangled up like this.

Roll call showed 17 "ayes" and 35 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 219)

[e937458] Mr. Crutchfield: Mr. Chairman, I wish to move that this question be recommended back to the house and referred to the Committee on Counties and Municipalities.

(The Records of the Arizona Constitutional Convention of 1910, Pages 219-220)

[e937462] Mr. Crutchfield: Mr. Chairman, I wish to move that this question be recommended back to the house and referred to the Committee on Counties and Municipalities. I believe, sir, that a spirit and interest is injected into this question by another outside subject that is unnecessarily being crowded under the circumstances, and the Committee on Counties and Municipalities will have the decision of the powers that are to be accorded to counties and incorporated cities, and will bring before the convention a report upon that subject, and I believe that this committee of the whole, under these circumstances, is not qualified to pass upon this question. In fact an effort is made here to smother all further passage upon this subject and to inject legislation into this ball that does not belong in it. An effort is being made here, whether knowingly or

unknowingly, by the gentlemen to do an injustice both to this state and to every county in it, and to outrage the sentiment of a large number of the people in Arizona. I do not impugn the motives of the gentlemen who are making this proposition, and I am not inclined to say whether or not they are aware of the results that will come from the passage of this bill at this time or the adoption of this amendment, but, sir, there is a sentiment among the people of Arizona that will not allow a continuance of what has been so well known in Arizona since the last legislature as the segregation measure, and it is proposed, sir, that every city, yes, and every ward in a city, and every municipality, (and I cannot tell just what the legal gentlemen mean when they saw [sic, say] municipality every time,) but I understand that it will apply even to the smallest voting precinct, or, if not that, at least allowing the wards of incorporated cities to so control a city that a nuisance may be maintained in a single ward; that people may establish in an incorporated city a fortification that shall be impregnable against any state, or if not against the state, against the entire county, and outrage, the sentiment of the county, and maintain in the midst of a county something that will be a blot upon its name. I am sure, sir, that a large number of the people of this territory who sincerely desire statehood, and are anxious to adopt the constitution which we shall frame, will find themselves forced by their conscience, as well as by their sense of right, to vote with the enemies of statehood, against the adoption of a constitution that perpetuates a system and plan of government which I think by a mistake and probably by an error was put upon this state by the last legislature. And so I am sure that it will be unjust to the people of Arizona who desire statehood, and who are anxious for the perpetuation of home rule but who deny the right of a set of bandits which this law might allow, to entrench themselves and vote contrary to this and maintain a den of robbers in the midst of any county and stand impregnable against the votes of that county or the officials of that county. I am here in my place today to ask this convention, this committee of the whole of this convention, to do the fair and right thing; to give us all the opportunity to carry out our honest convictions and our earnest purposes, without forcing upon us the necessity of opposing the sentiments both in our hearts and in the hearts of our fellowmen. I do not want any contradictions in our motives in voting. We should like to have this matter entirely fair, and if this constitutional convention wishes to put itself upon the record upon this question unclouded by any other issue, we are perfectly willing to do it, and stand before the people upon unclouded by any other issue. But it is not fair to us as members of this convention; it is not fair to the people of Arizona, nor to the people who elected us here and who have trust and confidence in us; it is not fair that this matter should be voted upon under a cloud, or under any other semblance than the plain simple thing. We ought to know exactly what we mean ourselves, and we ought to vote in such a way on such a question that the people will understand what we are voting for, and will understand our stand upon each one of its phases.

Now, the proposition is to destroy the right of the county to direct its own affairs in many things, to allow the initiative and referendum, which we acknowledge as worthy and excellent principles of government and referendum,—allow these to be applied to a small precinct so that that small precinct within itself can abrogate the will of the majority and violate the law and set up a county for itself, or an independent sovereignty, and will provide that anything—and to me especially and to those who have been in the thick of this fight in Ari-

zona, it provides upon one particular phase which we are all thinking of now, the question of prohibition. It provides a means of forcing the will of the people. You probably know of instances whereby a little handful of people have obtained a corporation for their village, and have maintained it regardless of the right and the facts, and by getting a certain number of voters, by swearing to a certain number of inhabitants, have acquired a corporation which enables them to stand out against the will of the majority, and prevent the operation of true and honorable legislation. Or, on the other hand, whether it may be attributed as true and honorable, as the legislation which the majority demand. It provides, as will allow, for the denial of the right of the people when they wish to frame a law, or to establish a regulation for their county. It prohibits them from making a regulation that will operate all over their county.

Another illustration of the ill effects of such a proposition. Suppose it were necessary for a certain section that a certain ranger law be passed, and that a certain county needed to have within itself the men who would properly prevent crime and deter offenders, and then suppose that some little section of that county should be reinforced by the presence of lawbreakers, and they establish themselves there, and bring their pals in, and get their crowd in with them and control that section, and they can stand entrenched in their castle, against the rest of the county and the rest of the state, and be a band of robbers in the midst of a peaceable people, and destroy and threaten the peace and welfare of the people around them. This is a possible case. It is certainly a possible operation of such a law, and those gentlemen who propose to vote for such a measure vote to guarantee to a band of men, if enough of them get together to form a municipality, to stand out against law and order and principle and right, and so I trust that this measure will not be passed; that this amendment will not prevail; that this endeavor to perpetuate a law that our people have recognized as wrong, and which they have cried out against, -I trust that it will not prevail; that those of us here who stand pledged to the sacredness of the home will not allow a cry of home rule to prevent us from voting to remove from the reach of the home those influences that are intended to destroy it, and that have put and purpose [sic, propose] to entrench an influence in the shadow of our homes that shall destroy the possibility of our maintaining a happy, contented, peaceable, moral, sober home. Therefore, I am opposed to the proposition.

Mr. Cunniff: In the first place, Mr. Chairman, I wish to say that there has been no disposition to inject into this proposition the spirit which the gentleman from Maricopa has in a very quiet and placid way stated. Neither I nor those who were favoring this amendment had any such intention. For my part, I have not been desirous of injecting any such spirit, and I deprecate the injection of anything into it; therefore, I most heartily agree with the foundation that the gentleman from Maricopa has laid in his discussion, although I do not agree for a moment, with the structure which he has put upon the foundation. Since this matter was discussed by the legislative committee at the first treatment of it, I fought that paragraph step by step from the very beginning for the reason that it has become sharper and clearer every day, that it is impossible to tell from that paragraph what it means, and efforts have been made first on one side and then on the other to amend so that it would mean something- an effort to make that vague and obscure paragraph mean something has led us into this unfortunate and undignified tangle, because certain delegates, it seems to me, have wanted it changed to mean something else. As I have maintained from the beginning,

it is impossible intelligently to incorporate a paragraph of this kind into this constitution until we have taken up the subject that us under the care of the committee on counties and municipalities and districts and other subdivisions, so that when we reserve this power of the initiative and referendum to these counties and districts and incorporated cities we may know what we are doing. I submit we are acting absolutely in the dark in reserving certain powers without any idea of what these powers are—whether powers of legislation, of action, of administration, or what they are, and therefore I am in hearty agreement with the motion of the gentleman from Maricopa that we postpone all consideration of this particular paragraph which has caused all the trouble, until we have considered what the Committee on Counties and Municipalities is bringing in, and any discussion and any debate that may be had on this subject that has been injected into our deliberations what may be had on that matter rather than on this most vital and most important of all points for consideration—the initiative and referendum.

Mr. Webb: Mr. Chairman, the gentleman from Yavapai has very dispassionately discussed this question, and I agree heartily with him that the wise course to pursue is to leave this question for another time, but a moment ago the gentleman was not so dispassionate. He arose and said that he thought it a shame that this matter had been injected into this question at this time. I agree with that. I think it is a mistake, and the gentleman I think rather implied that I, or those voting the way I saw fit to vote, were responsible for injecting it. I think the gentleman will retract that, if such was his intention.

Mr. Cunniff: Mr. Chairman, there was no such intention on my part.

Mr. Webb: Mr. Chairman, as a member of the committee which provided the proposition, I did it in good faith. As interpreted by some members of this convention it might possibly be construed to repeal the segregation law. I insisted that a vote be taken upon that motion. It was divided with a vote of almost or quite three to one. I had no feelings in the matter at all. From that moment it became ancient history, and I had no thought of injecting it into this discussion. The amendment I offered is simply to correct an omission which I think most of us grant was an omission, and it was against my wishes that the question that I supposed was settled yesterday should be again injected today. I supposed it was satisfactorily to those who voted yesterday. I would now urge that further consideration, at least of the amendment offered to the amendment, be postponed and referred to the Committee on Counties and Municipalities, or held in abeyance until the report committee is heard.

Mr. Doe: Mr. Chairman, I believe I am capable of forming my own mind on this question. I therefore do not care for a committee to formulate for me what my vote shall be. I have always been in favor of the New England system of direct government of small bodies of people. I still favor that. I favor direct government in its most absolute and ultimate form by small communities. I care nothing about the question of prohibition, but I favor the ultimate extent of direct government as applied to small subdivisions upon their direct or local affairs.

Mr. Crutchfield: Mr. Chairman, in answer to the remarks of the gentleman from Coconino, I wish to say that it is utterly impossible to disassociate the interests of a county in Arizona from its cities. The tax payers pay tax payers. A large percentum of any county in Arizona are consumed by the cities. I am willing to say, upon my meagre information, that the expenditure of the

taxes in a county, outside of incorporated cities, is but small indeed compared to the expenditure of the taxes upon the courts. Thousands and thousands of dollars of county tax money is paid out every year in the courts to determine the guilt or innocence of men who have committed crimes directly traceable to city influence, and it is not fair to the taxpaying county to segregate—to allow the city to be segregated in matters that so closely determine crime and the use of its money, and that is not right to allow a city to use up the taxes and tax money of honest, earnest hard working countrymen, for the decision and determination of its cases which originate almost entirely within the city. And so I believe upon that question I can vote, but I do not believe that this question is free from entangling influence. Undoubtedly, Mr. Chairman, there is in the minds of the people here, no matter who injected it, this question, and the effect upon the part of the gentlemen to prevent an adjournment seems to me to indicate that they have in their minds the purpose, under the influence of this past condition, to pass this measure which shall rivet upon the constitution of this state a clause which I do not desire. The counties will have to be given their appropriate powers. There are certain things that naturally belong to a city in a division of powers and distribution of rights. Incorporated cities have certain rights that belong to them, and I have no hesitancy in saying that there are many cases in which the larger unit should not control the smaller, and in the effort to apply the entire portion of the initiative and referendum law, or to limit it by his amendment, is not right, and I do not believe that a majority of this convention will do so. I believe that the majority of this convention would prefer to vote upon a clear-cut issue, and if the question of prohibition is to be brought up they are perfectly willing to vote upon the question of the regulation of the sale of intoxicating liquors by the county or municipality. They are willing to vote upon that question separate, but they do not care to have an effort made to carry the entire principle applying to all of the various forms of the initiative and referendum, and so I do not believe that the remarks of the gentleman from Coconino apply to my position at all. I am glad to find myself and the gentleman from Yavapai on the same side of the question, We desire that the committee rise and report progress and refer this matter, or defer it, until the reports of the committee on powers of counties and municipalities [are presented.]

Mr. Cunniff: Mr. Chairman, may I ask what is the motion?

Mr. Chairman: The chair will state right now it seems to have changed since it started. The original motion on which the chair allowed this debate was that the committee arise and recommend that the matter be re-referred to committee number 6. It now seems to have changed, and it is to be deferred until some other committee makes a report.

Mr. Cunniff: Do I understand the gentlemen withdrew their motions?

Mr. Chairman: The other motion took precedence over the motion to amend.

(The Records of the Arizona Constitutional Convention of 1910, Pages 219-224)

[e937468] Mr. Cunniff: Mr. Chairman, I ask permission of the gentleman from Maricopa to amend to this effect, that when the committee arises it report progress and recommend that the paragraph under discussion, paragraph number 8 of Substitute Proposition Number 4, be postponed—the consideration of

it be postponed and put on the calendar of the whole, to be taken up at such time as the Committee on Counties and Municipalities reports. I would suggest that that would include that we go on with the discussion of this initiative and referendum proposition. Will the gentleman from Maricopa accept?

(The Records of the Arizona Constitutional Convention of 1910, Pages 224-225)

[e937470] Mr. Crutchfield: I am willing to accept providing it does not fix with an ironcast rule that we should defer this matter to the will of that committee. They might defer it until an inopportune time, but I am willing if proper consideration is given.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937473] Mr. Cunniff: Would the gentleman accept this amendment if this consideration of paragraph 8 be postponed.

Mr. Webb: Mr. Chairman, as I understand it, the motion is for the consideration of the amendment offered by myself to the amendment offered by the gentleman from Maricopa,

Mr. Cassidy: Mr. Chairman, was the motion of the gentleman from Yavapai seconded?

Mr. Crutchfield: I seconded it.

Mr. Chairman: The question before the committee is that further consideration of the amendment to paragraph 8 be postponed.

Mr. Cassidy: I want to ask a question of the gentleman who introduced the amendment, Mr. Coker. I would like to ask him whether if a county should vote on the question of issuing bonds and a city in that county should vote against the issuance of those bonds, would the city have to bear any part of the bonds?

Mr. Coker: Bear their proportion of the county taxes.

Mr. Cunniff: The question is on the postponement of the consideration of the amendment to paragraph 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937474] Mr. Chairman: The question is on the postponement of further consideration of the amendment to paragraph 8. Are you ready for the question? All those in favor say "aye;" those opposed "no."

Roll call showed 31 "ayes" and 21 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937477] [Editor's Note: Coker's amendment was not mentioned again.]

(Editorial)

[e937478] [Editor's Note: Webb's amendment was not mentioned again.]

(Editorial)

[e937481] Mr. Cunniff: I move you that the committee rise and report progress, and that it recommend that Substitute Proposition Number 4 as amended be passed.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937482] Mr. Webb: I think the gentleman who made the motion will accept as a substitute that the committee do now rise and report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937483] Mr. Cunniff: I accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 225)

[e937484] Mr. Winsor moved to amend by adding that the Committee ask leave to sit again on Monday morning, November 7, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 130)

[e937485] Accepted by Mr. Cunniff.

(The Minutes of the Arizona Constitutional Convention, Page 130)

[e937486] Motion as amended carried.

(The Minutes of the Arizona Constitutional Convention, Page 130)

[e937487] Motion as amended carried.

(The Minutes of the Arizona Constitutional Convention, Page 130)

## **32.10 Monday, 07 November 1910, at 09:30 (s16050)**

[e937503] Mr. Chairman: The committee of the whole will come to order. What is your pleasure gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 228)

[e937505] Mr. Chairman: The committee of the whole will come to order. What is your pleasure gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 228)

[e937515] Mr. Roberts moved, seconded by Mr. Connelly, that the Committee recommend the adoption of paragraph eight in Substitute Proposition No. 4 as recommended by the majority report of the Committee on Legislative Department, Distribution of Powers and Apportionment.

(The Minutes of the Arizona Constitutional Convention, Page 134)

[e937762] [Editor's Note: This proposal is never voted on.]

(Editorial)

[e937527] Mr. Coker: Mr. Chairman, I move the adoption of the following amendment to paragraph 8 of Substitute Proposition Number 4: "The initiative and referendum powers reserved to the people by this section are hereby further reserved to the qualified electors of every country incorporated city or town, and school district, as to all local special and municipal legislation of every character in or for their respective municipalities; provided that said cities, towns, or districts, shall not be controlled in such local or special legislation, by any larger governmental division within the county." In line 20 strike out word "and counties".

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 228)

[e937528] Mr. Crutchfield: Mr. Chairman, I ask for a point of order. A motion has already prevailed in this convention that further consideration of paragraph be deferred or postponed until after the report of the Committee on Counties and Municipalities. By reference to the minutes of the committee I think that will be found true and therefore this motion is out of order.

[...]

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 228-229)

[e937529] Mr. Cunniff: Mr. Chairman, I would like to state that the gentleman from Graham would not have it that way. That was the way I made the motion, but the gentleman from Graham made a point that this amendment be deferred and that is the way the matter went. The consideration of these amendments was deferred, I did not want it that way but that is the way the gentleman from Graham wanted it.

Mr. Jones (Maricopa): I second that motion.

Mr. Roberts: I would like to know if that cuts out action on the original motion.

Mr. Coker: There was no second to the original motion.

Mr. Chairman: I understand not.

Mr. Connelly: I would second that motion, Mr. Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937545] Mr. Chairman: Are you ready to for a vote upon the motion of the gentleman from Maricopa, Mr. Crutchfield? Those in favor of the motion will signify by saying "aye"; those opposed "no", as the roll is called.

Roll call showed 21 "ayes" and 29 "nays".

Mr. Chairman: Gentlemen, the motion is lost. The matter before the house now is the amendment of Mr. Coker, the gentleman from Pinal.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937613] Mr. Goldwater took his seat.

(The Minutes of the Arizona Constitutional Convention, Page 135)

[e937616] Mr. Ellinwood: Mr. Chairman, I would like to have it read for my own information. I did not get it very clearly.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937617] Mr. Chairman: The clerk will read the amendment.  
Amendment read.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937618] Mr. Winsor: Mr. Chairman: I think if we could get typewritten copies of the amendment it would greatly assist the members. We will need them before we can intelligently act upon one or town other matters in connection with this subject. It certainly requires some study and consideration. It is hard to vote intelligently on a matter of such vital importance without having opportunity to study it.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937623] Mr. Jones (Maricopa): Mr. Chairman, this seems to me to be a very important matter, and we do not want to make a mistake. It seems to me that no one can object to deferring this until the typewriters can strike off copies and let us digest it thoroughly and act on it intelligently. I would move an amendment that the question be deferred until that can be done, and it should be done just as quickly as possible.

Mr. Chairman: Does the motion of Mr. Jones receive a second?

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 229)

[e937626] Mr. Baker: Mr. Chairman, it seems to me like we are packing the way. I fear that this convention is upon the eve of doing something that they may well blush at in the future. You are upon the very brink of a chasm. I fear that when you get through with the initiative and referendum law its Godfather would not know it. Not a friend of the measure from Maine to Oregon could possibly recognize this affair as belonging to direct legislation at all, (applause) I am not going to speak in opposition to Mr. Coker's amendment because I am a prohibitionist, because everybody knows that I am not. I am not going to speak against it because I am a saloonkeeper, because everybody knows I am not. The original provisions of this bill have nothing to do with the present existing laws in this territory on the segregation of the cities from the counties – on the sale of liquor. It is simply limited to local legislation of the kind which either the city or the county may have separately under your general laws as passed by the legislature. That is all that is. As it now stands, under the general laws of this territory they are separate, and they will so exist, in my opinion. This initiative bill does not affect that question in any way, shape, or form, because as the liquor bill now stands, under the laws of this territory, whether in a special sense or a local matter, it only embraces the counties themselves. The other provision allows the cities to have control of it in their limits. As to

the cities, this subject is local, and as to the counties this subject is local, and this amendment only gives the respective subdivisions power to act independent of each other on any local or special matter. Hence, I have always voted for it in that light or in that view, Mr. Chairman. Now then, what are you going to write passed by the legislature shall give the county the control over the city about any matter at all, and it is absolutely necessary that the county should have control over the city. Numerous instances could be given why the county must necessarily have the power over the cities; not about local option, but about taxation, road districts, this or that thing. You are going to deprive the counties of the power that is recognized by the general law. You would have a segregation here, that would tear the two governments asunder, nearly. The original bill is clear and distinct, and this amendment confuses things so that, as I have already said, it would not be six months, if it were such a law, before every member would be ashamed of it. I am opposed to the amendment.

Mr. Jones (Maricopa): I want to appeal in connection with this matter to the Democratic members of the convention. The Republican members could consistently vote in a manner that would confuse and nullify any initiative and referendum measure we put up. They are opposed to the initiative and referendum. You can tell from the vote that my statement is true, and I want to appeal to the Democrats to stand on a measure that is fair and right and disregard any question of whisky or prohibition.

Mr. Curtis: I wish to say, Mr. Chairman, that I am in favor of the initiative and referendum.

Mr. Doe: Mr. Chairman, I would like to ask Mr. Baker one question. Is it your opinion, Mr. Baker, that if this amendment passes it would interfere with the exercise of the powers of county government?

Mr. Baker: I do not quite understand.

Mr. Doe: I am asking you if it is your opinion as a lawyer that this amendment would prevent a county from levying taxes for county purposes for other similar purposes.

Mr. Baker: I so understand, because it says that the county shall not have anything to do with the cities in any way.

Mr. Doe: Then it is your position that a town or city could levy taxes for a city but the county could not levy county taxes.

Mr. Baker: I am afraid the amendment would go to that extent.

Mr. Cunniff: Mr. Chairman, I would like to point out to the gentleman from Maricopa that in the amendment offered the same phrasing is used that was used in the section that is in the substitute report, and that section in the substitute report is word for word (with one or two slight changes by the elimination of unnecessary words and the addition of other words) the very phrasing that was used by the gentleman from Maricopa in his own proposition. It was embodied in this committee report directly upon the proposition of the gentleman from Maricopa and a word added was a word that was added on motion of the gentleman from Maricopa. The trouble we have got into is due to the steady insistence of putting through paragraph 8, and the trouble with paragraph 8 is that it not only reserves such power as the gentleman from Maricopa wishes to have reserved to counties, but it also adds to counties a power that the counties do not possess today, -at least in the opinion of many members of this convention. (applause) Now, the gentleman has pointed out at times in the committee and, if I recollect correctly, on the floor, that this

provision in the bill did not repeal the segregation legislation that has been passed in Arizona. I read Friday evening a decision from a court in Oregon on this very phrasing, in which it stated that the county dud have supervision and did control the city, and since that doubt remains about the possibility of a court interpreting this as giving power to counties to control the cities, - so long as this paragraph retains that ambiguity I shall oppose it. The suggestions that have been offered so far to cure the ambiguity have been the suggestions offered by the gentleman from Pinal and one amendment I offered at one time. Those gentlemen who have been supporting paragraph 9 have not supplied any positive method of consistent effort to keep that paragraph in there just as it lies.

(The Records of the Arizona Constitutional Convention of 1910, Pages 229-231)

[e937633] Mr. Cobb: I move to amend by striking out all of paragraph 8 and inserting the amendment offered by Weinberger, Cassidy and Cunniff, the minority report.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 231-232)

[e937636] Mr. Chairman: I would ask Mr. Cobb what was your intention: to amend Mr. Coker's amendment, or to amend the original proposition?

Mr. Cobb: I offer it as an amendment to Mr. Coker's amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 232)

[e937666] Mr. Cunniff: Mr. Chairman, since offering that amendment the other day, signed by Mr. Weinberger, Mr. Cassidy and myself, I have gone over it very carefully and made it clearer and more definite; have added this phrase "or other municipality," which I think was originally suggested by the gentleman from Maricopa, and have made a considerably neater job of this than the other amendment, and therefore I had no intention of submitting any such amendment at this time, but as the gentleman from Graham has submitted the other amendment in its cruder form, I now make a motion to amend by offering this amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 232)

[e937669] Mr. Chairman: Will the gentleman from Graham accept the amendment?

Mr. Cobb: I will withdraw my amendment and accept the substitute offered by Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Page 231)

[e937670] Mr. Chairman: Does the substitute receive support?

Mr. Lynch: I do not know whether I want to second it or not.

Mr. Chairman: I will ask the clerk to read the amendment.

Secretary (reading): "The initiative and referendum powers reserved to the people by this section are hereby further reserved to the qualified electors of

every county, incorporated city, town, or other municipal legislation (sic) in and for such county, incorporated city, town or other municipality in which such county, incorporated city, town or municipality shall be empowered by this constitution or by general law to enact; provided that, until otherwise prescribed by law, no incorporated city, town or other municipality smaller than a county shall be subject to any further control or regulation in its local affairs by any larger political division within which it may be included than such incorporated city, town or other municipality is subject to at the time of adoption of this constitution. The manner of exercising such powers shall be prescribed by general law except that incorporated cities, towns, and other municipalities may provide for the manner of exercising such powers within the prescription of general laws. Fifteen per centum of the qualified electors shall have the right to propose any measure by the initiative, and ten per centum shall have the right to order the referendum, in any incorporated city, town or municipality.”

(The Records of the Arizona Constitutional Convention of 1910, Page 231)

[e937671] Mr. Cobb: Mr. Chairman, I did not understand this amendment when I offered to withdraw mine. (applause) If my second did not agree, the amendment which I offered before will stand.

(The Records of the Arizona Constitutional Convention of 1910, Page 232)

[e937678] Mr. Cunniff: Mr. Chairman, I would like to ask the gentleman from Graham in what way it differs from the other.

Mr. Chairman: The question before the committee, gentleman, is the original motion of Mr. Cobb as a substitute to Mr. Coker’s amendment to the majority report of the committee on Proposition Number 4.

Mr. Bolan: Mr. Chairman, I would like a little light on this subject. I think this amendment as originally read was amended by the insertion of a new line or word. I would like to understand if we are voting on the words added, or on the original as sent to the printer.

Mr. Chairman: Yes, as I understand it. That, gentleman, as I understand it, is the minority report on page 11. Those in favor of Mr. Cobb’s motion, as their names are called will answer “aye;” those opposed “no.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 232-233)

[e937682] Mr. Webb: I ask unanimous consent to be excused from voting. Saturday afternoon I received a telegram calling me home on important business, and Mr. Tovrea received a similar telegram. Neither of us liked to leave. We agreed that if either of us were able to get back today that we would not vote, as he was on one side and I on the other. So I would like to be excused from voting, but I ask that the record show that he would vote “no” and I would vote “aye” had we both been present.

(The Records of the Arizona Constitutional Convention of 1910, Page 232)

[e937685] Mr. Webb paired with Mr. Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 135)

[e937687] Motion carried by the following vote:

Ayes—Baker, Bradner, Cassidy, Cobb, Colter, Connelly, Crutchfield, Cunniff, Cunningham, Curtis, Feeney, Franklin, Goldwater, Ingraham, Jones, A.M., Jones, F.A., Kinney, Langdon, Lynch, Moeur, Moore, Orme, Osborn, Roberts, Scott, Short, Simms, Mit, Standage, Weinberger, Winsor, Wood, Mr. President. Total 32.

Nays—Bolan, Coker, Cooper, Doe, Ellinwood, Hutchinson, Jacome, Keegan, Kingan, Lovin, Morgan, Parson, Pusch, Sims, R.B., Tuthill, White, Wells, Wills. Total 18.

Excused—Tovrea.

Mr. Webb paired with Mr. Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 135)

[e937693] [Editor's Note: Once Mr. Cobb's amendment to substitute Mr. Coker's text for that of the Minority Report had been adopted, there would have been no need for typewritten copies of the earlier text.]

(Editorial)

[e937689] Mr. Chairman: The motion is carried. The question now is the adoption of the Coker amendment as it is substituted by Mr. Cobb's amendment. Those in favor of the Coker amendment, this substitute having been made thereof, will signify by saying "aye;" those opposed, "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 233)

[e937737] Mr. Winsor: Mr. Chairman, I move the committee of the whole now arise and recommend that Substitute Proposition as amended do pass, and that consideration of the blanks left therein be postponed until the report of the Committee on Counties and Municipalities is before the committee.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 233)

[e937705] Mr. Baker: Before that motion is put I would like to make another motion. A vote was taken here on Saturday wherein the right of the legislature was taken away—the right of the legislature to refer a law to the people. The people, in the proposition as it stands now, have a right by the referendum petition to have a law of the legislature referred to them, but the legislature is restricted as to that power.

(The Records of the Arizona Constitutional Convention of 1910, Page 233)

[e937739] Mr. Winsor: I withdraw my motion that the committee arise.

(The Records of the Arizona Constitutional Convention of 1910, Page 233)

[e937708] Mr. Baker: Upon that proposition I voted in the negative. I desire to move that we reconsider the action in which the amendment offered by Mr. Ellinwood was adopted, being the striking out on page 6 of the majority report of the legislative committee on Substitute Number 4 in line 13, therein the words "the legislature or."

Mr. Jones: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 233)

[e937712] Mr. Chairman: It is moved and seconded that the committee reconsider its action in which the amendment moved by Mr. Ellinwood was adopted, that amendment being, as the chair recollects it, the striking out of the words on page 6 of the majority report of the legislative committee on Substitute Proposition Number 4 in line 13 therein, "the legislature or."

Mr. Baker: Mr. Chairman, I desire to say that so far as I know, every initiative and referendum law passed by the other states up to the present time contain the provision of allowing the legislature to refer a law to the people. I do not understand the reason why when we are following along the same lines as the Oregon system, - why we should make a deviation from these lines. I do not think we should take away the right of the legislature to refer a law to the approval or rejection of the people.

Mr. Ellinwood: I recognize that this question to reconsider is not debatable. I discussed the matter at length on Saturday, and I think the members present understand my views.

Mr. Chairman: The chair will read from the minutes in order to get before the convention the question: "It was moved to amend Substitute Proposition Number 4 by striking out on page 6, line 13, the words 'legislature or' and on lines 19 and 20 page 9 the words 'or any measure referred to the people by the legislature,' and that is the motion that you are now asked to reconsider. Those in favor of the motion to reconsider—

Mr. Webb: Mr. Chairman, I think the senior member from Maricopa probably would change his mind if the chair would rule that the matter may properly come before the committee now on a new motion without a motion to reconsider, and that a motion would be in order that the language he desires inserted should be inserted. There certainly is no rule now that would prevent the senior member from Maricopa moving that the proposition under consideration be amended by permitting the legislature to refer any measure to the people.

(The Records of the Arizona Constitutional Convention of 1910, Pages 233-234)

[e937714] Motion carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Cobb, Colter, Connelly, Crutchfield, Cunningham, Curtis, Feeney, Franklin, Ingraham, Jones, F.A., Kinney, Langdon, Lynch, Moeur, Orme, Osborn, Parsons, Roberts, Short, Sims, R.B., Simms, Mit, Standage, Webb, Weinberger, Winsor, Mr. President. Total 30.

Nays—Coker, Cooper, Cunniff, Doe, Ellinwood, Goldwater, Hutchinson, Jacome, Jones, A.M., Keegan, Kingan, Lovin, Moore, Morgan, Pusch, Scott, Tuthill, White, Wells, Wills, Wood. Total 21

Excused—Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 136)

[e937716] Mr. Webb: That leaves the motion of Mr. Ellinwood that these words be stricken out, before the house. I now ask for a roll call on this question.

Mr. Ellinwood: I will have some data here with which I can probably further enlighten the members on this subject, and I will withdraw the motion, with the consent of my second, and make the motion again at a later date.

Mr. Cunniff: I withdraw my second.

Mr. Chairman: Mr. Ellinwood, the chair is in doubt whether you have the right to withdraw the motion to amend.

(The Records of the Arizona Constitutional Convention of 1910, Pages 234-235)

[e937718] Mr. Ellinwood: The motion has been withdrawn with the consent of the gentleman who seconded it.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937719] Mr. Winsor: I renew my motion that the committee do now arise and recommend that Substitute Proposition Number 4 as amended do pass, and that the blanks left therein be filled on the report of the committee on schedule and mode of amending.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937727] Mr. Webb: I simply desire to suggest that the secretary be careful to show that the motion of Mr. Ellinwood prevailed on Saturday, that it has not been voted down today, and that the report of the committee of the whole to the convention did not include it in any way. I suggest that this record be made clear that the motion prevailed and was not reconsidered.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937756] Mr. Chairman: Gentlemen, the question before the house is that the committee do now arise and report that Substitute Proposition Number 4 as amended do now pass the leaving the blanks to be filled after the report of the Committee on Schedule and Mode of Amending. Those in favor of the motion will signify by saying "aye;" those opposed will answer "nay." Call the roll.

Roll call showed 40 "ayes" and 10 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 236)

[e937757] [Editor's Note: When the Committee makes a final decision on their recommendation the Report is implicitly adopted.]

(Editorial)

[e937765] [Editor's Note: Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937763] [Editor's Note: Substitute Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937776] [Editor's Note: The Report from the ??? was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937771] [Editor's Note: Minority Report I on Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937773] [Editor's Note: Minority Report II on Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937769] [Editor's Note: Minority Report III on Proposition Number 4 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e937793] [Editor's Note: Baker's Amendment to Substitute Proposition Number 4 was referred to the Convention alongside the Committee report.]

(Editorial)

[e937796] [Editor's Note: The Committee's report was referred to the Convention for consideration.]

(Editorial)

[e937802] Mr. Cunniff: Is there any other business before this committee?

Mr. Hunt: I move the committee of the whole do now arise.

Mr. Simms: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

[e937804] Motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 235)

## 32.11 Tuesday, 08 November 1910, at 09:30 (s16067)

[e937806] Mr. Chairman: The committee of the whole will please come to order. The order of business will be consideration of Proposition Number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937809] Mr. Chairman: The committee of the whole will please come to order. The order of business will be consideration of Proposition Number 2.

(The Records of the Arizona Constitutional Convention of 1910, PAge 240)

[e937825] Mr. Chairman: The committee of the whole will please come to order. The order of business will be consideration of Proposition Number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937827] Mr. Chairman: The committee of the whole will please come to order. The order of business will be consideration of Proposition Number 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 240)

[e937854] Mr. Webb: There has been one more question raised as to the advisability of defining the boundaries of Arizona in our Constitution, but I believe it should be done. In looking over state constitutions I find that many state constitutions have included the boundaries. As it is now very difficult to define boundaries of Arizona and has taken much work to search them out in the Surveyor General's office I think that they should go into the constitution, and when the committee of the whole arise I move that the report of the federal committee have a third reading and be placed upon its final passage.

[...]

Mr. Baker: [...] I second the motion of the gentleman from Graham, Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Pages 240-241)

[e937855] Mr. Ellinwood: For the reason that it will make the constitution so cumbersome, and also from the fact that only twenty-one out of all states have their boundaries set forth in their constitutions and since we cannot take from nor add to one square inch of the area of the new state I think that it is useless to include such matter in the constitution.

Mr. Baker: I do not understand the gentleman from Cochise. You say that it embraces that which the state would not be entitled to.

Mr. Ellinwood: I say that including the boundaries in the constitution does not add nor take from the boundaries, but that it is merely a declaration.

Mr. Baker: I am in favor of including this proposition in the constitution for the reason that after a careful examination of these boundaries, an since finding them as they are now as being satisfactory, that we should set forth the same in our constitution and since they are not available to the public in any other way, I believe that they should be in the constitution in order that the people of this state should have them at their service at any time. I second the motion of the gentleman from Graham, Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Pages 240-241)

[e937859] Mr. Chairman: Gentleman, you have heard the motion, those in favor of the motion say "aye;" those opposed say "nay." The "ayes" seem to have it. The "ayes" have it. The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937957] [Editor's Note: Proposition Number 2 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938089] [Editor's note: The Report from the Committee on Federal Relations Proposition Number 2 was copied in alongside the report from the Committee of the Whole.]

(Editorial)

[e937958] Mr. Chairman: [...] The next question before the committee is the consideration of the report of the committee on Proposition Number 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937959] Mr. Chairman: [...] The next question before the committee is the consideration of the report of the committee on Proposition Number 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937960] Mr. Chairman: [...] The next question before the committee is the consideration of the report of the committee on Proposition Number 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937961] Mr. Chairman: [...] The next question before the committee is the consideration of the report of the committee on Proposition Number 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937962] Mr. Chairman: [...] The next question before the committee is the consideration of the report of the committee on Proposition Number 18. Gentlemen, you have heard the reading of the reports, what is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937963] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 18.]

(Editorial)

[e937964] Mr. Baker: I move that further consideration of this proposition may be postponed until we have had an opportunity to study this matter, and Mr. Chairman, I further move that it be made a special order of business on Thursday morning.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 241)

[e937965] Mr. Baker: I would state that my reason for making this motion is that I do not believe that this convention is ready to pass upon so important a matter without further concurring [sic, conferring] with one another and I do not think that we are prepared to pass upon it this morning.

Mr. Cunningham: Mr. Chairman, it seems to me that this matter is so important that it should not be postponed, and too if we are ever going to act upon it we should do it now and not be continually postponing matters. This report was printed and returned on Saturday and if we so not consider it now, I would like to know when we will so long as this fair last. What are we going to do? We should have no delay in these matters and here we have been postponing matters in this convention hall until we have but very little accomplished in the real work of such matters as come before the convention or committees of the whole, and I say that if we are ever going to do anything let us do it now. There will be other fairs, or at least, we hope so, and I can see no sense in postponing such important matters for anything of that kind. We are here for business and I urge that we act upon this matter now.

Mr. Baker: I am glad that the gentleman feels as he does with regard to this subject. If there has been any delay it has been on his part, for is he not one of the chairmen of committee work? I have never been to the fair myself, and do not know when I shall go, and it is not my desire to have the question postponed for the purpose of going to the fair, but simply because I think that we should confer with one another before taking any further action on the proposition.

Mr. Parsons: I agree fully with my colleague, Mr. Cunningham, with respect to getting down to business on all matters coming before the committee of the whole, or the convention, as far as possible, but in this matter I agree with the gentleman from Maricopa, Mr. Baker, as I feel that we should confer with one another, and until we do, we are not ready to pass upon the proposition. For this reason I move we adopt the motion offered by Mr. Baker, and I think that this proposition will without doubt bring forth as much oratory as did the proposition on the initiative and referendum, and I think it should, therefore I feel certain that we are not ready to discuss the matter as it should be.

Mr. Cunningham: I do not wish to speak to a question of special privilege before this committee, but I have been arraigned by the gentleman from Maricopa, and I desire to say that I have always been on hand and ready to do work of the committee, of which I am the chairman, and the only reason why we have been delayed in our work is because we have been unable to get a quorum present, and it is not a subject for discussion upon this floor; at the present time, but it is certainly a fitting time to act upon the proposition reported here for the committee of the whole this morning. Mr. Chairman, as soon as it as learned that the salary of the judges was fixed then there arose the question of

having the matter postponed, and the question of the salary of the judges is the role reason for this action. Now, Mr. Chairman, I see the necessity for taking action this morning and not delaying matters any further, and I urge that we do not waste any more time. We have been dilatory enough and when there is an opportunity to work I think we should work. There has been much said as to the courts and their postponement of cases and they have been arraigned in this convention hall on account of dilatory action upon cases. I have been pressed by mu clients when such action was deferred and I have never considered that the courts were wrong in so doing, and it is just so in this case, I think that all willful dilatory action should be arraigned in this convention hall, therefore, I do insist that this not be postponed for Thursday morning, but that it be considered right now, this is the time to pass upon it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 241-242)

[e937966] Mr. Chairman: The secretary will call the roll, and those in favor of the motion of the gentleman from Maricopa, that this proposition be made a special order for Thursday morning, will answer "aye;" those opposed will answer "any."

Roll call showed 20 "ayes" and 28 "nays."

Mr. ChairmanL The motion is lost. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 242)

[e937967] Mr. Parsons: I would like the report read again.

Mr. Chairman: The secretary will please read the report for the benefit of the gentleman from Cochise.

Secretary (reading): Report on Substitute Proposition Number 18 of executive impeachment and removal from office committee, and minority reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 242)

[e937968] Mr. Weinberger: Mr. Chairman, I move you that the majority report be adopted.

Mr. Osborn: Mr. Chairman, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 242)

[e937969] Mr. Cunniff: Mr. Chairman, I move to substitute the minority report of H.R. Wood and Albert M. Jones and that it be adopted.

Mr. Jones (Yavapai): Mr. Chairman, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 242)

[e937970] Mr. Cunningham: I move that the minority report offered by myself be adopted.

Mr. Coker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 242)

[e937971] Mr. Jones (Maricopa): Is this the vote on the amendment to the amendment?

Mr. Chairman: The first vote will be on the minority report offered by Mr. Cunningham.

Mr. Webb: The only objection I have on the report of the gentleman from Cochise is that it is only a skeleton. Seriously and candidly, I cannot see how we are to redeem our pledges if that report were adopted. If there is any time that we can go into the details of legislative matter it is in the proposition of the recall, and I say that we should legislative [sic, legislate] on this matter and let us go into the details if necessary and give the people just what they are anticipating. To give them what they are expecting means that we must legislate.

Mr. Weinberger: I will say that the majority report of the committee reproduces the Oregon recall almost verbatim, the only present available recall, and I believe all the members are familiar with that recall. The proposition is brief and we have not gone into a detailed to any great amount, much being left for the legislature. That proposition provides for a petition and before an election of a successor. If we do not adopt this proposition we cannot have a recall as contemplated by Mr. Cunningham for it is not sufficient at any part as to the legislative portion that it embraces

Mr. Cunningham: I think the answer to that question raised by the gentleman from Graham is had in the explanation of the gentleman from Gila. The gentleman from Gila says the minority report what require considerable legislation before it could be operative; secondly the gentleman from Graham thinks that it would require much legislation, which the convention should supply before it could be operative. Now, Mr. Chairman, and the gentleman, of the convention, the report of the majority of the committee requires this: One of the signers of each sheet of the petition must take into OB 4 some of us are competent administer oaths, swearing that the statements therein made are true and that the signatures are true. This proceeding is neither practicable nor possible, and to get the petition properly before the people would not be at all probable. Now can you recall if the provisions are that every sheet must be sworn to before an officer? You cannot do that. It is nothing more or less than to have the effect. The chances are that the sheet would contain twenty names. You could not put this into the hands of the public unless the names and signatures were true. You would never get around a proposition of that kind. As far as the conditions of line 12 we have this provision: (reading)... Unless the names were printed thereon I do not believe that anyone would read it and this would not be a practicable method of getting the matter before the public. It seems to me that it is entirely out of the question and absolutely no good, and I am opposed to that kind of recall. If the reason given by the gentlemen that they are so desirous of fulfilling their pledges and are willing to give unto the people any sort of a recall that places it out of the hands of the people altogether, it is just like the old Romans who posted their laws so high that it could not be read and then they were subject to the law when they could not even know the law. This is not an honest process of the law, therefore if you desire to carry out your pledges, gentlemen, you must give them a practical law or you can never have a recall. The provisions are such that any man cannot get the matter before the people

The provisions that I have offered are not perfect, and I do not think that

it is possible to get a perfect law. If you can have a self-executive [sic, self-executing] proposition so it will be operative without legislation that is the measure to adopt. The next best is to get a constitutional provision that will place limitation upon the legislature. Place such limitations only as will ensure the people safe legislation without any abuses of their authority, and such is the proposition that I have offered. You have heard it stated that the proposition offered by the majority of the committee follows the Oregon plan. I would take time to read it but I am sure all the members are familiar with it as it is much quoted here. Now, gentleman, take the Oregon constitution, there you will find provisions as near as possible as can be put into one offered as a substitute. It limits in just the same manner as the Oregon constitution limits, (reading) ... The Oregon constitution places the limit no less than 25 percent and it can be made higher if we choose to make it so, and that is the one great point that seems to make it more practicable than any other submitted.

Mr. Parsons: My colleague has called attention to the very feature of this amendment that I want to object to, because it is in direct violation to the principles enunciated in the Cochise County platform, which provides: "Believing that all officers should be responsible to the voters who choose them and that no man should hold office after he fails to represent the sentiments of his constituents, we favor the recall of delinquent officers on twenty-five percent." This limits and fixes it at twenty-five per cent, but the gentleman says his measure is better one than the one introduced by the committee, which complies with our platform, which says it shall not exceed twenty-five percent. By opposing it, he goes directly contrary to the instructions we received when we were delegated to come here, and for this reason alone I am opposed to the adoption of his proposition.

(The Records of the Arizona Constitutional Convention of 1910, Pages 243-244)

[e937972] Mr. Webb: I am free to confess that I do not think any of the three propositions are the best possible. I was frank and fair in desiring to postpone this that we might be given an opportunity to propose some amendments, and I think we all might take a few moments to look at our respective platforms. The gentleman has a peculiar way of answering my remarks, by referring to the remarks of the gentleman from Gila County, which were not directed at that. I am not advocating the majority report, which is even worse than Mr. Cunningham's proposition. The most objectionable is the one signed by Mr. Wood and Mr. Jones. However, there are things in connection with all that I would like to see changed. I have not had the time, or at least have not taken the time, to prepare the amendments I would like to propose, and for that reason I now desire to renew the motion that this be made a special order for the committee of the whole. I think it is a wise course to take. I think by that time we will all have given it sufficient attention so that we will each have one proposition that we think is perfect. As to the arguments that the people cannot get the relief desired, if the legislature can do it, cannot we do it? I am not intimating that the future legislatures will not be as efficient or honest as we are, but the majority of us are pledged to do this in such a way that it will be self-operative, and I say we will fail in our duties if we leave this for future legislatures to do. No matter how you may bind them round with restrictions, it is possible to juggle language so that they can evade its effect.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
244-245)

[e937973] [Editor's Note: As the Committee continued to discuss and vote upon Baker's motion to postpone, it is clear that the motion to reconsider was agreed.]

(Editorial)

[e937974] Mr. Cunningham: I do not intend to argue the question now, but referring to the remark of the gentleman from Graham I trust I did not make myself understood to the gentleman of this convention as to state that the gentlemen of this convention could not draw any kind of a provision. I meant to be understood that the committee that has made its report here seem to be unable to agree upon or draw a proposition that met the requirements demanded, not that this convention could not do so, but the committee has failed to do so, I would not slander the members of this convention, and especially the gentleman from Graham.

(Statutes at Large, Volume 36, Page 245)

[e937975] Mr. Cunniff: I notice in the remarks of the gentleman from Graham he said he had not taken the time, although he had it. It seems to me that this is the situation that all of these delegates are in, who are desiring still further to postpone this in order to confer more fully on the matter. This matter now before us did not go on the calendar of the committee of the whole on the day succeeding its return from the printing committee, but was postponed still further and made a special order for today, in order that ample time might be given for any study or conferring that are necessary. Now after the matter comes up as a special order, the members ask for a postponement. It seems to me everybody in this convention who is doing his work industriously and faithfully has had ample time to study this and should be ready to take [it] up as a special order, thoroughly prepared to vote as desired to make whatever amendment he wishes. Therefore I shall oppose the postponement.

Mr. Chairman: Gentlemen, I am under the impression that a motion which has already been voted down cannot be made again unless some business has intervened and then disposed of. If I am wrong, I would be glad to know it.

Mr. Webb: Technically, the statement of the chair is correct but it is never enforced if the chair has reason to believe that the motion is made in good faith, and I maintain now that I make it in good faith, because I believe the best interest of all of us demand that we should take a little time for consideration of this question. I believe otherwise a large part of the time will be wasted in idle discussion, as it has been this morning, for every few of us know what we want.

Mr. Chairman: Does the gentleman from Graham mean that the discussion has been idle on his part as well as the others?

Mr. Webb: I am afraid it us, unless this matter is postponed.

Mr. Moeur: If this is put off it will still be idly discussed. Let us get through with it. If we wait, we will find on Thursday there will be forty amendments to this, and every man will have a proposition of his own (applause).

Mr. Ellinwood: I am opposed to this motion, for the reason that the place to concur is right on this floor. I am opposed to caucuses. You have not the

members of this convention together, and if there is anything to be done, let it be done right here on the floor. I shall vote against the measure.

Mr. Baker: I should like to ask if the gentleman is not opposed to the recall.

Mr. Ellinwood: As to the recall of the judges, I am opposed; but as to the recall of executive officers I shall vote for it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 245-246)

[e937976] Mr. Chairman: Are you ready for the question? All in favor of the motion will answer "aye" when their names are called. All opposed "no."

Roll call showed 25 "ayes" and 22 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e937978] [Editor's Note: With the adoption of Baker's amendment to postpone, the competing proposals were dropped.]

(Editorial)

[e937979] [Editor's Note: With the adoption of Baker's amendment to postpone, the competing proposals were dropped.]

(Editorial)

[e937980] [Editor's Note: With the adoption of Baker's amendment to postpone, the competing proposals were dropped.]

(Editorial)

[e937977] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e937981] Mr. Cunningham raised the point of order that two-thirds vote was necessary to carry motion.

(The Minutes of the Arizona Constitutional Convention, Page 142)

[e937982] Mr. Cunningham raised the point of order that two-thirds vote was necessary to carry motion. Chair ruled only majority vote necessary.

(The Minutes of the Arizona Constitutional Convention, Page 142)

[e937983] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e937984] Mr. Webb: If I am right in supposing that completes the matter on the calendar of the committee of the whole for today. I move that the committee arise and report progress and ask leave to sit again.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

[e937985] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 246)

## 32.12 Wednesday, 09 November 1910, at 09:30 (s16052)

[e937530] Mr. Chairman: The committee of the whole will come to order to consider Proposition 69.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937532] Mr. Chairman: The committee of the whole will come to order to consider Proposition 69.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937538] Mr. Chairman: The committee of the whole will come to order to consider Proposition 69.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937547] [Editor's Note: The report from the Committee on Judiciary on Proposition Number 69 was copied into the Committee of the Whole alongside Proposition Number 69.]

(Editorial)

[e937533] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 69.]

(Editorial)

[e937536] Mr. Webb: I move that the committee of the whole do now arise and report back to the convention that it has examined Proposition Number 69, and recommend that the report of the committee be adopted and Proposition Number 69 be indefinitely postponed.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 248)

[e937548] Mr. Winsor: If that should be done, it would be pretty late in the session to leave this convention without a proposition covering this subject. If I understand the rules, the proposition will have to be reintroduced, or a similar one presented, if Proposition Number 69 is indefinitely postponed.

Mr. Cunningham: I think ...

Mr. Chairman: Mr. Winsor still has the floor.

Mr. Winsor: I am eager to hear what Mr. Cunningham has to say, but I wish to finish. I would like to know if it is the desire of the committee that we postpone indefinitely the proposition providing for the court system.

Mr. Webb: I think the misapprehension of the gentleman from Yuma is this: that the committee intended to offer a substitute, whereas they are recommending one bill covering this matter.

Mr. Chairman: Gentlemen, you have heard the motion.

Mr. Jones (Maricopa) [:] I do not like to see any proposition sidetracked until we can have the other propositions pertaining to the same subject before us,

and the recommendation of any committee to indefinitely postpone a proposition until we have a substitute proposition before us with which to make comparisons we cannot vote on this intelligently.

Mr. Chairman: You have heard the motion.

Mr. Crutchfield: Mr. Chairman, I desire to call the attention of the convention to the last section of Number 69. I presume that in this matter I shall defer entirely to the opinion of my friends in the legal profession, but section 22 calls attention to a cause of unrest and dissatisfaction with the courts, and whether it is possible or not to remedy that dissatisfaction and remove the cause I am not prepared to say, but I am certain that much of the dissatisfaction with the courts results from the enumeration here, or indications at least, in this section 22. The determining of cases, or remanding them back for mere informalities that could be easily corrected—that could be amended—mere technicalities. The general principle that is alive in the breast of every American citizen is the demand for justice, and some of the objections and arguments of my friends of the legal profession did not appear to me. More than that they strengthen me in my opinion. For instance, one of them said that he believed in keeping just such a thing as this in a part of our judicial system; that it gave opportunity for lawyers who had studied law and knew law to have a case against a man who, though he might have justice and right, did not have enough sense to get up the proper bill to carry through the proper case into the supreme court. It rather established me in my opinion that something should be done; that this mistake that I believe has been a mistake upon the part of our courts should be corrected by constitutional measure. The reading of this section is that “the pleadings and proceedings in the courts shall be as provided by law, but no appeal shall ever be dismissed for informality, irregularity, or error in taking the same, if such informality, irregularity, or error can by amendment or otherwise be corrected; and the appellate courts can shall have the power and be charged with the duty to cause such corrections to be made; and no cause shall ever be reversed for error where upon the whole case it shall appear that substantial justice has been done.” It may be that in an extreme, and I am not prepared to define the section as a whole, but I believe that this constitutional convention ought by some means provide against that error which has been a part of our judicial system. I cannot appreciate nor sympathize with the sentiment of the gentleman that the courts must be held entirely sacred and that nothing that has ever been acknowledged among them should be touched at all; that precedent and that large body of laws that has been handed down should be counted as inviolate and not be touched. There is a growing demand among our people that plain, simple, old-time, honest justice be the prime requisite and the principal thing to be desired by the courts of law, and that technicalities be waived as much as possible. This sentiment is the sentiment I acknowledge that sometimes brings on revolutions, but nevertheless, when a revolution is due it is going to come, and I believe that a reformation is better than a revolution, and that it would be well for a reformation to take place at this point. And I believe that this matter ought not to be postponed indefinitely until something is done upon this question; a special committee is appointed, or the sense of this convention is expressed to the judicial department upon the subject; therefore, I am opposed to indefinite postponement of Proposition Number 69 until something further is done.

Mr. Chairman: The chair begs leave to state that the revolution is on.

(applause)

Mr. Webb: Mr. Chairman, I want to say that I am in hearty sympathy with the part of the remarks of the gentleman from Maricopa, but I can conceive of no reason why we should cumber our records here with this entire proposition Number 69 consisting of 22 sections, when the gentleman favors nothing more in the proposition but the spirit of the 22nd section. Now, the fact that we indefinitely postponed this does not prevent the gentleman from Maricopa or any other gentleman, amending the proposition which has been recommended by the committee at any time. It may be amended and the matter that the gentleman advocates may be incorporated in it at any time, so I can conceive of no reason why we should encumber our records with this entire proposition.

Mr. Moeur: I do not think we can consider the proposition until we have a substitute for it. I shall vote against the postponement until we have a substitute for it.

Mr. Chairman: The chair begs leave to state my sympathy is with the gentleman from Maricopa. We can always get the letter but we cannot get the spirit.

(The Records of the Arizona Constitutional Convention of 1910, Pages 248-250)

[e937549] Mr. Cunniff: Mr. Chairman, I move to amend the motion that is before the house, that this be postponed until such time as we have a report of the judiciary committee before us.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 250)

[e937550] Mr. Chairman: All those in favor of the amendment to postpone until such time as the report of the judiciary committee is under consideration of the committee of the whole will say "aye;" those opposed "no," as the roll is called.

Roll call showed 17 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 251)

[e937551] Mr. Chairman: [...] The original motion to indefinitely postpone will come before the committee. Are you ready for the question? All those in favor of the motion to indefinitely postpone will signify by saying "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 251-252)

[e937552] Mr. Webb: That motion included that the committee arise and report to the convention that they had considered Proposition 69 and recommended that the report of the committee be adopted, and Proposition Number 69 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

[e937555] The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 252)

**32.13 Thursday, 10 November 1910, at 09:30 (s16070)**

[e937926] Communication from W.C.T.U. of Phoenix, Arizona, read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 154)

[e937927] Mr. Winsor: The committee of the whole will please come to order. The secretary will read the report of the committee on Proposition Number 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 159)

[e937928] Mr. Winsor: The committee of the whole will please come to order. The secretary will read the report of the committee on Proposition Number 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e937986] Mr. Chairman: Gentlemen, the majority and minority reports of the Committee on Executive, Impeachment and Removal from Office are before you, what is your pleasure?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 18.]

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e938004] Mr. Hunt: Mr. Chairman, I move that when the committee arise it recommend that the majority report of the committee do pass.

Mr. Kinney: I second that motion.

Mr. Chairman: It has been moved and seconded that when the committee do rise that the majority report do pass. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e938005] Mr. Cunniff: Mr. Chairman, I move to amend the motion of the gentleman from Gila, and that the report offered by Mr. Jones and Mr. Wood be substituted.

Mr. Chairman: The motion is to the effect that the minority report offered by Mr. Jones and Mr. Wood be substituted in place of the majority report.

Mr. Cunningham: I desire to second the motion of the gentleman from Yavapai. While I do not fully agree with the minority, I would like to withdraw the minority report offered by myself and second the motion to adopt the report offered by Mr. Wood and Mr. Jones.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e938006] Mr. Cunningham: I desire to second the motion of the gentleman from Yavapai. While I do not fully agree with the minority, I would like to withdraw the minority report offered by myself and second the motion to adopt the report offered by Mr. Wood and Mr. Jones.

(The Records of the Arizona Constitutional Convention of 1910, Page 259)

[e938014] Mr. Chairman: The gentleman can take such action as he desires with the report offered by Mr. Jones and Mr. Wood, but the other report must be disposed of in the order of business. The question before the committee is to substitute the report offered by Mr. Jones and Mr. Wood in place of the majority report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 259-260)

[e938009] Mr. Jones (Yavapai): In the majority report the section that seems to be the most objectionable is that if a public officer be recalled, that it is a question of politics. If a public officer be recalled it should be because of his ability to perform the duties required or because of failure to perform his duties and it should be the choice of the people to say whether or not he should retain his office, but I do not think it should be a question of prejudice of personal feeling; or because of a difference of party affiliations. Such removal should take place without a thought of party faith. If a man is recalled as provided by the majority report it is a case of politics and his successor would be of the opposite political party. It should make no difference what political faith the official has, and no such recall should ever be passed. If we are granted a recall provision stating the percent of the voters to petition for a recall it will bring the matter before the people as to his merits or demerits, and as to his faithful performance of duty or not, and not a question of political faith.

(The Records of the Arizona Constitutional Convention of 1910, Page 260)

[e938012] Mr. Webb: Gentleman, I am opposed to the report of the gentleman from Cochise because it is only a skeleton and it is not a recall that the people, our constituents, are desirous of having placed into this constitution. In the interests of justice and fairness I appeal to you to adopt only such measures as will bring the matter of recall before the people in a most clear and defined manner. If any officer has corrupted his office and a petition of twenty-five percent of the voters are signed against him and giving such charges as show that he is deserving of removal from office, his vacancy should be declared by the people and his successor should be put upon the ballot for the people to vote upon just as any other officer that is elected to office. The gentlemen from Yavapai have provided for a recall which will bring the matter before the public in the most expedient manner, and also in a manner that there can be no discrimination as to a successor politically. The party that the incumbent officer represented can have a man of his own party as a successor and thus relieve the recall of any political intrigues and as [such] is the nearest measure to direct legislation of any proposition given us in a recall, therefore, I am in favor of the minority report offered by Messrs. Jones and Wood.

Mr. Cunningham: The objections of the gentleman to the substitute have not been based upon anything provided in the measure. It has been an argument of a popular measure. One provision substitute provides for one system and the majority for another, and I should be in favor of the recall that will be most operative. I will point out the serious objection to the report of the majority of the committee, in section 2: (reading) "A petition demanding a recall of any such officer in any district shall require the signatures of twenty-five percentum but not more, of the number of electors, who voted in his district at the last

preceding general election for all of the candidates for the office held by the incumbent." This is twenty-five percentum of the actual number should be had on the petition before it becomes operative and will determine who should vote for the officer. Gentlemen that would be an in-operative recall because it would be impossible to go from Arizona to Alaska to get electors. On line 1, page 2, there are further objections: (reading) "One of the signers of each sheet of such petition, or the person circulating same, is required to make and subscribe an oath on the face of said sheet before a competent officer, that the statements therein made are true, and that the signatures are genuine."

Now gentlemen I cannot see how this can be an operative measure and I seriously object to it on that account. I have pointed out before that this measure could not be operative and would also read further on line 12 of the majority report: (reading) "One of the ballots at said election shall be printed in not more than two hundred words the reasons as set forth in the petition for demanding his recall, and in not more than two hundred words the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of the special election shall be officially declared."

I would say, do you expect to have that petition read? If you do there should be some means to have it read by the people and not place it high upon a post where it can never have the gaze of the people.

Now of the two reports now being considered by the committee I would say that the minority report offered by Mr. Jones and Mr. Wood would be the most consistent and most desirable by the people for it is the most acceptable with reference to being operative and practicable and if we are going to adopt a recall I would suggest and vote for the most practicable and objective of the two.

Mr. Cunniff: The main objection to the majority report is the legislative detail and it is from the point that we have maintained our defense of the minority. I see nothing repugnant in the method of filling vacancies in a similar manner as they are filled when a man dies or resigns and they are filled by law, but if we are to have a recall incorporated into the statehood constitution our prime object should be to get one that will be self-operating and provide for the removal and election of successor in the most reasonable length of time and without the slightest occasion to drag political questions into the matter of a law that should be most free from political intrigues; and as far as the practicability of the recall in other states we have reference to Los Angeles and I would also cite you to San Bernardino and in Oregon where the measure has been tested and I like my worth[y] colleagues here from Yavapai County, think that the minority report as offered by Mr. Jones and Mr. Wood not only substantiates the practicability of the recall but it is the nearest measure that can be adopted and redeem our pledges here with regard to a great law that has been the cry of the people in their demand for progressive measures.

Mr. Parsons: Mr. Chairman, does not the very next phrase explain that, "or of the electoral district from which he was elected"?

Mr. Cunniff: Yes, it says all that there. In other words, putting it in the power of the qualified electors of the state to recall a man. It seems to me by careful analysis of this proposition, this minority proposition, it gives a sound operative plan of recall, and does not even preclude the adoption by the law-making power of this other plan, for it does not preclude the adoption by the law-making power of any other plan—a plan of local election followed by special

election to fill the office, or, for example: in the case of the recall of the mayor of a municipality, and election provision providing that a new mayor shall be elected by the city council, or any other manner of filling vacancies, and it seems to me then that this minority report having the merit of not having in it unnecessary legislative detail and at the same time providing a sound, operative manner of recall, is a far better proposition for us to adopt.

Mr. Weinberger: [Unbound manuscript found inserted in one copy of the journal.] Mr. Chairman, with respect to the majority report, I will say that the committee worked very faithfully for several weeks in getting this in the proper form and the committee took into consideration the recall as used by Oregon, by Los Angeles and other cities. The system which is included within the majority report is in operation in about twenty cities and one state, and the system which the minority advocates is in operation in only one small city. It seems to me that if we take the experiences of others who have used this system it will tell us that this is the best system. In 1903 Los Angeles adopted it and in 1905 Seattle adopted it, and in 1908 Oregon adopted it, and the Oregon system is similar to that of Los Angeles, and this is similar to Los Angeles and Oregon. The Los Angeles system has been in operation for a number of years, and if other cities have followed that system and if a state has adopted that system I believe that ought to tell us that that is a good system. Answering the criticisms of the gentleman from Cochise, a careful reading of section 2 will show that the gentleman is in error. "A petition demanding a recall of any such officer in any district shall require the signatures of 25 per centum, but not more, of the number of electors who voted in his district at the last preceding general election for all of the candidates for the office held by the incumbent." That does not say 25 per cent of the electors, but it says of the number of electors. I believe that in itself is an answer to his criticism. Now with respect to the criticism of line 1 on page 3: "One of the signers of each sheet of such petition, or the person circulating same, is required to make and subscribe an oath," etc. The criticism is to the effect that it will make this provision inoperative. I want to say that it is a serious matter to file a petition against an officer, and a man who signs that petition ought to be first satisfied that there is some ground for the statements made in the accusations against him; that the officer sought to be recalled should be safeguarded in every possible way. While I myself do not agree that he should swear that the statements are true, this section might be amended that the statements are true to the best of his knowledge and belief. That is not an indictment against the entire system. In other words, every petition ought to be in such a form that we will be sure that there is no fraud. We want to know positively that every petition to be signed and sworn to properly there will be bogus petitions circulated against an officer. With respect to the criticism as to the statements appearing on the ballots, that is a matter of detail. It is immaterial whether you put these statements on the ballots or not. Something ought to appear, either on the sample ballot or the ballot itself, showing what the election is about. Those matters, as I say, can be corrected, but I advocate the system as is recorded by the majority report, because it is a system which has been tried and which has proven successful.

[Author uncertain. Filed at this point in one copy of the verbatim reports, but may actually be the missing remarks of Lynch who was with the minority.] Now, this is true, as the gentleman from Cochise, Mr. Parsons, says. This plan is in use in Los Angeles, but it is also true, I am informed, that this plan

proposed in the minority report is in use in San Bernardino and has been in use in San Bernardino in the city government there. Now I am in hearty agreement with my colleagues from Yavapai, that what we are going to set down in this constitution is a provision for a recall, and whereas the proposition as submitted by the majority report might be an excellent scheme of recall in a community where political matter do not sway the judgement of voters on election day. [sic] We are not concerned by the proposition of an election carried on by electors in a non-partisan frame of mind, but if, under this majority plan, a man were elected to an office by eight or ten votes, and a recall petition was circulated, it might even be circulated by the committee of the opposing party; it is obvious that the candidate who was up as a contestant for the office with the incumbent will be the candidate put on the ticket against him. So that the recall as proposed by this plan will not be merely a recall but it will be a new election, and it seems to us that that is not giving ordinary justice to a man against whom a recall is filed. That man is not necessarily the kind of a man that Mr. Parsons has pointed out as being derelict in his duty. A charge has been made against him by twenty-five percent of the people. I will point out further in regard to the majority report, in paragraph one, that there is not the same accuracy of expression of ideas that is contained in the minority report. It says: "Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall by the qualified electors of the State, or of the electoral district from which he was elected." Now that is now the provision that the gentlemen of the minority report wish to set down, and when such officers who are elected by the whole state shall be removed by the qualified electors of the state, and when who are elected to office from [words missing] shall be subject to recall by the electors of that political subdivision.

Mr. Crutchfield: [words missing] ... the gentlemen one or two objections to the minority report. It proposes an entirely different system of recall from the majority, namely, one in which the incumbent shall stand for recall without the opportunity of running again, I suppose, at least that he shall be recalled without putting anybody against him at all, when it may be there are quite a large number of people who are anxious for a recall, probably from personal reasons, who are from both political parties. Maybe there are half a dozen men of his own party who desire to run for the office, and an equal number from the other party. They can easily combine their forces and influence to recall a man unjustly. A large number of those who voted against him from the opposing party would naturally vote for his recall. Probably all that had voted against him originally would vote for his recall. Then a large number of those who voted for him, but desire some other man, would join in the recall, and it would work an injustice. Any man who had a recall petition of twenty-five percent against him would also have a good majority against him to recall him. So I believe it is a system full of holes. It is not worthy of the great state that we have under consideration—a system that is locked and interlocked with politics. While we cannot alleviate all possible objections, I believe the majority proposition in its spirit, at least, obviates much of the objection that this system of recall would have; therefore, I am opposed to the minority report.

Mr. Feeney: Mr. Chairman, as a participant in the first recall election in the United States, in Los Angeles, we could have obtained 250 affidavits to swear that the gentleman who represented us was guilty as charged. The recall in Los Angeles has been tested in the courts and not found wanting. As for any

electors outside of the 6th ward none signed the petition. When the threat of the recall was used the second time it took over a year to prove that the mayor was derelict in his duty, and when shown that it had been proven he was given an opportunity to resign. There is nothing to fear on the part of the gentleman's report.

[Remarks of Lynch of Graham not found.]

Mr. Cunniff: Mr. Chairman, a very thoughtful political observer, Overhauser, who has printed a book on the initiative and referendum, makes this sound remark, that in the adoption of political policies and machineries in any republic or in any form of government, those are soundest and most likely to work out successfully that have been proven from the experiences of the people who are living under that form of government and those are dangerous that are innovations that have been brought in from some other country where there is a different form of government. The initiative and referendum which we have adopted already in this convention is a mere extension of the New England town meeting form of government. It is the same thing that has existed in this government since the beginning. The recall is simply extending to the people the power of the impeachment which has been in our government ever since the beginning, and I submit that with the mere exception of making the people the impeaching body, as the House of Representatives is in our impeachment system, and making the people the court instead of making the Senate the court is all we do in this recall proposition, and there is absolutely no indictment in it of any kind, but I do submit that this proposition that has been adopted in some cities and has been proposed and used in some cities but has had no experience in any state,— that is an innovation, and is a form of election of which we have no prototype in our political history, and I submit I am in hearty agreement with the gentleman from Graham that the thing, under our public system of government, is essentially not practical and not a wise form of recall which we should adopt.

[Remarks by Short of Yuma not located.]

[Remarks by Ingraham of Yuma not located.]

Mr. Cunniff: Mr. Chairman, does the gentleman from Yuma seriously think that if that were the case no Republican would be in office?

Mr. Parsons: I desire to call attention to one statement made by the gentleman from Graham, Mr. Lynch, in which he said that paragraph 5, or section 5, of the majority report made it necessary for the incumbent, against whom the complaint was made to go into the primaries and work for his nomination, and this section expressly says unless he shall order it otherwise his name shall go on the ballot. On the other hand, it says that other candidates for the office may be nominated to be voted for at said election. It seems to be that no consideration—

Mr. Lynch: Was not the statement made in this way, that he would be compelled to go into the primary in his own party to defeat any other member of his own party, who wanted to go on the ticket against him and that his name would be on the ballot, though he must necessarily defend himself in his own party.

Mr. Parsons: Would he not have to do that if he were elected to the office?

Mr. Chairman: The chair will entertain a motion whereby the committee do now arise.

Mr. Cobb: Mr. Chairman, there is no question that we will have a general

primary law which will provide for the nomination of candidates for all elective offices. In the event that a Republican was in office and a recall petition had been signed for his recall—

A member: Question.

Mr. Chairman: Gentlemen, Mr. Cobb has the floor.

Mr. Cobb: If you don't wish to hear me I won't speak.

(The Records of the Arizona Constitutional Convention of 1910, Pages 260-266)

[*e938021*] Mr. Chairman: The motion made by the gentleman from Gila, Mr. Hunt, was that when the committee arise it recommend that the majority report be adopted and the bill do pass, with the minority report signed by Mr. Wood and Mr. Jones. All those in favor of the adoption of the amendment will signify by saying "aye," and those opposed "no" when their names are called. The secretary will call the roll.

Roll call showed 21 "ayes" and 27 "nays."

Mr. Chairman: The "nays" have it. The question is upon the original motion, shall the majority report be adopted and shall the committee when it do arise recommend that the substitute proposition offered by the committee be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 266)

[*e938023*] Mr. Orme: Mr. Chairman, I wish to move an amendment to the majority report in the second line of section 1 after the letters "na" the words "other than the judiciary" be added.

Mr. Colter: I second that motion.

Mr. Chairman: Moved by Mr. Orme that in the second line of section 1, after the letters "na" there shall be inserted the words "other than the judiciary."

(The Records of the Arizona Constitutional Convention of 1910, Page 266)

[*e938028*] Mr. Ellinwood: I wish to move a further amendment that after the letters "na" in the second line the words be inserted "except a supreme or superior court judge."

(The Records of the Arizona Constitutional Convention of 1910, Page 266)

[*e938034*] Mr. Orme: I accept the amendment.

Mr. Chairman: The amendment accepted by the gentleman from Maricopa and the amendment offered by the gentleman from Cochise is that the words "except a supreme court or superior court judge," be inserted after the letters "na." The gentleman from Yuma, Mr. Short.

(The Records of the Arizona Constitutional Convention of 1910, Page 266)

[*e938038*] Mr. Short: I move that the committee do now arise and report progress and ask leave to sit again.

Mr. Feeney: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 266)

[e938045] Mr. Chairman: It is moved and seconded that the committee do now arise and report progress and ask leave to sit again. All those in favor signify by saying "aye;" those opposed "no." The "nays" have it. The motion before the committee is on the amendment offered by the gentleman from Maricopa, Mr. Orme. All those in favor of the amendment will signify by saying "aye;" those opposed "no." The secretary will call the roll. I desire to state that Mr. Wills and Mr. Pusch are paired on this, Mr. Pusch against and Mr. Wills for it.

Roll call showed 18 "ayes" and 30 "nays."

Mr. Chairman: The motion is lost.

(Editorial)

[e938053] Mr. Franklin: I move an amendment to the majority report beginning at the end of line 16 on page 4 of the majority report, change that sentence to read as follows: "Provided that the right to recall public officers in incorporated cities and towns is reserved to the qualified electors of such cities and towns and shall be exercised in the manner provided in the charters and laws of such cities and towns."

Mr. Chairman: The question will be upon the amendment of the gentleman from Maricopa, Mr. Franklin.

(The Records of the Arizona Constitutional Convention of 1910, Pages 266-267)

[e938055] Mr. Weinberger: I want to say just one word. If this amendment is adopted, we will have no operative recall as to our municipal officers. It seems to me that if the recall is necessary at all, it is necessary for the local officers. If this is adopted, the powers of the people in cities will be indefinitely postponed.

Mr. Franklin: I do not wish to say very much about this, but it will be at once seen from this proposition that it will be the most difficult matter in the world to give a fair and just percentage for all incorporated cities and towns of this territory owing to their varying population and the varying conditions that confront them. I therefore think, on the theory of "home rule" that the gentlemen here have advocated so strongly, we should leave it to the people and let them fix their own method. I think this amendment is a proper measure, and therefore advocate it.

Mr. Cassidy: I think it very doubtful if the amendment made by the gentleman from Maricopa would have the effect of changing the percentage as to cities and towns. This proposition absolutely fixes the percentage in the second paragraph as to all public officers. I think the amendment of the gentleman from Maricopa would not have the effect he thinks it will.

Mr. Cunniff: Mr. Chairman, I am in hearty agreement with the gentleman from Gila. It seems to me, though I am one of those in favor of "home rule" that the proposition provides all that is necessary without the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 267)

[e938057] Mr. Chairman: As many as favor the amendment will signify by saying "aye;" those opposed "no." The "nays" have it, and the amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 267)

[e938064] Mr. Webb: Gentlemen, I desire to offer the following amendment to the majority proposition. That all of section 1 be stricken out, and in lieu thereof be inserted from line 1 to the word "office" where it occurs in line 5 of the minority report signed by Wood and Jones. I do it for this reason, that I think one is absolutely clear and the other slightly clouded. The purpose of each is the same, but the language of the minority report is very much clearer.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 267)

[e938065] Mr. Weinberger: Let us look at this amendment as proposed. It requires passage "by a majority vote." In the majority proposition all that is necessary is for the man to receive a majority vote of all the candidates. It seems to me this is inconsistent with that theory of a vote.

Mr. Parsons: The objection raised by the gentleman from Gila is certainly one of a serious character, and if it prevails if we are to require, as he says here, a majority of all the electors of the political subdivision, it may be a difficult matter to determine. I think the wording of the section in the majority report is preferable, and therefore I favor it.

Mr. Webb: The amendment was very hurriedly made. I was not satisfied with section 1 of the majority report. I am now convinced that neither one of them is good. I will therefore withdraw the motion, and offer the amendment a little later.

(The Records of the Arizona Constitutional Convention of 1910, Page 267-268)

[e938067] Mr. Chairman: Will the gentleman who seconded the motion allow it to be withdrawn?

Mr. Cunniff: Most assuredly.

(The Records of the Arizona Constitutional Convention of 1910, Page 268)

[e938071] Mr. Ellinwood moved to amend by inserting at the end of line 5, page 2, after the letters "ed" the words, "provided, however, that the provisions of this section shall not apply to a supreme or superior court judge."

(The Records of the Arizona Constitutional Convention of 1910, Page 155)

[e938073] Mr. Ingraham raised a point of order...

[Editor's Note: It is unclear the exact nature of Ingraham's point of order; however, Ellinwood's amendment is not considered further, implying that it was dropped as a result of Ingraham's point of order.]

(The Minutes of the Arizona Constitutional Convention, Page 155)

[e938075] Mr. Ingraham raised a point of order; sustained by the Chair.

(The Minutes of the Arizona Constitutional Convention, Page 155)

[e938078] Mr. Roberts: I move that after the word "officer" on page 3, line 4, the words "that the statements therein made are true and" be stricken out and the reading may be made "that the signatures are genuine."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 268)

[e938080] Mr. Roberts: Mr. Chairman, I want to say that the present provision requires the gentlemen circulating the petition to swear that the accusations are true, and also that the justification as presented by the officers is true, either of which he does not care to swear to, and in the nature of things this would hinder the petition. I think if it be left to read "that the signatures are genuine" is sufficient and all that should be required.

Mr. Webb: I think the gentleman from Cochise is laboring under a misapprehension of the meaning of this provision.

Mr. Lynch: The position taken by the gentleman from Graham is unquestionably correct. The first part of section 3 refers to the recall petition, and the statement required to be signed is the face of the sheet to which the signatures are attached.

Mr. Short: Mr. Chairman, as a signer of this majority report, I desire to say that my first impression was that of the position taken by the gentleman from Graham County, that the only thing required of the party signing this affidavit, or oath, was that the signatures are genuine, but on reading it more closely I find it does not say that. It says that the statement contained in the petition must be true. You can see by the different ways this is construed by the members of the convention, I think, that it is liable to misconstruction. I think if we eradicate these words, it will make the matter perfectly plain.

(The Records of the Arizona Constitutional Convention of 1910, Page 268)

[e938084] Mr. Cunniff: I move as an amendment to the amendment that the portion of section 3 beginning with the words "the" at the end of line 15 on page 1, down to the end of that paragraph or section, be stricken out, and the section in the minority report signed by Wood and Jones on the last page thereof, being the next to the last paragraph of that minority report be substituted in place thereof. The point is that the gentlemen wish to provide as to the methods of petitions and by simply referring to the form of petition required in the initiative and referendum we save repetition, in the constitution, and get rid of the objection pointed out.

Mr. Chairman: The motion made by the gentleman from Cochise is to the effect that the words contained in line 4 of page 3 "that the statements are true and" be stricken out; amended by Mr. Cunniff to strike out beginning with the word "the" at the end of line 15 on page 1, down to the end of that paragraph of the minority report signed by Wood and Jones. The question will be upon the adoption of the amendment to the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
268-269)

[e938088] Mr. Short: I am opposed to the amendment for the reason that the committee had this particular matter up, and thrashed it out thoroughly; went into detail, and then made this provision specific, so that it could not be misunderstood, as the provisions for the initiative and referendum petition must be differently construed from the intended meaning, I do not believe the amendment is a good thing, and it may possible change the meaning.

Mr. Lynch: If the gentleman will permit a question, I would like to know if any two members of that committee agreed as to the meaning of section 3? You say you made it perfectly clear.

Mr. Short: I know of no disagreement. With the amendment as offered by the gentleman from Cochise, Mr. Roberts, I believe it is absolutely correct.

Mr. Weinberger: I will read the provisions in the initiative proposition, and you will see readily that the details of this provision will not apply.

Mr. Cunniff: I would like to ask the gentleman from Gila if a provision adopted in all practical respects like the initiative petition would not cover exactly the ground.

Mr. Weinberger: I say as long as we are providing for a measure, let us do it exactly. You will have to leave a great deal for inference if you adopt this initiative.

Mr. Cunniff: I beg to say that unless this thing is amended in some way, I shall have to vote against this whole bill; of course, as the gentleman says, it is impossible for the petitioner to swear that the statements are true.

Mr. Webb: Just one word. If the proposition of the gentleman from Cochise is adopted, it will leave no safeguard for the petition. I shall have to vote against it.

(The Records of the Arizona Constitutional Convention of 1910, Page 269)

[*e938093*] Amendment lost by the following vote:

Ayes—Bolan, Cassidy, Cobb, Coker, Colter, Cunniff, Goldwater, Hutchinson, Jones, A. M., Jones, F. A., Lynch, Moeur, Moore, Morgan, Tuthill, Webb, Wells, Wood. Total 18.

Nays—Baker, Bradner, Connelly, Cooper, Crutchfield, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Ingraham, Jacome, Keegan, Kingan, Kinney, Langdon, Lovin, Orme, Osborn, Parsons, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Weinberger, Winsor, Mr. President. Total 30.

Excused—Doe, Pusch, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 156)

[*e938101*] Mr. Chairman: All in favor of the amendment to the amendment will signify by saying "aye;" all opposed "nay." The chair is in doubt. The secretary will call the roll.

Roll call showed 27 "ayes" and 21 "nays."

Mr. Chairman: The "ayes" have it and the amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 269)

[*e938105*] [Editor's Note: With the adoption of Roberts' recommendation, the competing recommendations were dropped.]

(Editorial)

[*e938107*] [Editor's Note: With the adoption of Roberts' recommendation, the competing recommendations were dropped.]

(Editorial)

[e938109] [Editor's Note: When the Committee made a final decision on their recommendation, the report was implicitly adopted.]

(Editorial)

[e938116] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938121] Mr. Webb: I move that the committee do now arise and report back to the convention that they have considered Proposition Number 18 and the committee reports thereon and that we recommend that the majority report be adopted and Substitute Proposition Number 18, as amended, be adopted and all minority reports be indefinitely postponed.

Mr. Weinberger: I second the motion.

Mr. Chairman: You have heard the motion. As many as are in favor of such a report will signify by saying "aye" as their names are called; those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Pages 269-270)

[e938132] Roll call showed 27 "ayes" and 11 "nays."

Mr. Chairman: The motion is carried, and the committee will now rise.

(The Records of the Arizona Constitutional Convention of 1910, Page 270)

## 32.14 Friday, 11 November 1910, at 09:30 (s16077)

[e938197] Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition Number 82, Substitute Proposition Number 82, Proposition Number 62, Proposition Number 114, Proposition Number 80, Proposition Number 157, Proposition Number 125, Proposition Number 74, Proposition Number 71, Proposition Number 92, Proposition Number 135, Proposition Number 139, Proposition Number 140, Proposition Number 143, [and] Proposition Number 144.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938199] Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition Number 82, Substitute Proposition Number 82, Proposition Number 62, Proposition Number 114, Proposition Number 80, Proposition Number 157, Proposition Number 125, Proposition Number 74, Proposition Number 71, Proposition Number 92, Proposition Number 135, Proposition Number 139, Proposition Number 140, Proposition Number 143, [and] Proposition Number 144.

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938191] Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition Number 82, Substitute Proposition Number 82 [...]

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938243] [Editor's Note: The majority report on Proposition Number 82 was referred to the Convention alongside the attached Substitute Proposition.]

(Editorial)

[e938145] Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition Number 82, Substitute Proposition Number 82 [...]

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938152] Mr. Chairman: The committee of the whole will come to order. We have under consideration in the order of business this morning Proposition Number 82, Substitute Proposition Number 82 [...]

(The Records of the Arizona Constitutional Convention of 1910, Page 271)

[e938269] Mr. Jones (Yavapai): Mr. Chairman, I move you that Substitute Proposition Number 82, the majority report of the committee, and also the minority report of the committee, be made a special order for the committee of the whole for Monday morning.

Mr. Lynch: Mr. Chairman, I second the motion.

(Editorial, Page 271)

[e938280] Mr. Lynch: Mr. Chairman, I second the motion. I would state that the reason I second the motion is that Judge Doe, a member of this convention, is on the supreme court, which is now in session, and he asked that it be left over if possible, for the reason that he has some statements to make to the convention with reference to his district.

Mr. Weinberger: I am in favor of putting this over until Monday morning because four or five members of the judiciary committee are absent and I would like to see them present when this matter is taken up.

Mr. Cunningham: I can see no reason to put this matter over to Monday. This committee has already been criticized for putting over its business, and the only reason I see that this matter has not been considered is on account of the fair; everybody is attending the fair, not paying any attention to this matter. This proposition, it is true, has not been examined, but there are some other reasons. I do not care to try to take advantage of that however, but it seems to me that if we continue to put things over we may as well put over the convention for a year or so. We cannot get anything done if business is put over repeatedly— delayed continually. I am very sorry indeed that private business has caused members of this committee be away from here and not in attendance on the duties of the convention, but they are not here, and I feel that we should attend to this business and get through with it some time this winter.

Mr. Jones (Maricopa): I would like to ask the gentleman from Cochise if he expects the delegates to have this before them ten or fifteen minutes and

then act on it intelligently. I understood that the committee worked on this a long time and are satisfied with it, and it may be satisfactory to all of us, but I cannot conceive how any man here who has not studied this can pass on it intelligently without some consideration— without time to look it over.

Mr. Jones (Yavapai): I would like to make the same remark that the gentleman from Maricopa has made— that the first time I saw this proposition was about five minutes ago, and I do not think the gentlemen of this convention have had time to consider the proposition. I therefore think that we should have more time.

Mr. Lynch: I would also suggest to the chairman of the judiciary committee that on the calendar of the day we have plenty to occupy us today and the next day without consideration of this. It is not only a long measure but a technical measure.

Mr. Cunningham: I would like to answer the gentleman from Graham, I take it for granted that there are other propositions following this that will take the same course.

Mr. Jones (Yavapai): No, sir, not from me.

(The Records of the Arizona Constitutional Convention of 1910, Pages 271-272)

[e938308] Mr. Cassidy: Mr. Chairman, I move to amend the motion to the effect that this proposition be made a special order for tomorrow morning.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 272)

[e938325] Mr. Parsons: If the amendment should prevail it would put the committee, it seems to me, in the position of denying to an eminent member of the Arizona bar, and one of our judges...

Mr. Lynch: He will be here tomorrow.

Mr. Parsons: Then I will suspend my remarks.

(The Records of the Arizona Constitutional Convention of 1910, Page 272)

[e938336] Mr. Cunningham: Mr. Chairman, I move a further amendment so as to avoid the objection. I move an amendment that it be placed as a special business for 2 o'clock tomorrow. That will give the eminent member opportunity to be here. In the afternoon the supreme court sessions do not hold, and 2 o'clock tomorrow afternoon will give every opportunity to the eminent member of this convention to be here.

[...]

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 272)

[e938340] Mr. Chairman: Are you ready for the question? The amendment to the amendment— was there a second?

Mr. Winsor: I second that motion.

Mr. Chairman: The amendment is to the effect that the consideration in the committee of the whole of Substitute Number 82, also in Proposition Number 82, be suspended and come up as a special order of business tomorrow at 2 p.m.

Are you ready for the question? All those in favor will answer "aye" when their names are called; those opposed will answer "no." The secretary will call the roll.

Mr. Webb: I would suggest that it would be much quicker and more satisfactory to the clerks if a rising vote would do just as well.

A member: Let us have a roll call.

Mr. Chairman: The chair rules that the roll be called.

Roll call showed 14 "ayes" and 27 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Pages 272-273)

[e938382] Mr. Chairman: [...] Now the question comes on the amendment to the original motion. I believe we could avoid a little delay in this voting if Mr. Lynch would agree to the amendment offered by Mr. Jones of Maricopa. The amendment to the original motion is that consideration of Proposition Number 82 be postponed until tomorrow morning and come up as a special order of business in the committee of the whole. Are you ready for the question? All those in favor of this amendment will signify by saying "aye;" those opposed "no." The "ayes" have it. The original motion now. Do you want to vote on that Mr. Jones?

Mr. Jones (Yavapai): No sir.

Mr. Chairman: All those in favor of the motion as amended by Mr. Cassidy of Maricopa reading that Proposition Number 82 and Substitute Proposition Number 82, that is the judiciary committee's report, be made a special order for tomorrow morning signify by saying "aye;" those opposed "no." The chair is in doubt.

Mr. Webb: Rising vote.

Mr. Chairman: Call the roll. All those in favor as their names are called will signify by saying "aye;" contrary "no."

Mr. Franklin: Mr. Chairman, do I understand this question is for the consideration of this proposition Monday morning?

Mr. Chairman: Tomorrow morning. The secretary will call the roll.

Roll call showed 25 "ayes" and 16 "nays."

Mr. Chairman: The motion is carried. Proposition Number 28 and Substitute Proposition Number 82 will come up tomorrow morning as special business in the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 273)

[e938390] Mr. Hunt: The gentlemen of the convention seem to be in somewhat of an ill mood this morning. We have been honoured by the Copper Queen Band which has come out here to serenade us, and I move we take a recess for a few minutes to hear them.

(The Records of the Arizona Constitutional Convention of 1910, Page 273)

[e938394] Mr. Chairman: All those in favor of the motion signify by saying "aye;" those opposed "no." The "ayes" have it.

Convention stood at recess.

(The Records of the Arizona Constitutional Convention of 1910, Page 273)

[e938396] [Editor's Note: The Committee took a recess.]

(Editorial)

[e938401] Mr. Chairman: Convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 273)

[e938407] Mr. Chairman: Convention will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 273)

[e938412] Mr. Cunningham: Now, Mr. Chairman, this very pleasant occasion was offered to this committee of the whole because of the savage disposition that seemed to prevail this morning. As I have been accused of being the most savage of them, I think as a personal privilege I am entitled to make the motion I am about to make. Now, I have always realized the fact that music has power to charm some classes of people as well as beasts, and I must say that it has had its usual effect on the most savage member of this committee of the whole, and therefore, I move now, if some other savage member will second it, that the committee of the whole do now give a standing vote of appreciation for the music offered by the Bisbee Band.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
273-274)

[e938417] On reconvening, Mr. Cunniff moved, seconded by Mr. Feeney, that the committee extend a vote of thanks to the Copper Queen band for music furnished during the recess; carried by a rising vote.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
273-274)

[e938439] Mr. Chairman: What is your pleasure?

Mr. Hunt: Mr. Chairman, I move you that we take up Proposition Number 143.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[e938440] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[e938507] Mr. Chairman: What is your pleasure in regard to Proposition Number 143?

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[e938517] [Editor's Note: The report from the Committee on Suffrage and Elections on Proposition Number 143 was taken up by the Committee of the Whole alongside Proposition Number 143.]

(Editorial)

[*e938521*] [Editor's Note: The minority report from the Committee on Suffrage and Elections on Proposition Number 143 was taken up by the Committee of the Whole alongside Proposition Number 143.]

(Editorial)

[*e938626*] [Editor's Note: Substitute Proposition Number 143, recommended by the minority report from the Committee on Suffrage and Elections, was taken up by the Committee of the Whole alongside Proposition Number 143.]

(Editorial)

[*e938528*] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 143.]

(Editorial)

[*e938531*] Mr. Tovrea: I move that it be indefinitely postponed.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[*e938539*] Mr. Osborn: Let us have it read and the committee reports thereon.

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[*e938545*] Secretary (reading): "Phoenix, Arizona, November 5, 1910. Mr. President: Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 143 and respectfully recommends that it be indefinitely postponed. Albert M. Jones, Chairman. We concur: Lamar Cobb, Alfred Kinney, Henry Lovin, John Langdon."

"Mr. President: We the undersigned minority of your Committee on Suffrage and Election begs leave to report that it has examined Proposition Number 143 and respectfully recommends that the following substitute be adopted, and that Proposition be indefinitely postponed. Fred L. Ingraham, Sidney P. Osborn, John P. Orme, Benjamin B. Moeur, James Scott."

(The Records of the Arizona Constitutional Convention of 1910, Page 274)

[*e938640*] Mr. Cunningham: I would like to inquire for information if this report and substitute bill were printed.

Mr. Webb: It seems to me that these two propositions differ very little. I would like to ask what the difference is between the original and the proposed substitute.

Mr. Ingraham: The only difference worthy of consideration is this: In looking over the Connelly proposition, the majority were of the opinion that it might be construed to extend the franchise to more than the mover of the proposition intended. It might be construed to give the franchise to children, and to avoid any such construction we drew this amendment, to be submitted at the election, that both male and female citizens shall be equally entitled to all religious and

political rights and privileges. The meaning is practically the same except for the possible misconstruction. Further, there shall be no denial of the elective franchise on account of sex. The rest of the proposition is the same.

Mr. Hunt: You make this mandatory on the first legislature; they will not have to obey that mandate.

Mr. Ingraham: Yes, just the same as in the original proposition.

Mr. Hunt: We say to the first legislature "You shall do so and so" but they need not do it, they do not have to do it.

Mr. Ingraham: The same objection would apply to the Connelly proposition. It is hardly to be supposed that the legislature will refuse to do this after the convention has taken action on it, if the action should be favorable; and besides, we have already adopted a direct legislative measure by which the people can do it, if the legislature refuses. The people have the power to propose an amendment.

Mr. Kingan: I would like to have an answer to that question also. I do not think the gentleman from Yuma has answered the gentleman from Gila. I would like to have the question answered.

Mr. Cunniff: In answer to the gentleman from Gila, there have been various propositions introduced here, and I think one or two have been passed that put mandates on the legislature. It is quite true that any mandate directed to the legislature in this constitution may or may not be obeyed. The other day we adopted the initiative and referendum and yesterday, the recall, and the idea of putting mandates on the legislature in the constitution is that we have provided a method for seeing that the legislature does obey the mandate, but it seems to me in reference to this proposition that most of the mandates proposed to the legislature are mandates for which there is so strong a popular demand that the legislature cannot refuse to obey the mandate. I would say that the proposition before us is one of an entirely different character, and the objection of the gentleman from Gila is well made. There is no popular demand for anything of that sort and therefore the mandate may or may not be obeyed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 274-275)

[e938645] Mr. Chairman: Gentlemen, what is your further pleasure on this proposition?

Mr. Webb: I move that when the committee arise it report to the convention a recommendation that the substitute offered by the minority members of the Committee on Suffrage and Election for Proposition Number 143 do pass.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 275)

[e938652] Mr. Cunningham: I offer the amendment that all part of committee substitute proposition be stricken out after and including the word "provided, however," and that the remaining part of that substitute preceding those words be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 275)

[e938660] Mr. Roberts: I move as an amendment to the amendment that the first word in line 5 be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 275)

[e938680] Mr. Cunniff: Thus far in the deliberations of this convention I have seen no proposition introduced that seems to me worthy of separate submission that is not worthy of being placed in the constitution. I wish to say now that if no matter is introduced later of a nature that seems to warrant it separate submission, I am utterly and unreservedly opposed to any action on the part of this convention to provide any matter for any separate submission. I think that anything we do here that we believe in—that we believe should be done—should be incorporated in the constitution. It seems to me that this matter should properly have been submitted to the committee on separate submission, and it seems to me further that there is a certain propaganda in the interest of those having the affirmative side of this matter, a settled and certain course to stir up a social revolution in Arizona by extending the privilege of suffrage to the ladies. Now my own opposition to woman suffrage is not due to the poor opinion I have of women, but rather the contrary. I have too high an opinion to have the suffrage extended to them, first, that I opposed to any proposition of this kind or description, and second, because I am opposed to adopting any matter for separate submission here. I hope the original motion to indefinitely postpone will prevail.

Mr. Cunningham: It became my pleasure to attend a part of a meeting of committees held upon this question since this constitutional convention has been in session. While in attendance I heard several able speeches along the lines of equal suffrage—many very able speeches. Among them was one that would fit my feeling in this matter absolutely, if I had no other opinions regarding it. My private opinions are but small in comparison with those of the people of Arizona. I heard the statement there and I have no reason to doubt its truth, that in every country—county, a certain political party had tickets in the field that made one of its strongest planks of their platform, equal suffrage; that that matter was fought out among the people of Arizona, that it was fought with able orators, and the assistance of able women orators; that as a result of that election, as a result of that fight, as a result of that argument submitted to the people, not one man was elected to this constitutional convention on that platform. Have not the people of Arizona expressed to use [sic] gentlemen of the convention, that it is not wanted at this time as a part of the constitution? Is not that the best argument, although we might be favorable before? I have no doubt that this was the case in Cochise County, and every other county, and every member of this constitutional convention within the sound of my voice, and even those who are absent, were opposed on this platform by candidates of an opposing ticket. The effort was made to defeat every member that hears me, but with what result? The people of Arizona have spoken in no mistakable terms. Republicans and Democrats were opposed, but they were elected. The people have spoken in terms we cannot fail to recognize for one moment, and now we are called upon to place before them the very provision the people have said, “we do not want.” Can we afford to do it?

Mr. Osborn: The men have spoken and the women have not. That is exactly what we want now; let them have the right.

Mr. Webb: In answer to my friend from Yavapai county, as to the statement he made that any proposition that was worthy of separate submission ought of right to go in the constitution proper, I do not think that questions have

arisen on which I need advice, questions of policy, not questions that are clear for one to determine as to what is right and wrong, upon which the people have not spoken—the gentleman from Cochise to the contrary notwithstanding—on which they have not spoken unclouded by other issues. I say there are other questions worthy of separate submission. There are questions which I do not claim the right to answer for my constituents—questions which I say the people who sent here should answer for me. Now as to the remarks of the gentleman from Cochise, Mr. Cunningham, that this was the issue, (and from his remarks I gather he thought it a clear cut issue) the gentleman was mistaken. I know there are members of this convention who received the earnest and enthusiastic support of advocates of woman suffrage. I believe all such, at least, owe it to the people to give them an opportunity to speak on the question. Now as to the question of going into the merits and demerits, it is useless. It has been discussed very much. I know you could not be changed by argument, but I do ask you to let the matter be submitted. One of the arguments I have heard most frequently used is that the women themselves do not want suffrage, that a majority of them frankly confess they do not. I am perfectly willing to leave it to the women as in the amendment as in the amendment of Mr. Roberts.

Mr. Cunniff: I wish to ask the gentleman from Graham a question. He says that this matter was not before the people in an unclouded way and I would like to ask, why not? Now, just a moment. We had [a] Democratic convention in Yavapai county to nominate candidates for this convention for the Democratic party, and in the platform committee of that convention (in which I sat) there was absolutely no suggestion made as to either of the matters that have been proposed for separate submission, either prohibition or women's suffrage. Among those delegates gathered from every part of the county, not one delegate suggested that either of these matters be submitted. There was absolute silence, absolutely no suggestion this be incorporated was presented on the floor of that convention, and therefore it seems to me there was no demand for these things worthy of consideration, and no effort made to get them out so that they were unclouded.

Mr. Webb: In answer to the gentleman from Yavapai, I would say that the platform of the dominant parties whose candidates were elected were silent on the question which certainly left it clouded. It is also true that one small party declared in favor of women's suffrage, but it was a small party, and received very little of the support of those in favor of women's suffrage.

Mr. Cunningham: I would like to ask the gentleman from Graham, has the party which put this in its platform elected any delegates to this convention?

Mr. Webb: No sir. I would like to add that the advocates of the question in Graham county did not support that ticket for the reason that they believed there were advocates of woman suffrage on other tickets.

Mr. Cunningham: Did they not vote for the party whose platform was silent in preference to that party advocating it?

Mr. Lynch: I would like to ask him if in the convention of Democrats, which nominates the five present delegates from Graham county, this woman suffrage was not rejected by a vote of 89 to 25. Did not the Republican party have a clause in their platform asking for separate submission of this question to the people in Graham county?

Mr. Webb: In answer to the first question, "yes" except that he is mistaken somewhat on the vote, only a little however; but I want to say that it was a

question of policy again with many of them in that convention, whether it was wise to put it in or whether it would bring votes to the candidates who stood on that platform, and I want to say that nearly half of the votes in that convention were controlled by one or two men by proxy. As to the second question, the Republicans did do this, and if it was not an evasion, gentlemen of the minority, what was it? They said we favor the first state legislature submitting the matter to the vote of the people.

Mr. Parsons: I want to know if the chair rules that Mr. Tovrea's motion was out of order, because the motion has not been put.

Mr. Chairman: The chair rules that the original motion of Mr. Tovrea with the two amendments is before the house.

Mr. Moeur: In dealing with this separate submissions question, it does not seem to me it makes any difference what any political party has said or done. The question is, is it right for the women to have suffrage as a separate question? The delegates from Maricopa county declared that they would advocate submitting it as a separate proposition in the constitutional convention. It makes no difference whether one party or the other recommend it, I believe in it, and I shall vote for it, first, last and all the time.

Mr. Orme: I would like to hear from Mr. Connelly, who proposed the question. He is like the boy the goat ran over. He "hasn't anything to say."

[Remarks by Ingraham of Yuma not located.]

(The Records of the Arizona Constitutional Convention of 1910, Page 275-278)

[e938701] Mr. Franklin: As there seems to be a little confusion as to the status of this motion, and in view of the fact that the committee on separate submission has now pending before it propositions of a similar nature, on which they will very shortly make a report, I move that Proposition Number 143 and the Substitute Proposition Number 143 be postponed until the receipt of the report from the committee on separate submission and that they all be taken up in their regular order.

(The Records of the Arizona Constitutional Convention of 1910, Page 278)

[e938704] Mr. Chairman: The motion is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 278)

[e938762] Mr. Franklin: The motion is not out of order because a motion to postpone to a time certain takes precedence over a motion to indefinitely postpone.

(The Records of the Arizona Constitutional Convention of 1910, Page 278)

[e938709] Mr. Ingraham: I rise to another point of order. I do not believe the motion of Mr. Tovrea was in order, for the reason the report of the committee was not before this committee of the whole at the time the motion was made. The secretary was at that time reading the title of the minority report, or even majority report before this convention at the time that motion was made.

(The Records of the Arizona Constitutional Convention of 1910, Page 278)

[e938726] Mr. Webb: In support of the contention of the gentleman from Yuma, I desire to say that that was my understanding, and my motion was made as an original motion, and I believe the secretary accepted it as such. I call for the reading of the minutes on that point.

Mr. Chairman: The chair will rule that Mr. Webb's motion was made as an amendment. I am perfectly satisfied and know I am correct in making this statement.

(The Records of the Arizona Constitutional Convention of 1910, Page 279)

[e938739] Mr. Chairman: [...] As far as the motion of Mr. Tovrea is concerned, the chair is in doubt whether to state that the report of the committee was read before the motion was made.

(The Records of the Arizona Constitutional Convention of 1910, Page 279)

[e938768] Mr. Cunniff: At the same time I asked the chair to rule whether the motion of the gentleman from Maricopa is not the one before the committee.

Mr. Chairman: The chair rules that a motion to postpone is always in order.

Mr. Webb: Before passing on that I would like to be heard. Mr. Franklin raises the point that the motion before the house was for indefinite postponement, while his motion was to postpone for a time certain, but his motion does not provide for a definite time.

Mr. Franklin: I beg to differ. Is there no definite time in which the order of business comes before the convention? After the report takes its regular order in the committee of the whole the day after.

Mr. Webb: What makes it so indefinite is the failure of the committee to report on it. It has had it over thirty days now.

Mr. Franklin: The answer is very clear. The motion of the gentleman from Cochise, is for an indefinite postponement; that of course means no time. The motion I made is to postpone to a time certain, a time to be fixed by the rules governing this body. You do not have to state the particular hour or day; a time certain is one that can be fixed by some rule.

Mr. Webb: The gentleman says that the rules of the convention provide that the committee shall report on a proposition within eight days, exclusive of Sundays and holidays. That being the rule which the gentleman relies upon to make the time definite. This proposition has been in the hands of the committee for certainly three times the eight days, and it seems to me it makes it a very indefinite time.

Mr. Franklin: I will answer by saying that the gentleman from Graham is one of the most promiscuous and prominent members on that committee on separate submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 279)

[e938793] Mr. Chairman: The chair is somewhat in doubt in regard to this question and unless we can get further light, I think he will have to rule that Mr. Franklin's motion is out of order. All those in favor of the postponement of Proposition Number 143 until the committee on separate submission makes its report will signify by answering "aye" as the roll is called; those opposed "no."

Roll call showed 11 "ayes" and 31 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 279)

[e938800] Mr. Jones (Yavapai): We have heard a good deal of discussion on this bill, but there is no one who has taken exception to the point I made in opposing this measure. Now, I differ from a great many who oppose this measure in that I believe the women should have a vote, but I do not think this proposition as it is submitted by the minority will be practicable. To submit the proposition at an election where one-half of the electors are to vote on one proposition and no other, and one-half on many, I think would be very confusing.

Mr. Webb: If I understand the gentleman from Yavapai correctly, he seems to comprehend that the question will be submitted at some general election.

Mr. Ellinwood: As has been said, this is a question upon which a great deal of discussion has been had. I have before me a copy of the debates of the constitutional convention of the State of New York held sixteen years ago, in 1894. This matter was then before this constitutional convention, and what was said at that time because of the great authority from which it comes, and because of the excellent manner in which it was said, I wish to read to this convention, and because further it accords entirely with my views on the subject, and when I have finished reading this there is nothing more that I could say on the subject. I quote from Senator Root, of the State of New York, in which he said upon this question:

“Mr. President, the courtesy of the chairman of the suffrage committee has accorded to me fifteen minutes of this time. I am opposed to the granting of suffrage to women, because I believe it would be a loss to women, to all women and to every woman; and because I believe it would be an injury to the State, and to every man and every woman in the State. It would be useless to argue this if the right of suffrage were a natural right. If it were a natural right, then women would have it though the heavens fall. But if there be any one thing settled in the long discussion of this subject, it is that suffrage is not a natural right, but is simple a means of government; and the sole question to be discussed is whether government by the suffrage of men and women will be better government than by the suffrage of men alone. The question is, therefore, a question of expediency, and the question of expediency upon this subject is not a question of tyranny, as the gentleman from Cattaraugus has said, but a question of liberty, a question of the preservation of the preservation [sic] of free constitutional government, of law, order, peace and prosperity.

Into my judgment, sir, there enters no element of the inferiority of woman. There could not, sir, for I rejoice in the tradition and in the memory and the possession of a home where woman reigns with acknowledged superiority in all the nobler, and the higher attributes that by common, by universal, consent, determine rank among the highest of the children of God. No, sir. It is not that woman is inferior to man, but it is that woman is different from man; that in the distribution of powers, of capacities, of qualities, our Maker has created man adapted to the performance of certain functions in the economy of nature and society, and women adapted to the performance of other functions.

Mr. President, I have said that I thought suffrage would be a loss for women. I think so because suffrage implies not merely the casting of a ballot, the gentle and peaceful fall of the snowflake, but suffrage if it means anything, means entering upon the field of political life, and politics is modified war. In politics there is struggle, strife, contention, bitterness, heartburning, excitement, agita-

tion, everything which is adverse to the true character of women. Woman rules to-day by the sweet and noble influence of her character. Put woman into the arena of conflict and she abandons these great weapons which control the world, and she takes into her hands, feeble and nerveless for strife, weapons with which she is unfamiliar and which she is unable to wield. Woman in strife becomes hard, harsh, unlovable, repulsive; as far removed from that gentle creature to whom we all owe allegiance and to whom we confess submission, as the heaven is removed from the earth. Government, Mr. President, is protection. The whole science of government is the science of protecting life and liberty and the pursuit of happiness, of protecting our person, our property, our homes, our wives and our children, against foreign aggression, against civil dissension, against mobs and riots rearing their fearful heads within this peaceful land during the very sessions of this convention. Against crime and disorder, and all the army of evil, civil society wages its war, and government is the method of protection, protection of us all. The trouble, Mr. President, is not in the principles which underlie government. Men and women alike acknowledge them and would enforce them, honor and truth, and justice and liberty; the difficulty is to frame the measure, to direct the battle, to tell where and how the blows are to be struck, and when the defenses are to be erected.

Mr. President, in the divine distribution of powers, the duty and the right of protection rests with the male. It is so throughout nature. It is so with men, and I, for one, will never consent to part with the divine right of protecting my wife, my daughter, the women whom I love and the women whom I respect, exercising the birthright of man, and place that high duty in the weak and nerveless hands of those designed by God to be protected rather than to engage in the stern warfare of government. In my judgement, sir, this whole movement arises from a false conception of the duty and of the right of men and women both. We all of us, sir, see the pettiness of our lives. We all see how poor a thing is the best that we can do. We all at times long to share the fortunes of others, to leave our tiresome round of duty and to engage in their affairs. What others may do seems to us nobler, more important, more conspicuous than the little things of our own lives. It is a great mistake, sir, it is a fatal mistake that these excellent women make when they conceive that the functions of men are superior to theirs and seek to usurp them. The true government is in the family. The true throne is in the household. The highest exercise of power is that which forms the conscience, influences the will, controls the impulses of men, and there to-day women is supreme and woman rules the world."

Mr. Ingraham: We have heard quoted the words of Senator Root. I would like to ask the gentleman if self-government is a privilege or a right.

Mr. Ellinwood: It is a privilege under the Constitution of the United States, not a right.

Mr. Colter: This has resolved itself into a question of justice, a mere question as to whether we should have woman suffrage or not, and we are going to leave this to arbitration; and the people are the arbitrators. How could there be anything more fair and just than this? (applause)

Mr. Parsons: I want to call attention briefly to the question raised by the gentleman from Yavapai, Mr. Jones, and try to make that clear. He stated that there would be one election for both the state officers and on this special question, on the latter of which both males and females might vote. If we submit this proposition, are we not in effect writing into the constitution now

female suffrage. We certainly are, and every other word in this constitution that fixes suffrage as confined to male citizens over the age of 21 years is absolutely inconsistent with this proposition allowing women to vote on a very important matter, and if there were no other reason I should oppose the amendment and vote for postponement. It does not make any difference what my private opinion is. I have always been in favor of woman suffrage, and were I here to cast the vote of A.F. Parsons it would be different, but I am here representing a constituency that has expressed itself as opposed to female suffrage, and I am therefore in favor of indefinite postponement of the matter.

Mr. Cassidy: I wish to call the attention of the committee of the whole to a little news item which I found in the Los Angeles Daily Times of yesterday. The telegraphic head is "Seattle, Washington, November 9th" and it says the woman suffrage amendment becomes law as soon as the governor receives the official count and proclaims that the amendment has been ratified. Some 150,000 women will at once become qualified voters. This is in the State of Washington. Now, Mr. Chairman, it seems to me that if ever there was a live question in the country, it seems it is this question of woman suffrage. That is certainly shown by the interest taken in the State of Washington and in other states. I am in favor of submitting to the people of Arizona for their approval or their rejection any question—I do not care what it is—whenever there is a widespread demand among the people for such legislation. I am in favor of submitting it to the majority of the people as this minority report provides, and if they do not want it, then they of course will not vote for it, and no harm is done. Personally I am in favor of the minority report, and will vote for it, but even if I were opposed to woman suffrage I would still be in favor of submitting the question to the people. (applause) Now the gentleman from Cochise has read here a speech by Senator Root in the New York Constitutional Convention—a very able speech on one side of this question—but in the same volume there are other speeches, Mr. Chairman, on the other side of the question. Among those who advocated woman suffrage in that convention was Mr. Edward Lauterback, one of the ablest lawyers in New York City. Many of the people in this town, and among the delegates, know who he is. If I read his speech you would find he makes just as strong [an] argument on his side as was made by Senator Root on this occasion. Mr. Chairman, I believe it nothing more than fair and right that we should submit to the people of Arizona for their decision this question upon which so much interest has been taken. We have such a demand among our people for submission and I believe if we do we will only be doing what is our duty to do in this convention. Now, as far as the delegates from Maricopa County are concerned, in our platform we provided that the question of woman suffrage should be submitted to the people.

(The Records of the Arizona Constitutional Convention of 1910, Pages 279-283)

[e938802] Mr. Chairman: There is a motion that the committee arise and report progress. All those in favor will make it known by rising to their feet. All those opposed, likewise.

(The Records of the Arizona Constitutional Convention of 1910, Page 283)

[e938807] Rising vote showed 17 in favor and 21 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 283)

[e938814] Mr. Cunniff: It seems to me we are passing on the woman suffrage subject in a situation where we do not have the matter directly before us. We are passing on separate submission, and I would make an answer to the gentleman from Apache County, who said what would be more fair than that proposition. The gentlemen urging separate submission are urging that it be submitted to the present electorate of Arizona, [sic. This is not what he means. Statement should be to submit the matter to a vote of all over minimum voting age, men and women,] and I will point out what is unfair about that. It would be adding to the male electorate the votes of ladies who are desirous of getting woman suffrage, for it is not to be expected that the women who oppose it would take any interest or get out and vote. This would do away with the probable majority of male electors who are opposed to woman suffrage, and therefore it seems to be an utterly unfair proposition. If it was suggested that the proposition be submitted to the women of the State of Arizona, so that we might get their opinion on the subject, there might be some element of fairness, but practically speaking it is merely a method of adding the votes of the women who are favorable to the minority of men who are favorable. This method will not secure an expression of the opinion of the men and of the women. It will secure the expression of the men and of the women who are favorable. I think the majority of women are not favorable, or absolutely indifferent. This thing will be put through not by the whole vote but by that section of the electorate.

Mr. Webb: In answer to the gentleman who has just spoken and also Mr. Parsons who raised the point that the passage of this proposition as it now read would be equivalent to incorporating this in the constitution. I presume he based that statement on the same grounds as Mr. Cunniff. I want to say that from the zeal shown by the opponents of woman suffrage, they could be safely trusted to get the ladies opposed to it out to the polls. They, it seems to me, are just as ardent in opposing and [sic, as] any advocates of woman suffrage are in defending it. I confess that the woman to whom I owe the most; for whom I do the most, does not favor it, but that does not make any difference. I think, as the gentleman from Apache County that it is a matter of public policy, a question for the people to settle, and I say an opportunity should be given them, and I cannot see how ardent advocates of the initiative and referendum can oppose this submission. (applause) It is invoking the referendum, and nothing more. It is giving the ladies no advantage in the matter. The gentleman from Yavapai says the women are opposed to it; I think they are equally divided, and I think it is fair they should vote. If I knew a majority of the good women of Arizona were opposed to it, I would not advocate it, but I believe a majority are for it, and I will certainly cast my vote in favor.

Mr. Parsons: Do you know of any law by which the women of Arizona could vote on this question? Do you know of any statute by which they are entitled to vote on it?

Mr. Webb: No sir.

Mr. Parsons: Is there any law upon our statute books under which women can vote on any proposition except school questions? Then if we incorporate in the constitution this provision will we not be giving by express terms the right to the women to vote?

Mr. Webb: This is only one particular election and we have the same right

as some former legislatures had in allowing them to vote on school questions.

Mr. Weinberger: I would like to have the report read.

Mr. Franklin: I would like to have the report and the minority report both read.

Secretary: reads reports.

Mr. Ingraham: It does not say the first state legislature. The word "first" is stricken out.

Secretary: The word is stricken out but dimly.

Mr. Lynch: Mr. Chairman, the gentleman has said that this is a question of expediency, and has said it on this floor again and again, that it is an expedient proposition that we submit this question back to the people of Arizona for a vote. I want to deny that it is a question of expediency. If it is a question which, as has been stated by the gentleman from Cochise, tends to the destruction of our pledges which we have brought up here in sanctity and in purity, I say it is not a question of expediency. I say it is a question of responsibility of these delegates, and there is no expediency about it. There is no question of whether it ought to be submitted to the people, or whether the people do or do not get it; it is a question, is it right, and I want to say if it is right, it is right to go into the constitution right now, and I want to say to the gentlemen who are advocating shirking their responsibility and asking that they send the proposition back to the people to be voted upon, how many will go as far as I will go? I say I will vote against this proposition, but if you put this question to the convention, shall we have equal suffrage. I will vote for it. Will you do that? How many of you will do that? Why are you afraid of the responsibility here? It certainly cannot be that. I object to that proposition going back to the people. I object to the constitutional question that is raised by the gentleman from Cochise, Mr. Parsons, which will present a conflict in your constitution so either one or the other must fail. If your suffrage is confined to males it cannot be extended to females on any question. I vote for woman's suffrage—I voted for it when it was adopted by the people of Colorado, and I have never regretted it, and I will vote for it now if it comes up to me as a voter, but I will not vote to send it back to the people upon a separate vote.

Mr. Colter: Mr. Chairman, I would like to reply to the gentleman from Graham that this is a ground-hog case, and why I say it is a ground-hog case is because this body has turned out on this particular question not to be a representative body of the people, and by putting it up to the people I think it would be fairly decided.

Mr. Kingan: Mr. Chairman, I am glad that Mr. Lynch has the courage to rise upon this floor and say that he was not afraid of assuming the responsibility of a delegate to this convention. I am not afraid of assuming that responsibility. We are here to act, not to shirk or shift responsibility on somebody else. If you are going to refer this question to the people why don't you refer every question to the people that we are here to pass on. We have been sent here to frame a constitution; let us do it. Do not shirk the responsibility that we have assumed. Let us act. If we act wrongly the people will condemn us, but let us act for ourselves and not try to shirk or shift the responsibility on somebody else.

Mr. Franklin: Mr. Chairman, in reply to the gentleman from Pima County, I will tell him that there is not a question which comes before this convention which will not be referred to the people of Arizona, (applause) and more than that, there is not a question that comes before this convention that after it is

referred to the people and adopted by the people of Arizona and ratified by their will, that does not go to a hostile President and a hostile Congress for their approval. I want to maintain my position on this question. I was sent here by a pledge to the people of Maricopa County that I would submit this question to the people of the state of Arizona by a vote. I did not tell them that I would submit to the legislature, at some indefinite time, but I told these people that I would submit it along with this constitution at the same time to be voted on, and if the will of the people of Arizona saw fit to place woman's suffrage in this constitution it then became part and parcel of it. If they did not, it was no part of the constitution. That I maintain now. That is the stand I shall take and I shall keep. I am opposed to this minority report where it does not act in the spirit of the letter of my promise. I am an advocate of the submission of this question of woman's suffrage to the people because I am pledged to it, and because I think it is right. We are not, as we say, taking any right away from anybody, but, as every lawyer knows, when we extend this we are extending a privilege and not denying a right.

(The Records of the Arizona Constitutional Convention of 1910, Page 283)

[e938824] Mr. Chairman: Are you ready for the question? The secretary will read the question.

Secretary: What is the question?

Mr. Chairman: Mr. Robert's motion was ruled out of order as being three amendments to an original motion.

Secretary: The motion is the motion of Mr. Cunningham to amend by striking out everything after the word "years" beginning with the words "provided however," seconded by Mr. Kingan.

Mr. Kingan: Mr. Chairman, what does the gentleman from Cochise mean by holding office? That changes the whole tenor of the business.

Mr. Chairman: Explain for the benefit of Mr. Kingan of Pima.

Mr. Winsor: I would like to hear the proposition read as it would appear if amended.

Secretary (reading): "Section 1. The right of suffrage and holding office in the State of Arizona shall be exercised only by male citizens of the United States over the age of twenty one years;"

Mr. Cunningham: Mr. Chairman, that will leave the proposition, as I understand it, by striking out under my proposed amendment, as it has been read by the secretary.

Mr. Cunniff: Does he mean all public officers?

Mr. Ellinwood: Whatever may be the views of the members, I hope this amendment will be voted down, for the reason I understand the Committee on Suffrage and Election has a proposition covering this entire matter of qualification of voters, and it will be covered at that time. I do not think we should adopt a part of the report.

(The Records of the Arizona Constitutional Convention of 1910, Page 286)

[e938829] Mr. Chairman: The question has been read by the secretary. All those in favor of amending this proposition by striking out from the substitute amendment everything after the word "provided," will signify by saying "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 286)

[e938834] Mr. Franklin: I move you the committee do now arise and report progress.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 286)

[e938836] Mr. Chairman: It has been moved and seconded that the committee now arise and report progress. Are you ready for the question? All those in favor will signify by saying "aye," contrary "no." The chair is in doubt. The chair will call for a rising vote. All those in favor of the committee arising and reporting progress will arise. All those opposed.

Rising vote showed 20 in favor and 30 against.

(The Records of the Arizona Constitutional Convention of 1910, Page 286-287)

[e938843] Mr. Chairman: [...] The next question that will come before the committee of the whole is on Mr. Webb's amendment. You have heard the question. All those in favor of this substitute proposition will answer "aye" as their names are called; those opposed "no." The secretary will call the roll.

Roll call showed 15 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e938841] Mr. Chairman: [...] The motion comes up on the original motion of Mr. Tovrea of Cochise on the indefinite postponement of Proposition Number 143. Are you ready for the question? All those in favor of indefinite postponement will answer "aye" as their names are called; those opposed will answer "no." The secretary will call the roll.

Roll call showed 28 "ayes" and 14 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e938845] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938857] [Editor's Note: Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938864] [Editor's Note: The report from the Committee on Suffrage and Elections on Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938870] [Editor's Note: The minority report from the Committee on Suffrage and Elections was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938876] [Editor's Note: Substitute Proposition Number 143 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939404] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939405] Mr. Webb: I move the convention do now arise and report progress to the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e939408] Mr. Cunniff: I move to amend that motion to the effect that the committee now rise and report progress and recommend that the proposition under consideration, number 143, and all the reports thereon be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e939411] Mr. Chairman: Will you accept that amendment?

Mr. Webb: No sir. My motion I submit covers the entire matter as the gentleman would have it covered. If we arise and report progress we will report that the committee of the whole favors indefinite postponement, but I am not going to be in the position of moving that it be done.

Mr. Winsor: You speak of rising and reporting progress. I am in favor of remaining in session and making progress on the other propositions that are before this committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

[e939414] Mr. Chairman: You have heard the amendment offered by Mr. Cunniff. All those in favor of the motion as stated by Mr. Cunniff that the committee arise and report that it has examined Proposition Number 143 and substitute propositions and that they be indefinitely postponed will signify by saying "aye;" those opposed "no." The ayes have it. It is not worth while to vote on the original motion, I suppose. The motion as amended by Mr. Cunniff— the amendment to the motion offered by Mr. Webb, is that the committee now arise and report progress and recommend that Proposition Number 143 and substitutes for Proposition Number 143 be indefinitely postponed. Are you ready for the question? All those in favor of the motion signify by saying "aye;" those opposed "no." The "ayes" have it. The committee will now arise.

(The Records of the Arizona Constitutional Convention of 1910, Page 287)

**32.15 Saturday, 12 November 1910, at 09:30 (s16075)**

[e938058] Mr. Chairman: The committee will come to order. The first proposition under consideration is Proposition Number 82. Gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938061] Mr. Chairman: The committee will come to order. The first proposition under consideration is Proposition Number 82. Gentlemen, what is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938091] Mr. Chairman: The committee will come to order. The first proposition under consideration is Proposition Number 82. Gentlemen, what is your pleasure?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 82.]

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938096] Mr. Cunningham: Mr. Chairman, I move that when the committee of the whole arises it report progress that it recommend the adoption of committee Substitute Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938099] Mr. Winsor: Mr. Chairman, I rise to a point of order. Under the rules the proposition must be taken up by sections, and they have not been said by the secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938102] Mr. Chairman: The point of order is well taken, and the chair will ask that the gentleman from Cochise, Mr. Cunningham, wait until the bill is read.

(The Records of the Arizona Constitutional Convention of 1910, Page 289)

[e938111] Secretary (reading): "Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 82, and respectfully recommends that Proposition Number 82 be indefinitely postponed inasmuch as your committee has prepared a substitute proposition do pass."

"The undersigned minority of the standing Committee on Judiciary recommend the adoption of the following substitute proposition for majority committee report, committee Substitute Proposition Number 82. H.R. Wood, Morris Goldwater, Edward M. Doe."

Mr. Cunniff: Mr. Chairman, I move that consideration of this measure be postponed until Monday morning.

Mr. Jones (Maricopa): Mr. Chairman, I second the motion of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Pages 289-290)

[e938114] Mr. Chairman: Gentlemen, it has been moved and seconded that further consideration of this proposition be postponed until Monday morning.

Mr. Cunniff: Mr. Chairman, this is one of the most technical questions to be considered and one that requires much careful and deep study, and I consider it such a serious question that only those of more than ordinary comprehension can be prepared to vote upon it. For that reason I desire to have more time in which to consider it, in order that when I come to vote upon it I may do so honestly and intelligently, and to speak for the entire delegation from Yavapai county, I would state that we are unanimously in favor of postponing consideration of the question until Monday morning. I frankly confess that I have not a thorough understanding of the measure, and since it is of the same importance as the initiative and referendum, I think that we should devote as much time for careful thought and study and it certainly requires more than this; therefore, I desire to postpone further consideration of the measure.

Mr. Doe: Mr. Chairman, I heartily agree with the gentleman from Yavapai in this matter for the question at issue is one of the very important matters to be considered, and we cannot afford to take any hasty action upon this measure. This is an amendment to a long tried system and as it is entirely new we must not take action upon it until every member has an understanding of it to his satisfaction as to its virtues or its merits and demerits and every member should go into the details before attempting to pass upon it. If any member should go into the details before attempting to pass upon it. If any member or any number of members are in doubt as to it being all right or are not familiar with the system, which is a radical system, I would suggest that they make a more careful and very thorough before voting upon the measure.

(The Records of the Arizona Constitutional Convention of 1910, Page 290)

[e938154] Mr. Cunningham: If the gentlemen have not had time to consider this measure since the 8th, I do not know when they will have time to do so. It is true that the substitute proposition contains measures that are somewhat radical, but we thought that in the judiciary system it would be profitable in order to save time and law suits. If the gentlemen will only observe the system they will see that this follows the system used in the State of Washington, and also with the exception of one provision, in the State of California, with which all of the attorneys of Arizona are very familiar. They give their publications in the Pacific Reporter and this includes all the pacific coast states, Arizona and New Mexico included, and every attorney is no doubt familiar with this system of the superior court. In looking over the majority of states that follow that system of jurisprudence this is an innovation. And if there is any place that we need an innovation it is in Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 290)

[e938118] Mr. Jones (Maricopa): Mr. Chairman, I rise to a point of order. The gentlemen is not speaking to the question, but is speaking of the merits of the proposition. The question to postpone is before the committee.

(The Records of the Arizona Constitutional Convention of 1910, Pages 290-291)

[*e938122*] [Editor's Note: No formal decision is taken on this point of order, but as delegates confine themselves to discussion of the motion we can assume it was well taken.]

(Editorial)

[*e938128*] Mr. Cunniff: Mr. Chairman, might I ask the gentleman from Cochise a question?

Mr. Chairman: Will the gentleman from Cochise yield to a question from the gentleman from Yavapai?

Mr. Cunningham: The gentleman from Cochise will yield.

Mr. Cunniff: I understand that you say that the proposition has been ready for four days, yet we have had the printed copies upon our desks but twenty-four hours?

Mr. Cunningham: Had it not been for the fair they would have been ready before. If the members here will give any plausible reason why this should be postponed I should not seriously object, but since we have had communications from all over the territory advising that this measure be adopted, and there has been ample information given upon it not only from this convention but from almost every county, the only county objecting at all was Yavapai, and if any member is not informed upon the measure it is his own fault and why should we delay this matter when the valuable time of the convention is so limited? I have raised my voice in the convention hall many times for speedy work and for the consideration of matters without unnecessary delays and to get down to work, and I am pleading the same cause when I ask that this matter be not postponed. It is an absolute waste of time to postpone these matters when they are ready for action and I say let us get down to work upon them at once without delay.

Mr. Cunniff: The gentleman from Cochise does not seem to understand what I said.

Mr. Cunningham: I understand you well, as well as anyone could.

Mr. Cunniff: It is not only myself and the Yavapai delegation who would ask for this postponement of the proposition, but many members who do not understand the measure and desire further time in which to consider the technical points of the question, and there are some of us who have no more than ordinary comprehension and intelligence upon such questions, and therefore we require some time to devote to careful study upon such measures before taking action upon them. We hesitate to vote upon a question which has been before us so short a time. We are not awaiting any further information from any source, but just simply for time to give this our careful consideration.

Mr. Jones (Yavapai): The gentleman from Cochise and all the lawyers are familiar with this measure, but there are a number here, in fact a majority, who are not lawyers and are not as familiar with such measures, and who have not given this matter sufficient study, and therefore to do justice to ourselves as well as to the proposition we ask for further consideration.

Mr. Doe: I desire to raise my voice against hasty consideration of this measure, and to say that if any member is not prepared to vote on it, that he should be given time for consideration and I desire to call the attention of

the convention that it would be well for all to give the measure study and deep thought. I am sure that it is the sincere purpose of the gentleman who desire the question postponed to give it careful and thoughtful and honest consideration and I am, myself, in favor of doing the same.

Mr. Franklin: In view of the fact that the gentlemen, or some of the members are wishing more light upon the subject, and further study of the measure, I would suggest that they could get the desired information by a discussion of the proposition in this committee, and I would suggest that the proper time for information and study is right now, while the question is before the committee. I am certain that such knowledge as is desired can be gotten by these discussions by both the members of the legal profession as well as others, and I am opposed to postponing the proposition for consideration to any date later than the time it was to be discussed and considered by this committee.

Mr. Cunniff: I should like to know who, whether he is a member of the legal profession or not, has had time to consider this measure carefully and render a vote upon it when it has been here but twenty-four hours, and we have had no opportunity during that time which could have been or that has been devoted to the study of this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Pages 291-292)

[e938137] Mr. Chairman: Gentlemen, the question is on the postponement of the consideration of Proposition Number 82 until Monday morning. Those in favor of the motion will answer "aye;" those opposed "no." The secretary will call the roll.

Roll call showed 24 "ayes" and 20 "nays."

Mr. Chairman: The motion is carried and the proposition will be considered Monday morning.

(The Records of the Arizona Constitutional Convention of 1910, Page 292)

[e938141] Mr. Jones (Yavapai): I move that we proceed to the consideration of Proposition Number 62.

(The Records of the Arizona Constitutional Convention of 1910, Page 292)

[e938143] Mr. Chairman: If there are no objections the committee will proceed to the consideration of Proposition 62. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 292)

[e938161] [Editor's Note: Proposition Number 62 came up for consideration.]

(Editorial)

[e938162] [Editor's Note: Proposition Number 62 came up for consideration.]

(Editorial)

[e938164] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 62.]

(Editorial)

[e938183] Mr. Jones (Yavapai): Mr. Chairman, I move that when the committee arises that it recommend that Proposition Number 62, as amended, do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 292)

[e938185] Mr. Ingraham: Mr. Chairman, I can see some mistakes in the measure that I think should be corrected. I think that the words "state officers" is a broad term. The question will arise, will notaries public and school trustees be termed such officers. Those officers are paid by fees. I think that this mistake must have unwittingly been made. I believe there is more corruption in paying officers by fees than in any other way. In some places where the compensation is small their work is also small, but in the larger cities and towns where there is a great deal of work required by such officers I believe that it is right to grant that a salary be fixed by law. I am ready to offer that suggestion, but I am not prepared to give it as an amendment.

Mr. Short: I would like to know what you would term a school trustee, or a notary public, and what is their compensation? I have been a trustee a number of years and I did not know that there was any compensation. If there is I would like to know what it is.

Mr. Ingraham: I say that is the point. I should like to suggest that some amendment be made to define the officers and what they are and the compensation or salary allowed them.

Mr. Short: Do you say that school trustees and notaries public are state officers?

Mr. Chairman: Will the gentlemen please address their remarks to the chair.

Mr. Ingraham: That is my question. Are notaries public state officers?

Mr. Short: The matter was discussed in the committee and a unanimous decision was reached to the effect that they were not state officers, but we had no instructions to decide the other question and I do not place any definition upon the office of the justice of the peace. I do not think our decision applies to the justice of the peace or any other officer. In section 2, or the same section at least, something is omitted with reference to the salary of the sheriff.

Mr. Weinberger: Mr. Chairman, I would say that the reason that this part of the proposition was eliminated was because we felt that it was purely a legislative matter, and that the legislature should provide the services and salary of that office. The constitution should not enter into the details of those matters but should leave it to the legislature to make provisions for carrying into effect the fundamental laws herein provided for by the constitution.

Mr. Jones (Maricopa): I think that the report of the committee should include the justice of the peace and should provide for the office, and that is one office that is often the greatest field of work and especially in larger cities and towns, which require much time and attention by that officer; therefore, I think that provision should be made for this office.

Mr. Parsons: I have to take issue from the gentleman from Gila, Mr. Weinberger. This is a matter to be determined by the legislature, but where there are fees allowed by law it is a part of the official perquisites, and if this is arranged by law it must be done by the legislature.

Mr. Baker: If it is a question of state officers or county officers that you are trying to determine we can only quote from the statutes that are in effect in the territory now. The statutes show that the following are county officers: probate judge, district attorney, sheriff, treasurer, assessor, tax collector, recorder surveyor, school superintendent, clerk of the probate court, supervisors, and clerk of the board supervisors. These are designated by the revised statutes.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
292-293)

[e938220] Mr. Orme: Mr. Chairman, I move you that an amendment be made to the committee proposition, that justices of the peace be included. The reason for this being that in the larger cities and towns that this is the most expensive court we have. The records show that in Cochise county the justice courts cost \ \$68,000 per year and in Maricopa county \ \$32,000. In Phoenix the precinct officers receives more pay than the supreme [court] judge. It is the most expensive part of the official machinery.

Mr. Chairman: Is that your amendment, Mr. Orme? Will you please restate it?

Mr. Orme: I move to amend the committee report by including the office of the justice of the peace.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
293-294)

[e938222] Mr. Doe: I agree with the gentleman from Cochise. It seems to me that the fixing of these offices and officers is a matter for the legislature. There are always great changes taking place and salaries are changed, either raised or lowered by the legislature, according to the requirements of the age, and it is useless to place a measure like this with definite officers and their fixed salaries into our fundamental laws. This is a matter of legislation and should be determined by that body.

Mr. Weinberger: While I am in favor of justices of the peace being paid a salary rather than a fee, if there was a definite and fixed salary for that office, it would mean a nice fat salary to some justices who had nothing in the world to do and others who were overworked would be limited in accordance.

Mr. Chairman: Gentlemen, the amendment of Mr. Orme is to the effect that justices of the peace be included in section 1.

Mr. Ingraham: In regard to the amendment, I will say I am in favor of the general plan, but I am not in favor of the details. On page 146. The gentlemen will notice that Proposition Number 144 has that designated constables in precincts where the number of votes shall exceed 400 shall receive a salary fixed by the legislature. Where the votes are less in number then the fee system is recommended. It is a very difficult matter to fix the salaries of justices of the peace in the constitution as there is such a difference in their work; for instance in the larger towns and cities the justice of the peace has more work than any other officer of the lower court while in some places there will only be two or three cases in a year and sometimes none at all. The only way to solve the problem with regard to regulating the salary [is to have it] fixed according to the number of population.

Mr. Jones (Yavapai): There would be some difficulty in fixing the salary in the manner explained by the gentleman from Yuma, as in the towns along the main lines of the railroad there is a moving population and in such instances it seems to me that the only way would be the fee system.

Mr. Chairman: Gentlemen, are you ready for the question?

Mr. Franklin: I would explain that when the question came before the committee it was discussed very thoroughly and it was thought best to provide by law that in the incorporated cities and towns, the justices of the peace should be allowed a salary and in the smaller town the fee system could be used, but the justices who were paid by salary could not accept any money by fee.

Mr. Short: I would like to ask the gentleman from Maricopa, Mr. Orme, if this amendment should include school trustees?

Mr. Orme: School trustees are not precinct officers.

Mr. Short: That is the question, I would like to know what they are.

Mr. Orme: The gentleman from Yuma should know as he is a lawyer.

Mr. Short: Mr. Chairman, that is the first time I was ever accused of being a lawyer or belonging to the legal profession.

(The Records of the Arizona Constitutional Convention of 1910, Pages 294-295)

[e938230] Mr. Chairman: The secretary will call the roll on the amendment of Mr. Orme.

Roll call showed 20 "ayes" and 22 "nays."

Mr. Chairman: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 295)

[e938242] Mr. Kingan: It seems to me that in this matter there is a great deal omitted that should be included or explained in this proposition and I see no opportunity for an amendment which I am preparing to offer.

Mr. Chairman: Please reduce it to writing.

Mr. Kingan (reading): Section 1. "All state and county officer[s] (except notaries public) and all justices of the peace and constables within cities and towns, shall be paid fixed and definite salaries, and they shall receive no fees for their own use." The rest of it seems to me is purely for the legislature to determine. The abuses in regard to the justices of the peace I believe have largely arisen in towns and cities. I do not know of any instances of abuse in the county districts. I therefore move, Mr. Chairman, to amend section 1 of this proposition to read as follows: "All state and county officers and all justices of the peace within cities and towns shall be paid fixed and definite salaries," and all the rest of the proposition be stricken out.

Mr. Hunt: I desire to second the amendment.

[Editor's Note: The text included first here is the text of the amendment as further amended and reduced to writing. The only amendment made at this point is the amendment made in the final sentence of Kingan's comments.]

(The Records of the Arizona Constitutional Convention of 1910, Page 295)

[e938306] Mr. Ingraham: I wish to amend the amendment by adding the words "provided that this section shall not apply to notaries public."

Mr. Parsons: What was the amendment?

Mr. Ingraham: Adding the words to the amendment of Mr. Kingan, "provided that this section shall not apply to notaries public." The reason for this is that the notaries public must be either state or county officers, and I do not believe it is the intention of any of the gentlemen to have a fixed salary for notaries public.

(The Records of the Arizona Constitutional Convention of 1910, Page 295)

[e938311] Mr. Wells: Mr. President, in the definition of county officers that we have had given to us today a notary public is a county officer because his jurisdiction is confined to that county. I think if Mr. Kingan would include that as part of the amendment it would be well.

(The Records of the Arizona Constitutional Convention of 1910, Page 295)

[e938322] Mr. Baker: I would ask the gentleman from Pima county if he would accept another amendment and add the word "constables." I am informed that the constables of this city earn from \$400 to \$600 a month in the way of fees in making arrests and subpoenaing witnesses. The evil of excessive fees arises with the constables just as much as with the justices of the peace of cities and towns, and I move that the word "constables" be added.

(The Records of the Arizona Constitutional Convention of 1910, Pages 295-296)

[e938323] Mr. Kingan: I accept.

(The Records of the Arizona Constitutional Convention of 1910, Page 296)

[e938331] Mr. Franklin: It might be doubtful under the phraseology of this amendment of the gentleman from Pima that the legislature would be prohibited from adding fees to these definite and fixed salaries. I would ask the gentleman from Pima if he would accept a further amendment, "and they shall receive no fees for their own use."

(The Records of the Arizona Constitutional Convention of 1910, Page 296)

[e938335] Mr. Chairman: Will the gentleman from Pima, Mr. Kingan, accept the amendment?

Mr. Kingan: I would like just a moment to write this out.

(The Records of the Arizona Constitutional Convention of 1910, Page 296)

[e938339] Mr. Short: While the gentleman is writing out the amendment I would like to state that this will not right an evil that exists along railroad lines in certain parts of Arizona. For instance, as Mr. Jones of Yavapai has said, along the main line of railroads the justice of the peace is located in a small town. His precinct may extend for a considerable distance and the number of arrests made and prosecutions before those justices of the peace are enormous, and the amount of fees that are collected are far in excess of the services rendered. I fear that while this would in most cases abolish the evil of the fee system, in some instances it would not touch it, and I believe that unless some other amendment is offered that would correct the evil in these places that it is better as it now stands.

(The Records of the Arizona Constitutional Convention of 1910, Page 296)

[e938348] Mr. Weinberger: Mr. Chairman, I want to say with reference to the amendment, so far as constables are concerned, often times after a constable is elected the sheriff will appoint him a deputy so that all the fess he collects will go into the sheriff's pocket, and if you allow this provision to carry a constable will receive a salary when he is already receiving a salary from the sheriff. Some sheriffs do not perform any services. I know of several instances in our county where constables have been elected and they have also been appointed [deputy] sheriffs. If you are going to pay them an additional salary as specified, they will be receiving two salaries.

Mr. Cunniff: Mr. Chairman, I want to say to the gentleman that I do not think that has any application. It is simply a limitation on the legislature that they shall be paid salaries instead of fees. It does not mean that every constable shall receive a salary. He may not be given any compensation. It simply means that if he receives compensation it shall be a salary. This does not say incorporated cities and towns, so it will apply to all towns whether incorporated or not.

Mr. Short: Mr. Chairman, when you say that all state and county officers, justices of the peace and constables shall be paid fixed and definite salaries, I do not see how you can construe it to mean anything else.

Mr. Weinberger: Mr. Chairman, I see another flaw in that amendment so far as justices of the peace are concerned. They are not justices of the peace within the city and town, but within the precinct, and their jurisdiction extends without the precinct. The same applies insofar as constables are concerned. Here you are saying that justices of the peace and constables shall receive fixed and definite salaries, and it seems to me that it is ambiguous.

Mr. Kingan: Mr. Chairman, I cannot see any ambiguity there. It seems to me that any justice's precinct, which is within the boundaries of any city or town, shall come under this amendment. Any justice of the peace whose precinct includes that town—of course he is not sitting for the town, but where the precinct is within the town he shall not receive fees, but shall receive a salary.

Mr. Lynch: I would like to call the attention of the gentleman from Pima to this fact that the word "town" includes not only incorporated towns but unincorporated towns. Under that statement of facts I doubt if there is a justice's precinct within the territory of Arizona which does not include some town. Is not that a fact? I cannot recall one in Graham county or Greenlee county, which does not embrace within its boundaries some small town. Practically every justice of the peace within the territory of Arizona would be on a salary basis under the amendment as it now stands.

Mr. Chairman: The question is on the amendment as offered by the gentleman from Pima, Mr. Kingan.

Mr. Cassidy: Mr. Chairman, it seems to me that the best method of procedure is to adopt this report as it was made by the committee, and leave this matter of justices of the peace and constables to be determined when these other propositions relating to these subjects are before the committee. It seems to me that the amendment offered by the gentleman from Pima is rather obscure in some respects because justice of the peace' precincts not only include a town but also include a large territory surrounding the city in many cases, and when

you say justices of the peace in a city shall receive a definite salary, what do you mean? Do you mean a justice of the peace whose precinct includes a city? If that is what you mean then that is what you should say, but if we say a justice of the peace in a city or town shall receive a definite salary we mean he shall receive a definite salary if he makes his office inside of the city. He could get around this provision by immediately moving his office of the city limits and still retaining it within his precinct, if this is what it means. I think the best plan of procedure is to adopt this proposition as submitted by the committee and leave this matter of constables and justices of the peace to be determined when the distinct proposition on that subject comes up, as it will come up.

(The Records of the Arizona Constitutional Convention of 1910, Pages 296-297)

[e938357] Mr. Franklin: I think there is a sufficient framework here in the amendment offered by the gentleman from Pima to enable the legislature to fix this subject definitely so that we will get to the idea we want, and that is that these officers shall have salaries and not fees. I am in favor of the amendment provided, but I want to offer another amendment to the amendment, and that is that following the amendment of the gentleman from Pima we add these words "and they shall receive no fee for their services."

Mr. Hunt: I second that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 297-298)

[e938359] Mr. Chairman: You have the amendment. Are you ready for the question? All in favor will say "aye;" contrary minded, "no." The "ayes" have it. The amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[e938373] Mr. Chairman: [...] The question now is on the amendment of the gentleman from Pima, Mr. Kingan. Are you ready for the question?

Mr. Parsons: I want to ask if that is to take place of the whole proposition?

Mr. Doe: Mr. Chairman, in answer to the objection of the inconvenience that would arise in regard to justices of the peace who might reside in small villages, I understand that to be one of the objections. Now it seems to me that might be obviated by a classification which the legislature may adopt, according to the population.

Mr. Short: Mr. Chairman, I am satisfied that the way the amendment reads is not what the gentleman from Pima intended. It says "except notaries public and justices of the peace and constables, be paid fixed salaries," and I am satisfied that is not what the gentleman intends. My understanding was he wanted to include in the officers receiving fixed and definite salaries those of justices of the peace and constables. That means exactly the opposite thing.

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[e938371] [Editor's Note: By incorporating the amendment into the rewritten version of his substitute, Mr. Kingan implicitly accepts it.]

(Editorial)

[*e938381*] [Editor's Note: By incorporating the amendment into the rewritten version of his substitute, Mr. Kingan implicitly accepts it.]

(Editorial)

[*e938388*] Mr. Kingan: Mr. Chairman, I would say that the way that amendment reads is this: "All state and county officers [except notaries public] and all justices of the peace and constables within cities and towns shall be paid fixed and definite salaries, and they shall receive no fees for their own use."

[Editor's Note: At this point, Mr. Kingan finally reduces his substitute to writing. This actually has the effect of superseding Mr. Franklin's amendment to add "and they shall receive no fees for their services," which was adopted by the Convention, using Franklin's earlier suggested wording, "and they shall receive no fees for their own use" instead. The Minutes tidy up this process by recording the remaining portion of Mr Kingan's substitute first, followed by an amendment by Mr. Franklin to add "and they shall receive no fees for their own use".]

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[*e938405*] [Editor's Note: At this point, Mr. Kingan finally reduces his substitute to writing. This actually has the effect of superseding Mr. Franklin's amendment to add "and they shall receive no fees for their services," which was adopted by the Convention, using Franklin's earlier suggested wording, "and they shall receive no fees for their own use" instead. The Minutes tidy up this process by recording the remaining portion of Mr Kingan's substitute first, followed by an amendment by Mr. Franklin to add "and they shall receive no fees for their own use".]

(Editorial)

[*e938409*] Mr. Chairman: The question is on the amendment as offered by the gentleman from Pima, Mr. Kingan. All those in favor will signify by saying "aye;" those contrary minded, "no." The "ayes" have it. The amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[*e938415*] Mr Chairman: [...] The question now is on the original motion that when the committee arises it report back to the convention that Proposition Number 62 as amended and recommended by the committee on executive, impeachment and removal from office do pass.

Mr. Winsor: Would not the question be upon the recommendation of the adoption of the proposition as amended by the gentleman from Pima?

Mr. Chairman: The chair stands corrected.

[Editor's Note: The Committee of the Whole's decision to amend Proposition Number 62 implicitly drops the recommendation of the Proposition as amended by the Executive Committee, as Mr. Winsor notes here.]

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[e938428] Mr. Ingraham: Mr. Chairman, would it not be necessary to make an amendment to section 2? Section 2 provides for accounts being rendered.

Mr. Chairman: The gentleman from Pima's amendment, as I understand it, was a substitute for this entire proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[e938437] Mr Chairman: It has been moved and seconded that when the committee arises it recommend that Proposition Number 62 be adopted as amended, by the committee of the whole.

[Editor's Note: The Minutes record that Mr. Kingan made this motion; no mention is made of a second.]

(The Records of the Arizona Constitutional Convention of 1910, Page 298)

[e938442] Mr Chairman: [...] Are you ready for the question? All those in favor will signify by saying "aye;" contrary minded "no." The "ayes" have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 298-299)

[e938443] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938444] [Editor's Note: Proposition Number 62 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938446] [Editor's Note: The Report of the Committee on Executive on Proposition Number 62 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938472] Mr. Chairman: [...] The next proposition to come before the committee is Proposition Number 114. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Pages 298-299)

[e938452] Mr. Chairman: [...] The next proposition to come before the committee is Proposition Number 114. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Pages 298-299)

[e938455] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 114.]

(Editorial)

[e938468] Mr. Short: Mr. Chairman, I move that the report of the committee be adopted.

Mr. Parsons: I second the motion.

Mr. Winsor: I move you that when the committee arises it recommend Proposition Number 114 be indefinitely postponed.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938469] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938470] [Editor's Note: When the Committee makes a final decision on Proposition Number 114 the report is implicitly adopted.]

(Editorial)

[e938476] [Editor's Note: Proposition Number 114 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938479] [Editor's Note: The Report of the Committee on Executive, Impeachment and Removal from Office on Proposition Number 114 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938484] Mr. Chairman: The next proposition is Proposition Number 80. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938487] Mr. Chairman: The next proposition is Proposition Number 80. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938490] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 80.]

(Editorial)

[e938493] Mr. Weinberger: I move that when the committee arises it report and recommend that Proposition Number 80 be indefinitely postponed.

Mr. Kingan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938499] Mr. Chairman: It has been moved and seconded that Proposition Number 80 be indefinitely postponed.

Mr. Winsor: I would ask for information. Is this matter covered in another proposition that is to come before the committee of the whole?

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938504] Mr. Ingraham: Mr. Chairman, I move that the consideration of this question be postponed until the committee's substitute proposition is considered.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938505] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938509] Mr. Chairman: The next proposition is Proposition Number 57.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938513] Mr. Chairman: The next proposition is Proposition Number 57.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938516] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 57.]

(Editorial)

[e938518] Mr. Coker: Mr. Chairman, inasmuch as this matter has been covered by Number 62, I move that when the committee arises it recommend the indefinite postponement of this proposition.

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938520] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938522] [Editor's note: When the Committee makes a final decision on Proposition Number 57 the report is implicitly adopted.]

(Editorial)

[e938524] [Editor's Note: Proposition Number 57 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938526] [Editor's Note: The Report of the Committee on Executive on Proposition Number 57 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938527] Mr. Chairman: The next proposition is Proposition Number 125.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938535] Mr. Chairman: The next proposition is Proposition Number 125.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938538] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 125.]

(Editorial)

[e938541] Mr. Cassidy: Mr. Chairman, I move that when the committee do arise it recommend that Proposition Number 125 be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 299)

[e938547] Mr. Orme: Mr. Chairman, I am heartily in favor of this proposition, having been a supervisor for a number of years. Prior to the time that we had a public examiner, we have about four treasurers in the territory, who were behind in their accounts. We had a great deal of trouble. Every surety company withdrew from the bonds of every treasurer in the territory. It was utterly impossible to get anything but personal bonds. After we provided for a public examiner the surety companies all came back. They received their reports and we had no trouble, but the guarantee companies at that time would receive sworn statements from the supervisors every thirty days, which they did without any trouble. When we have no examiner every county official is more or less negligent. The board has to compel him to put in his report the first of the month, at least most of them, and I think it is one of the most important offices. I think it would save the state more money than any other office that we could create.

Mr. Baker: I am in favor of this proposition. I think we ought to have a state examiner. I think such an office is a very valuable one to any people, but I want it understood so far as I am concerned, that I do not put my faith in this proposition upon the fact that guarantee companies at one time retired from these bonds and at another time came back. If they did come back they have never yet paid a single cent on the defaulting officers so far as I know; so I do not pin my faith to the fact that they come back here, but I am in favor of the proposition.

Mr. Ingraham: Mr. Chairman, I am heartily in favor of this proposition, but there is one phrase about which I am uncertain as to the meaning. In line 5, in speaking of the corporations in which the candidates for state examiner shall

be not interested, it says: "who is not a stockholder, officer, trustee, assignee or employee of any banking, monied or savings institution." I would like to call interest to the word "monied." Just what the meaning of that expression in this connection is it seems to me indefinite. Now if it means having money, that would be a pretty sweeping restriction.

(The Records of the Arizona Constitutional Convention of 1910, Pages 299-300)

[e938557] Mr. Jones (Yavapai): I move as an amendment to the motion that Proposition Number 125 be considered that it be postponed and considered at the same time we consider Proposition Number 33, being a substitute proposition of the Committee on Executive, which takes into consideration all executive officers of the state, and I think it would be well to consider this public examiner along with those others.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 300)

[e938563] Mr. Winsor: I am very much opposed to the notion to postpone consideration of this proposition. It has nothing whatever to do with consideration of the other executive officers of the state. It is a subject separate and distinct, and we can consider it right now as well as we can at any other time, and I am getting very tired of our habit of procrastination.

Mr. Orme: I am opposed to putting this off. It is a distinct officer, and I am heartily in favor of passing on it now.

Mr. Weinberger: I want to say this was reported out of the executive committee, and it was reported at the same time that Proposition Number 33 was reported, and if they had any connection certainly this proposition would have been included in the committee's substitute report. I believe this matter is separate from that report, and it is before us, and we ought to consider it.

(The Records of the Arizona Constitutional Convention of 1910, Page 300)

[e938566] Motion of Mr. Jones of Yavapai, that when the Committee does arise it recommend that consideration of of Proposition No. 125 be postponed until Substitute Proposition No. 33 is before the Committee; lost.

(The Minutes of the Arizona Constitutional Convention, Page 164)

[e938574] Mr. Moeur: I move we strike out the word "monied" in line 5 and adopt the proposition as read.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 300)

[e938575] The motion failed.

(The Records of the Arizona Constitutional Convention of 1910, Page 300)

[e938577] Mr. Moeur: I move that Proposition Number 125 be amended by striking out the word "monied" and inserting in lieu thereof the word "trust" in line 5.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 300-301)

[e938580] Mr. Coker: I move as an amendment to the amendment that all of that portion of paragraph 1 after the word "accountant" on line 1 be stricken out down to and including the word "thereof" on line 6. It seems to me that is purely a legislative matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938583] Mr. Winsor: It would not tell what this officer was at all.

Mr. Weinberger: I will say that the committee tried to tear this apart like Mr. Coker, and failed to do so. If you eliminate anything from this section you destroy the very object for which it has been proposed, and I believe there is no legislation within this section.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938587] Mr. Coker: I withdraw the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938590] Mr. Lynch: Mr. Chairman, I think the first paragraph does not state what the person is appointed for. It says we shall appoint a person who is an accountant. Section 2 goes on with the official duties of the state examiner, but the first section does not state there is a state examiner.

Mr. Short: The heading of the proposition says "A proposition relative to the creation of the office of state examiner."

Mr. Lynch: Let me state that the heading of the proposition "relative to the creating of the office of state examiner," does not go into the proposition, and when our constitution is completed you will have nothing to indicate what you are appointing.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938594] Mr. Doe: Mr. Chairman, I move to amend the amendment by inserting in the 7th line after the word "Senate" the words "as Public Examiner."

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938598] Mr. Winsor: I believe we could get a little better sense out of that if you would insert after the "thereof" in line 6, the words "to be known as state examiner."

Mr. Cunniff: Mr. Chairman, I agree heartily with the gentleman from Graham. The main feature in any proposition is that it shall state the purpose for which it has been adopted. The purpose should be stated however brief.

Mr. Winsor: The second paragraph states the duties of the office of the state examiner.

Mr. Cunniff: It states the duties but not the purpose of the office.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938601] Mr. Cunniff: It states the duties but not the purpose of the office. I move that this proposition be referred to the committee that reported on it in order that proper correction may be made.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 301)

[e938603] Mr. Winsor: If we get the sense of this proposition we can trust the Committee on Style, Revision and Compilation to so arrange it as to be acceptable to the convention. I think we should get what we are after here and pass on it.

Mr. Weinberger: I agree that with the adoption of the amendment of Mr. Doe the sense will be complete.

Mr. Cunniff: It does not seem so to me. It would be a very simple matter to have the committee put in the clause that is necessary.

Mr. Chairman: What committee?

Mr. Cunniff: The committee that reported; the Committee on Executive, Impeachment and Removal from Office.

(The Records of the Arizona Constitutional Convention of 1910, Pages 301-302)

[e938617] Mr. Doe: I ask leave to withdraw my amendment and second the amendment of the gentleman from Yavapai.

[Editor's Note: No objection is made to this.]

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938621] Mr. Chairman: The question is on the amendment of Proposition Number 125, that it be referred to the committee on executive, impeachment and removal from office. Those in favor signify by saying "aye" contrary minded "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938623] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938881] [Editor's Note: Proposition Number 125 was referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938624] [Editor's Note: The Report of the Committee on Executive on Proposition Number 125 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938627] Mr. Chairman: [...] The next proposition is Proposition Number 74.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938629] Mr. Chairman: [...] The next proposition is Proposition Number 74.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938633] Mr. Chairman: [...] The next proposition is Proposition Number 74.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938641] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 74.]

(Editorial)

[e938647] Mr. Cunniff: I move that when this committee do rise it report with the recommendation that the majority report of the suffrage and election committee on Proposition Number 74 be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938657] Mr. Jones (Yavapai): I move you that the proposition on the minority report be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938658] Mr. Winsor: Mr. Chairman, I think that inasmuch as the author of this proposition is not present, out of courtesy to him action should be deferred.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938661] Mr. Chairman: Mr. Jones of Yavapai moves to amend by substituting the minority report for that of the majority. The question is on the amendment of the gentleman from Yavapai, Mr. Jones. Are you ready for the question? All those in favor of substituting the minority report for the majority will signify by saying "aye;" those opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938663] Mr. Chairman: [...] The question now is on the motion that when the committee arises it recommend to the convention that the majority report be adopted. Are you ready for the question? All those in favor signify by saying "aye;" contrary minded "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938666] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938672] [Editor's Note: Proposition Number 74 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938674] [Editor's Note: The Report of the Committee on Suffrage and Election on Proposition Number 74 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938676] [Editor's Note: The Minority Report of the Committee on Suffrage and Election on Proposition Number 74 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938678] Mr. Chairman: [...] The next proposition is Proposition Number 71. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938679] Mr. Chairman: [...] The next proposition is Proposition Number 71. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938681] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 71.]

(Editorial)

[e938687] Mr. Feeney: Mr. Chairman, I did not expect that the judiciary committee would recommend any other course than that it be postponed, and that is why I introduced this proposition. (applause) I offered it to some extent so as to reach the judiciary. Labor has never suffered under laws made by the legislature. It has suffered under judge made laws, and until a few days ago there was a door, but we did not have the key, but we have it now. I will not force the measure, but as it reads "the people shall at all times have the right to organize for the advancement of their interests." That is horrible, isn't it? "To abstain from work for any employer individually or collectively, for any reason deemed sufficient to them." They have deemed it sufficient, and have been compelled by a federal judge to remain at work.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938688] Mr. Weinberger: Do I understand that the gentleman is not urging the adoption of this?

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938690] Mr. Chairman: The point of order is well taken, because there is nothing before the committee except this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 302)

[e938694] Mr. Feeney: The judiciary committee has recommended that it be not adopted. "To attend peaceably in any numbers about any place of work for the purpose of giving information about pending controversies." I object to labor going in and trespassing. I want them to have the privilege of pleading peacefully with their fellow men, and that also should be written into the constitution because of the fact that by the use of the injunction they have been compelled—not even allowed to walk in the same block where these conditions existed. "The people shall have the right to individually or collectively abstain from dealing with or patronizing any individual, firm, partnership, association, or corporation, and to persuade others to do so by speech or print." That is supposed to be included in the bill of rights, and I think it is well touched upon, and I want to express to you that when I put this proposition before the convention it was not in the shape of a bomb or a declaration of war; it was simply asking for the rights that have been denied to labor.

(The Records of the Arizona Constitutional Convention of 1910, Pages 302-303)

[e938723] Mr. Cunningham: I move that when this committee arises it report to the convention and recommend that this measure be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938735] Mr. Chairman: It has been moved and seconded that when this committee do arise and report back to the convention that it recommend that this measure be indefinitely postponed.

Roll call showed 27 "ayes" and 16 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938737] Mr. Cunniff: I should like to explain my vote on that proposition. I am in sympathy with the position of the gentleman who introduced it, but the proposition as here introduced goes altogether too far. The decision of the United States Supreme Court in the Danbury Hatters case would interfere with this proposition. I do not think it would be constitutional, and therefore I oppose the proposition as it stands.

Mr. Feeney: I would like to inform the gentleman from Yavapai that the decision of the supreme court of California goes in the other direction.

Mr. Cunniff: I would like to explain that the decision of the Supreme Court of the United States overrides that of the supreme court of California.

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938738] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938740] [Editor's Note: Proposition Number 71 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938744] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 71 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938748] Mr. Chairman: [...] The next business before the committee is consideration of Proposition Number 92.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938751] Mr. Chairman: [...] The next business before the committee is consideration of Proposition Number 92.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938755] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 92.]

(Editorial)

[e938758] Mr. Cunningham: I move that the report of the judiciary committee be approved, and that when this committee arise it recommend that Proposition Number 92 be indefinitely postponed.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938760] Mr. Cunningham: In this connection, I desire to say as my reason for this action, that this state would have no right to set down the qualifications for United States Senators, as the United States Constitution does that.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938761] Mr. Chairman: It has been moved and seconded that the committee recommend to the convention that further consideration of Proposition Number 92 be indefinitely postponed. All those in favor, answer "aye;" contrary minded "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938764] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938765] [Editor's Note: Proposition Number 92 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938767] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 92 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938770] Mr. Chairman: [...] Proposition Number 135 relative to married women's property is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938774] Mr. Chairman: [...] Proposition Number 135 relative to married women's property is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 303)

[e938779] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 135.]

(Editorial)

[e938783] Mr. Cunniff: I move that when this committee rise it recommend that the report of the judiciary committee on this proposition be not adopted, and that the committee of the whole recommend that the proposition pass.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 304)

[e938801] Mr. Cunningham: I offer an amendment to that motion, that when this committee arise, it report a recommendation that the report of the committee be adopted, and that Proposition Number 135 be indefinitely postponed.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 304)

[e938808] Mr. Lynch: I wish to explain that to the statement of the proposition is simply a statement of the law as it exists today. This is a statutory matter, and inasmuch as the statute covers it exactly as it stands (without including the word "rightfully" which has no place there) we see no reason for cumbering the constitution with the proposition.

Mr. Baker: This proposition is purely and distinctly legislative in its character, and I do not think has any place in a fixed constitution. As we stand at the present time, we have what is known as the "community" system in this territory, New Mexico, California, and Washington at least, while the principal

system in the Union follow the old common law doctrine in regard to respective rights as far as property is concerned, except where they have changed or modified the common law system as regards husband and wife. Each one of these propositions may possibly find adherents in this new state. I think it ought to be left wholly and entirely with the legislature to arrange the respective rights of husbands and wives to property. So far as my personal views are concerned, there is no doubt in my mind but what [sic, that] the wife should absolutely retain all her property rights that she acquired or possessed prior to marriage, and that all she would acquire thereafter by gift, bequeath or descent, but if this proposition should go in the constitution we should have no community system or any other system, and in my estimation you would have rights to property unsettled. The statute says the wife is to have "all property which she may after become rightfully entitled to." What does it mean? "All property she may become rightfully entitled to." Now under the community system she is rightfully entitled to one-half anyhow. Now say a woman owned 160 acres of land prior to marriage. That is her separate property under the community law of this state, but the husband and wife go into a joint partnership for their labor. They acquire \$10.00 or \$20.00. What part is the wife "rightfully entitled to?" What standard have you? What will the courts say? The husband will say I did the hard work and I am entitled to two-thirds, or 99%. The wife will answer you were loafing around in the village, while I was running the farm, and I am fully entitled to all. My idea is that it is purely legislative, and you had better leave it to the legislature to act upon wholly and entirely.

Mr. Parsons: I desire to add just one word to what the gentleman from Maricopa has said in explanation of why I signed and support the report of the committee. This is certainly a legislative matter, and our statute now expresses it more clearly than it is expressed in the proposed section to be incorporated in our constitution. It settles the question without invoking the court. It is not a question as to what a woman is lawfully or rightfully entitled to. I therefore am in favor of the report of the committee.

Mr. Cunniff: I would like to say in answer to the gentleman from Yuma that I took the same position on the matter of juvenile courts as I did on this matter. However, that adverse report mentioned by the gentleman was only the report of the judiciary committee, and I do not think the convention is going to report adversely upon it. I trust this convention will have the spirit to refuse to accept the committee report on this subject as well as on this question.

Mr. Chairman: The question is on the amendment to the original motion that when this committee arises to report to the convention a recommendation that this proposition be indefinitely postponed.

Mr. Ellinwood: I would like to add a few words to this debate. Our community system, and I say this for the laymen who are present, is taken from the Justinian code. It came in first to Louisiana. From there this idea of the community property system, which was considered more equitable than that of the common law, was carried to the state of Texas, and from Texas to California, Washington and Arizona. All of these statutes use the identical language contained in the statutes of Arizona and give to a man all the property he owned prior to marriage, and to the woman all she owned prior to marriage and all she acquired thereafter by gift, devise or descent. These statutes have been interpreted from time to time by the courts, and we know something of the meaning of the language contained in these statutes. It seems to me to amend

the statute as it has existed for all these years in this statute would certainly add confusion to the law as it now exists. I find as the gentleman from Yavapai says, that this provision in the language he has used, is found under the title of "Miscellaneous" in the State of North Dakota, but I for one do not know what the language means when it says that the wife after marriage shall have that property to which after marriage she becomes rightfully entitled. I am free to confess I cannot even guess what the court would do. I say as it exists in our statute it is definite, it has been interpreted, and the wife has been accorded full protection, and then some, and it seems to me to attempt to amend the decisions of the courts and statutes would be as gross an error as to attempt to amend the Ten Commandments.

Mr. Cunniff: I should like to say that the Ten Commandments might be expanded, and these statutes of Arizona may well be expanded to the extent of the North Dakota statutes.

(The Records of the Arizona Constitutional Convention of 1910, Pages 304-305)

[e938811] Mr. Chairman: You have heard the motion with the amendment that when the committee arises it recommend that Proposition Number 135 be indefinitely postponed. All those in favor will signify by saying "aye;" all those opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 305-306)

[e938821] Mr. Chairman: [...] The committee will report back a recommendation that the proposition be indefinitely postponed.

[Editor's Note: Since Mr. Cunningham's recommendation was offered as an amendment to the amendment, the Committee of the Whole implicitly adopted the original amendment as amended at this point.]

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938822] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e938827] [Editor's Note: Proposition Number 135 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938825] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 135 is referred back to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e938830] Mr. Chairman: [...] The next proposition is number 139 with majority and minority reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938833] Mr. Chairman: [...] The next proposition is number 139 with majority and minority reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938837] Mr. Chairman: [...] The next proposition is number 139 with majority and minority reports.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938840] Mr. Short: It has been intimated by members of the judiciary committee that provision in the judiciary substitute has been made for some provisions of this kind. I have failed to find it, but I move that this proposition be postponed to be considered with Substitute Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938851] Mr. Weinberger: I move to amend that Proposition Number 140 relative to the same matter be also postponed until the report of the committee on judiciary is before the convention.

[Editor's Note: Proposition Number 140 has not yet come up for consideration in Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938855] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938856] Mr. Ingraham: As far as I have observed, the judiciary committee has brought in no proposition that touches these points in any matter whatsoever. I do not think anything we be gained by postponing them until the consideration of other matters which have no relation to them. However, I see it is now 12 o'clock and I will make a motion that the committee do now arise and report progress.

Mr. Lynch: I second the motion.

[Editor's Note: The Minutes record the proposer as being Mr. Cunningham.]

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

[e938858] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 306)

**32.16 Monday, 14 November 1910, at 09:30 (s16098)**

[e938618] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938619] Mr. Chairman: The committee of the whole will come to order. The secretary will read the first proposition for consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938635] Secretary: The proposition is Number 82 and majority and minority recommendations thereon.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938639] Mr. Winsor: In order to expedite this business, I move you that the proposition be considered section by section, in accordance with our rules and that in the case of any section to which there appears to be no objection it be considered as adopted by the committee of the whole.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938644] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938646] Mr. Cunniff: There is a minority report.

Mr. Chairman: There is a minority substitute. Do the gentlemen of the convention desire to hear the minority substitute?

Mr. Cunniff: I ask that the minority substitute report be read.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938650] Secretary: reads report.

Mr. Chairman: Go slowly, please.

Secretary: All right.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938717] Mr. Cunniff: I rise for the purpose of making a motion, but a little explanation will help to make clear the point of the motion. A careful examination of these reports shows nothing more clearly than this: that the majority report is a very capable piece of work but the substitute report does not by any means cover the ground that is covered in the majority report, and therefore a motion to substitute the minority report for the majority report would not be wise for the reason that even if that were adopted it would be taking features out that are covered in the majority report; therefore, the motion that I shall make is to this effect: in order that the text may be clear in regard to the consideration of the majority report section by section, so that the point may be made at once, I make a motion to this effect that when the committee do arise it report to the convention a recommendation that the scheme of court organization in

the minority report shall be substituted for the scheme of court organization presented in the majority report; that the majority report be re-referred to the committee on judiciary so that they may incorporate this district court plan and probate court plan in place of the plan that the majority of the committee have reported.

(The Records of the Arizona Constitutional Convention of 1910, Page 311)

[e938719] Mr. Cunniff: [...] I will make a further explanation: I think that this will expedite matters if I explain the whole matter right now. I have a resolution adopted at a called meeting of the Northern Arizona Bar Association on October 21, 1910, to this effect: "Be it resolved: That it is the sense of the members of this Association and that this Association respectfully recommends to the Arizona Constitutional Convention now assembled: First, That the Constitution of the new state of Arizona shall provide for separate nisi prius and appellate courts conforming as far as is practical to the present system of justice, probate, district and supreme courts. Second. That there shall be an appellate court known as the supreme court of the State of Arizona, which shall consist of three judges, which number may be increased by the legislature to not exceeding five. Third. That the state of Arizona shall be divided into five judicial districts as at present, which number may be increased by the legislature when considered advisable by it, and that in each of such districts there shall be one district judge to be elected by the qualified electors of such district, who shall preside over a nisi prius court corresponding to the present district court. Fourth. That the term of the nisi prius shall be not less than four years and that the terms of the supreme judges shall be not less than six years. Fifth. That the judges of the supreme court shall be elected from the state at large and that at the first state election three judges of the supreme court shall be elected for terms of two, four, and six years. That the judge of the supreme court who receives the highest vote shall hold office for six years, the second highest for four years and the third highest for two years, and the justice holding for two years shall be chief justice of the supreme court during that period. Sixth. That informations for all criminal offenses may be filed by the district attorney and prosecution thereunder to the same extent as by indictment. Seventh. That copies of this resolution be properly certified to by the President and Secretary, respectively, of this Association and sent to the Yavapai Delegation in the Constitutional Convention with the request that the plan herein outlined be embodied in a definite proposition as such submitted to the Constitutional Convention for its approval and adoption."

(Editorial, Pages 311-312)

[e938725] Mr. Cunningham moved to amend that the court scheme as contained in the majority report be adopted as outlined.

(The Minutes of the Arizona Constitutional Convention, Page 170)

[e938746] Mr. Ellinwood moved to amend that the scheme of the majority be adopted subject to such amendments as may be adopted by the Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 170)

[e938749] (accepted by Mr. Cunningham.)

(The Minutes of the Arizona Constitutional Convention, Page 170)

[e938798] Mr. Chairman: It has been moved and seconded that the report of the committee be re-referred to the Committee on Judiciary with instructions to substitute the scheme embodied in the minority report for that embodied in the majority report. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 312)

[e938812] Mr. Kingan: It seems to me that before going further that the committee should be apprised of what is in the majority report and the scheme proposed by the majority of the committee. The committee has heard the minority report but the scheme presented by the majority of the committee on judiciary is not before the committee, and if we are going into the matter under the motion of the gentleman from Yavapai, I think for the benefit of all, it would be advisable to have the majority report read so that the committee may know what the two schemes are before they take any action.

Mr. Chairman: The motion originally put and carried was that we proceed to consider the majority report by sections. The request then to have the minority report read was complied with, and the chair will rule, if there is no objection, that we will now proceed to the reading of the majority report by sections, and that these other propositions are out of order.

Mr. Cunniff: I beg to point out that if it is read section by section it simply consists of endless propositions for amendment by putting in the district court instead of the supreme [sic,] courts.

Mr. Chairman: The committee of the whole has already decided to do that very thing by the motion as carried.

Mr. Wells: Proceeding according to the motion would deprive consideration of the substitute entirely because if the majority report is to be taken section by section that precludes any consideration of the other whatever. The motion made by my colleague is to consider these two schemes. The scheme that is suggested by the substitute is one that we have practiced under for forty-six years.

Mr. Cunniff: Will the gentleman yield to a question? I submit that this motion I have made and as amended by Mr. Cunningham is in order.

Mr. Wells: We would like to have them considered together and not bar the substitute from being considered by proceeding under the present motion. I think we ought to have them considered together if at all.

Mr. Chairman: Just a moment. Will the secretary read the first section of the majority report?

Secretary reads section.

Mr. Chairman: This is under discussion as to the system of courts, which is before the convention—

Mr. Cunniff: I would ask if the chair will not rule that the motion of mine is in order and bearing on that phrase “superior court” in the first section.

Mr. Chairman: Your motion, Mr. Cunniff—

Mr. Cunniff: Yes, sir.

Mr. Cobb: I think the solution of this question is to consider the first motion as carried and read the majority report in full. Then we will have both.

Mr. Ellinwood: I think this matter can be reached in accordance with the desire of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Pages 312-313)

[e938823] Mr. Cunniff: I understand he moved that the substitute report of the minority be the scheme upon which this judiciary system is to be built. The motion of the gentleman from Cochise, Mr. Cunningham, is that he scheme of the majority should prevail. I move an amendment to Mr. Cunningham's motion that the scheme of the majority be adopted subject to such amendments as may be made by the committee of the whole. Let us put it squarely before the committee of the whole as to whether they desire a district court system or a superior court system. I think that upon that motion the discussion may well proceed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 313-314)

[e938832] Mr. Franklin: Mr. Chairman, for my information I would like to have the scheme of the judiciary Substitute Proposition Number 82 read in full.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938838] Mr. Cobb: As I understand you ruled all of these motions out of order. I move to reconsider the vote which was first taken, that is, that was passed, calling for reading the minority report in full.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938839] Mr. Chairman: It has been moved and seconded that we reconsider the first vote by which it was decided to consider Proposition Number 82 by paragraphs. Call the roll Mr. Secretary.

Roll call showed 37 "ayes" and 10 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938850] Mr. Winsor withdrew the original motion.

(The Minutes of the Arizona Constitutional Convention, Page 170)

[e938852] Mr. Cunniff: Mr. Chairman, I move you that section 1 in the minority report be substituted for section 1 in the majority report.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938853] Mr. Cobb: Mr. Chairman, I would suggest to the gentleman from Yavapai, that the whole proposition be read so that we can get a full and complete understanding.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938854] Mr. Cunniff: I accept that suggestion.

(The Records of the Arizona Constitutional Convention of 1910, Page 314)

[e938868] Mr. Chairman: Gentleman, you have heard the reading of the reports. The question now comes before the house, the motion of the gentleman from Yavapai, Mr. Cunniff, "to substitute section 1 in the minority report for section 1 in the majority report."

Mr. Baker: I hope that this measure will not prevail; I will briefly state my reasons. The provisions of this substitute are that they substitute the district and supreme court system for the superior court system. The question now is one or two systems, in either the majority or minority reports concerning the judiciary. The superior court system is this: there is given to the superior court the same jurisdiction that the supreme courts have in the Territory. That means we provide for a double appeal, which often occurs, and with much cost and expense to the territory. If a party is dissatisfied he appeals from the justice of the peace to the district court. If the opposite party is not then satisfied he then appeals to the supreme court. In the other system you have two courts operating in the county at the expense of the taxpayers. One court can very easily perform at a less expense to the taxpayer than two courts. This is my reason for favoring the superior court system.

Mr. Cunniff: Will the gentleman from Maricopa yield to a question?

Mr. Baker: Why yes, if I am able to answer the question.

Mr. Cunniff: Has the gentleman from Maricopa figured out the expense in both courts?

Mr. Baker: No, I have not figured out this cost or expense nor can any man do so, but I have figured out the expense as near as a man can, and have made comparisons as near as one could.

Mr. Wells: Mr. Chairman.

Mr. Chairman: The gentleman from Yavapai, Mr. Wells.

Mr. Wells: As to the expense to the tax payers I wish to make a suggestion: in the larger counties there are always good and efficient lawyers who can act as district attorneys and just as good as one would want, but you are going to encumber the smaller counties with the burden of such courts. If you will do so, you will not administer justice. In the cases to infants, children and widows and orphans. Take them into the superior courts where the interests and time is taken up by the larger interests, the attorneys will lose sight of the very interests that should protect them most. You take the illustration where courts whose duty it is to see that the widows, orphans and children are protected the larger interests consume the time and there is nothing but injustice to them rather than protection. I know it is said that the district courts are dilatory, but the superior court would be more so. If there are good and efficient lawyers in the probate court or supreme court then they will get more consideration than they could ever have in the superior court. An independent probate court will do more to protect such interests than any superior court will ever have time to do. I speak with reference to my own county. We have superior judges there but their duties are such that he leaves to the probate court all these matters, and the probate court has charge of the matter and whose duty it is to look into the interests of these people. I do not see any difference in the two systems, but I believe in independent jurisdiction of the probate court [rather] than the superior or any other court of record.

Mr. Parsons: Mr. Chairman.

Mr. Chairman: The gentleman from Cochise, Mr. Parsons.

Mr. Parsons: While I have the greatest respect for the opinions of the gentleman from Yavapai, I really cannot agree with him with respect to the matter of these courts. I feel that the good fortune that has come to these people who have left such matters to the probate courts has been due to the environments in the county he is living in where the people favor the judges of the county court and a probate court looking into these matters[s] for the widows and orphans, but if he had lived in such places as those where I have practiced he would look with more favor upon the superior courts. In Cochise county where I have lived for the last six or seven years and in Nebraska where I have practiced for many years before, the average county judge is no more competent to administer in these affairs than the justice of the peace. In most cases the judge has his home, a comfortable home, in one part of the county or some county of his district and he is thinking more about the discomfortures and of catching a train home than he is of the work of his office. I believe that a resident judge can render such additional service and that his services can be of much more value than the occasional visit of some judge who is not a resident nor has the same interest in the people as the resident judge would have, but I believe that these judges must be more than the ordinary or average judge that we find in the offices today. If you had some matter of great importance, with whom would you care to leave it? With the man who has the ability to and a knowledge of the legal profession and can with justice and fairness make the decision, or the man who is incapable and unfair because he has not the proper knowledge to act in this capacity. In our own county, I refer to the Honorable Judge Doan, who realizes fully the great importance of such matters and would not leave them to the probate court lest the probate court leave them to the district clerk and thus come into the hands of most incapable judges. If you do not happen to have a competent county court clerk you do not get anything done. If you do not get justice in the county court why then you appeal to the superior court. They appeal to the higher courts ordinarily? [sic] Why appeal from probate court to the district court and from the district to the supreme court. A system such as this does not offer the protection that such matter[s] of importance should have. I know that the interests of the people are far safer in the hands of the district court than in the hands of the court who does not have neither the time nor the ability to decide and rules in such matters where life and property are at stake.

Mr. Wells: Will the gentleman from Cochise yield to a question from me?

Mr. Parsons: I yield to your question.

Mr. Wells: What is the proportionate number of cases appealed from the probate to the supreme or district courts? In my experience there have been comparatively few.

Mr. Parsons: Almost every case which involved \ \$500 or more has been appealed to the district court. And I say, Mr. Chairman, why should we hesitate to adopt a system that is recommended by nine of the members of the committee, and those nine of the ten are attorneys.

Mr. Cunniff: Mr. Chairman, can the gentleman explain why there is no more justice in Cochise county?

Mr. Parsons: I am not the judge, and you will have to go back to the people. This committee ought to be able to adopt a report such as has been

recommended here with such amendments as the convention may wish to offer, but we do hope that this committee will not adopt the minority report.

Mr. Cooper: Mr. Chairman, I would like to say something on the matter of probate courts. I have the honor of being probate judge and I have seen the objectionable features of this court in every phase. I agree with the gentleman from Cochise in the matter of probate courts for there are few of the counties of the territory who have judges and attorneys or district attorneys who are capable of administering in these matters, and this is not meant for any reflection upon our able body of men of the legal profession. I would also add that the majority of county clerks or district court clerks are inefficient to attend to the work of the probate court, therefore I am in favor of the system recommended by the majority report.

Mr. Wells: May I ask the gentleman a question?

Mr. Cooper: I yield to the question.

Mr. Wells: I would ask whose duty is it to attend to the matters of the probate court?

Mr. Cooper: The probate court should look after all such matters as are appealed from the justice courts which is only a two fiddle arrangement and people coming to court with such haste that they leave all matters to the district clerk and the law. The duties are so many and so varied that he does not work without extra pay, and he besides being a probate court immediately becomes district attorney, or prosecuting attorney after which he becomes the judge of his own work and in this I can see no justice at all; therefore I am certainly in favor of the district court system and opposed to the probate court.

Mr. Doe: I am not prepared to discuss the Washington system and its successful workings to any extent, but I do not think Arizona can afford to adopt any method employed by California, for it will profit us nothing since it has already proved unsatisfactory in the state and I do not see how the superior court system can in any way supplant a system that has been so long tried and proven for so many, many decades, and it seems to me that we are wading into water that is much too deep to try to adopt a system that has not been proven only unsatisfactory in such instances as where it has been tried. [sic]

In speaking of the judges and their work and expenses, I think that there should be some provision made for traveling expenses since the cost of living had greatly increased and when a judge is called away from home so much of his time to attend to his duties as judge he spends about six or eight months away from home and all this time provides for his home and his own living away from that home and all other necessary traveling expenses there is but the most meager sum left to him thus making it justifiable for him to practice law outside of his time engaged in court for this extra cost and also justifying him in demanding that his traveling expenses be allowed by law. If his salary were such that it could cover this necessary expense then it would be unnecessary to ask for the provision but when his salary is so limited and his expenses so great and being added to every year there comes the necessity for the demand for traveling expenses. I think this should be given careful consideration for it should not be permitted that the judge of the various districts to have to beg for the mere pittance of a salary which is rightfully his to be added to that provided by law, but that the cost should be considered and the provisions made without having the matter come before the legislature if this convention adopts the measures which provide for the salaries of the judges. I make this a

suggestion to this body before it is finally passed upon and I hope that it will be given consideration by the members.

Mr. Moeur: Mr. Chairman, I am in favor of the superior court system if it will enable us to get rid of a Republican probate judge who has been regularly elected for the last ten years and will be for the next ten if something radical is not done. (laughter)

Mr. Lynch: [words missing] ... county or district for I never expect to run for any such office, but I am speaking from a sincere motive within my heart and with the view of defending our system of courts which is in my mind the better system that [sic, than] the one now pending in this committee. The system of courts and their courts of appeal are a long tried system and any matter can receive justice in the courts as they stand now from the smallest involved to the largest interests ever known to be involved and life and death have their own protection in these courts as well as the interests of estates, the widows, orphans and the children. My plea is one in behalf of the system that I am so familiar with and one that I know is tried and proven and one that has been so long adopted universally throughout the land, and of [sic, for] this reason I hope that the pending measure will not pass."

Mr. Ingraham: I desire to speak not only my own personal belief upon the question of the courts, but that of my worthy constituents. The people of Yuma county have universally taken up the matter and are almost ready to rise in arms against the present system of courts. They have been so aroused and there has come to the members of this convention a letter of appeal from the Yuma Bar Association which I will quote from and I will also read a paragraph from as well as I desire to impress it strongly upon the minds of this committee the very importance of the question of a change in the system of the courts.

[letter was read but is not in the records]

It seems to me that we cannot afford to disregard the wishes of the people in these matters when the people from all over the territory, Yavapai County excepted, have expressed their wishes in this matter and when the legal profession in this territory, a goodly representation of whom have here given this proposition their careful consideration and study and have returned this report with such recommendations. I have the most confidence in these men who have rendered their report and have seen fit to adopt this measure and I cannot think that there is any necessity to waver in this matter. I can find nothing of record which proves that the California or Washington systems are not satisfactory and I am certain that we need not fear anything disastrous would come in changing a system has become so universally distasteful as the present system has and when the great majority of our legal profession membership have seen fit to adopt the superior [court] system. I favor the adoption of the report with only such amendments as the convention sees fit to offer, and the fact that only one county, that of Yavapai, opposes the superior court system, is not sufficient reason for its defeat. Perhaps they have been so fortunate in their court system affairs that they expect all counties to profit by their good fortune. It seems that their record is rare and [there] cannot be found another like it, but this is not sufficient to make the people who have become so thoroughly disgusted with the present system to wish to continue it under any circumstances.

Mr. Cunniff: I did not take the position I maintained upon that score.

Mr. Ingraham: I said perhaps, in my remarks, I did not make it only as a[n] opposition. To those lawyers who reside in the larger counties this letter

says, we ask them to consider: If a lawyer in Yuma County desires to have a client released on habeas corpus proceedings, he must necessarily go 250 miles to Tucson to have a hearing, and if he has an injunction proceeding he is almost necessarily compelled to go the same distance to the same place if anything definite is to be accomplished. That any such thing as a trial of a case in Yuma County with the care and circumspection given to similar cases in Prescott, Tucson, or Phoenix, is almost unknown. That as a matter of fact the trial of the case at all is the highest degree uncertain, and because of the uncertainty our clients easily surrender to unjust claims rather than take the foregoing chances. That our cases are practically all set down for the same day. Every case a lawyer had, and every lawyer at the bar, must be ready in all cases for the same day and hour. We do not know when the judge gets there, whether he will sit there three days or a week or longer. Therefore, every case we expect to try that term we must have ready for the first three days, or stand ready to sacrifice the interests of our client, and every witness in case must be in perpetual attendance in the court from the time it opens until the judge decides he has stayed long enough in the outside county and wants to get home, and it is needless to say the same conditions will not exist in the new state. It obtains today in Colorado, and it obtained for over thirty years in California until the Constitutional Convention of 1879 abolished it. They have had the same system since 1879 in California that the majority of the judiciary committee is advocating in its substitute proposition now. Gentlemen, I consider this the most important and most serious matter that has come before the convention. I will not except anything because the speedy and adequate adjudication of cases is the most important thing in the administration of the law. I wish you think this matter over not only from the standard of litigants who [bring] many money questions in the courts, but consider it from the standpoint of men who lie in jail accused of crime. They are supposed to be innocent until they are proved guilty. Yet they lie in Yuma during the summer months in jail under the most unsanitary conditions. They lie there six months awaiting the action of the grand jury. Under the system proposed by the judiciary committee they could be tried within a week, and if there was any delay it would be sought by themselves, to secure witnesses, etc. I say that from the standpoint of litigants who have property rights to litigate and also from the standpoint of men who are accused of crime, this is most important.

Mr. Wood: First, in answer to the gentleman from Maricopa County, Mr. Baker, in relation to the comparative cost. Although the majority provides for ten low-salaried judges, the total of the judges' salaries under that report is \$51,500, against five judges at \$5,000 under the minority report, making \$25,000— a difference of \$26,500, or \$1300 more than sufficient to provide fourteen probate judges at \$1800 each, one for each county. Now in relation to the matter of probate courts, it is well known that the law of wills has been distinct and separate for centuries, and this law from motives of economy, seems intentionally to provide separate courts for litigants to transact their business, they being forced into such litigation by circumstances over which they have no control, namely by death, and the large majority of these litigants being widows and orphans left with a small amount of property which must be adjudicated in order to pass title in the same manner as those having larger property interests, it is only reasonable and just that they be permitted to transact their business in as speedy and economical manner as can be provided. This cannot

be provided in a court of general jurisdiction administered for general purposes and through entirely different forms and methods, but in the probate court, which has exclusive jurisdiction over the estate from start to finish, and can work with greater dispatch than courts of general jurisdiction, and guard the estate against waste and extravagance and save much money for heirs and creditors better than the courts of general jurisdiction, not through any fault in the presiding judge but through physical incapacity to perform the duties under the conditions which prevail. In the administration of each estate there is a large amount of minute and detail work which affects not only the financial interest of those concerned, but also the title to real and personal estate, and this must be done not only strictly in accordance with the statutory provisions, but it must have the personal supervision of the judge before he can issue the proper decree. The California system of administration of estates is notoriously extravagant, and has been the subject of scandal. In relation to attorneys being probate judges, I will state that I have the statistics of one probate judge's office where in twenty-four years under the judgeship of four attorneys learned in the law there were 38 estates lost, strayed or (I will not supply the word). If we could be assured that every attorney would be as well equipped and honest as the gentlemen of the bar represented in this convention, it would be different, but attorneys as a class, like others, are human.

Mr. Kingan: I only want to take up a moment. I was originally in favor of the district court system, but after I had investigated the matter thoroughly and had gone over the whole matter I became absolutely convinced that the superior court system was more convenient and less expensive. Now it seems to me that those two factors, the convenience and expense, are the two controlling factors in this question. Now, further, there has been a comparison made this morning between judges of the probate court and judges of the supreme [sic, superior] court, their respective capacities and their respective honesty. It seems to me this is entirely aside from the question and has nothing to do with this matter. I think we will all admit that as a class the district court or the superior courts are superior in their knowledge of the law and in their capacity to transact business to the probate courts. I think every lawyer who has had any experience will freely admit that. Now as to convenience: It is certainly more convenient to have a judge in your own county at all times than to have him in some other county if you want an attachment or if you want an injunction. You want it then, or not at all. If the judge is in some other county you may lose the very thing you want; it may be too late. If a man be arrested, charged with crime, he should be tried speedily; he should not lie in the jail waiting for the district court. As to the question of expense: In my county (Pima County) the jails are full for months and months with criminals waiting for trial. They must be kept, and the cost of this runs into thousands and thousands of dollars. I am told the same thing is true in Cochise, in Maricopa, in Yuma County, and in all other counties in the territory; and this expense amounts to a great deal more than the superior court. This entirely aside from the fact that every man is entitled to a speedy trial as a matter of justice, and he should not be kept in the jail months and months until the convenience of the court, a matter more important than a few paltry dollars. The Bar of Pima County has investigated this matter as well as the Northern Bar Association, and they are unanimous in favor of the superior court system. I believe all the southern counties are, and I am heartily in favor of it.

Mr. Jones (Yavapai): I would like to ask if the change from the probate to the superior court system does not necessarily carry with it compulsory employment of an attorney by each estate.

Mr. Ingraham: It is not necessary for any client in the district now to employ an attorney unless he so wishes and the same rule would hold in the superior court. We are not changing the law in that regard.

(The Records of the Arizona Constitutional Convention of 1910, Pages 314-321)

[*e938872*] Mr. Chairman: Read the question, Mr. Clerk.

Secretary (reading): Mr. Cunniff moved to substitute section 1 of the minority report for section 1 of the majority report.

Mr. Chairman: All those in favor of the motion, signify by saying "aye" as their names are called; those opposed "no."

Roll call showed 14 "ayes" and 36 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 321-322)

[*e938894*] [Editor's Note: The committee's progress report was referred to the Convention.]

(Editorial)

[*e938892*] Mr. Winsor: I now move you that the committee arise and report progress, and ask leave to sit again this afternoon.

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

[*e938896*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 322)

## **32.17 Monday, 14 November 1910, at 14:00 (s16090)**

[*e938261*] Mr. Chairman: The committee of the whole will come to order. We have before us the judiciary committee's Substitute Proposition Number 82. What is the will of the gentlemen of the committee?

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[*e938262*] Mr. Chairman: The committee of the whole will come to order. We have before us the judiciary committee's Substitute Proposition Number 82. What is the will of the gentlemen of the committee?

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938263] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 82 in order to replicate the process of the Committee of the Whole considering the document section by section. Creating a new version of the proposition also allows the Committee of the Whole to amend the document, as any changes they agree must also be accepted by the Convention.]

(Editorial)

[e938267] [Editor's note: The Committee of the Whole considered section 1 of Substitute Proposition Number 82.]

(Editorial)

[e938271] Mr. Cunningham: Mr. Chairman, I move that section 1 of the committees [sic] Substitute Proposition Number 82 be reported by this committee and recommended for adoption by the convention.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938272] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938276] Mr. Chairman: What is your further will? The secretary will read section 2.

Secretary read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938279] Mr. Chairman: Are there any objections to that section as read?

Mr. Cunningham: I move it be adopted.

[...]

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938284] Mr. Jones (Maricopa): Mr. Chairman, I would like to ask some of the gentleman to explain just what is meant by "non-judicial days." My interpretation would be days that the court is not in session, but this proposition states the court shall be in session on all days except on holidays. Now there seems to be some distinction without a difference.

Mr. Cunningham: I would say that "non-judicial days" would be interpreted as Sundays and holidays.

Mr. Lynch: The statutes at present determine what are non-judicial days.

Mr. Cunningham: I move the adoption of section 2.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938287] Mr. Jones (Maricopa): I move to amend lines 9, 10 and 11 to read in this manner, commencing “The number of judges may be increased to five or diminished to three by law,” eliminating the balance of that. That will place some restriction on the number of judges; “from time to time” seems to be superfluous, and making the maximum and minimum number will eliminate two lines.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938295] Mr. Short: If Mr. Jones would accept an amendment, I think I could shorten that a great deal by making line 11 read “shall at all times be construed of not less than three nor more than five judges.”

Mr. Chairman: Do you accept the amendment, Mr. Jones?

(The Records of the Arizona Constitutional Convention of 1910)

[e938297] Mr. Jones: That would lengthen the section and would not accomplish any more than I have accomplished. I will send it up in writing.

(The Records of the Arizona Constitutional Convention of 1910, Page 326)

[e938299] Mr. Parsons: Mr. Chairman, I desire to object to the amendment, as presented, on this ground: I see no reason why we should limit the legislature in its power to increase our number of judges to five. I went through an experience in Nebraska when for twelve years on account of the fact that when an amendment to the constitution should be made it required a majority of all those voting at the election. We tried to increase our number of judges from three up to seven, and the time may come when we will need seven judges, and why do we limit it to five in the constitution? I think the language as it reads is better than that—they may increase it as conditions may require and I do not think that we should put any limit on the number of judges that may be required. The time may come when five judges will not be deemed enough. I believe we had better leave that to the legislature.

Mr. Lynch: I want to object for the same reason. I will state that in Colorado they had a provision similar to this, and they were compelled to increase the number to six by creating a court of appeals and later were compelled to abandon the court of appeals and increase the number of the supreme court judges from three to five. The clause as it stands now cannot work any hardship. If we need seven judges let us trust in the legislature to give us seven judges. I am opposed on the further ground that I cannot see the reason why amendments as to petty details that do not change the meaning of the proposition would be considered by the convention. I confess there are a number of things in this substitute that I do not like, and I believe there are ways of presenting the matter that are better, but I certainly am willing to defer to the judgement of the judiciary committee—to the majority of that committee and accept what they in their judgement have seen fit to present, for the reason that where I differ from them on minor details, and I claim that this is an absolutely minor detail. What is wrong in letting the legislature increase the number of judges to five, and if necessary increase the number to seven? If you have too many judges they could easily decrease it again. Let us not tie the legislature up.

Mr. Jones (Maricopa): It seems to me that the legislature is tied up pretty tight in this proposition in some respects. The very purpose of my motion is to make the maximum number of judges and not leave it to the discretion of the legislature, which has done some very peculiar things. I think when the time comes we can increase them, and the people should have something to say about the increase.

(The Records of the Arizona Constitutional Convention of 1910, Pages 326-327)

[e938301] Mr. Chairman: Those in favor of the amendment will signify by saying "aye;" those opposed "no." The "nays" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 327)

[e938303] Mr. Chairman: [...] The intent of the motion of Mr. Winsor is that if a paragraph was not amended it would stand approved for adoption when the committee arise, without any further action.

(The Records of the Arizona Constitutional Convention of 1910, Page 327)

[e938305] Mr. Chairman [...] The next section is number 3. What is the will of the committee?

(The Records of the Arizona Constitutional Convention of 1910, Page 327)

[e938310] Mr. Cunniff: It seems awkward to me to elect the first three judges for terms of two years. It seems to me that as we elect all the other state officers at that time, we might as well elect the judges. I would like to inquire if there seems to be any necessity for so doing.

Mr. Cunningham: I think that some member of the committee has an amendment to offer on this matter, and I suppose it will be offered and it will probably clear up the objection that the gentleman from Yavapai now has.

(The Records of the Arizona Constitutional Convention of 1910, Page 327)

[e938313] Mr. Baker: I offer an amendment to section 3 at line 15 so that it shall read: "term of office shall be coterminous with that of the governor of the state elected at the same time." That is by adding after the word "state" on line 15 the words "elected at the same time, and the one receiving the highest number of votes shall be chief justice." With the further amendment to line 15, "Thereafter, and at the first general state election held under the constitution of this state." As I understand the Enabling Act provides that an election shall be held under the Enabling Act, under the proclamation of the governor for all state officers, and of course it will be necessary to elect your supreme court at that time. Then when that election is returned or reported to the President, and he subsequently issues his proclamation, we are then a state acting under the constitution that we may pass here. This provision, as I understand it, is simply to provide for the election of those three judges at that indeterminate time, that these officers may hold until the election under the constitution and then to provide thereafter for an election of the judges or of other officers under your general state election under the constitution.

Mr. Ellinwood: I second the motion.

Mr. Chairman: The amendment offered by Judge Baker and seconded by Mr. Ellinwood,— if I do not state it correctly, Mr. Baker, please correct me, is to insert on line 15, page 2, after the word “state” the words “elected at the same time and the one receiving the highest number of votes shall be the chief justice at the first general election held under the constitution,” and cut out—

Mr. Baker: “Their terms of office shall be co-terminous with the governor of the state.” After the word state add these words “elected at the same time and the one receiving the highest number of votes shall be the chief justice.” Now, thereafter and at the first general state election held under the constitution of this state,” adding the words “thereafter and” before the word “at” on line 16 and the words “under the constitution of this” after the word “held” in line 16, striking out the word “in.”

(The Records of the Arizona Constitutional Convention of 1910, Page 328)

[e938314] Mr. Chairman: Those in favor of the amendment will signify by the usual sign, those opposed the same. The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 328)

[e938315] Mr. Cunniff: I would like to point out a couple of typographical errors in line 3, the word ”for” is left out, and then again in line 11 ”would be” is left out.

(The Records of the Arizona Constitutional Convention of 1910, Page 328)

[e938317] Mr. Chairman: If there is no objection the secretary will add the word ”for” after the word ”one” on line 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 328)

[e938319] Mr. Jones (Maricopa): I move the following amendment, on line 22, page 3, substitute after “remaining judges of said court,” the words “governor shall appoint.” As corrected it would read like this “whenever for any reason any judge shall be disqualified from action in any case brought before said court, the governor shall appoint one of the superior judges to sit with him in the hearing of said cause.” I am not an attorney and I may not have any right to criticize this proposition, but this occurs to me in this connection, that if two judges of the supreme court appoint a man to sit with them, that man would be an unusual fellow if he did not agree with those two judges. Of course, we cannot expect that they would appoint a man who would not agree with them, and it is human nature for such a man to agree with them. To remove any possible criticism that might result toward the two members making the appointment, I think the governor should have the appointing power.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
382-329)

[e938324] Mr. Cunniff: I would like to move an amendment to Mr. Jones’ amendment; that is, that the word “call” in line 35 [sic, 23] be stricken out and the words “choose by lot” be inserted in its place.

[...]

Mr. Jones (Yavapai): I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 329)

[e938327] Mr. Cunningham: I do not understand how the governor could choose by lot, and not only that, but the objection that Mr. Jones has made to this provision, it strikes me, is hardly worthy of making a change here. It is possible that it might get to be so that a great deal more harm could result by the governor appointing the man than any other kind of appointment. It seems to me that the court itself should choose some member of the superior bench to occupy the seat upon the supreme bench rather than for the governor to appoint that man. I think the amendments are entirely uncalled for.

Mr. Cunniff: I wish to suggest that my amendment is different from Mr. Jones' amendment by having the court choose one from superior court judges by lot.

Mr. Jones (Yavapai): I second the amendment.

Mr. Doe: I think that when Mr. Jones is familiar with the habits of lawyers he would not make that objection. I think the form of the present proposition is preferable to the amendment for this reason. The judges of the supreme court will become acquainted with their relative ability. I think their ability would be known to the court, and if there was a question of law, they would naturally want to select the ablest man. I think it is highly desirable that their superior knowledge should fit them better than any other person for the selection of that man.

Mr. Lynch: I think possibly that this one suggestion might clear the question. The question might be one in which the governor himself would be an interested party. It could not be one in which the remaining judges would be interested, therefore the remaining judges would be disinterested parties and the governor might be interested. It seems to me that that would perfectly clear the matter.

Mr. Cunniff: I want to point out that the amendment I proposed eliminates the possibility of interested parties. If the names were all put in a hat there would be no means of knowing what man would be called to sit on the bench. It seems to me that is the soundest way.

Mr. Parsons: I think if the amendment of the gentleman from Yavapai should prevail that it might possibly happen that the very judge before whom the case was tried—it might be that his name be drawn as one of the judges to sit, and I do not think that would be reasonable. I further think that his amendment is not germane for the reason that the two questions conflict. The proposition of the gentleman from Maricopa is to have the governor instead of the judges select the judge who shall preside on the supreme court over the hearing of the case under the circumstances. That must be settled first before the motion of the gentleman from Yavapai could apply, because he is determining this question now, offering an amendment before the question is settled whether the governor or the court is to prevail, and I think we should settle this question first. I am in hearty accord with the remarks of the gentleman from Coconino and the others who have spoken in favor of the judges making the selection.

Mr. Chairman: The amendment of the gentleman from Maricopa, Mr. Jones, was that on line 22 beginning with the word where it says "The remaining judges of said court," it shall read "The governor shall appoint, etc."

(The Records of the Arizona Constitutional Convention of 1910, Pages 329-330)

[e938329] Mr. Cunniff: To simplify matters I will withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 330)

[e938333] Mr. Chairman: Are you ready for the question? Those in favor will signify by saying "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 330)

[e938337] Mr. Cunniff: I move the word "call" be stricken out and the words "choose by lot" be inserted.

Mr. Jones (Maricopa): I second the motion.

(Editorial)

[e938341] Mr. Chairman: Those in favor of the amendment, signify by the usual sign; those opposed the same. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 330)

[e938344] Mr. Ellinwood: I wish to refer to line 13. This, I understand, is a matter that was overlooked by the committee in preparing the bill.

Mr. Chairman: What page, Mr. Ellinwood?

Mr. Ellinwood: Page 3. In answer to the gentleman from Yavapai, Mr. Cunniff, would like to state that that is the uniform system, the same as replenishing the United States Senate, so that all of the terms of the judges may not expire at the same time. It would happen, undoubtedly, if that were the case, that many causes before the court would be argued and the terms of the entire court would expire. On the incoming of the new court a complete argument would have to be made, so this system contemplates, that after the first three judges are elected and they choose their term by lot, that one judge is to be elected for a term of two years, one for a term of four years, and one for a term of six years after the first term.

Mr. Cunniff: The only point was, why the first term should be for two years.

(The Records of the Arizona Constitutional Convention of 1910, Page 330)

[e938347] Mr. Ellinwood: Then in line 13, I move to amend after the word "election" to insert the following: "one judge shall be elected every two years thereafter at the general election and the term of the judge (singular in place of plural) shall be etc."

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 330)

[e938349] Mr. Kingan: I am opposed to the amendment for this reason. The committee went over this matter of the election of judges very carefully, and we have worked this out with a great deal of care, and the scheme as here is simply this in brief. No one can tell when this state will be admitted into the Union. There is no time fixed. We cannot tell whether it will be in an even year or an odd year or the first of the year or the last of the year. Therefore, we thought the simplest plan was to make the first court term of office co-terminous with the first governor, whatever length of time that might be. Then after the

first regular state election, beginning on the first of January, after that we have got something definite to begin with. At that time all of the supreme court is elected—three judges—and then it is provided that of these three they shall choose by lot one for six, one for four, and one for two years. Then we have a fixed time with which to start. Now, after that, this plan as here outlined says every two years a judge will be elected, therefore, as it now reads, a judge will be elected every two years.

Mr. Ellinwood: Will you point me to a paragraph that says that one judge shall be elected every two years, after this scheme has been incorporated?

Mr. Kingan: Let us begin, if you please, after the first part of the three judges; they shall hold office until the first of January following the regular state election, as provided in paragraph 3, section 3. Now, that court after it is elected, one judge will hold office for six years, one for four years and [one] for two years. Now, on line 13, on page 3, it says that after that first election the judges shall be elected for six years after the first of January next succeeding their election. Putting the two together unquestionably makes it work out exactly. I have worked it out on a piece of paper here.

Mr. Ellinwood: Would it not be better to work it out in the constitution so that one would not have to take a piece of paper to figure it out.

Mr. Kingan: It may be that it will be necessary for some persons to take a piece of paper to work it out—(applause) it is perfectly clear Mr. Ellinwood, that you are mistaken.

Mr. Ellinwood: Mr. Chairman, it is not clear to me at all. This scheme provides for the expiration of the term after having the first judges chosen and taking their terms by lot, but it seems to me that after the first state election there should be a positive provision here that thereafter one judge be elected every two years at the general election, so that he who runs may read.

Mr. Franklin: I quite agree with the gentleman from Pima county, Mr. Kingan, that the terms of this substitute are very plain and that the adoption of the amendment offered by the gentleman from Cochise county will make it obscure. "At the first general state election held under the constitution of this state, at which a governor is voted for, three judges of the supreme court shall be elected." Now, after those are elected, they are classified by lot, one for a term of six years, one for a term of four years, and one for two years. Thereafter all judges elected shall hold office for six years. Under the provision of this bill there would be but one judge elected every two years and his term is for a period of six years. It seems to me that the provision is perfectly plain, and if we adopt the amendment of the gentleman from Cochise we will make it obscure.

Mr. Cunniff: I am in hearty agreement with the gentleman from Cochise. I do not think that this measure states anywhere that one judge shall be elected every two years. The insertion of that is absolutely necessary.

Mr. Cobb: I would like to inquire if the amendment to section 3 in line 16 beginning with "thereafter," was that the amendment that was adopted? Then if "thereafter and at the first general state election" we will elect three judges at every election for governor. Read the whole sentence and you will see we elect three judges every time.

Mr. Chairman: Read the first section.

Mr. Cobb: It says "thereafter at all general state elections three judges shall be elected."

Mr. Parsons: I want to call the gentleman from Graham's attention to the

fact that this amendment does not read as he interprets it. It says “thereafter and at the first general state election held under the constitution of this State at which the governor is voted for three judges shall be elected and the judges shall be classified by lot so that one shall hold office for six years, one for four, and one for two.” I want to go back a little bit further than the gentleman from Pima did, and begin at the beginning of that section. “Judges shall be elected at the general election to be held under the provisions of the Enabling Act.” It does not say how many, and that will be the number determined upon. It means three, of course. Their terms shall be co-terminous with the governor elected at the same time, and the one receiving the highest number of votes shall be the chief justice. That settles the question of the first for the very reason stated by the gentleman from Pima, that we do not know at what time the State will be admitted, but that whatever that term may be—whether it be for the full two years, or a fraction of two years, or one, or a fraction of one before the next general election of a governor, those three judges elected shall serve for that time. Then after that, “thereafter,” as is expressed here, at the first general state election held under the constitution of this state—that would not be under the Enabling Act. That would be our first general election. Three judges of the supreme court shall be elected, and the judges shall be classified by lots so that one shall hold office for six years, one for four, and one for two. Now it is contended that because we do not expressly state in this proposition that there will be a judge elected every two years it is defective. When we say there are three judges, one for six years, one for four, and one for two, how are we going to keep them up unless we do elect one every two years?

Mr. Cobb: Mr. Chairman, I think the gentleman did not read that sentence right. “Thereafter and at the first general state election.” Why put that “and” in there?

Mr. Lynch: Mr. Chairman, if the gentleman from Graham county will remember his lessons in grammar he will know that the words “and at the first general state election thereafter” means just the same as “thereafter and at the first general state election.”

(Editorial)

[e938352] Mr. Jones (Maricopa): I think the fact that the gentleman here most learned in the law disagree on the subject is the best argument in favor of making some change in this. I move the further amendment in line 3 on page 3 which will make that paragraph read like this: “After the first state election one judge shall be elected—”

[...]

Mr. Jones (Maricopa): “After the first state election one judge shall be elected every two years whose term shall be for six years.” If there can be any doubt about that then someone else offer something.

(The Records of the Arizona Constitutional Convention of 1910, Page 333)

[e938354] Mr. Baker: I rise to a point of order. There is one amendment before the committee, and we will be confused by two or three different amendments. We should dispose of one amendment on each line, and not have two amendments on different lines.

(The Records of the Arizona Constitutional Convention of 1910, Page 333)

[e938356] Mr. Chairman: You are still talking about the same line and I rule that the amendments would be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 333)

[e938358] Mr. Kingan: Mr. Chairman, it seems to me that we are splitting hairs in the matter. I cannot conceive how this proposition as it now reads can be misinterpreted. We say there shall be a supreme court of three judges. We say the court shall go into office on the first of January. We say one judge shall hold office for six years, one for four years and one for two years. We then say the term shall be six years. With a supreme court of three members, which must continue after the first of January with a term of six years, how could it be construed otherwise than that that court should be replenished every two years by one judge. It seems to me it is so clear that it should be left alone.

Mr. Cunniff: If the gentleman from Pima can understand that sentence as amended he has a bright mind. This thing is muddled up by that "thereafter and." If the amendment of the gentleman from Cochise is put in it it [sic] will be perfectly clear.

Mr. Lynch: I will state that the judiciary committee aimed to furnish information on the subject but not comprehension. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 333)

[e938361] Mr. Chairman: The question before the committee is on the amendment of Mr. Ellinwood on line 13 after the word "election" insert "one judge shall be elected every two years thereafter at the general state election and" and the amendment of Mr. Jones of Maricopa, "one judge shall be elected every two years whose term shall be six years from and after the first, etc." The first question is on the amendment of Mr. Jones.

Mr. Jones (Maricopa): If you will allow me I will withdraw my motion.

(Editorial)

[e938363] Mr. Winsor: I move that the word "and" as it now appears on line 16 following the word "thereafter" be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938364] Mr. Chairman: The question before the house is on line 13, and we will dispose of that first, and if you wish to offer an amendment to the section on line 2, very well.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938365] Mr. Chairman: The question before the house is on line 13, and we will dispose of that first, and if you wish to offer an amendment to the section on line 2, very well. Those in favor of the amendment as offered will rise.

Rising vote showed 25 "ayes" and 22 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938368] Mr. Winsor: I move that the word "and" as it appears on line 16, on page 2, following the word "thereafter" be stricken out.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938369] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938375] Mr. Ingraham: I move an amendment to line 18 on page 3 after the word "shall" near the end of the line by the insertion of the following words "if possible under the general election laws." My reason for this, Mr. Chairman, is this: In case of the vacancy within a few days before a general election, it might not be possible under the election laws to comply with the provisions to hold an election, and if it were made at the next succeeding general election that would be illegal, and the incumbent appointed by the governor would hold office for four years, or possible six. The amendment is aimed at the point if a vacancy occur just preceding the election, so that the necessary notice and publication could not be made.

Mr. Parsons: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938377] Mr. Lynch: This amendment is also another case of splitting hairs. If it is not possible to hold the election, the office will be filled by the governor, and as amended this does not give any right to hold the election until the next general election, and therefore he is to hold until his successor is elected and qualified.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938379] Mr. Chairman: Are you ready for the question? Those in favor of the amendment will signify by the usual sign; those opposed. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938385] Mr. Doe: I move to amend section 2 [sic, 3] by inserting in line 34 [sic, 24], on page 3, the following words "who shall receive his necessary traveling expenses including board and lodging, while absent from the county of residence for such purposes, the same to be audited and paid as provided by law." I might say in explanation that judges under the provisions of this bill who receive \$3500 a year might find it a serious hardship to go up to the capital for the purpose of remaining perhaps a month, paying their hotel bills at Phoenix rates, and their passage at Arizona railroad rates, and I think it should be proper that their necessary expenses should be paid.

Mr. Kingan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 334)

[e938386] Mr. Cunniff: It seems to me this is not a proper provision in the constitution, but is purely a legislative matter. I am in favor of the position of the gentleman, but object to its insertion in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
334-335)

[e938391] Mr. Chairman: Those in favor of the amendment, answer "aye;" those opposed "nay." The "nays" have it, and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938392] Mr. Doe: I would like to move a reconsideration of that question. I thought this should go into the constitution because the constitution in another place provides that the salary fixed for the supreme court shall be so much, and no other compensation. To leave this to the legislature would be inappropriate, inasmuch as the express terms of the constitution will not permit its being done by the legislature. If it is the desire of the convention that the judges be allowed their expenses it should be inserted; and if not, it need not be so put in. I merely make this as a suggestion, and do not make a motion to reconsider myself.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938397] Mr. Parsons: I move we reconsider the vote on the amendment offered by the gentleman from Coconino, Mr. Doe.

Mr. Doe: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938400] Mr. Chairman: All those in favor of the reconsideration, will signify by the usual sign; those opposed "no." I believe it will be impossible to get a two-thirds vote.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938402] Mr. Jones (Yavapai): I move an amendment to section 3, line 19, after the words "general election" insert "whenever it is possible to do so under general election law."

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938404] Mr. Chairman: I rule that motion out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938408] Mr. Cunningham: I move section 3 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938410] Mr. Chairman: That is not necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938411] Mr. Chairman: [...] If there are no further amendments, paragraph 3 will be considered adopted, and we will pass on to section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938413] Mr. Chairman: [...] If there are no further amendments, paragraph 3 will be considered adopted, and we will pass on to section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938421] Mr. Kingan: I move that after the word "mandamus" on line 16, page 4, the secretary be authorized to add a comma. That merely makes clear the intended meaning.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938424] Mr. Chairman: If there are no objections the chairman will make the insertion of the comma.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938426] Mr. Chairman: [...] Section 5 is now before us.

(The Records of the Arizona Constitutional Convention of 1910)

[e938429] Mr. Chairman: [...] Section 5 is now before us. What is the will of the committee with this section?

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938431] Mr. Franklin: I was a member of the judiciary committee, but there is a provision in section 5 which is new to me, and I do not quite understand it. "The judgements, decrees, orders, etc., shall be equally effectual as if all the judges had presided at said session." I do not understand what is the purpose of that.

Mr. Lynch: I might suggest the reason for it is that in the California system there are often two judges in one county who divide the work into two departments. The purpose of this is to legalize the work of one judge, making the work of one department legal without the concurrence of the other judge in the same county.

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[e938434] Mr. Doe: I desire to move an amendment to this proposition, and it might be better if I first explain the purpose. The members from the three northern counties, Coconino, Apache and Navajo, have been considering the question of being under one jurisdiction and we are all agreed that a great saving would be made to the taxpayers thereby and a larger salary could be provided for the one judge. The bill now provides that the judge in the county of Coconino shall receive \$3500, and in the two counties of Apache and Navajo \$4000, making \$7500 in all. It is our desire to unite these three counties at a larger salary, which would still be a saving to the taxpayers and give us a better judge. The three counties together would not now or for years to come have too much work for one judge. I therefore move that on line 7 of page 5 the word "Coconino" be inserted after the words "and for the counties" and before the words "Apache and Navajo."

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
335-336)

[e938436] Mr. Doe: Mr. Chairman, this cannot affect, if carried out, any of the other counties in any way except that if the state pays one half of the salaries, as the bill proposes, the saving would be affected for the state as well as the individual counties affected.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938438] Mr. Chairman: You have heard the motion. Those in favor? Those opposed? The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938454] Mr. Baker: On line 23, after the word "state" I offer as an amendment the insertion of the following words: "elected at the same time." The purpose is to put the other officers on an equality with the governor and make their terms of office co-terminous.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938459] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938461] Mr. Ingraham: I notice that on the last line of page 5 concerning judges of the superior court the statement is made that they should hold office until their successors are elected and qualified. I would like to ask if the same provision ought not to be made as to supreme judges on line 15, page 3. Although we have passed section 3 and an amendment is out of order, it seems to me that we ought to make some qualification as to the supreme judges' term of office, unless the present provision is considered sufficient by the legal talent of the committee.

Mr. Webb: Unanimous consent will be given if that is necessary to be inserted; I would ask for unanimous consent.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938462] Mr. Chairman: If there is no objection, we will revert to page 3 and insert the amendment of the gentleman, "and they shall hold office until their successors are elected and qualified" in line 15 on page 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938466] Mr. Chairman: If there is no objection, we will revert to page 3 and insert the amendment of the gentleman, "and they shall hold office until their successors are elected and qualified" in line 15 on page 3.

(The Minutes of the Arizona Constitutional Convention, Page 173)

[e938474] Mr. Hunt: I would suggest you amend section 5 by inserting the words "supreme court."

[Editor's Note: It is unclear where Hunt's amendment was meant to be placed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 336)

[e938478] Mr. Kingan: I do not think that sentence is intelligible the way it now reads.

Mr. Cunniff: I should suggest that it is a mere matter of English, and the committee on style, revision and compilation will amend that.

(The Records of the Arizona Constitutional Convention of 1910, Pages 336-337)

[e938481] [Editor's Note: Hunt's amendment was not discussed further.]

(Editorial)

[e938497] Mr. Franklin: I move you that the provisions of this bill as they are printed upon lines 13, 14, and 15 be adopted without any of the interlineal changes.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938501] Mr. Chairman: We have already adopted an amendment to this section.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938503] Mr. Chairman: [...] There was unanimous consent that we revert to this section 3. All in favor of the amendment of the gentleman from Yuma will signify by the usual sign; contrary minded "no." The "ayes" have it, and the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938506] [Editor's Note: With the adoption of Ingraham's amendment, Section 3 was considered adopted as amended.]

(Editorial)

[e938508] Mr. Chairman: [...] Is there any further amendment to section 5? If not, it will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938511] Mr. Chairman: [...] What is your pleasure with section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938515] Mr. Cunningham: On line 16 after the word "misdemeanor" on page 6, should be inserted the word "not" to meet with the sense of the judiciary committee, to make it read "and other misdemeanors not provided for by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938533] Mr. Lynch: At the same time the word “The” on the last line of page 7 should be stricken out, and “their” be substituted.

Mr. Jones (Maricopa): I second the motion.

[Editor’s Note: It is unclear where this amendment was meant to be made.]

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938537] Mr. Chairman: Those in favor of the amendment offered by the gentleman from Cochise will signify by saying “aye;” opposed “no.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938544] Mr. Chairman: [...] All in favor of the motion of the gentleman from Graham will signify by the usual sign; all opposed “no.” The “ayes” have it, and the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938550] Mr. Jones (Maricopa): I would like to ask for information from some member of the committee. Refer to lines 10-14 on page 7. Is the meaning that a man has to be in custody or in jail before he can sue out the writ of prohibition or mandamus? That is what it says here.

Mr. Lynch: After the word “prohibition” should appear a comma, and then it would refer only to habeas corpus.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938553] Mr. Chairman: If there is no objection, a comma will be introduced without formal action.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938555] [Editor’s note: Crutchfield’s recommendation to insert Proposition Number 140 in section 6 of substitute Proposition Number 82 suggests that Proposition Number 140 was before the Committee of the Whole. To show this, the editors have copied the proposition into the committee session.]

(Editorial)

[e938561] Mr. Crutchfield: I desire to amend the paragraph by adding between lines 2 and 3 on page 7, Proposition Number 140, relating to juvenile courts.

Mr. Jones (Yavapai): I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 337)

[e938564] Mr. Weinberger: While I am heartily in favor of establishing juvenile courts or laws pertaining to juveniles, I would state that the Session Laws of 1907 has a very elaborate system concerning this matter, which covers it fully. Of course this will be in force and effect when the constitution is adopted, but the same other laws, and it seems to me that for the sake of brevity it is unnecessary to insert this in the constitution.

Mr. Short: I desire to differ with the gentleman from Gila county in regard to this matter as to the provision in the statutes covering this juvenile proposition. It is covered by the statute, but I do not believe it is covered fully. It is left to the discretion of the court, while Proposition Number 140 makes it mandatory.

Mr. Cunniff: The constitution is not only a document which states boundaries, restrictions and limitations, it is also a declaration of policy and principle, and this thing ought to go in.

Mr. Kingan: I would call the attention of the gentleman from Maricopa to the advisability of inserting it at this place, for he will have the juvenile court sandwiched in between provisions relating to the superior courts, so this is not the proper place if you are going to insert it at all. Also, it will be contrary to section 1 already adopted, which provides that jurisdiction shall be vested in certain courts such as supreme and justice courts.

Mr. Crutchfield: I am perfectly willing to add the words "juvenile courts" in section 2.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
337-338)

[e938570] Mr. Cunniff: I move a further amendment that this be inserted at the end of section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 338)

[e938572] Mr. Crutchfield: That is acceptable; it is immaterial as to the place.

(The Records of the Arizona Constitutional Convention of 1910, Page 338)

[e938573] Mr. Lynch: This would be repugnant to the other causes of the judiciary proposition, and for this reason I would suggest that the gentleman defer action on this, and bring it up at a separate time and put it in a separate clause covering it.

Mr. Crutchfield: I desire to protest. I am unwilling to leave out of our constitution the guaranty that our minor offenders should be tried in chambers, and I am unwilling to accept the assurance of the gentlemen that they will vote for it at some other time. I believe it belongs here, though its exact location makes no difference.

Mr. Doe: I am entirely in accord with the gentleman who wishes to establish the juvenile court, but I simply think there is a different way to accomplish it. At present everything that would be done by the juvenile court is done by the district courts in chambers, and I think the people are satisfied and the present system is working well. I know that every one of the judges at present in the matter of juvenile offenders conforms to the idea of this proposition.

Mr. Crutchfield: This may be true under the present excellent judiciary, but there might be a time when the judge would not do so unless it were made mandatory on him. I think it ought to be made mandatory on the judge.

(The Records of the Arizona Constitutional Convention of 1910, Page 338)

[e938578] Mr. Ellinwood: I think there is some misapprehension here. I have given the matter a great deal of attention and I yield to none my loyalty to the position of the gentleman from Maricopa. The statute of 1907 was my

handiwork, and I spent considerable time to have it enacted. It does not create a new court, but it imposes on the district court the jurisdiction of juvenile offenders. I will read the first paragraph. I think all that is necessary is to confer on the superior court the further power to exercise jurisdiction in juvenile proceedings. I will move you as an amendment to the motion of the gentleman from Maricopa, that on line 20 of page 6 there be added the words "the superior court shall also have and possess exclusive original jurisdiction in all proceedings which may be brought before them affecting the treatment and control of the dependent, neglected, incorrigible and delinquent children under the age of 16 years." I think 16 is young enough. Eighteen is too old. We have some desperate criminals over the age of 18.

Mr. Cunningham: I second the amendment.

(Editorial)

[e938579] Mr. Ellinwood: A great many statutes were taken into consideration when this was passed, and it is taken largely from Pennsylvania and Colorado.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938581] Mr. Chairman: You have heard the original motion that Proposition Number 140 be inserted at the end of section 6, and the further amendment of the gentleman from Cochise to adopt the provision of the Session Laws of 1907 in regard to juvenile courts. Those in favor of the amendment will signify by rising; those opposed, by the same sign. The "ayes" have 23, the "nays" 18. The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938584] Mr. Wells: The proposition has not been disposed of yet. I must say that the gentleman from Maricopa has been energetic in pressing this measure and he has been promised that when Proposition Number 82 came up for consideration, his proposition would be taken care of. Now, I am sure we all feel interested in this matter very much, and it if cannot be included in Proposition Number 82, let us have an independent proposition covering the proposition, but let us do it right.

Mr. Doe: I do not see how a proposition embodying the sentiments of the gentleman from Maricopa can possibly be incorporated in the constitution. Every citizen is guaranteed by the constitution of the United States the right of trial by jury.

Mr. Chairman: Proposition Number 140 is not before us. It is on the calendar and will come up later. We do not seem to be getting anywhere. Those in favor of the amendment will signify by saying "aye" as their names are called; those opposed "no."

Mr. Wells: May I ask a question? Does passing on this amendment interfere with further consideration of Proposition Number 140?

Mr. Chairman: Not at all. Proposition Number 140 is on the calendar of the committee of the whole.

Mr. Crutchfield: I should like to ask unanimous consent to have a roll call on each of these propositions, the original Number 140, and Mr. Ellinwood's amendment.

Mr. Colter: I would like to ask the gentleman from Maricopa if the effect of the Ellinwood amendment destroys his purpose?

Mr. Crutchfield: I think so.

Mr. Ellinwood: Not at all. It does not affect the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938586] Roll call showed 7 “ayes” and 40 “nays.”

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938589] Mr. Roberts: I move a reconsideration of the Ellinwood amendment.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938591] Mr. Lynch: I arise to a point of order. A reconsideration cannot take place until other business has been disposed of.

(The Records of the Arizona Constitutional Convention of 1910, Page 339)

[e938592] Mr. Chairman: The chair is at a loss.

Mr. Webb: I would like to ask for information upon which side the gentleman from Cochise, Mr. Roberts, voted?

Mr. Roberts: I voted “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938593] Mr. Chairman: The chair will rule that the motion now before the house is the amendment offered by the gentleman from Maricopa, Mr. Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938597] Mr. Chairman: The chair will rule that the motion now before the house is the amendment offered by the gentleman from Maricopa, Mr. Crutchfield.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938607] Mr. Crutchfield moved to amend at the end of line twenty page six by inserting the following: “In addition to the powers above provided for the superior court shall have jurisdiction over juvenile offenders. No minor offender or delinquent child over the age of eighteen years shall be tried in the regular criminal court but all such cases shall be tried in chamber by the judge of said court.”

(The Minutes of the Arizona Constitutional Convention, Page 174)

[e938609] Mr. Sims: Mr. Chairman, I desire to offer an amendment to the effect that the word “eighteen” be stricken out and the word “sixteen” be substituted.

Mr. Ellinwood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938611] Mr. Osborn: Mr. Chairman, does this take away the right of trial by jury?

Mr. Cunniff: No, but Mr. Chairman, I would like to ask if this amendment is on the original amendment? This original motion has already two amendments.

Mr. Crutchfield: A motion to substitute figures is not an original motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938615] Mr. Chairman: Does the gentleman from Maricopa accept that amendment offered by the gentleman from Yavapai?

Mr. Crutchfield: I will accept it if the convention will.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938622] Mr. Chairman: Gentlemen, the question is on the amendment offered by the gentleman from Yavapai, Mr. Cunniff, to insert this matter after section 6.

Mr. Osborn: Mr. Chairman, I do not like to go on record as voting against the juvenile bill, but I think I shall have to do so unless something is done so that I can understand it, and I should like to have something more clear submitted by the committee before I am compelled to vote.

[Editor's Note: The Committee was confused as to what amendment was under consideration at this point. Crutchfield's amendment to insert Proposition 140 after Section 6 of Substitute Proposition Number 82 had failed. Crutchfield had, however, moved a similar amendment to Ellinwood's amendment, and that, presumably, is the amendment the Chairman meant here.]

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938642] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 140.]

(Editorial)

[e938648] Mr. Cunniff: Mr. Chairman, I move that this matter be referred to the Committee on Judiciary, so that they can sift it out and give us something that we can comprehend and understand to pass an intelligent vote.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938653] Mr. Chairman: It has been moved and seconded that [the] proposition be re-referred to the judiciary committee—

Mr. Short: Mr. Chairman, I rise to a point of order. The question is not on the juvenile court, I do not think that this committee can act upon the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[e938655] Mr. Chairman: The chair will rule that it is well within the powers of this committee to act upon this question.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[*e938656*] Mr. Doe: I do not think the gentleman from Maricopa can accomplish the purpose of his amendment, and I think that the amendment is out of order in the discussion of the question before the committee.

Mr. Webb: Mr. Chairman, I think the gentleman from Coconino is under a misapprehension. I think that the question and the amendment should be decided now, and that it is in its proper place.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[*e938659*] Mr. Ingraham: Mr. Chairman, I arise to a point of order. It has been ruled upon this floor that if the amendment is referred to a committee, it takes the whole proposition. If you refer this amendment to the committee you must send back the whole of Proposition Number 82.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
340-341)

[*e938662*] [Editor's Note: The point of order was discussed no further.]

(Editorial)

[*e938665*] Mr. Chairman: Those in favor of referring Proposition Number 140 and amendments thereto, to the Committee on Judiciary, will answer "aye;" those opposed—

Mr. Crutchfield: Mr. Chairman, I would like to hear some expressions from the judiciary committee. Some of the members of that committee refuse to reconsider the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[*e938668*] Mr. Cunningham: I arise to a point of order. The question is one the amendment of Proposition Number 82. I think the Committee on Judiciary are all agreed on that matter, but I call for the question upon the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[*e938670*] [Editor's Note: The point of order was discussed no further.]

(Editorial)

[*e938671*] Mr. Ingraham: Mr. Chairman, I move to amend the amendment to the effect that the question be referred to the committee on legislation.

(The Records of the Arizona Constitutional Convention of 1910, Page 340)

[*e938675*] Mr. Chairman: Gentlemen, you have heard the amendment to the amendment that the proposition be referred to the legislative committee. Those in favor of the motion say "aye;" those opposed "nay." The motion is carried, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938677] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e938682] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938684] Mr. Ellinwood: Mr. Chairman, I move that the committee do now arise and report progress.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

[e938691] Mr. Chairman: Gentlemen, you have heard the amendment to the amendment that the proposition be referred to the legislative committee. Those in favor of the motion say "aye;" those opposed "nay." The motion is carried, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 341)

## 32.18 Tuesday, 15 November 1910, at 09:30 (s16096)

[e938343] Mr. Chairman: Gentlemen of the committee, we have before us Substitute Proposition Number 82. Discussion is in order on Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938345] Mr. Chairman: Gentlemen of the committee, we have before us Substitute Proposition Number 82. Discussion is in order on Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938696] Mr. Winsor: I move that section 6 be approved as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938697] Mr. Chairman: A motion is not necessary. It will stand approved as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 343)

[e938700] Mr. Jones (Maricopa): Before we pass section 6, Mr. Chairman, in line 16 and 17, it speaks of forcible entry and detainer by giving the superior court jurisdiction over such cases. I would like to ask some of the attorneys if that phrase covers unlawful or wrongful detainer, and if it is their desire to give the superior court jurisdiction over unlawful or wrongful detainer. I am told that an action in forcible entry and detainer is rather uncommon, but that an action in unlawful detainer is a common cause, and it very often involves property where the rental rate is nominal. The reason I ask that question is because I

have had some experience in the courts of Arizona, trying to get action under this forcible entry and detainer. The justice of the peace did not know whether he had jurisdiction or not and the superior court does not want it because the amount is so small. It seems to me that the question of unlawful detainer, such as a tenant holding property after his rights are exhausted, should properly come with the jurisdiction of the justice of the peace. Otherwise, you might have a case where a man having possession of property in Parker would force those witnesses to go to Yuma, 350 miles, to retain possession of the property, where the amount involved in rental was nominal.

Mr. Chairman: Will the gentleman of the bar elucidate to the gentleman from Maricopa, Mr. Jones?

Mr. Lynch: I would suggest to the gentleman from Maricopa that the fact that the superior court is given jurisdiction in actions of forcible entry and detainer does not exclude the justice court from having that same jurisdiction. The jurisdiction here given is not exclusive.

Mr. Jones (Maricopa): That is just the question I wanted to bring up, because that shows that this proposition is susceptible of some amendment because the justice court disclaimed jurisdiction, and was upheld by the superior court in that case I have in mind, and the result was where the amount involved was only \$40.00 the loss sustained by the plaintiff amounted to \$1,000.

Mr. Short: Mr. Chairman, I would like to ask the gentleman from Maricopa if there was not a title involved, and if that was the reason the justice of the peace could not exercise jurisdiction.

Mr. Jones (Maricopa): There was no title involved. It was a question of possession of property that was retained by a tenant who declined to give up the premises. It was retained purely to eliminate competition and keep another man from going into business in the town. If there was ever a miscarriage of justice it was in that case. As I understand it the purpose of this proposition is to clear up matters of that kind. All the attorneys I talked with differed about it. They claimed there should be some provision to cover a wrongful detainer, and if you read the provision as here made applicable to justices of the peace you will see that they have no provision, such as the gentleman from Graham suggested, but that they are not given jurisdiction over cases on which the superior court has jurisdiction. Cannot we have some of the attorneys here give an explanation of that? It is not a proposition of criticizing this unnecessarily –

Mr. Doe: Our statutes fully cover this question.

Mr. Jones (Maricopa): That is quite true, but does [the] statute provide for unlawful or wrongful detainer? Who has jurisdiction?

Mr. Doe: The justice of the peace has present jurisdiction.

Mr. Jones (Maricopa): There is a question we have before us right now. The justice of the peace claimed he did not have jurisdiction and the judge claimed he did not have jurisdiction.

Mr. Cunningham: I do not think we should take up the time of this convention discussion some legal question that has been interesting some member of this convention. This matter is clear enough here. It seems perfectly well stated and simply because some question of law has theretofore been troubling some member, I do not think they should take up the time of the convention in arguing these questions.

Mr. Chairman: The chair will decide that being no motion to amend –

Mr. Jones (Maricopa): I make a motion to amend.

Mr. Cunniff: I second the motion. We are trying to agree intelligently, in the light and in the open.

Mr. Chairman: You had better wait until we get the motion, Mr. Cunniff.

(The Records of the Arizona Constitutional Convention of 1910, Pages 343-344)

[e938702] Mr. Jones (Maricopa): I move you, Mr. Chairman, that we substitute in this proposition, line 5, 6, and 7, as it appears in Proposition Number 69, on page 6. I would like to say something in answer to the gentleman from Cochise. I am not bring up these questions because I was interested in the case. I was not interested in this particular case. I merely followed the case to have some knowledge of it. I have never been interested in a law suit at any time, but I have been told by lawyers that this proposition here, Number 82, as it originally stood is a proposition to encourage litigation, and that is not what the laymen of this territory want.

Mr. Chairman: Mr. Jones you move to insert just what lines?

Mr. Jones (Maricopa): Proposition Number 69. I will make this motion and when we discuss the jurisdiction of the justice of the peace I will make another motion to insert this in that place. I will make a motion in connection with section 6, that we are discussing, striking out in lines 16 and 17 the words, "of actions of forcible entry and detainer." Section 6, page 6 of the proposition we are discussing.

Mr. Chairman: Is there a second to that motion?

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 344-345)

[e938705] Mr. Weinberger: Mr. Chairman, I think this matter is well covered by the statute, and I will read it for the information of the gentleman from Maricopa:

"2668. (Section 1) If any person shall make en entry into any lands, tenements or other real property, except in cases where entry is given by law, or shall make such entry by force, or if any person shall willfully and without force hold over any lands, tenements, or other real property after the termination of the time for which such lands, tenements or other real property where let to him, or to the person under whom he claims. [sic ,] after demand made, in writing, for the possession thereof, by the person or persons entitled to such possession, such person shall be adjudged guilty of forcible entry and detainer, or of forcible detainer, as the case may be," and another section states:

"2673. (Section 5) Any justice of the peace of the precinct where the property is situated, shall have jurisdiction to hear and determine any case arising under this title. If there be no justice of the peace within the precinct, then the nearest justice of the peace shall have jurisdiction."

Mr. Ingraham: I beg to point out to the convention that section 9 of the proposition we are now considering repeals that statute.

Mr. Lynch: Mr. Chairman, if you carry the motion, here is the result. You have case of forcible detainer where a man has occupied property, whose rental value was \ \$5.00; he keeps it for three months. He cannot get recourse.

Mr. Franklin: I know it is a very well defined idea among a great many people that lawyers like to encourage litigation. Now, that is a thought that

we want to discourage. As every lawyer knows, who is worthy of the name, lawyers strive to have the law made plain, and a lawyer is only successful, and he only has clients, who has good clients, when he is capable of telling them what the law is. I hope this amendment will not prevail, for there seems to be a transportation of terms. It involves it in great obscurity and I dare say if this amendment is adopted the lawyers for a period of five years after this constitution is adopted will be litigating over this very point. Every lawyer knows what forcible entry and detainer is, and when the time comes he can explain what the remedy is. I hope, gentlemen, that you will not inject that into this constitution. When you say "or wrongful or unlawful," that makes it obscure in my opinion.

Mr. Chairman: Are you ready for the question? The amendment of the gentleman from Maricopa to strike out on lines 16 and 17 the words "of actions of forcible entry and detainer."

Mr. Jones (Maricopa): Before you put that I would like to say it is my intention to provide for that in the justice courts.

Mr. Ingraham: This is the point that I raise in the committee and it involves this feature. For instance, in Yuma county, we have large districts on the A. & C. Railway, in the northern part of the county. Persons who come to the county seat have to come through Phoenix in a round about course. Now, we will suppose that a man has a little \$5.00 shack, and some poor family gets into that shack. He cannot get them out without going to Yuma, and bringing suit into the superior court. This proposition destroys the jurisdiction of the justice court to try such little cases as that. If the present laws were in force he could go before the justice in his own town and settle the matter. The matter would be settled right there at home, but with this amendment which wipes out the present statute, he must go to the county seat, to litigate that little matter. It is not right. The reasons why I say that the present statute is repealed are these: The jurisdiction of the justice courts –

Mr. Kingan: May I ask the gentleman from Yuma a question. Please refer to section 6.

Mr. Ingraham: I was just going to say that section 6 repeals the present statute.

Mr. Kingan: Section 6, line 10, "These superior courts shall have original jurisdiction." What does that mean?

Mr. Ingraham: It means that the superior court shall have original jurisdiction, but some other court may also have original jurisdiction.

Mr. Kingan: May that not be the justice court?

Mr. Ingraham: Yes. In section 9, the justice courts are discussed. In line 2, on page 8, relating to the justice court, the statement is made that "the powers, duties and jurisdiction of justice of the peace, shall be determined by law, provided that such jurisdiction of any court of record, and provided that justices of the peace may be made police justices of incorporated cities and towns." Now, my contention is that that covers the whole field of justice court jurisdiction. It must wipe out the present statutes, and they have no jurisdiction until the powers, duties and jurisdiction shall be determined by law. It is certainly conclusive that the statute has been repealed.

Mr. Ellinwood: I would like to ask a question. Would it not serve the purpose better when we reach section 9 to confer concurrent jurisdiction upon the justices of the peace?

Mr. Ingraham: That would be a proper solution.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
345-346)

[e938706] Mr. Jones (Maricopa): I withdraw the motion with the consent of my second.

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938710] Mr. Chairman: Section 6 is passed without further comment.

[Editor's Note: Unresolved amendments to Section 6 are implicitly dropped when it is passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938711] Mr. Chairman: Section 6 is passed without further comment.

[Editor's Note: Unresolved amendments to Section 6 are implicitly dropped when it is passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938708] Mr. Chairman: Section 6 is passed without further comment.

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938350] Mr. Chairman: [...] Section 7 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938351] Mr. Chairman: [...] Section 7 is next. Any objections to paragraph 7? It is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938353] Mr. Chairman: [...] Section 8 is next, are there any objections?

(The Records of the Arizona Constitutional Convention of 1910, Page 346)

[e938355] Mr. Weinberger: I move to amend that section by striking out the word "sixty," and substituting therefore the word "ninety."

Mr. Coker: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
346-347)

[e938360] Mr. Chairman: It is moved and seconded to strike out the word "sixty" where it occurs in line 21, and substitute therefore the word "ninety."

Mr. Connelly: I would amend by striking out the word "sixty" and put in the word "thirty."

Mr. Winsor: I second the motion.

Mr. Chairman: You have heard the two amendment. Those in favor of the amendment inserting the word "thirty" in lieu of the word "sixty" will signify by saying "aye;" those opposed "no," as the roll is called.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938362] Mr. Connelly: Mr reason for asking for the insertion of the word "thirty" instead of "sixty" is that the time may be extended by the governor. If you put ninety days in then he can go for ninety days, then come back for a day or two and go again for ninety days. I think thirty days is enough, and if he wants it extended the governor can extend it for him.

Mr. Doe: I do know that no supreme court judge would remain in Phoenix for the summer. I think very few people who can get away stay here during the hottest months of the year and I see no reason why they should not leave for a trip somewhere if they wish. They could stay at home and neglect their duties if they wanted to, but I do not think that you will elect a man who will be so regardless of any sense of duty that he will neglect his duty. I think it is absurd to suppose that kind of a man will be elected.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938366] Mr. Connelly moved to amend by striking out in line twenty-one, page seven the word 'sixty' and inserting in lieu thereof the word 'thirty'. Lost by the following vote:

Ayes—Bolan, Cassidy, Connelly, Cunniff, Feeney, Ingraham, Jones, A. M., Jones, F. A., Kinney, Moeur, Moore, Morgan, Orme, Osborn, Scott, Short, Sims, R. B., Winsor, Wood. Mr. President. Total 20.

Nays—Baker, Bradner, Cobb, Coker, Colter, Cooper, Crutchfield, Cunningham, Curtis, Doe, Ellinwood, Franklin, Goldwater, Hutchinson, Keegan, Kingan, Langdon, Lovin, Lynch, Parsons, Simms, Mit., Standage, Tovrea, Tuthill, Webb. Weinberger, White, Wells, Wills. Total 29.

Absent—Pusch, Roberts.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 177)

[e938370] Mr. Chairman: Amendment is lost. those in favor of the original amendment to substitute the word "ninety" in place of the word "sixty" signify by saying "aye." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938372] Mr. Chairman: [...] Any further amendments to section 8? If there is nothing further the section will be considered passed. It is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938376] Mr. Chairman: [...] Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938384] Mr. Ellinwood: I move to insert at the end of line 5, page 8, after the word "towns" the following: "And provided further that justices of the peace shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer."

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938387] Mr. Weinberger: Regardless of the amount in controversy?

Mr. Ellinwood: Sure.

Mr. Weinberger: The amount in controversy may be \ \$500.00, and the justice of the peace can have no jurisdiction.

Mr. Ellinwood: You can have the amount in there, if you wish.

(The Records of the Arizona Constitutional Convention of 1910, Page 347)

[e938393] Mr. Lynch moved, seconded by Mr. Jones of Maricopa, to amend by inserting in line four, page eight after the word "record" the following: "except that said justices shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars."

(The Minutes of the Arizona Constitutional Convention, Page 177)

[e938395] Mr. Ellinwood: That is what I have added and I accept that clause.

Mr. Chairman: Will you send that up in writing?

Mr. Jones (Maricopa): I second the amendment, Mr. Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 348)

[e938399] Mr. Wood: Mr. Chairman, I move to further amend the amendment by making "25.00 per month" read "100.00 per month."

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 348)

[e938403] Mr. Chairman: Will the gentleman from Graham care to accept that amendment?

Mr. Lynch: I will certainly not accept that amendment.

Mr. Wood: I am introducing that amendment for the \ \$100.00 but the total can be limited to \ \$200.00 and cover cover [sic, over] a period of two months at \ \$100 each or runs for five months, at \ \$100, he is entitled to the jurisdiction of the district court.

Mr. Lynch: I will accept the amendment at \ \$50.00 per month.

Mr. Wood: I insist on \ \$100.00.

Mr. Lynch: Allow me to call the attention of the convention to what \ \$100.00 means. It simply means that if the rental value is \ \$100.00, that regardless of any jurisdiction or amount the case can be brought in the district court. No man is going to sue another man until the house has been occupied at least one, two or three months. The result might be that a man might have to recover at \ \$100.00 and it might be six months before a suit could be brought. The justice court gets jurisdiction together with damages. I think \ \$25.00 is ample.

Mr. Cunningham: I would like to ask the gentleman from Graham a question. If this proposition carries does it limit the jurisdiction of the justice of the peace to \ \$200.00?

Mr. Lynch: It does Mr. Chairman. It not only places limits, but it gives the justice court jurisdiction.

Mr. Cunningham: I do not so read the amendment.

Mr. Kingan: My only object in speaking again is that I firmly believe that the section as it now reads in this proposal is entirely clear and satisfactory and that by adding amendment to it simply muddles it and makes it unintelligible. The district court by section 6 is given original jurisdiction in certain matters, and among others there are forcible or unlawful entry and detainer. That means that the court has original jurisdiction and that the action may be stated there. Section 9 says "the number of justices to be elected in incorporated cities, towns and precincts, and powers, duties, etc."

Now, if the justice court be given jurisdiction in forcible entry and detainer, that certainly does encroach upon the original jurisdiction of the district court. The same is true of misdemeanors, if the constitution be given that the justice court could not try a misdemeanor, because the district court be given original jurisdiction. State courts have original jurisdiction. It is not contended for a moment that either encroaches upon the jurisdiction of that other. It simply means they have original jurisdiction. The sections do not contradict each other. Doubtless the legislature when it deals with this matter will do the same thing again. It seems to me we are encumbering this act by these amendments. It is not contradictory in the least.

Mr. Chairman: Are you ready for the question?

Mr. Lynch: I simply accepted this amendment for the reason that I did not see that there was anything gained by trying to stir up strife between the lawyers here.

(The Records of the Arizona Constitutional Convention of 1910, Page 348)

[*e938406*] Mr. Chairman: You have heard the two amendments. Those in favor of that of the gentleman from Yavapai to insert the words "one hundred dollars" in lieu of the words "twenty-five dollars" in the original amendment, will answer "aye," those opposed answer "no." The chair will rule that the nays have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[*e938414*] Amendment of Mr. Lynch carried by the following vote:

Ayes—Bolan, Bradner, Cassidy, Coker, Colter, Connelly, Crutchfield, Cunningham, Curtis, Ellinwood, Feeney, Ingraham, Jones, F.A., Keegan, Kinney, Lovin, Moeur, Morgan, Parsons, Scott, Short, Sims, R.B., Simms, Mit, Wells, Wills, Winsor, Mr. President. Total 27.

Nays—Baker, Cobb, Cooper, Cunniff, Doe, Franklin, Goldwater, Hutchinson, Jones, A.M., Kingan, Langdon, Lynch, Moore, Orme, Osborn, Pusch, Standage, Tuthill, Webb, Weinberger, White, Wood. Total 22.

Absent—Roberts, Tovrea.

Excused—Jacome.

[Editor's Note: Though the Minutes says this vote was on Lynch's amendment, it was on Ellinwood's amendment as amended by Lynch.]

(The Minutes of the Arizona Constitutional Convention, Pages 177-178)

[*e938416*] Mr. Cunniff: On page 8, I move that lines 6, 7 and 8 be stricken out.  
Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[e938419] Mr. Cunniff: The other day we passed a proposition to Substitute Number 62 reading as follows: "All state and county officers, except notaries public and all justices of the peace shall be paid fixed and definite salaries and they shall receive no fees for their own use;" therefore it is unnecessary to put this clause here.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[e938422] Mr. Chairman: Those in favor of the amendment to strike out all of lines 6, 7 and 8, signify by the usual sign. Carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[e938423] Mr. Feeney: It says in here "provided that justices of the peace may be police justices of incorporated towns and cities and their jurisdiction will be determined by law." Does that mean that the present law that now exists would apply. I would like to know.

Mr. Weinberger: Mr. Chairman, I would say that the same laws apply now that would apply—

Mr. Feeney: To deny the right of trial by jury. Yesterday we were very anxious that minors should be tried by jury, and I believe now is the time to provide that police justices shall try by jury.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[e938427] Mr. Ingraham: Mr. Chairman, I move that in line 3, page 8, before the word "jurisdiction" where it last occurs in that line, the word "exclusive" be inserted, so that it shall read "shall not infringe upon the exclusive jurisdiction of any court of record."

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 349)

[e938430] Mr. Parsons: It seems to me that amendment as proposed would be unique at least. If the jurisdiction is exclusive, as stated, how are you going to make it more than that? I think "exclusive" is as nearly superlative as you can have. If it is exclusive, that settles it without any further amendment. You cannot trench upon it, if the word means what Webster defines it to mean. I therefore think the amendment is entirely useless.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938432] Mr. Chairman: Those in favor of the amendment to insert the word "exclusive" before the last word on line 3 will signify by saying "aye;" contrary minded "no." The chair is in doubt. Those in favor will signify by rising. Those opposed by a similar sign. The "ayes" have 17, the "nays" 28. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938433] Mr. Chairman: [...] Any further corrections to this section? If not, it will be considered as passed. It is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938435] Mr. Chairman: [...] Section 10 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938441] Mr. Wells moved to amend section 10, line seventeen, page eight by inserting after the word "Pima" the word "Yavapai;" line eighteen strike out the letter "s" at the end of the word "judges" and after the word "of" insert the word "the"; line nineteen strike out the letter "s" in the word "courts", change the word "counties" to "county" strike out the words "and Yavapai" and the word "each"

(The Minutes of the Arizona Constitutional Convention, Page 178)

[e938445] Mr. Moeur: I move to amend by changing the salaries of the supreme court judges from \ \$7,000 to \ \$5,000. I think the salaries are too high.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938447] Mr. Cunniff: [...] May I ask my colleague to defer his motion until we have attended to some other matters, and then we can take it up.

Mr. Wells: Certainly.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938449] Mr. Ingraham: I move you an amendment to read \ \$6,000.

Mr. Parsons: I second the amendment.

Mr. Chairman: It has been moved and seconded that it be amended to read \ \$5,000 instead of \ \$7,000, and further amended to read \ \$6,000.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e938451] Mr. Moeur: I accept the amendment of \ \$6,000.

Mr. Cunniff: I will not accept the withdrawal. As I moved the motion, it will have to stand.

Mr. Chairman: Are you ready for the question on the \ \$6,000 amendment?

Mr. Franklin: I rise to a question of information. When there are two amendments involved, under the rules do we vote on the lesser amount first?

Mr. Winsor: That is only where you are filling blanks.

Mr. Chairman: I think we are not filling blanks. As I remember the rule, it refers to filling blanks only. The chair will so rule.

Mr. Ingraham: I would like to hear the opinion of attorneys who have had more experience than some of us. It seems to me an important matter.

Mr. Moeur: I think those men who expect to draw the salaries would naturally ask for larger salaries.

Mr. Feeney: I am not an attorney, but I disapprove of cutting wages.

Mr. Cunniff: Of course, one reason for fixing good salaries is to get good men. In view of the committee bringing in a report that the governor shall receive \ \$5,000, it seems there is no reason why a judge should get \ \$2,000 more. The sacrifices a supreme court judge would have to make are not more than those

of the governor, nor does he have to work more steadily and persistently than the governor would have to work. It being the opinion of the executive committee that \\$5,000 is a satisfactory salary for the governor, I hope the convention will so decide, as I see no reason why the supreme court judges should get more.

Mr. Parsons: When this matter was discussed in the committee, I advocated fixing the salary at \\$6,000. I do not believe that in starting the new state we want to make it top heavy by making salaries too large, but I believe it will be false economy to make the salaries of the court of last resort too small to secure the best class of talent and ability. I do not believe there is an attorney present who will disagree with this proposition, that any man who is really competent to grace the supreme bench of Arizona will make a sacrifice if he accepts the position at even \\$10,000, but I believe there are men of eminent ability who, for the honor connected with it, for the congenial class of employment, would accept it for \\$6,000, and I believe the people would be satisfied to pay \\$6,000, but if we go above that they will say we have been too generous with somebody else's money; and therefore I favor fixing it at \\$6,000.

Mr. Cunniff: I want to point out a slight indelicacy in these proceedings. Usually in legislative bodies a rule prevails that members of the body shall not raise the salary of any office that shall be subsequently held by any of them. You recall the difficulty Secretary Root got into by accepting an office, the salary of which was raised by a body of which he was a member. With some ten or twelve future supreme judges on the judiciary committee, it is difficult for us to pass upon this.

Mr. Lynch: We can more readily appreciate the remarks of the gentleman when we know that the executive committee, with possibly 12 or 13 aspirants for the governorship, fixed the salary at \\$5,000.

(The Records of the Arizona Constitutional Convention of 1910, Pages 350-351)

[e938457] Mr. Ingraham moved to amend line sixteen, page eight to strike out the word "seven" and insert in lieu thereof the word "six"; carried by the following vote:

Ayes—Baker, Cassidy, Colter, Crutchfield, Cunniff, Franklin, Goldwater, Ingraham, Jones, F.A., Keegan, Kinney, Lovin, Moeur, Moore, Morgan, Orme, Osborn, Parsons, Scott, Simms, MIt, Standage, Tovrea, Webb, Weinberger, Wills, Wood, Mr. President. Total 27.

Nays—Bolan, Bradner, Cobb, Coker, Connelly, Cooper, Cunningham Curtis, Doe, Ellinwood, Feeney, Hutchinson, Jones, A.M., Kingan, Langdon, Lynch, Pusch, Short, Sims, R.B., Tuthill, White, Wells, Winsor. Total 23.

Absent—Roberts.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 178)

[e938460] Mr. Ellinwood: As I understand it, section 10 is amended to read \\$6,000. Is it subject to a further amendment, as I move you to amend it to read \\$6,500.

Mr. Bolan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 351-352)

[e938465] Mr. Jones (Maricopa): There are a great many here who would like to see the \\$5,000 question voted on. If that is possible, I move an amendment to the amendment that will read \\$5,000.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938467] Mr. Kingan: You have the anomaly of an amendment to an amendment reading just like the original motion.

Mr. Cunniff: As I understand it, we have the motion of the gentleman from Cochise to amend to \\$6,500, and

Mr. Jones of Maricopa has offered an amendment that the words \\$5,000 be put in place of \\$6,500. That is only the original motion, and two amendments.

Mr. Weinberger: I hope this committee votes this down for the reason it is for the interest of everyone in Arizona that we have competent talent on the Arizona bench, and we all know you cannot get good talent for \\$5,000. It will be a sacrifice to accept it even at \\$6,000 or \\$7,000. New Mexico has recently voted to make their salaries \\$6,000.

Mr. Wills: I recently voted for \\$6,000, but I am going to vote to put it up at \\$7,000.

Mr. Chairman: The chair is in doubt whether Mr. Jones' amendment is a second or a third amendment.

Mr. Lynch: The original motion before the house is a motion for the adoption of \\$7,000, appearing in the printed bill. It is amended now by motion to \\$6,000 and a further amendment by motion to \\$6,500. Now they want to amend it to \\$5,000.

Mr. Cunniff: I submit there was no motion for the \\$7,000.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938475] Mr. Chairman: We will first pass on Mr. Ellinwood's amendment, and then you can move to make it \\$5,000 afterwards.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938471] Mr. Ellinwood moved to amend by inserting in line sixteen, page eight the words "six thousand five hundred" in lieu of the words "six." Amendment lost by the following vote.

Ayes—Baker, Bolan, Bradner, Cobb, Coker, Cooper, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Hutchinson, Inraham, Kingan, Langdon, Lynch, Osborn, Pusch, Short, Tuthill, White, Wells, Wills, Winsor. Total 25.

Nays—Cassidy, Colter, Connelly, Crutchfield, Cunniff, Goldwater, Jones, A. M., Jones, F. A., Keegan, Kinney, Lovin, Moeur, Moore, Morgan, Orme, Parsons, Scott, Sims, R. B., Simms, Mit, Standage, Tovrea, Webb, Weinberger, Wood, Mr. President. Total 25.

Absent—Roberts.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Pages 178-179)

[e938482] Mr. Cunniff: I move this provision be amended to read \\$5,000.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938483] Mr. Feeney: I object to the reduction of wages, of judges. We do not want them to be paid on the side by corporations.

Mr. Cunniff: We are not reducing; we are fixing the scale.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938488] Mr. Cunniff moved to amend line, sixteen, page eight by inserting the word "five" in lieu of the word "six"; lost by the following vote:

Ayes—Cassidy, Connelly, Cunniff, Jones, A. M., Jones, F. A., Moeur, Moore, Morgan, Wood. Total 9.

Nays—Baker, Bolan, Bradner, Cobb, Coker, Colter, Cooper, Crutchfield, Cunningham, Curtis, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Orme, Osborn, Parsons, Pusch, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tovrea, Tuthill, Webb, Weinberger, White, Wells, Wills, Winsor, Mr. President. Total 41.

Absent—Roberts.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 179)

[e938491] Mr. Chairman: [...] The question now before the committee is the final adoption of the motion with the words \ \$6,000. Those in favor will signify by saying "aye;" contrary minded "no." The motion is carried.

[Editor's Note: This vote is on Moeur's amendment (for \ \$5000) as amended by Ellinwood (for \ \$6000).]

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938494] Mr. Wood: I move to amend section 10, making the sentence commencing on line 13 as follows: "The salary of each of the supreme court judges shall be paid by the county or counties for which he is elected."

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 352)

[e938496] Mr. Wood: The reason for doing this is that under the present wording it forces the larger counties to pay the salaries of the judges in the other counties, and I do not believe any county will be the recipient of charity.

Mr. Cunniff: It seems to me it was brought out in the debate yesterday that the superior court system was satisfactory to the southern counties in the territory, and not satisfactory to the northern counties, and it also brought out that we should meet in a spirit of accommodation in regard to having a system satisfactory to the northern and southern counties. We made an amendment that the counties of Coconino, Apache and Navajo were to be combined, and if this is satisfactory to the small counties it seems to me a satisfactory solution of the matter.

Mr. Lynch: Just a word. The system is identical with that of California and Washington. The purpose is that the superior judge is a state officer and he can be taken away from his office to another district, and it was for the purpose of equalizing the degree of taxation in proportion to the amount of work in each county. I think it is a good provision, and ought to stand.

Mr. Orme: I am heartily in favor of this amendment. A few of the counties pay a very heavy expense in supporting the government. This county (Maricopa) is assessed at \ \$18,000,000 and Cochise at about \ \$19,000,000; and Yavapai almost as large. I would like to know why we should be compelled to pay for the court in these smaller counties. If one-half of the cost is to be paid by the state, it would cost this county \ \$3,000 more a year at least than if the one-half was paid by the counties.

Mr. Jones (Yavapai): It is the smaller counties which want courts of their own, and they should be willing to pay for it.

Mr. Cunniff: The gentleman says that this is in force in Washington and California. The same thing was said concerning Oregon a day or two ago. We are not making a constitution for Oregon, Washington, or California, and if this is satisfactory to the smaller counties and they are willing to pay for it, that is all that is required.

Mr. Colter: We threw three counties together yesterday for the purpose of economy. I see no reason why the state should not pay one-half of the salaries, if they do state work.

(The Records of the Arizona Constitutional Convention of 1910, Pages 352-353)

[e938510] Mr. Parsons: They will be state officers. In Nebraska we have fifteen districts composed of a number of counties, but the salaries of the district judge are paid the same as the salary of state officers, and the counties are not saddled with even one-half of it. The property in the state pays the expense of the state officers. The gentleman from Maricopa says we are saddled with a very heavy tax because we have a large assessment of property. Any time Maricopa wants to unload I think Mohave will be willing to take it and pay taxes on it. I believe the taxes in the state should pay the expenses of state officers, and I offer an amendment that the salaries of the superior judges be paid by the state.

Mr. Short: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 353)

[e938514] Mr. Parsons moved to amend by inserting the following in lieu of the sentence on lines thirteen, fourteen, and fifteen, page eight,: "The salary of each of the superior court judges shall be paid by the state." Carried by the following vote:

Ayes—Cobb, Coker, Colter, Connelly, Cooper, Curtis, Does, Feeney, Hutchinson, Ingraham, Kingan, Kinney, Lovin, Lynch, Morgan, Parsons, Pusch, Scott, Short, Sims, R. B., Simms, Mit, Tuthill, Webb, White, Wells, Wills, Mr. President. Total 27.

Nays—Baker, Bolan, Bradner, Cassidy, Crutchfield, Cunniff, Cunningham, Ellinwood, Franklin, Goldwater, Jones, A. M., Jones, F. A., Keegan, Langdon, Moeur, Moore, Orme, Osborn, Standage, Tovrea, Weinberger, Winsor, Wood. Total 23.

Excused—Jacome.

Absent—Roberts.

(The Records of the Arizona Constitutional Convention of 1910, Pages 353-354)

[e938519] Mr. Doe: The members of the convention from the three northern counties, Apache, Coconino and Navajo, after correspondence with the leading taxpayers, are unanimously of the opinion that a savings may be effected to the territory and better service be secured in these counties by making such amendments as may be necessary to combine the three counties with one judge instead of two, and instead of paying the two judges \ \$7,500, that we pay one judge \ \$5,000; and in view of the fact that he will have to be traveling about two-thirds of his time and therefore incur a great expense, he should be paid his necessary traveling expenses, placing him in the same position as the judges in the superior courts for one county. The expenses would certainly be less than \ \$500 and this would effect a saving to the state of \ \$2,000 or the difference between \ \$7,500 and \ \$5,500. And I might further add that it is inadvisable to put the compensation so low that owing to conditions in those counties it would be impossible to get anybody that would be at all satisfactory. I move, therefore, that on line 23, page 8, insert "Coconino" after the words "counties of" and substitute the word "five" for "four" on line 24, same page. After the words "per annum" insert "and his necessary traveling expenses including board and lodging while absent from the county of his residence while in the discharge of his official duties in such county," and insert in line 1, page 9 after the word "county" the words "and all his traveling expenses allowed by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 354)

[e938523] Mr. Parsons: I desire to ask the gentleman from Coconino a question. Do you want to include in that also to strike out the word "Coconino" on the same page, line 21?

(The Records of the Arizona Constitutional Convention of 1910, Page 354)

[e938525] Mr. Doe: That is my intention. I accept the amendment[.]

(The Records of the Arizona Constitutional Convention of 1910, Page 354)

[e938860] Mr. Doe: That is my intention. I accept the amendment; I further move that there be stricken out the words commencing with the words "in case" on line 24 of page 8, and running to the end of that section.

[Editor's Note: The Committee later reconsider this amendment, therefore it has been modelled as its own amendment to prevent errors.]

(The Records of the Arizona Constitutional Convention of 1910, Page 354)

[e938536] Mr. Crutchfield: I believe a good deal of time would be saved if the section were recommitted, inasmuch as the entire system is changed and it would require so much change we could hardly do it in open session.

Mr. Coker: If this is going to be recommitted, I would suggest that this be recommitted and that the salaries be not fixed arbitrarily as now fixed. That is when the smaller counties develop and increase, the salaries of the judges should be made to increase automatically in the proportion in which the smaller counties develop.

Mr. Chairman: There is no motion before the house except the amendment offered by the gentleman from Coconino.

(The Records of the Arizona Constitutional Convention of 1910, Page 354)

[*e938542*] Mr. Jones (Maricopa): I offer an amendment to the amendment, to strike out all words beginning in line 16, "The judge of" and strike out the balance of the paragraph, and substitute this: "Salaries of the superior court shall be fixed by law, provided the judges first salary shall date from the time they qualify for office." My purpose is that I believe the question of salary is for the legislature, and we should not go into it but should give an opportunity for the legislature to fix the salaries as the people want them.

(The Records of the Arizona Constitutional Convention of 1910, Pages 354-355)

[*e938546*] Mr. Short: In case that amendment should prevail, I should like to ask the gentleman from Maricopa what arrangement should be made for paying and fixing salaries until such time as the legislature takes action.

Mr. Jones (Maricopa): That is provided for in the bill.

Mr. Cunningham: The amendment offered by the gentleman from Maricopa is not in order, as we have already have an amendment before us, and upon a different matter entirely from the amendment offered by the gentleman from Maricopa.

Mr. Chairman: The question is upon the amendment offered by the gentleman from Maricopa.

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[*e938549*] Mr. Doe: The gentleman can make his amendment just as well after my amendment is disposed of, and I would ask him to withdraw it until my motion is disposed of.

Mr. Jones (Maricopa): I agree to that.

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[*e938552*] Mr. Chairman: The question is upon the amendment of the gentleman from Coconino. Are you ready for the question?

Mr. Weinberger: I want to offer an amendment of only three or four words. I want to insert "until otherwise provided by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 335)

[*e938554*] Mr. Chairman: That amendment has absolutely nothing to do with the provision of the judges for these three counties.

Mr. Weinberger: I will wait until later.

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[*e938904*] [Editor's Note: Doe's secondary amendment is implicitly accepted when his original amendment is passed.]

(Editorial)

[e938556] Mr. Doe moved to amend line twenty-three, page eight by inserting the word "Coconino" after the words "counties of"; line twenty-four by striking out the word "four" and inserting the word "five"; line twenty-four by inserting after the word "annum" the words "and his necessary traveling expenses including board and lodging while absent from the county of his residence in the discharge of his official duties within said counties"; in line twenty-one strike out the word "Coconino" and in line twenty-four beginning with the words "In case" strike out the remainder of section 10; carried.

(The Minutes of the Arizona Constitutional Convention, Pages 179-180)

[e938928] Mr. Jones (Maricopa): I offer the following amendment: Beginning on line 16 commencing with the words "The judges of" the balance of that paragraph is stricken out, and in its place is introduced the following: "The salary of superior judges shall be fixed by law provided the salaries of judges first elected shall date from the time they qualify for office."

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[e938932] Mr. Weinberger: I believe that will leave the judges without any salary, at least those who are first put on the bench. If the gentleman will accept the amendment I had in mind a little while ago, the legislature will have the right to provide for them. On line 16 insert these words "until otherwise provided by law," after the word "dollars."

Mr. Short: I second the amendment of the gentleman from Gila.

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[e938933] Mr. Jones (Maricopa): I accept the amendment.

[Editor's Note: By accepting Weinberger's amendment, Jones effectively withdrew his own.]

(The Records of the Arizona Constitutional Convention of 1910, Page 355)

[e939451] Mr. Coker: I wish to offer an amendment to the amendment. On line 24 insert these words "but in no case shall the salaries of the superior judge be fixed at an amount less than herein named."

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938602] Mr. Goldwater: I submit that this is not an amendment, it is a separate proposition Mr. Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Pages 355-356)

[e938604] Mr. Chairman: The motion of the gentleman from Pinal is in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e939458] [Editor's Note: By asking for a division of the question, Winsor was asking that Coker's amendment be proposed separately from Weinberger's original amendment. In order to achieve this, Coker's amendment must be dropped and added separately in the model.]

(Editorial)

[e938628] [Editor's Note: By asking for a division of the question, Winsor was asking that Coker's amendment be proposed separately from Weinberger's original amendment. In order to achieve this, Coker's amendment must be dropped and added separately in the model.]

(Editorial)

[e938952] Mr. Chairman: The question comes upon the amendment of the gentleman from Gila.

Mr. Franklin: Now, I hope this amendment will not prevail, for this reason: We had a long discussion of the subject in the judiciary committee, and we discussed the matter of the non-partisanship of judges and we have tried as best we could to take the judges out of politics. If the salaries are left to the legislature, the judges—as human nature is frail—will be continually trying to get their salaries raised or prevent their being lowered. We want to place them out of politics. I do not think they ought to be subject to the legislature at all.

Mr. Weinberger: As Maricopa County has a population of over 34,000, and Gila 16,000 and Yavapai 15,000, suppose that Gila or Yavapai county should be fortunate enough to have an increase to 30,000 or 34,000, it would be unjust on those counties to pay their judges \$4,000 and the other judges \$5,000 as provided by this action at the present time, and the idea is this, that the legislature will probably arrange some schedule according to population upon which to base the salaries of the judges.

Mr. Moeur: I believe it is just as impossible to keep these judges out of politics, as to get them into Heaven.

Mr. Wells: In the shuffle, I do not want you to lose sight of my amendment. I want it understood that Yavapai county wants a judgeship at \$5,000 and when the time arrives I want to make that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e939489] Mr. Chairman: The question before the house is on the substitution or insertion—the amendment of the gentleman from Gila. Those in favor will signify by the usual sign; opposed "no." The "ayes" have it...

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938634] Carried by the following vote:

Ayes—Baker, Bolan, Bradner, Coker, Colter, Cooper, Cunningham, Curtis, Doe, Ellinwood, Feeney, Hutchinson, Keegan, Kingan, Langdon, Lovin, Lynch, Morgan, Osborn, Parsons, Pusch, Scott, Simms, Mit., Tuthill, Weinberger, White, Wells, Wills, Mr. President. Total 29.

Nays—Cassidy, Connelly, Crutchfield, Cunniff, Franklin, Goldwater, Ingraham, Jones, A.M., Jones, F.A., Kinney, Moeur, Orme, Short, Sims, R.B., Standage, Tovrea, Winsor, Wood. Total 18.

Absent—Cobb, Moore, Roberts, Webb.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 180)

[e938636] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e938637] Mr. Short: I move we arise and report progress.

Mr. Lovin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

[e938638] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 356)

## 32.19 Tuesday, 15 November 1910, at 14:00 (s16103)

[e938741] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938743] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938753] Mr. Cunniff moved to amend line thirteen, page eight by inserting after the word "state" the following: "The salary of each of the superior court judges shall be paid by the county or counties for which he is elected."

[Editor's Note: The Records conflict with the Minutes here, stating that Cunniff said 'I move the adoption of the amendment on page 8, which was introduced this morning relative to the county paying all the salary of its superior judges. It was not acted on this morning', referring to Wood's amendment. However, as Parson's amendment changed Wood's amendment, adopting the original amendment would not have the affect desired by Cunniff. Therefore, the editors have assumed that the Minutes are more accurate and have used Cunniff's amendment to restore Wood's amendment to its original state.]

(The Minutes of the Arizona Constitutional Convention, Page 181)

[e938756] Mr. Parsons: I rise to a point of order. That question has been settled and disposed of. The same question was before the committee when we were last in session and I do not think it is in order now.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938757] Mr. Cunniff: I submit that the amendment has never been acted upon. The amendment was accepted this morning but this matter has not been acted upon.

Mr. Parsons: The acceptance of the amendment was equivalent to affirmative action by the committee and I submit the gentleman is in error.

Mr. Cunniff: I submit that as long as we are considering a proposition, it is subject to amendment either in its original form or as amended, and until the paragraph has been carried it is subject to new form of amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938759] Mr. Chairman: The amendment is in order. Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 357)

[e938763] Mr. Cunniff: I would like to call attention to the fact that all we are endeavoring to do here is to present a fair and square proposition, and that, after all, whatever the theory of the matter may be, the superior court carries on its business for and on behalf of the people in the county in regard to their individual rights and in regard to their private rights and it is only right and proper that the county having the services should pay for the court. I should like to submit some figures that my colleague, the very capable and able chairman of the committee on finance, accounts and expense, has prepared in regard to the cost of these courts. Cochise county, which secures under this provision, a judge who is paid \$5,000, pays \$10,750 and gets only that service. Maricopa county getting a \$5,000 judge pays only \$9,914 for that service. Yavapai county getting a \$4,000 judge pays \$5,414. Gila county getting a \$4,000 judge pays \$4,120. It seems to me that the fair scheme is for each county to pay for its own judge.

Mr. Parsons: Now it may seem to the gentlemen of the convention at first blush that this is all there is of it, and I understand from several sources that it is being said of me that I will go home and find the taxpayers of Cochise county censuring me. I want to see whether they will or not. The gentleman says he thinks these courts are purely county matters and that the county should pay for it. Then I want to say, are the taxpayers of Cochise county and Maricopa county and Yavapai county willing and ready to pay the expenses of maintaining the prisoners that their judges send out of [sic, to] the state penitentiary? If they are and you will give me the figures, I will show you that I will wipe out the difference between the \$5,000 and the \$3,000. I am here to fight for what is fair and equitable, and for paying state officers out of state taxes, but I want to say that the little county of Apache that sends only two prisoners a year to the penitentiary ought not to be taxed for supporting the three or four hundred that are sent from Cochise, Maricopa and Yavapai. If you want this I will get an amendment in here, and I believe the fair minded men of this convention will stay with me, and if you put your amendment through we will take on an amendment that you pay for the support of the prisoners that you send. (applause) On with your dance.

Mr. Chairman: Are you ready for the question? Those in favor of the amendment will answer "aye" as their names are called.

Mr. Winsor: I would like to call attention to the fact that in the event of the adoption of the amendment now proposed, it would leave the paragraph in a very incomplete form. This morning, being of a certain frame of mind, the committee of the whole decided that the state should pay the salaries of the superior judges, and carrying out that idea struck out the last sentence of the paragraph relating thereto, which provides for the paying of the traveling expenses by the county. Now, if this amendment could be adopted and each county would be required to pay for the superior judge there would then be no provision for anybody to pay the traveling expenses of a judge. There should be some provision for that.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
357-358)

[e938772] Mr. Franklin: I move to amend the amendment of the gentleman from Yavapai, Mr. Cunniff, by inserting on page 8, line 13, the following, beginning after the word "state" so that it shall read "one-half of the salary of each of the superior judges shall be paid by the state, and the other one-half by the county, or counties from which he is elected."

Mr. Baker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 358)

[e938775] Mr. Chairman: You have heard the motion, are you ready for the question? Those in favor of the amendment of the gentleman from Maricopa, which will make the provision read practically as it was in the original, will signify by saying "aye." Those opposed "no." The secretary will call the roll.

Mr. Parsons: I rise to a point of information. Do I understand that that is the motion—the motion now before the committee of the whole is to have the salaries of the judges paid half by the counties, and half by the state? It seems to me the matter is entirely out of order. We have passed one resolution that the state shall pay it. Now you have another one. You have both in effect. What are you going to do about it? As I understand, the chairman held that that kind of amendment was not in order.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
358-359)

[e938777] Mr. Chairman: The amendment provides to strike out, which they have a right to do. The motion is in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e938785] Carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Cooper, Crutchfield, Cunningham, Doe, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Keegan, Kingan, Kinney, Langdon, Lynch, Moeur, Orme, Osborn, Roberts, Simms, Mit., Standage, Tovrea, Webb, Weinberger, White, Wells, Winsor, Mr. President. Total 34.

Nays—Colter, Connelly, Cunniff, Curtis, Jones, A. M., Jones, F. A., Lovin, Moore, Morgan, Parsons, Pusch, Scott, Short, Sims, R. B., Tuthill, Wills, Wood. Total 17.

Excused—Jacome.

(The Minutes of the Arizona Constitutional Convention, Page 181)

[e938787] [Editor's Note: By deciding on Franklin's amendment the Committee appears to also implicitly adopt Cunniff's and Wood's.]

(Editorial)

[e938789] [Editor's Note: By deciding on Franklin's amendment the Committee appears to also implicitly adopt Cunniff's and Wood's.]

(Editorial)

[e938796] Mr. Winsor: That is the provision as it appears for a few minutes, and in order to make that complete, I move a reconsideration of the vote by which a very important clause in the section was stricken out which relates to that very same provision reading that in a case where there is to be a judge from more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between them or among them according to the assessed value of their property to be determined by the assessment, and etc. That was stricken out when, according to our frame of mind, we thought the state should bear all the salaries of the county judges. I move reconsideration of the vote by which it was stricken out.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e938803] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e939497] Mr. Chairman: The vote on the original proposition to strike out those words will now be retaken. Those in favor will vote "aye," those opposed "no." The motion is lost and that clause is not stricken out of the bill as it now stands.

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e939505] Mr. Wells: I move that after the word "Pima" the word "Yavapai" shall be inserted, and that the section be further modified to have the word "judge" in line 18, and "judges" and the word "courts" in line 19, read "court" and strike out the word "each" after "shall."

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e939506] Mr. Keegan: Mr. Chairman, I move that the amendment made by the gentleman from Yavapai be amended to read "Yavapai and Gila" on line 17 and that line 19 be made to read "Yavapai and Gila."

Mr. Chairman: If you make it read "Yavapai and Gila" on both lines 17 and 19 you will make it contradictory.

Mr. Wells: Strike out the words "the judges shall receive..., etc."

(The Records of the Arizona Constitutional Convention of 1910, Page 359)

[e939509] Mr. Hunt: I think I am conversant with Gila county and the views of that county in regard to this matter, and they have come to the conclusion that \$4,000 is enough for the superior judge in our county, and as a large taxpayer in our county I protest against raising the salary of the judge in our county to \$5,000.

Mr. Weinberger: I also agree with the gentleman from Gila. I think the counties of Yavapai and Gila are being well treated by having a judge at \$4,000 a year. We could not allow this amendment to go without a further amendment to include Gila county because Yavapai would have a judge who was receiving

\\$5,000 and Gila would have a judge receiving \\$4,000. The population of Yavapai is 15,996 and the population of Gila is 16,780. At that \\$4,000 is enough for each one of these counties and I will vote against the amendment.

Mr. Parsons: What difference does it make to the taxpayers of Gila county what Yavapai pays, if the county is going to pay the judge's salary?

Mr. Weinberger: It makes some difference to the people of the state. I second the amendment to the amendment by the gentleman from Gila.

(The Records of the Arizona Constitutional Convention of 1910, Pages 359-360)

[e939510] Mr. Chairman: The amendment of the gentleman from Gila is to insert the word "Gila" in addition to the word "Yavapai" in line 17, and to strike out everything beginning with "the judge of the superior court, etc., shall not receive." Are you ready for the question? Those in favor will signify by saying "aye;" those opposed "no." The chair will rule that the amendment is lost unless roll call is called for.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939511] Mr. Chairman: [...] Those in favor of the original amendment to insert the word "Yavapai" after the word "Pima," and make such changes as will make it readable, will signify by saying "aye;" those opposed "no." Standing vote. Those in favor will signify by rising. Those opposed will rise. The amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939513] Mr. Parsons offered an amendment to be added to the end of section 10, page nine, relative to payment by counties of expense of convicts at penitentiary.

[Editor's Note: The Minutes do not specify the text of the amendment.]

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939514] Chair ruled amendment out of order.

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939515] Mr. Parsons, took exception to ruling of the Chair and appealed to the house. Chairman called Mr. Sims of Cochise to the Chair.

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939516] Ruling of the Chair sustained by the following vote:

Ayes—Baker, Bradner, Cassidy, Cobb, Cooper, Crutchfield, Cunningham, Curtis, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jones, A.M., Jones, F.A., Keegan, Kingan, Kinney, Langdon, Lynch, Moeur, Moore, Orme, Osborn, Roberts, Scott, Short, Sims, R.B., Simms, Mit, Standage, Tovrea, Webb, Weinberger, White, Wells, Winsor, Wood, Mr. President. Total 38.

Nays—Coker, Colter, Connelly, Cunniff, Lovin, Morgan, Parsons, Pusch, Wills. Total 9.

Absent—Bolan, Doe, Ellinwood.

Excused—Jacome, Tuthill.

[Editor's Note: Because the vote to uphold the Chair's decision was a vote to reject the consideration of Parsons' amendment, the votes that the Minutes labels as "ayes" have been represented in this event as "nays" and vice versa.]

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939517] Mr. Cunniff: I would like to point out what appears to me to be a typographical error. On page 9 at the end of line 3 that word "at" is left out.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939518] Mr. Chairman: If there is no objection that word will be put in there.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939520] Mr. Colter moved to amend line twenty-one, page eight by striking out the word "Coconino," all of line twenty-two and all of line twenty-four to the word "in."

[Editor's Note: The lines Colter wished to strike out are unclear.]

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939522] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 82.]

(Editorial)

[e939524] Mr. Winsor moved to amend that the Committee recommend to change the reading of section 10 to provide separate superior courts for the counties of Navajo, Coconino and Apache, the superior judge in each to receive an annual salary of thirty-five hundred dollars, same to be re-referred to Committee on Style, Revision, and Compilation for purpose of having such provisions inserted in the Proposition.

(The Minutes of the Arizona Constitutional Convention, Page 182)

[e939525] Mr. Orme: There is no provision for the traveling expenses.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939526] Mr. Chairman: Your amendment, Mr. Weinberger.

Mr. Weinberger: My amendment is to insert the words "five hundred" after the word "thousand" in line 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 360)

[e939527] Mr. Chairman: There is one amendment before the committee that the provision be made for a superior judge in each of the counties mentioned at a salary of \$3,500 per annum. Are you ready for the question?

Mr. Franklin: Mr. Chairman, I rise to a point of order on such an amendment. It is too indefinite and too ambiguous, and in the present form if it should be put I would be compelled to vote no. I do not know what provisions

the committee on style, revision and compilation are going to put in there. I believe it should be the sense of this convention, if we take it in that light, to let this section 10 go to the printer and be returned so that we can have a definite understanding of its provisions, and then take it up and make these provisions suitable to the gentleman. I am perfectly agreeable to that.

(The Records of the Arizona Constitutional Convention of 1910, Pages 360-361)

[e939536] Mr. Weinberger: I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 361)

[e939529] Mr. Winsor: I submit this proposition could not be placed in a more definite or plainer form than it is. Provision is made for superior courts in certain counties, with judges at certain salaries, and there are absolutely no other provisions contained in it. Changes have to be made in several places, and it is very confusing to attempt to define all of these changes on the floor. There are no other provisions to be contained except provisions of the courts and provisions of the salaries of the judges, and I submit we know exactly what we are voting upon.

Mr. Franklin: The very matter of putting it in the hands of somebody else seems to me indefinite. I have never heard of an amendment being put in that way. As I say, I would like to vote for this if it is the proper thing.

Mr. Webb: I would agree with the gentleman from Maricopa that it would be indefinite if it were a final passing upon it, but it is not final, and will be re-submitted for our approval.

(The Records of the Arizona Constitutional Convention of 1910, Page 361)

[e939530] Mr. Doe: If it be in order, I desire to make an amendment, that the provision be that the superior courts be established in the counties of Coconino, Navajo, and Yavapai and Apache, and that the judge in the county of Coconino be \$6,500. That would only make a difference of \$1,500, one-half to be paid by the county. The fact is, to my certain knowledge, no one could be obtained for less, and as I expect to resume the practice of law I do not want to not practice law and I do not think any of the others would want to practice law before a judge who was getting less than 6,500. While the present motion involves the further expenditure of \$5,000, I have no objections to it for the counties of Apache and Navajo, but so far as Coconino is concerned, I do not want to see a competent judge and one who cannot be secured for less than \$6,500. If we can add \$5,000 by carrying the motion as made to the total expense, I think it is only going a little further to allow Coconino to get the same sort of material.

(Editorial)

[e939531] Mr. Chairman: Do you accept that amendment?

Mr. Winsor: No sir.

Mr. Chairman: Those in favor of the amendment of the gentleman from Coconino will signify by saying "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 361)

[*e939532*] Mr. Chairman: Those in favor of the amendment of the gentleman from Coconino will signify by saying "aye;" those opposed "no." The motion is lost. Those in favor of the original amendment of the gentleman from Yuma will signify by saying "aye;" those opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 361)

[*e939535*] Amendment accepted by Mr. Coker and carried.

[Editor's Note: The account of Mr. Colter's amendment, described on page 182 of the Minutes, is unclear. The editors have inferred that Colter's amendment was dropped as a result of Winsor's amendment being carried and that "Mr. Coker" referenced in this excerpt refers to Colter's amendment from earlier. Regardless, this amendment was not mentioned in the Record and is clearly not adopted in the Minutes.]

(Editorial)

[*e939538*] [Editor's Note: With the adoption of Winsor's recommendation, Franklin's point of order was dropped.]

(Editorial)

[*e939540*] Mr. Weinberger: Mr. Chairman, I will submit my amendment. Insert the words "five hundred" after the word "thousand" on line 20, so it will read "four thousand five hundred."

Mr. Hunt: I second the motion.

(Editorial)

[*e939541*] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 361)

[*e939542*] Mr. Chairman: Are there any further amendments? If there are no further amendments this section is considered passed, and we will consider section 11.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
361-362)

[*e938960*] Mr. Chairman: Are there any further amendments? If there are no further amendments this section is considered passed, and we will consider section 11.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
361-362)

[*e939543*] Mr. Chairman: [...] Are there any objections to that paragraph as read? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
361-362)

[e939544] Mr. Chairman: [...] Section 12. Any objections or amendments to paragraph 12? If there are none, it will stand as approved. It is approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Pages 361-362)

[e939545] Mr. Ellinwood: I would like to make a suggestion as to line 11. "No judge of a court of record shall practice law in any court of this State." I guess that ought to be "in this state," because unless the change is made it would permit a judge to practice in the federal court. I will move you that the word "of" be changed to "in."

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 362)

[e939546] Mr. Chairman: Those in favor of the amendment will signify by saying "aye;" those opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 362)

[e939547] Section 12 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939548] [Editor's Note: The Committee of the Whole took up Section 13.]

(Editorial)

[e939550] Mr. Baker: I offer an amendment to paragraph 13, line 15, after the word "been" that these words shall be added "a judge of or."

Mr. Doe: I second the motion.

Mr. Baker: So as to make the section read: "No person shall be eligible to the office of judge of a court of record, unless he shall have been a judge of or admitted to practice in the supreme court of this state or of the territory of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 362)

[e939551] Mr. Doe: I agree with that for the reason that my attention has been called to the fact that judges in this territory who have been in this territory longer than it required would be deprived.

Mr. Chairman: You have heard the amendment. Are you ready for the question?

Mr. Jones (Maricopa): In connection with that whole paragraph I would like to ask the committee the purpose of providing qualifications for five years or two years. What is the purpose of that? Is that to prevent—for instance, if some very competent person would come in here and we would want him for judge, is that to prevent him from being elected?

Mr. Cunningham: In answer to the gentleman from Maricopa I would say it was considered by the committee that it would be necessary for a lawyer, although he may have been a prominent member of the bar in some other state in the east, to be here that length of time to become acquainted with our laws. It

is not to keep him from being elected, but as our system of laws and the matters that surround us in this country are so different to those matters handled in the eastern states, it would be necessary for him to have some experience along those lines as to give good satisfaction, and that was the only purpose of putting that qualification in there.

(The Records of the Arizona Constitutional Convention of 1910, Page 362)

[e939552] Mr. Chairman: You heard the amendment. Are you ready for the question? Those in favor will signify by saying "aye;" those opposed "no." The amendment is carried. Any further amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 362)

[e939553] Mr. Ellinwood: I would like to ask Judge Baker if it is desirable to amend line 21 the same as was the superior courts "a judge of or." This is open to the same objection.

Mr. Baker: No, I do not think so, because the exigency has arisen concerning the supreme court and it could not possibly exist until you elect your superior judges and the qualifications are the superior judges shall be so and so.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
362-363)

[e939554] Mr. Jones (Maricopa): I move an amendment to lines 16 and 17, where "five years" appears to make it "three years" in both paragraphs of section 13.

Mr. Cobb: I second it.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939555] Mr. Chairman: The amendment of the gentleman from Maricopa is that on lines 16 and 17 where the word "five" appears, change "five" to "three" in both cases. Those in favor will signify by saying "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939556] Mr. Chairman: [...] If there are no further objections or amendments to section 13 it will be considered passed. It is passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939557] Mr. Chairman: [...] Is there any objection to paragraph 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939558] Mr. Chairman: [...] Is there any objection to paragraph 14? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939559] Mr. Chairman: [...] Are there any objections or corrections to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939560] Mr. Chairman: [...] Are there any objections or corrections to section 15? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939561] Mr. Chairman: [...] If there are no objections to section 16, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939562] Mr. Chairman: [...] If there are no objections to section 16, it will stand approved. It is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939563] Mr. Chairman: [...] Next section. Are there any objections to paragraph 17? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939564] Mr. Chairman: [...] Next section. Are there any objections to paragraph 17? If not, it will stand approved. It is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939565] [Editor's Note: The Committee of the Whole took up Section 18.]

(Editorial)

[e939566] Mr. Jones (Yavapai): There does not seem to be any provision for the salary of the court clerk before the legislature meets.

Mr. Lynch: The question raised is good; there is no provision for the clerk of the court until such time as the legislature does provide. He would have to be paid under the system, as it now stands. We do not believe it would be possible for us to provide a scheme or system of salaries such as would be perfectly accepted by the convention inside of six years.

Mr. Moeur: The county clerk, and county recorder, are combined in a number of states. For example Texas. Why not combine them here?

Mr. Lynch: That proposition was also before us. When you consider that the recorder in Cochise county often has six or seven deputies working steadily in his office, you can readily see that the recorder of Cochise county cannot attend to the work of the court; and therefore, we deemed it advisable to leave it to the legislature.

Mr. Short: I understand that the fee system for our clerks of the district court is a very bad one, and it seems to me we might arrange a salary to be paid to the clerk until provided by law, and not retain the fee system.

Mr. Jones (Yavapai): I understand that we intend to do away with the fee system entirely, and therefore, the clerk would not have any pay at all.

Mr. Chairman: It is in order to present an amendment to that effect.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939567] Mr. Goldwater moved to amend line twenty-two, page ten by striking out the word "of" and inserting in lieu thereof the word "as"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939568] Mr. Goldwater moved to amend line twenty-two, page ten by striking out the word "of" and inserting in lieu thereof the word "as"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939569] Mr. Parsons: To settle the question I move an amendment after the last word of the first paragraph, which seems to me ends the section, as the next paragraph is not marked, and the numbers skip from eighteen to twenty, and "the salary of such clerk until otherwise provided by law shall be \$250.00 a month."

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 363)

[e939570] Mr. Weinberger: I offer this amendment: That "until such salary shall be fixed by law, the board of supervisors of the respective counties shall fix such salaries."

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939571] Mr. Chairman: You have heard the amendment offered by the gentleman from Gila. All those in favor will signify by saying "aye." Those opposed "no." The "ayes" have it, and the amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939573] [Editor's Note: With the adoption of Weinberger's amendment, Parsons' amendment was dropped.]

(Editorial)

[e939575] Section 18 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939576] [Editor's Note: The Committee of the Whole took up Section 19.]

(Editorial)

[e939577] Mr. Goldwater moved to insert the words and figures "Sec. 19" at the beginning of line twenty-four; carried.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939578] Mr. Goldwater moved to insert the words and figures "Sec. 19" at the beginning of line twenty-four; carried.

(The Minutes of the Arizona Constitutional Convention, Page 183)

[e939579] Mr. Feeney: I would like to make an amendment to section 19 by inserting section 26 of the minority report after the word "law" in line 2, page 11.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939580] Mr. Winsor: I would like to ask for information if the legislature has not already that power—if there is any prohibition against the legislature having that power.

Mr. Lynch: Section 26, of the minority report, is absolutely at variance with section 19; it has absolutely nothing to do with court commissioners, and furthermore if it is a matter that should be put in the constitution it should appear in another place. Further than that, the legislature has absolute power to regulate these matters, right now, and you cannot take it from them. I object to putting it in.

Mr. Chairman: Will the gentleman agree to withdraw the amendment?

Mr. Feeney: No. Put it to a vote.

Mr. Winsor: I would like to vote for it if anyone would tell what the object is. The constitution requires the legislature to pass certain laws. Our constitution is simply one of limitations, and these limitations are probably right and proper, but this limitation has never been placed on the legislature, and therefore, I can see no occasion for it now.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939581] Mr. Chairman: The chair will rule that this is not germane to the section.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939582] Mr. Chairman: [...] If there are no objections to that section it will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939584] Mr. Chairman: [...] If there are no objections to section 20 it will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939585] Mr. Chairman: [...] If there are no objections to section 20 it will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939590] Mr. Chairman: [...] If there are no objections, section 21 will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939591] Mr. Chairman: [...] If there are no objections, section 21 will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939592] Mr. Feeney: I make again the motion I made formerly, that section 26 of the minority report be made section 22 of the majority report of this committee.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939593] Mr. Chairman: Gentlemen you have heard the motion. Are you ready for the question? Those in favor will signify by saying "aye." Opposed "no." The chair is in doubt. The secretary will call the roll.

Roll call showed 20 "ayes" and 29 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939594] Mr. Winsor: I desire to explain my vote. I would be perfectly willing to vote for this measure if anyone, who has a sufficient comprehension, would give one reason why it should be in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 364)

[e939596] Mr. Cunniff: I should like to offer an amendment. This amendment is the last paragraph of Proposition 69 as introduced by Mr. Coker of Pinal County, which was indefinitely postponed. It is the same as section 22 in its revised form with some minor changes, but the idea is the same. "The pleadings and proceedings in criminal cases in the courts shall be as provided by law, but no case shall be reversed for technical error in pleadings or proceedings whereupon the whole case it shall appear that substantial justice has been done."

Mr. Hunt: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
364-365)

[e939598] Mr. Franklin: I hope the amendment of the gentleman from Yavapai will not prevail. It seems to me if we have this provision in our constitution the judge would be arbitrary master of the liberty of a man who comes into court charged with a crime. He should be apprised of the charge against him and he should have the rules of law to guard and protect him. If we place such a clause in the constitution, juries will be no protection, but it will be left to the judge alone. I hope this will not prevail.

Mr. Cunniff: I beg to point out that the phrase "technical error" does not provide any necessity for such forebodings as the gentleman from Maricopa apprehends. We know that one of the great [f]laws in courts of justice is that cases are reversed on mere technical error, meaning matter[s] of workmanship. The courts would have to decide in cases brought before the court under a provision of this kind, whether justice had been done, whether the technical error made was not really a material error. It is true the courts now use some discretion in deciding whether the technical error is of sufficient importance to reverse the case, but it seems to me this is no more than giving the court powers which courts are assuming at the present time. I believe this would be a

protection for the public and a protection for the accused man in criminal cases. Cases should not be decided on mere technical error.

Mr. Ellinwood: I would like to ask the gentleman from Yavapai for the legal definition of "technical error." I am free to confess I do not know what it means. If the error is important enough to control, it is a substantial error. If it is too small the court will disregard it. I do not know what he means in law by the term "technical error."

Mr. Cunniff: I am not offering a legal definition of the words, I am offering it as a dictionary of the English language would give its meaning. It is up to the court to decide its legal meaning.

Mr. Parsons: I agree fully with Mr. Franklin so far as this matter refers to criminal jurisdiction. Criminal law is said to be, if it is possible to apply the term to any part of the law, an exact science. I believe that if the amendment prevails it will simply do irremediable [sic] injury, and I therefore oppose it.

Mr. Cassidy: I understand that the courts are instituted for the purpose of doing substantial justice. If the record shows that substantial justice has been done, why send it back for a new trial, and undo the substantial justice? I believe we should get away from these technicalities and irregularities where substantial justice is done. We all know there is a great deal of criticism both in civil and criminal cases as to the way in which these technicalities and irregularities are allowed to stand in the way of substantial justice. I am opposed to allowing these technical errors and irregularities to stand in the way and I am in favor of the amendment.

Mr. Parsons: One word in reply to the gentleman. I want to say his argument would apply with most appropriate effect to the hanging of a man caught in the act of committing a crime; substantial justice has been done. He got just what he deserved. I might ask the gentleman again for the definition of substantial justice; is it the opinion of the mob? The men who burned that Mexican at the stake in Texas recently, and almost involved us in international troubles, believed they were doing substantial justice.

Mr. Cunniff: I wish to tell you of one case in which the indictment was drawn up and under the law it was necessary to say it was committed "against the peace and dignity of the state," but the indictment stated "against the peace and dignity of state" omitting the word "the" and although it was absolutely a clear case of guilt, the case was reversed, merely because of that technical error. In another case, a man accused of murder was named as "Frank Strange alias John Winters" and the case was reversed upon the ground that the man's name was "John Winters, alias Frank Strange." There are cases also in which it is possible by collusion on the part of the clerk of the court to leave out a semi-colon or a word here and there, and in spite of the fact that that substantial justice has been done, get the case reversed, and multiply the number of cases and the services of attorneys through mere technicalities. As I said earlier, there is a tendency on the part of the court to follow out this very plan as outlined here, and the constitution is a declaration of policy and principle as well as for the purpose of establishing government and laying down restrictions, and we should show to the courts of Arizona what they are supposed to see that the court administers justice and not merely technical rules in drawing up documents.

Mr. Cunningham: I think the gentleman from Yavapai hardly understands the full extent of his expression "technical error." Let us illustrate: If John Jones should be accused of stealing a horse, and be arrested and indicted, and

when the trial came Bill Smith was brought upon the indictment and should be convicted and sent to the penitentiary on evidence properly before the court, a technical error would have been committed. The man charged in the indictment would not be subject to the court and yet the case could not be reversed.

Mr. Cunniff: Would substantial justice be done in such case?

Mr. Cunningham: It would to Bill Smith.

Mr. Cunniff: I maintain it is a clear case where it has not been done.

Mr. Weinberger: I think the matter we are thrashing out is already covered by statute. If you will read the provisions of our criminal code, you will find it is pretty well covered.

Mr. Cunniff: Let us have it in our constitution, and it will be the guide.

Mr. Crutchfield: I hope this amendment will prevail. I believe it will go far toward alleviating the distress in the minds of the people at large in regard to the neglect of the courts and the failure by speedy trail to secure justice. I believe that the widespread dissatisfaction is not with the court as a whole, but because of just such conditions as this amendment endeavors to meet. I believe instead of suggesting mob spirit, that following such an instruction as this the courts would allay all necessity for any mob.

(The Records of the Arizona Constitutional Convention of 1910, Pages 365-367)

[e939600] Mr. Chairman: Those in favor will signify by saying "aye;" opposed "no." Call the roll, Mr. Secretary.

Roll call showed 28 "ayes" and 22 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939602] Mr. Ingraham: I wish to say, gentlemen, that I am in sympathy with the spirit that I believe moved the gentleman from Yavapai in making this amendment, but I do not feel that it reaches the core of the question in hand, and I therefore voted no.

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939603] Mr. Sims: With your permission, I would like to revert to section 5, page 5

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939604] [Editor's Note: As the amendment is proposed without further debate, it is clear that Sims' motion to revert back to Section 5 received no objections.]

(Editorial)

[e939606] Mr. Sims: With your permission, I would like to revert to section 5, page 5, and offer an amendment to lines 8 and 9, making them read "thirty" instead of "twenty." I offer this amendment in the spirit of economy, and I believe under this system it will not be crowding the courts in any way, and therefore I offer this amendment.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939608] Mr. Chairman: Those in favor will signify by saying "aye;" opposed "no." The "ayes" have it, and the amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939609] [Editor's Note: With the adoption of Sims' amendment, Section 5 was agreed.

(Editorial)

[e939610] Mr. Hunt: I move you when the committee arises it report this bill back to the convention and recommend that it pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939612] Mr. Cassidy: I wish to amend by adding section 23 to the majority report as follows: "Section 23. All laws relating to the authority, jurisdiction, practice and procedure of district and probate courts, under laws heretofore enacted by the legislative assembly of the territory of Arizona and in force at the time of the admission of the state into the union, and not inconsistent with this constitution, shall, so far as practicable, apply to and govern superior courts, until altered or repealed, until otherwise provided, superior courts shall have the same appellate jurisdiction in cases arising in courts of justices of the peace, as district courts now have under said laws.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 367)

[e939614] Mr. Ellinwood: I am heartily in sympathy with this provision, but think it relatives [sic] entirely to the schedule for temporary matters, and does not belong in the judiciary bill.

Mr. Cassidy: I think the general saving clause in the schedule would not be sufficient to cover the case in hand, for the reason that we have absolutely abolished our district and probate courts. The words "superior court" does not appear on the statutes in any place, and I think it is absolutely necessary to bridge this thing over that we have this section 23 adopted. Furthermore, I do not find anywhere in this majority report a provision for appeals from justice of the peace until after the legislature may pass such laws. There ought to be some laws between the time of the admission of the state and the time when the legislature passes laws on that subject.

Mr. Cunniff: If this is to be put in elsewhere, that is purely a matter of compilation and can be attended to afterward. It seems to me the gentleman from Maricopa has made a good point and that it really ought to be put in here, and if we pass it now we will not have to bother about it later.

(The Records of the Arizona Constitutional Convention of 1910, Pages 367-368)

[e939615] Mr. Chairman: All in favor of the motion will signify by the usual sign; opposed "no." The "ayes" have it, and the amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 368)

[*e939617*] Mr. Ingraham: I move an amendment by adding section 24 as follows: "No change made by the legislature in the number of judges shall work the removal of any judge from office; and no judge's salary shall be reduced during the term of office for which he was elected."

Mr. Winsor: I second the motion.

[Editor's Note: While the Records indicate that Ingraham's proposal states "No change made by the legislature" instead of "No change made by law", this change was clearly made later. Therefore, the editors have proposed the amendment as it was originally given.]

(The Records of the Arizona Constitutional Convention of 1910, Page 368)

[*e939619*] Mr. Ingraham: I would like to say that this parallels a provision in the United States constitution. The members will all recall that the United States constitution provides that no judge shall be removed from office during his incumbency and his salary shall not be reduced. It goes further and says his salary shall not be increased during his incumbency. Now the purpose is to make the judiciary independent of the legislature, and the purpose of my amendment is to the same effect. We have a provision that the number of judges may be increased from 3 to 5, and it is in the power of the legislature to cut down the number from 5 to 3. If an important case were coming up it might be very easy for the legislature to discover the opinion of two of the judges on the supreme bench and simply remove them, and cut down the number from 5 to 3; or they might cut down the salaries of the supreme court in order to compel them to recall the opinion they had rendered or threaten them if the opinion be not rendered. Of course, anything sufficient to make a provision in the United States constitution ought to be sufficient for us.

Mr. Ellinwood: Will the gentleman yield for a question? I would like to ask whether this is in conflict with the right of recall of a judge—if we place a restriction on the power of the people to recall a judge.

(The Records of the Arizona Constitutional Convention of 1910, Page 368)

[*e939621*] Mr. Ingraham: I see it would. We would have to say, instead of "by law," "by the legislature." I ask permission to change the word "law" to "the legislature."

(The Records of the Arizona Constitutional Convention of 1910, Page 368)

[*e939622*] [Editor's Note: As Ingraham's amendment was to his own proposal, it was taken into the original amendment.]

(Editorial)

[*e939626*] Mr. Chairman: Are you ready for the question? Those in favor signify by saying "aye;" opposed "no." The secretary will call the roll.

Roll call showed 39 "ayes" and 5 "nays."

Mr. Chairman: The amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Pages 368-369)

[e939629] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939630] Mr. Hunt: If there are no more amendments, I make a motion that the committee now arise and report to the convention a recommendation that this bill be passed as amended.

Mr. Langdon: I second this motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e939631] The motion prevailed.

The president resumed the chair

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

## 32.20 Tuesday, 15 November 1910, at 19:30 (s16105)

[e938780] Mr. Chairman: The committee will please come to order. The secretary will read the business before us.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e938782] Mr. Chairman: The committee will please come to order. The secretary will read the business before us.

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e948379] Secretary (reading): "Mr. President: Your committee on executive, impeachment and removal from office, begs leave to report it has examined Proposition Number 33, and respectfully recommends that the proposition herewith submitted for Proposition Number 33, and that Substitute Proposition be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 369)

[e938791] [Editor's Note: Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938788] [Editor's Note: Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e938792] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 33.]

(Editorial)

[e938794] Mr. Chairman: If there is no objection, the secretary will read it section by section, and the committee will pass on each section separately.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938795] Mr. Chairman: If there is no objection, the secretary will read it section by section, and the committee will pass on each section separately.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938797] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 33 in order to replicate the process of the Committee of the Whole considering the document section by section. Creating a new version of the proposition also allows the Committee of the Whole to amend the document, as any changes they agree must also be accepted by the Convention.]

(Editorial)

[e938799] Mr. Chairman: [...] Section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938805] Mr. Cassidy: I move that in place of the word "two" in line 4, the word "four" be substituted.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938806] Mr. Cunniff: One of the guarantees of democratic government is short terms, with frequent reference to the people, and it seems to me the best form of republican government in any state is to have the governor elected for two years. It would be a mistake to have the governor elected for longer than two years. It has been said that the recall affects this matter, but as we do not intend to use it, but only to have it for emergency, it seems to me four years is too long.

Mr. Parsons: I am happy to be able to announce to this committee that at least for once the gentleman from Yavapai and I are in hearty accord. I think two years is plenty long enough for the chief executive.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938809] Mr. Webb: I desire to further amend, and I believe the mover will accept the amendment, that in line 7, "1913" be changed to "1915."

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938810] Mr. Cassidy: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 370)

[e938813] Mr. Parsons: With reference to the matter there is something I wish to call [to] your attention. We have no assurance that even in 1915 we will be a state, and it would be better not to express any data, but leave it with reference to a given time after we obtain statehood. We have no assurance that [we] will

ever get statehood. I know men within the hearing of my voice who fifteen years ago thought we would get statehood, and I do not think any one man can say for a moral certainty that we will have statehood. I think we will have it within the next twelve months, but I think we will make a mistake if we put this date in.

Mr. Webb: We take it for granted that if we get statehood under the present enabling act it will be prior to 1915.

Mr. Short: If we get statehood under this constitution, I see no harm in having a set date. If we do not get statehood what is the objection? I can see no harm in leaving it 1913, and in regard to the other amendment I would state that at first I was in favor of a four year term, but when you consider the fact that the people have direct primaries, I do not see that a four year term is any better than two. It is universally argued that the first year the governor is becoming accustomed to his office, and the next year he is using his office to set up a machine so that he can be re-elected, but in the present state he cannot build up a machine, because he has no assurance that his machine will be in working order when he comes to the primary.

Mr. Jones (Yavapai): In regard to changing the year 1913 to 1915, we thrashed that out thoroughly in the committee, and we settled on that data, after due consideration, and I think we did very wisely. Our first state officers will be elected under the obnoxious terms of the enabling act, and their terms should be as short as we can make them. Our first state officers should be removed as soon as we can possibly manage it.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
370-371)

[e938815] Mr. Cunningham: I ask for a division. Two distinct matters are being discussed; one of the terms of office, and the other the date of election. I will ask that they be voted on separately.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938816] Mr. Connelly: What I would like to be informed of is, if we have a two year's term, can we not have them on the off years; that is, 1913, 1915, and 1917.

Mr. Winsor: It seems to me that the fact that we have a direct primary is one of the very best arguments in favor of a four year term. It is generally considered that the direct primary absolutely does away with either personal or party machines. Neither in one, two or six years can a man build up a political organization with which he can, with any assurance, insure his reelection to office, and I am satisfied that every man here will agree that the greatest efficiency can be obtained with reasonable continuity and with two years, as my colleague has just said, the incumbent is just acquainted with the duties of his office, and begins to build up a machine. Now he cannot build up a machine under the direct primary; at least that has been the experience in those states which have it. I believe the greatest efficiency will be secured in the last two years of the four year term.

Mr. Cunniff: In the state in which I was born, we have the governor's term one year, and a constitutional amendment changing it to two years was voted down overwhelmingly. That state has produced some of the best Democratic and

Republican governors in the country. The system of one year terms works well. We are moving away from the democratic policy of having frequent references to the people, and are extending the term to the longest of any governor in the country.

Mr. Winsor: May I ask the gentleman a question? Has that state had a direct primary system?

Mr. Cunniff: It has adopted one recently, and has made no change.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938817] Mr. Webb: The request that the question be divided is inconsistent, in that if the first amendment prevails it will fix the time at four years, and we presume if we get statehood at all under the four year term of office, the expiration of the first incumbent would be 1915, and not 1913.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938818] Mr. Chairman: The chair rules that the two amendments should properly be voted upon together. The original amendment is to make a change of two to four years and it will be acceptable to put these two together.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938819] Mr. Cunningham: I ask for a division. After discussing the term of the governor it would be easy to change the date of expiration. We have not discussed two things; one the term of office, and one the expiration.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938820] Mr. Webb: I rise to a point of order. The chair has ruled upon that.

(The Records of the Arizona Constitutional Convention of 1910, Page 371)

[e938826] Mr. Jones (Yavapai): You will pardon me. You stated the first election. This is the expiration of the term of office of the first governor.

Mr. Cunningham: Now when we vote we will vote either "yes" or "no." Will we vote "yes" for two years, and no for the change of date? How are we going to vote if we want this to stand at 1913, and want the term changed to four? I think this is two distinct questions absolutely.

Mr. Chairman: There seems to be no serious objection to separation. The question will be on the amendment to the amendment, changing the year 1913 to 1915.

Mr. Winsor: As I understand it, the chair has ruled that the question is on the change of this date. I submit that the request of the gentleman from Cochise was to divide this question, and I further submit that logically the first motion is that with reference to the term of office and should properly come first, inasmuch as upon the determination of that is dependent the second amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938831] Mr. Webb: Actuated by a desire, if possible, to bring order out of chaos, I withdraw the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938828] [Editor's Note: With Webb's amendment withdrawn, the motion for a division of the question was no longer relevant.]

(Editorial)

[e938835] [Editor's Note: With Webb's amendment withdrawn, the point of order was no longer relevant.]

(Editorial)

[e938844] The Chairman: The question before the committee is the amendment of the gentleman from Maricopa. All in favor will answer "aye;" opposed "no." The secretary will call the roll.

Roll call showed 13 "ayes" and 27 "nays."

Mr. Chairman: The amendment is lost. Any further amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938846] Mr. Kingan: I would like to ask, as a matter of information, the following question: It is provided in section 1, that the first state officers shall be elected at the election under the enabling act, and that they should hold office until the first Monday in January 1913, and until their successors are elected and qualified, but no provision seems to be made for the election of their successors, or any time at all.

Mr. Weinberger: If I may be permitted to answer the question. Provision is made that the governor and officers shall hold office for two years.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938847] Mr. Chairman: If there is no further objection, the proposition will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938848] Mr. Kingan: I understand that it is required that all of these officers be required to reside at the seat of government. That may work a great hardship, especially on the attorney general. He would have to move his office for the short term of two years, and I think an exception should be made at least in this case.

Mr. Weinberger: We have not come to that, Mr. Kingan.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938859] Mr. Chairman: We will consider the second paragraph. If there are no objections, we will pass to section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938862] Mr. Jones (Yavapai): Mr. Chairman, today we passed a residence qualification for the judges of the supreme court of three years. I move that instead of "five" in line 21 we insert "three."

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 372)

[e938874] Mr. Colter: I offer an amendment making it six years, instead of three.

Mr. Osborn: I second that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 373)

[e938878] Mr. Cunniff: I would like to ask the judiciary committee what the idea is of having in the judiciary bill a limit of two years, and extending it here to five.

Mr. Cunningham: The judiciary committee has never had this bill before it. I do not know what they would do. The committee on executive, impeachment and removal from office reported this bill.

Mr. Cunniff: The point I make is this: I would like to know those who wish to preserve this here explain why the superior judges should have only a two year residence qualification, and these other officers five.

Mr. Cunningham: I am a member of the committee which reported the proposition and we talked this matter over, and it seemed this was a fair number of years to be a resident of this territory. I still think it is, and I hope the amendment will not carry, without comparison to anything else. There is no specific answer to make. I trust this matter will not be patched up, like the judiciary bill was this morning so that it is unrecognizable.

Mr. Colter: I hope if it is necessary to patch up this matter, as it was this morning, that it will be done.

Mr. Lynch: I would like to answer the gentleman from Yavapai by saying this: that the persons capable of filling the office of superior judge are few, and when a newcomer comes in who is qualified, the qualification might be shortened for him. You may find it difficult to find a lawyer capable and honest enough to fill this position of superior judge.

Mr. Short: I would like to say for the benefit of the gentleman from Yavapai that the term of two years as to the superior judge was for the benefit of the smaller counties, where there are few lawyers, and if a longer period was necessary it would be impossible to secure a superior judge in some of the smaller counties. Further I would like to say that so far as the Democratic party is concerned, I think it will have no trouble in finding a competent man for governor who has resided for five years or longer in the territory, even though they have to go outside of Yavapai county to get him.

Mr. Ellinwood: I think the spirit that prompted this paragraph might be explained by this fact. I, with some others present, have lived twenty years in this territory. During that period we have lived under a carpet-bag government. Our governor has been sent to us until the last year or two. The judges of our courts come from foreign jurisdictions, and they bring their clerks of court and other officers. We have lived under this carpet-bag system so long that when the gentlemen framed this paragraph they were more or less imbued with this idea, and thought any man elected governor ought to be a resident for at least five years.

(The Records of the Arizona Constitutional Convention of 1910, Page 373)

[e938879] Mr. Colter: I am willing to withdraw my motion. I think there are sufficient here to stand for five years, but I want nothing less.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
373-374)

[e938880] Mr. Cunniff: I find myself in a rather peculiar position here. In the first place, I made no argument on this point. I merely asked for information. I think this term has been placed in here on the same principle that the term like this was placed in similar constitutions, and it was perfectly sound and satisfactory. One reason why I should not oppose it, is I do not believe in carpet-bagging in any form, and further I have not been five years in the territory of Arizona myself.

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938885] Mr. Weinberger: I offer an amendment which is merely technical. At the end of line 22 add the following words "or the territory of Arizona." It is well known that the first state governor could not have been a resident for five years in the state at

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938889] Mr. Chairman: You have heard the original motion to change the term from five to three years. Those in favor of the amendment vote "aye;" those opposed "no." The "nays" have it and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938891] Mr. Chairman: [...] Those in favor of the motion of Mr. Weinberger to add the words "or of the territory of Arizona" answer "aye;" opposed "no." The "ayes" have it and the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938902] Mr. Ellinwood: I wish to offer an amendment, and this it seems to me is a more serious matter. In line 19, the proposition reads "no person shall be eligible to any of the offices mentioned in Section 1 of this article except "a" and after the word "a" insert the word "male."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938908] Mr. Kingan: I would like permission to go back to section 1, paragraph 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938909] [Editor's Note: Kingan proceeded to propose an amendment to Section 1, which indicates that the motion to revert to Section 1 received no objections.]

(Editorial)

[e938910] Mr. Kingan: I would like permission to go back to section 1, paragraph 3. As I said a few minutes ago, section 1 as it now reads requires the attorney general to reside at Phoenix. Now the salary is small, and this will simply mean that the attorney general will have to be a member of the local bar, because you cannot get a competent lawyer to come and reside here for so short a period as two years, and leave his practice. I therefore move you to amend the third paragraph of Section 1 to read "The officers of the executive department (except the attorney general)."

(The Records of the Arizona Constitutional Convention of 1910, Page 374)

[e938912] Mr. Kingan moved to amend line fourteen, page two by inserting after the word "department" the words "except the attorney general"; lost.

(The Minutes of the Arizona Constitutional Convention, Page 186)

[e938922] [Editor's Note: With the rejection of Kingan's amendment, Section 1 was considered agreed.]

(Editorial)

[e938923] Mr. Chairman: The secretary will call the roll on the amendment of Mr. Ellinwood, which is before the house, to insert the word "male."

Mr. Lynch: I desire to explain that I vote "no" for the reason there is nowhere a provision that the officer must be a qualified elector; in other words, you can elect, so far as section 2 is concerned, a person who is not a qualified elector at all. Therefore, you must have somewhere else in the constitution a provision that he is to be an elector of the state, and if you have that, the amendment of the gentleman from Cochise is absolutely unnecessary.

Mr. Hunt: I do not think any lady will run for office to which she is not eligible.

Mr. Weinberger: The committee on executive took it for granted that the committee on suffrage and election would provide such a provision, so this was not provided for.

(The Records of the Arizona Constitutional Convention of 1910, Pages 374-375)

[e938929] Roll call showed 23 "ayes" and 17 "nays."

(The Minutes of the Arizona Constitutional Convention, Page 186)

[e938931] Mr. Chairman: The motion is carried. Section 3 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938934] Mr. Chairman: The motion is carried. Section 3 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938937] Mr. Goldwater: It isn't often I get up to amend any of these things, but I want to offer an amendment on line 24, after the word "military" insert the words "[and] naval".

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938939] Mr. Chairman: If there is no objection, the secretary will make the insertion.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938940] Mr. Kingan: I would like to renew my motion as to the attorney general; [it] is to amend paragraph 3 of section 1, line 14, by excepting the attorney general, for the reasons I have annou

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938942] Mr. Orme: I ask the gentleman in question if he thinks Maricopa county could not furnish a competent man? Haven't we good enough attorneys?

Mr. Kingan: I do not think that at all.

Mr. Chairman: You have heard the motion. Are you ready for the question?

Mr. Cunningham: I would like to suggest that if the gentlemen will refer to section 13 they will see in line 14 that the salary of the attorney general is fixed at \$2500. It was fixed at that figure, when the matter was discussed in the committee, because the attorney general, while he shall be an eminent lawyer, would not be prohibited from practicing his profession and could attend to the duties of his office and also the duties of his private business. Hence he would not require a salary sufficient to maintain him, and it seems eminently unfair that this amendment should be made at this time.

Mr. Webb: Mr. Chairman, I do not think the position taken by the gentleman from Cochise is well taken. While I do not wish to confine the office to Phoenix, I do say that the place of the office should be in Phoenix as the duties of the attorney general would require that he be there.

Mr. Ellinwood: I am opposed to this amendment for this reason: We are not making a constitution at this time for conditions as they now exist, but, as we look at it, for all time. If there is any one officer whose office should be located at the seat of government, it should be the attorney general. If the salary is not sufficient, then double it.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938944] Mr. Chairman: All those in favor of the motion will say "aye;" contrary minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938946] Mr. Chairman: [...] Paragraph 4 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938949] Mr. Chairman: [...] Paragraph 4 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938950] Mr. Cunniff: Delegates discussing section 4 with me this evening called my attention to the fact that they understood it to mean United States government, and therefore I move an amendment to introduce the word "state" before "government" in line 2 and before the word "executive" in line 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 375)

[e938956] Mr. Cunningham: I offer an amendment, to strike out the word “government” and insert in lieu thereof the word “state.”

[...]

Mr. Roberts: I second Mr. Cunningham’s motion.

(Editorial)

[e938958] Mr. Cunniff: There is a word in line 3 where we have officers of the executive department. I want to make clear here that this does mean the “state.”

Mr. Cunningham: It would make it clear to say—

Mr. Roberts: I second Mr. Cunningham’s motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
375-376)

[e938961] Mr. Osborn: I move we strike out the words beginning with “officers of the government civil and military.”

Mr. Lynch: I second the motion, Mr. Chairman.

(The Records of the Arizona Constitutional Convention of 1910, Page 376)

[e938965] Mr. Chairman: You have heard the amendment offered by the gentleman from Maricopa to strike out the words “officers of the government civil and military.”

Mr. Weinberger: It has been copied almost entirely word for word from at least two-thirds of the constitutions of the United States. They all seem to follow this form. While I do not know as we need to follow any particular form, but so long as so many states have—

Mr. Parsons: If the amendment of the gentleman from Maricopa prevails, we do not need any other executive officers. If the governor is allowed to transact all the business, why pay salaries to the other fellows. He says the governor is to transact all the business of the state. I think that unless this other matter is left in there it will certainly put us in a very peculiar position, and I am opposed to the amendment.

Mr. Weinberger: I will state that probably thirty other states have the same provision.

(The Records of the Arizona Constitutional Convention of 1910, Page 376)

[e938967] Mr. Chairman: Are you ready for the question, gentleman? The motion is on Mr. Osborn’s amendment to strike out the words “officers of the government civil and military.” All those in favor will signify by saying “aye,” contrary “no.” The “nays” have it. The motion is lost. The motion of the gentleman from Cochise was to strike out the word “government” in line 2 and insert the word “state.”

(The Records of the Arizona Constitutional Convention of 1910, Page 376)

[e938968] Mr. Webb: I would like to ask the gentleman from Gila, is that copied verbatim also, from the forty odd states?

Mr. Weinberger: I will say that the committee on executive could not be original with respect to this proposition because we followed the precedent established by all the other states. This is the form in California, Arkansas, Delaware, Florida and a host of the other states.

(The Records of the Arizona Constitutional Convention of 1910, Page 376)

[e938970] Mr. Chairman: Are you ready for the question? Those in favor will indicate by saying "aye;" those opposed "no." The "nays" have it. The motion is lost. Now the question is on the motion of the gentleman from Yavapai to insert before the word "government" [the word] "state" and before the word "executive, [the word] "state," in lines two and three.

(The Records of the Arizona Constitutional Convention of 1910, Page 376)

[e938971] Mr. Parsons: Mr. Chairman, suppose it were possible that this state should have some business with the federal government, who would look after it then? Is it not well enough then to leave that out and let the governor represent us whether it be state government or federal?

Mr. Short: I would like to ask the gentleman from Cochise if he has discovered anything in here that would prevent the governor from transacting that business.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
376-377)

[e938972] Mr. Chairman: All those in favor of the amendment as suggested by the gentleman from Yavapai will indicate by saying "aye;" those opposed "no." The "nays" have it. The motion lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938975] Mr. Chairman: [...] Any other suggestions? We will consider section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938978] Mr. Chairman: [...] Any other suggestions? We will consider section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938979] Mr. Feeney: Does that give the acting secretary of state authority to grant pardons?

Mr. Weinberger: I will say that the committee was a little more exact than the other states. You will notice in the other states the governors have powers that they carry too far at times. Under this section the laws will be passed restricting the governor's pardoning powers "with such restrictions as may be provided by law." So I think no objection can be found in this section.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938981] Mr. Chairman: If there is no objection we will consider this passed, and take up section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938982] Mr. Chairman: If there is no objection we will consider this passed, and take up section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938986] Mr. Cunniff: I move an amendment as follows: Strike out “the next general election” in the last line, and insert “or until the governor shall have been elected at the next general election and shall have been qualified.” That section does not provide for the interim between the election and the qualification from November to the first of January.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938988] Mr. Cunningham: I would suggest that just prior to that the wording seems to cover the matter. It says “during the remainder of the term or until the difficulty ceases,” and it seems to me that it would be covered in that word “or.”

Mr. Cunniff: If that is covered by the previous clause, what is the point of that “next general election?”

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e938992] Mr. Kingan: I move that the section be amended so as to read as follows: “In case of impeachment of the governor, the removal from office, death, or inability to discharge the duties of his office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state until the disability ceases, or until the expiration of the term,” which covers the whole situation.

[...]

Mr. Short: Then I second the motion.

(Editorial)

[e938995] Mr. Short: That is exactly what it says, only the gentleman has transposed it.

Mr. Kingan: I left out the last word, Mr. Short.

Mr. Short: Then I second the motion.

Mr. Winsor: That simply strikes out the words “or until the next general election.” It seems to me a motion to strike out these words would be in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e939000] Mr. Chairman: The original motion has been withdrawn, and the question is on the amendment offered by the gentleman from Pima, Mr. Kingan.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e939003] Mr. Chairman: [...] All those in favor will signify by saying "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 377)

[e939008] Mr. Ellinwood: I move a further amendment at the end of line 17, end of the section, to insert the following: "Provided, however, that during the temporary absence of the governor from the state, of his inability to act, the secretary of state shall not grant reprieves, commutations or pardons."

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 377-378)

[e939010] Mr. Chairman: You have heard the motion submitted by the gentleman from Cochise. Are you ready for the question?

Mr. Lynch: It certainly seems to me that that is applying a very general remedy to a very special case. We have had one possible infraction of that principle, and now we are going to apply a constitutional remedy to cure a local disease, and that has already been cured by other process.

Mr. Cunniff: That is shooting a pretty heavy gun at a very small bird.

Mr. Ellinwood: It seems to me that the people who elect a governor elect him on the theory that he has the discretion to be exercised in cases of this kind. It seems to me if the governor is simply temporarily out of the city for a week or two, or has the inability to act for a week or two, the power of pardon ought not to be conferred upon the acting governor.

Mr. Jones (Yavapai): If the governor should happen to be permanently disqualified the secretary of state would be in his office until the governor was elected and we would have no pardoning power during the remainder of that term.

Mr. Wood: I think section 5 fixes the pardoning power when it says: "with such restrictions as may be provided by law." That would apply to the secretary of state also.

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[e939012] Mr. Chairman: You have heard the motion. Those in favor will signify by saying "aye;" those opposed "no." The nays have it. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[e939014] Mr. Chairman: [...] Section 7 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[e939017] Mr. Chairman: [...] Section 7 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[e939024] Mr. Webb: I desire to call attention to the fact that the legislative committee in the preparation of their bill covering the legislative department has in all instances used in this language: "can pass both houses on an aye or

may vote on roll call.” It appeals to me that a viva voce vote is an aye and nay vote, and if it is to be on roll call, or if that is the intent, at least, of this section, it will conform to the legislative bill if we insert here after the word “vote” the words “on roll call.”

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[*e939027*] Mr. Chairman: You have heard the amendment that after the word “vote” on line 23 that the words “on roll call” be inserted. All those in favor of the amendment will signify by saying “aye;” contrary “no.” It is carried. We will consider the second paragraph of section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 378)

[*e939030*] Mr. Feeney: It says in the first part of that paragraph “if he approves he shall sign it and thereupon it shall become a law.” In the legislative committee it was understood that ninety days should elapse before it would become a law. Is there any conflict there?

Mr. Webb: I do not think there is any conflict there. The legislative bill provides when it shall become a law. This does not. This says the same shall become a law in like manner as if he had signed it. If he signs it it shall become a law as provided by the legislative bill.

Mr. Parsons: In section 7, line 19, it says that “if he approves he shall sign it and thereupon it shall become a law.”

Mr. Webb: I was looking at a different section.

Mr. Parsons: I was looking at section 7 of which Mr. Feeney was speaking. That nullifies the referendum law and you have two conflicting laws in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
378-379)

[*e939035*] Mr. Short: I move to amend section 7, line 20, by striking out the word “thereupon.” It is no good anyway.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 379)

[*e939037*] Mr. Parsons: That does not help it a bit. That is simply making it a little more indefinite. You say if he signs then it shall become a law. Thereupon it shall become a law. What is the difference? That does not give the right of the people to have it referred to them. That does not hold it ninety days in order that the people shall file a petition and say whether it shall become a law or not. You say if the governor signs it, it shall become a law.

Mr. Weinberger: Cannot a measure become a law and not be effective for 90 days?

Mr. Parsons: No sir, it does not become a law until it takes effect. We say this, it shall become a law when it is signed.

Mr. Osborn: When you say “thereupon” it means that it shall become effectively immediately, and when you say “it shall become a law” then under the provisions of any act—

Mr. Cunniff: Is there a question upon this "thereupon?" I wish to offer an amendment upon this subject.

Mr. Webb: I desire to say that I am not a lawyer, but it appears to me that while it says, it shall become a law, it does not say when it shall become effective and it seems to me there need be no conflict. One says when it shall become a law, the other does not say anything about it.

Mr. Short: It will become a law under the initiative and referendum proposition, and if you strike out the word "thereupon" it would mean that it leaves it open to be governed by the provisions of the initiative and referendum.

(The Records of the Arizona Constitutional Convention of 1910, Page 379)

[e939044] Mr. Cunniff: I beg to point out that it may never become a law, and the amendment I wish to offer in line 20 is that after the word "law," we insert "subject to the provisions of this constitution," making it read "it shall become a law, subject to the provisions of this constitution," and on line 24 "it shall become a law subject to the provisions of this constitution," and the same on line 2 on the next page.

(The Records of the Arizona Constitutional Convention of 1910, Page 379)

[e939049] Mr. Webb: Is it not a fact that without that statement it can only become a law within the provision of the initiative and referendum.

Mr. Cunniff: I have not accepted the statements that have been made.

Mr. Chairman: The gentleman from Cochise, Mr. Cunningham.

Mr. Cunningham: The constitution when it has been approved and adopted by the people and approved by the President, if Congress fails to approve it, in the construction of the constitution under the constitutional law, the whole instrument must be constructed together so that it may be operative. Any lawyer who ever read any rules of construction knows that if this matter stands as it now stands as it is now written here that it does not repeal the other provisions that are specific upon the point when the matter does become law. It is a question of construction and will be a question of construction before the courts and the courts will invariably construe the whole instrument together, and say that no act of the legislature, be it ever so particular, will become a law until 90 days after it is passed and then it will not if the people vote to veto it. There is no confusion in this wording. There is no possible confusion but the very splitting of hairs that we have been here now for ten days [word unclear]. This matter is simply raising a question here without any effect [word unclear] it when you amend it. You can amend it all you please, you cannot amend it so as to bring it out of the thirty days provision for that is a matter specifically provided when it shall become a law. There is no use to have to write the initiative and referendum in every sentence of this constitution in order to make it effective. It seems absurd all the way through and I am sorry to see my colleague from Cochise County making such disturbance in this matter.

Mr. Ellinwood: I want to say there is another colleague from Cochise county that is making the same sort of disturbance. An act passed by the legislature when it is completed either is a law or it is not.

Mr. Kingan: I want to ask a question. Suppose the legislature passes a law to become effective 90 days after they adjourn. They passed that law. Is not that a law?

Mr. Ellinwood: No, not until it takes effect. Give me a definition of a law.

Mr. Kingan: Suppose the legislative power was vested solely in the legislature, the legislature alone could make a law. The legislature passes a law and says it shall be effective 90 days after date. If that be not a law, what power at the end of 90 days makes it a law?

Mr. Ellinwood: A law is a rule of action prescribed by the supreme power in the state commanding what is right and prohibiting what is wrong. This says when the governor signs, it shall become a law. I think the remarks of the gentleman from Yavapai, Mr. Cunniff, are absolutely correct that there should be added to this sentence that it shall become a law as provided by this constitution. Your initiative bill, Substitute Number 4, provides not that it shall become a law within ninety days, but within ninety days after the close of the session.

Mr. Cunningham: Will the gentleman from Cochise yield to a question? I would like to ask Mr. Ellinwood, if it is not a rule of construction that a matter dealing with a specific question always takes precedence over a general statement concerning a matter.

Mr. Ellinwood: I think that is true where the legislature is dealing with a specific subject it would take precedence, but I do not understand why you have to call up questions of construction when you can put it in the English language.

Mr. Parsons: I desire to reply further to my colleague when he says we are here just simply to make disturbance. I think he has made as much disturbance as any of us, and I want to say this: read the balance of this and you will see that this section is drawn word for word as you find it in every constitution of every state that has no provision for the initiative and referendum, and unless you do make some provision you will be in a position where you will have a conflict. Just see what the rest of the paragraph says. Not only if he approves it, it shall become a law, but if he disapproves it, he shall return it with his objections to the house in which it originated, which shall enter his objection at large upon the journal, and if after reconsideration it again passes both houses by an aye and nay vote it shall become a law notwithstanding the governor's objection That question overrides your right of the referendum. The governor has no power to veto a bill that has been referred to the people.

Mr. Feeney: I did not know I lit a slow fuse when I asked that question, but I want the referendum thoroughly protected.

Mr. Cunningham: I would like to ask a question. Will the gentleman cite us one constitution from which this was taken.

Mr. Parsons: I want to say it is the principle of my Nebraska constitution, which I have here, and I believe of every other constitution of the United States that has no initiative and referendum.

Mr. Cassidy: Mr. Chairman, I would like to ask what question is before this house.

Mr. Chairman: There are two questions before the house. One is on section 7 of the substitute proposition on executive, the elimination of the word "thereupon" in line 20 on page 3, and the amendment of Mr. Cunniff to substitute in the same line the words "after it shall become a law subject to the provisions of the constitution," the insertion of these words there, and in line 24, "after it shall become a law subject to the provisions of this constitution."

Mr. Coker: I suggest that this matter be referred to the legislative committee.

Mr. Lynch: The constitution of Oklahoma provided for the initiative and referendum, and has almost identically the same clause. I take the position that the gentleman from Cochise, Mr. Cunningham, takes. I think his contention correct in this matter.

Mr. Winsor: Did not Mr. Coker make a motion?

Mr. Coker: I merely made a suggestion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 379-381)

[e939052] Mr. Winsor: I want to emphasize that suggestion and point out another conflict. In our initiative and referendum measure we have provided for another kind of a law which is not covered by the provisions in section 7 of the proposition we are considering; that is emergency measures which provide for a two-thirds vote of each house before they can be passed and three-fourths of each house to be passed over the veto of the governor. I think all of these things should be referred to the legislative or other appropriate committee, and a provision drafted that will cover the whole proposition. I make that motion.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 381-382)

[e939056] [Editor's Note: In order to represent Proposition Number 33, Section 7 being individually referred, the editors have created a new document with just the text of Section 7.]

(Editorial)

[e939060] Mr. Weinberger: I quite agree with the gentleman from Yuma; I think the legislative committee should work this over. The executive committee had nothing before it and had to do the best they could, but I think the legislative committee should take it and work it over.

Mr. Short: The entire section 7 is purely a legislative matter, which should be, and I have no doubt is, fully incorporated in the legislative proposition which was reported. I move you, therefore, as a substitute, that section 7 be stricken out. That will simplify the matter a great deal.

Mr. Webb: I do not think it follows that it is entirely covered, for the reason that the legislative committee was careful not to encroach upon the executive. While on my feet, I desire to move that by a rising vote we tender to Mr. Feeney a vote of thanks for discovering this so called fatal error.

Mr. Goldwater: I desire to call attention to lines 14 and 15 of this same section which we are now reading, which reads as follows: "Veto power of the governor shall not extend to any bill passed by the legislature and referred to the people for adoption or rejection." It seems to me that that in a great measure absolves the committee from having executive duties.

Mr. Ellinwood: I would like to call the attention of the committee to the language of the Oklahoma constitution, which contained the initiative and referendum at the time the constitution was passed. It provides as follows: "Every

bill which shall have passed the senate and the house of representatives, and every resolution requiring the assent of both branches of the legislature, will, before it becomes a law, be presented to the governor, and if he approves it he shall sign it." Before it becomes a law he shall sign it.

Mr. Lynch: Will you read the line a little further.

Mr. Cunniff: I wish to say the motion of the gentleman from Yuma is entirely satisfactory to me.

Mr. Chairman: The motion, then, is on the re-submission of the first paragraph of section 7, Mr. Winsor?

Mr. Winsor: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 382)

[e939063] Mr. Chairman: Are you ready for the question? All those in favor will signify by saying "aye;" contrary "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 382)

[e939065] [Editor's Note: With the decision to recommend that Section 7 be referred to the Legislative Committee, the pending amendments to Section 7 were dropped.]

(Editorial)

[e939067] [Editor's Note: With the decision to recommend that Section 7 be referred to the Legislative Committee, the pending amendments to Section 7 were dropped.]

(Editorial)

[e939068] Mr. Chairman: [...] We will pass on to section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 382)

[e939072] Mr. Chairman: [...] We will pass on to section 8. On line 4 of the printed bill it says: "The Governor shall return the bill within five days after it shall have been presented to him, Sundays, excepted, and if he does not do so the sam shall become a law in like manner as if he had signed it. Hw are you going to get two Sundays in that five days? If there is no objection to section 8, it shall be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 382)

[e939075] Mr. Parsons: Ought there not to be a modification of the word "office?" The governor does not want to fill a vacancy in the office of justice of the peace.

Mr. Jones (Yavapai): This only covers positions that are not covered by law.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939078] Mr. Chairman: If there is no further objection, we will take up section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939081] Mr. Chairman: If there is no further objection, we will take up section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939085] Mr. Coker: I move an amendment to section 9 that the word "and" be stricken out and a comma inserted between the words "powers" and "duties" and after the word "duties" the words "and qualifications" be inserted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939089] Mr. Chairman: Gentleman, you have heard the motion that the word "and" be stricken out in the first line of section 9, a comma inserted between the words "powers" and "duties," and after the word "duties" the words "and qualifications" be inserted. Are you ready for the question?

Mr. Cunningham: It seemed that section 2, provides qualification for this office, I do not see –

Mr. Osborn: I would like to ask the gentleman what his idea is in inserting the word "qualifications" there. I think that has been taken care of.

Mr. Coker: I do not think it has been fully taken care of.

Mr. Chairman: Particularly the qualifications of superintendent of public instruction.

Mr. Cunniff: I beg to say that there might be qualifications for auditor and attorney general and the other offices.

Mr. Chairman: Are you ready for the question? All those in favor will signify –

Mr. Weinberger: If you adopt the amendment you are going to have a conflict in this proposition. We already have some qualifications provided for by this constitution, and now you go ahead and state powers, duties and qualifications shall be prescribed by law.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939095] Mr. Coker: I will offer a further amendment then that the word "further" be inserted in lieu of the word "as" in line 23 "shall be further prescribed by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939096] Mr. Coker moved to amend line twenty-one, page four by striking out the word "and" where it first appears and inserting after thee word "duties" the words "and qualifications"; carried.

[Editor's Note: The Records not describe a vote on this amendment.]

(The Minutes of the Arizona Constitutional Convention, Page 187)

[e939098] Mr. Chairman: You have heard the question. Those in favor of the amendment will signify by saying "aye;" contrary "no." The "nays" have it. Section 10 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939100] Mr. Chairman: [...] Section 10 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939103] Mr. Chairman: [...] Section 10 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 383)

[e939105] Mr. Lynch: I move to strike out the last sentence of section 10.

Mr. Cunniff: I second the motion.

Mr. Chairman: It has been moved and seconded that the last sentence of section 10 be stricken out. It will then read, "All state officers shall keep their offices in the state capital."

(The Records of the Arizona Constitutional Convention of 1910, Pages 383-384)

[e939107] Mr. Parsons: I desire to say that so far as I am concerned I believe that is one of the best provisions that has been written in this proposition, or any other than has been introduced in this convention. The states of this union almost unanimously have provisions similar to this, either in the statutes or in their constitution. If we put it in the constitution we won't have to trust to the legislature to enact it, and I think where graft has been practiced more than anywhere else has been in connection with the office of our state treasurer. This is where the money is, and I think a provision of this kind that where the state treasurer is elected he cannot succeed himself will be a good proposition, and I am opposed to the amendment.

Mr. Cobb: I should think the state treasurer should be allowed to succeed himself for at least one term, because he is not getting a very large salary, and the only inducement if limited to one term would be the opportunity for graft for the two years he is in office.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939109] Mr. Chairman: All those in favor of the amendment offered by Mr. Lynch will signify by saying "aye;" those opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939111] Mr. Chairman: [...] Section 11 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939112] Mr. Chairman: [...] Section 11 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939116] Mr. Cunningham moved to amend line three, page five by inserting commas after the word "canvassed" and "state"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 188)

[e939119] Mr. Cunningham moved to amend line three, page five by inserting commas after the word "canvassed" and "state"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 188)

[e939120] Mr. President: [...] If there is no correction or suggestion the section will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939122] Mr. Chairman: [...] We will take up section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939125] Mr. Ingraham: Mr. Chairman, does section 12 mean that the returns of the election for all state offices shall be canvassed and certificate of election issued by the secretary of state?

Mr. Chairman: There should be a comma after "law."

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939127] Mr. Chairman: [...] Pass on to section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939129] Mr. Chairman: [...] Pass on to section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939132] Mr. Ellinwood: Mr. Chairman, I would like to offer an amendment to section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939135] [Editor's Note: Ellinwood proceeded to propose an amendment to Section 10, which indicates that the motion to revert to Section 10 received no objections.]

(Editorial)

[e939137] Mr. Ellinwood: Mr. Chairman, I would like to offer an amendment to section 10. I raise this question. "No person shall be eligible to succeed himself to the office of state treasurer." I find the language in other constitutions reads as follows: "No person shall be eligible to succeed himself for the office of state treasurer for the succeeding two years after the term for which he was elected," and I offer this as an amendment at the end of the section.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 384)

[e939139] Mr. Ellinwood: Otherwise you bar him out for all time.

Mr. Chairman: You have heard the question.

Mr. Lynch: I should object to that. I think by the vote of the convention a little while ago that matter was settled; further than that, I believe it would be the sense of this committee of the whole that when a man goes into the office of state treasurer that brands him once and for all. I do not see any object in the amendment as it now stands.

Mr. Short: If a man elected to the office of state treasurer and serves a term of two years, and another man was elected and served a term of two years, and the first man was re-elected, would he succeed himself?

Mr. Ellinwood: "No term following —"

Mr. Short: Then, according to that argument, he would succeed everybody that had ever been in office.

Mr. Ellinwood: The language of the Kentucky constitution is this: "He shall be ineligible to re-election for the succeeding four years after the expiration of the term for which he was elected."

Mr. Weinberger: The intention of the committee was to eliminate him from that office for all time.

(The Records of the Arizona Constitutional Convention of 1910, Pages 384-385)

[e939141] Mr. Chairman: All those in favor of the amendment will signify by saying "aye;" contrary "no." The "ayes" have it. Section 13 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939143] [Editor's Note: Section 10 was agreed as amended, and the Committee continued its discussion on Section 13.]

(Editorial)

[e939144] Mr. Osborn: In line 14 after the word "attorney general" I move that the word "thirty" be inserted instead of "twenty."

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939147] Mr. Cobb: I suggest that the logical way to take this up is the governor first; settle on his salary.

[Editor's Note: In order to consider Section 13 line by line, the section as a whole must be dropped so that each line can be proposed and debated individually.]

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939149] Mr. Chairman: If there is no objection we will carry it through in that order, the proposition for the governor's salary is open for discussion.

(Editorial)

[e939152] [Editor's Note: In order to consider Section 13 line by line, the section as a whole must be dropped so that each line can be proposed and debated individually.]

(Editorial)

[e939155] Mr. Chairman: If there is no objection we will carry it through in that order, the proposition for the governor's salary is open for discussion.

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939160] Mr. Cobb: I move that "five" be stricken out and "sixty five hundred" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939164] Mr. Parsons: I move an amendment to the amendment, that "six thousand" be inserted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 385)

[e939169] Mr. Cobb: I did not have any second.

Mr. Chairman: It has been moved and seconded that in line 10 section 13 the words "five thousand" be stricken out and the words "six thousand" be inserted. Are you ready for the question?

Mr. Short: I rise to a point of information; I would like to inquire of the gentleman from Graham if he would accept the office at five thousand dollars per year.

Mr. Chairman: Are you ready for the question?

Mr. Hunt: I hope that the motion will not prevail. New York only pays her governor five thousand dollars. Even the great state of Oregon has only a salary, I think, of three thousand. I think five thousand is plenty.

Mr. Osborn: It seems to me that these gentlemen want to fix it so that only a rich man can [be] governor.

Mr. Weinberger: The office of governor has with it an honor that any one would be glad to accept, and the duties I do not consider are very heavy. It seems to me that five thousand dollars is ample, and it is more than two-thirds of the states are now paying their governors.

Mr. Jones (Yavapai): I am glad to see it raised to six thousand. We today set the pay of the supreme judges at six thousand, and the governor, while his position, carries a great deal of honor, is also carried a great deal of entertainment, and I think the salary should be six thousand.

Mr. Cobb: I would like to call attention to the fact that the supreme judges are elected for six years and the governor for two. He will have three times the expense in making his campaigns.

(The Records of the Arizona Constitutional Convention of 1910, Pages 385-386)

[e939178] Mr. Chairman: All those in favor of the amendment as offered will signify by saying "aye;" those opposed "no." The secretary will call the roll.

Roll call showed 11 "ayes" and 28 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939179] [Editor's Note: Cobb's amendment was not seconded and was therefore dropped.]

(Editorial)

[e939182] Mr. Cunniff: I would like to say just a word to this point. I think we should give considerable thought to this matter of salary of the governor. The governor of the state of Oregon was mentioned. It is a matter of fact that when they found they had fixed the salaries and submitted the constitution to the people, the people rejected it and the constitutional convention was sent back to do its work all over again. I believe that a man should not have to be a wealthy man in order to be a candidate for office.

Mr. Osborn: I would like to ask the gentleman from Yavapai if the state of Oregon does not make provision whereby the governor is furnished with residence, household servants, etc. My historical data came from a gentleman who was a member of the Oregon constitutional convention.

Mr. Lynch: I might state that I have seen and heard one of the governors of Oregon and I want to say that he was only a fifteen hundred dollar man, too. (applause)

Mr. Parsons: Don't you think, Mr. Lynch, that you have exceeded that probably by one thousand dollars. He is about a five hundred dollar man.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939184] Mr. Cunningham: I move that we take up line 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939185] Mr. Chairman: We will take up line 11, "secretary of state four thousand dollars per annum." Any suggestions in connection with that?

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939187] Mr. Chairman: We will take up line 11, "secretary of state four thousand dollars per annum." Any suggestions in connection with that?

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939190] Mr. Webb: I move we pass it.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939191] Line eleven, page five approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 188)

[e939194] Line twelve, page five approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 188)

[e939196] Line twelve, page five approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 188)

[e939200] Mr. Chairman: Line 13: "state treasurer \ \$3500."

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939201] Mr. Osborn: I move it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939204] [Editor's Note: At this point in the consideration of Section 13, the Committee of the Whole abandons a chronological scheme of amendment. Therefore, the editors have chosen to add lines 13 to 15 at this point in the discussion.]

(Editorial)

[e939206] [Editor's Note: At this point in the consideration of Section 13, the Committee of the Whole abandons a chronological scheme of amendment. Therefore, the editors have chosen to add lines 13 to 15 at this point in the discussion.]

(Editorial)

[e939207] Mr. Goldwater: I would like to suggest that the superintendent of public instruction be raised \ \$500. I do not think the state treasurer has much to do. I know I would take the job at \ \$3000. I will make a motion that \ \$500 be taken off the salary of the treasurer and added to the superintendent of public instruction.

Mr. Wood: I second that motion.

Mr. Chairman: It has been moved and seconded that the salary of the state treasurer be changed to \ \$3,000 per annum, and the salary of the superintendent of public instruction be raised to \ \$3,000.

Mr. Osborn: Let us have a division of the question.

[Editor's Note: Since the Committee was considering the section line by line, Goldwater's amendment cannot be made across the two lines simultaneously.]

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939210] Mr. Goldwater: I would like to suggest that the superintendent of public instruction be raised \ \$500. I do not think the state treasurer has much to do. I know I would take the job at \ \$3000. I will make a motion that \ \$500 be taken off the salary of the treasurer and added to the superintendent of public instruction.

Mr. Wood: I second that motion.

Mr. Chairman: It has been moved and seconded that the salary of the state treasurer be changed to \ \$3,000 per annum, and the salary of the superintendent of public instruction be raised to \ \$3,000.

Mr. Osborn: Let us have a division of the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939212] Mr. Chairman: The motion will be on the salary of the state treasurer at \ \$3,000 per annum. All those in favor will indicate by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 386)

[e939260] Mr. Ingraham: Mr. Chairman, I move that \ \$500 be taken off the salary of the secretary of state with the understanding that the \ \$500 shall later be added to the salary of the attorney general. I can see no reason why the secretary of state should be paid more than the auditor or treasurer.

Mr. Webb: I second the motion, except the last provision.

(The Records of the Arizona Constitutional Convention of 1910, Pages 386-387)

[e939261] Mr. Jones (Yavapai): I understand the secretary of state has more to do than the auditor or treasurer. He is practically lieutenant governor, and takes the place of the governor when absent.

(The Records of the Arizona Constitutional Convention of 1910, Page 387)

[e939262] Mr. Chairman: The question is upon the changing of the salary of the secretary of state from \ \$4,000 to \ \$3,500. Are you ready for the question? All those in favor will rise; opposed by the same sign.

Rising vote showed 12 "ayes" and 21 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 387)

[e939263] Mr. Osborn: I would like to renew my motion changing the word "twenty" to "thirty" making the attorney general \ \$3,500 per annum.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 387)

[e939264] Mr. Ellinwood: Mr. Chairman, that is exactly what I said a short time ago in favor of the provision requiring the attorney general to stay at the capital. The attorney general is one of the most important officers in the government, \ \$3,500 is little enough. You have required him to reside at the capital, and I think the salary is small at \ \$3,500.

Mr. Connelly: I believe \ \$3,500 is enough. I believe he can live here on that. I do not know why he should not stand the climate like the rest.

Mr. Webb: While ordinarily I believe in paying good salaries, I must recollect that these payrolls must be met and that taxes during the first years of statehood are going to be burdensome. If those who sent you could vote on this, there would be no raising; it would be lowered and not raised. For my own part I am going to vote for a reduction rather than a raise of this scale, and I doubt, with possibly one or two exceptions, if there is a gentleman learned in the law on the floor but would accept the office at the lowest salary mentioned.

Mr. Osborn: Although I am not learned in the law, I do not believe they could get out on \ \$2,500. I see no reason for paying their other state officers \ \$3,500, and the attorney general a less sum when he is a man who must be learned in the legal profession and must have a training, while with most of the offices anyone could fill them.

Mr. Orme: I am a farmer, and people of that class are making money fast. I am opposed to raising this. The attorney general has plenty of time to practice his profession outside, and he will probably make more outside than his salary. The farmers are the ones who have to pay these taxes, and they are opposed to high-salaried officers from beginning to end.

Mr. Weinberger: This matter was discussed in the committee quite thoroughly, and it was the sense of the committee that the attorney general will retain his practice, and hence he is in a different class from the governor and secretary of state, who have more arduous duties, and their time will be taken up more than that of the attorney general.

Mr. Jones (Yavapai): I agree thoroughly with the two gentlemen who have just spoken. I believe his practice would not suffer, but it would be a good advertisement and his business would be increased by being attorney general.

Mr. Ingraham: I would not be surprised if we hear a roar from the territory of Arizona on this salary business. If there is anything which will excite the populace, it is this question of salaries, and we have provided in the supreme court and these salaries make a very large pay roll. While the state of Arizona will be small compared with some other states, I think for the number of officers our pay roll cannot be equaled in the United States. This, notwithstanding the fact that we have states in the union with many millions of people, while we have only a quarter of a million.

Mr. Osborn: But we are going to have more than that.

Mr. Ellinwood: As to the possible roar that will go up in the territory, I think the gentleman from Yuma over-estimates that. The attorney general now receives \ \$3,000 from this territory, and there is no complaint of which I have ever heard. \ \$2,500 would be all right if he were from the city of Phoenix, but if he comes from Pima, Pinal, Gila or any other county his practice is ruined and he is dependent on his salary which would be if this amendment carries only \ \$500 more than you are paying now.

Mr. Connelly: I am in accord with Mr. Webb. We are paying too much. In the offices we have created today we have provided for over \ \$90,000 a year for salaries, without mentioning expenses of other officers of the court. We have hardly got started. We have in the territory only 240,000 men, women and children, and when you come down to the electors, who are practically the taxpayers we have only 40,000. Can you figure how we are going to get out. It is all right for California to pay \ \$12,000 and New York \ \$10,000 for a governor, but they have more population in one town than we have in the whole territory.

Mr. Cunniff: I am glad to hear these words of prudence. We have gone on a rather slippery pathway. I think we have set the salaries of the courts and of the executive officers all too high.

Mr. Colter: I think we ought to reconsider our action on this, and cut down these salaries.

Mr. Chairman: The question before the committee is on the salary of the attorney general, making it \ \$3,500

(The Records of the Arizona Constitutional Convention of 1910, Pages 387-388)

[e939265] Mr. Webb: I offer an amendment to make salaries as follows; until otherwise provided by law: Governor \ \$4,000; Secretary of State \ \$3,000; State Auditor \ \$3,000; State Treasurer \ \$3,000; Attorney General \ \$2,500; Superintendent of Public Instruction \ \$2,500.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 388)

[e939266] Mr. Cunniff: I opposed this because we ought to start with the courts in this reduction.

Mr. Colter: I think if there are any salaries that ought to be high, it should be the courts, especially the supreme court.

Mr. Connelly: In the courts provided for today the judges' salaries amount to \ \$67,000.

Mr. Cassidy: I would like to call attention to the fact that this proposition does not fix these salaries absolutely beyond change. It simply provides that they shall be fixed at these amounts until further provided by law. I am in favor of fixing them too low rather than too high, because if we get them too low there will be no difficulty in raising them, but if they are too high, we would have more trouble in lowering.

(The Records of the Arizona Constitutional Convention of 1910, Pages 388-389)

[e939267] Mr. Ellinwood: Under the rules I ask for a division of the question.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939268] Mr. Webb: I shall demand a roll call on each.

Mr. Chairman: The motion of Mr. Webb is in order, as section 13 is open to amendment and has never been passed. We will vote first on the governor's salary.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939269] Mr. Webb: I offer an amendment to make salaries as follows; until otherwise provided by law: Governor \ \$4,000; Secretary of State \ \$3,000; State Auditor \ \$3,000; State Treasurer \ \$3,000; Attorney General \ \$2,500; Superintendent of Public Instruction \ \$2,500.

[...]

Mr. Ellinwood: Under the rules I ask for a division of the question.

(The Records of the Arizona Constitutional Convention of 1910, Pages 388-389)

[e939271] Mr. Webb: I offer an amendment to make salaries as follows; until otherwise provided by law: Governor \ \$4,000; Secretary of State \ \$3,000; State Auditor \ \$3,000; State Treasurer \ \$3,000; Attorney General \ \$2,500; Superintendent of Public Instruction \ \$2,500.

[...]

Mr. Ellinwood: Under the rules I ask for a division of the question.

(The Records of the Arizona Constitutional Convention of 1910, Pages 388-389)

[e939272] Mr. Webb: I offer an amendment to make salaries as follows; until otherwise provided by law: Governor \ \$4,000; Secretary of State \ \$3,000; State Auditor \ \$3,000; State Treasurer \ \$3,000; Attorney General \ \$2,500; Superintendent of Public Instruction \ \$2,500.

[...]

Mr. Ellinwood: Under the rules I ask for a division of the question.

(The Records of the Arizona Constitutional Convention of 1910, Pages 388-389)

[e939273] Mr. Cunniff: I would like to explain my vote. I am in favor of applying the pruning knife, but first we should begin on the judges and afterward prune other offices.

Mr. Winsor: I voted on this 15 minutes ago, and sufficient time has not elapsed for me to change my mind. I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939274] Roll call showed 18 "ayes" and 19 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939275] Mr. Chairman: [...] The secretary will call the roll on the salary of the secretary of state.

Roll call showed 18 "ayes" and 18 "nays."

Mr. Chairman: The motion is lost on a tie vote.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939276] Mr. Chairman: [...] The next is on the salary of the state auditor, reducing it from \ \$3,500 to \ \$3,000."

Roll call showed 19 "ayes" and 17 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939277] Mr. Cunniff: I move the committee arise and report progress and ask leave to sit again.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939278] Mr. Weinberger: There is a short article on the next page that might be finished up so we might get through with this whole proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939279] Mr. Webb: I desire to call attention to the fact that my motion was divided into six parts and three have been voted on. I ask for a roll call.

Mr. Chairman: The secretary will call the roll.

Mr. Ellinwood: Is there not a motion to raise the salary of the attorney general to \ \$3,500. It was originally \ \$2,500 and Mr. Osborn moved to make it \ \$3,500.

Mr. Chairman: The gentleman from Graham moved to make it \ \$2,500.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939280] Mr. Connelly: I move we make it \ \$3,000.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939281] Mr. Webb: I maintain my motion was accepted by the chair. Four parts have been disposed of, and after the others are voted on this amendment can be made.

[Editor's Note: Webb's amendment did not make any changes to the attorney general's salary as proposed in the original section, for which reason this debate is attached to the original clause rather than a new amendment attributed to Webb.]

(The Records of the Arizona Constitutional Convention of 1910, Page 389)

[e939282] [Editor's Note: At this point, Webb said that four of the six salaries he proposed had been disposed of, though only three seem to have been described in the records. Though Webb could have misspoken, it seems as though the salary of the treasurer was neither debated nor voted upon. Perhaps, the salary of the state treasurer had been decided without the secretary noting the fact. In any case, there do not appear to be any objections to Webb's proposed salary. Given all of this and the fact that the salary in the final Constitution is \ \$3,000, the editors have inferred that the salary was agreed without comment.]

(Editorial)

[e939283] [Editor's Note: The motion to pass over the section was not mentioned again.]

(Editorial)

[e939284] Mr. Chairman: Those in favor of the salary of the attorney general at \ \$2,500 will rise to their feet. The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Pages 389-390)

[e939285] [Editor's Note: By adopting the original provision for the attorney general's salary, the pending amendments to the salary were dropped.]

(Editorial)

[e939286] [Editor's Note: By adopting the original provision for the attorney general's salary, the pending amendments to the salary were dropped.]

(Editorial)

[e939287] Mr. Chairman: [...] The next question is on line 15 that the salary of the superintendent of public instruction be fixed at \ \$2,500. Those in favor will indicate by rising. The motion is carried, and it is so ordered. Now the record is clear.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939288] [Editor's Note: By adopting the original provision for the superintendent of public education's salary, the pending amendments to the salary were dropped.]

(Editorial)

[e939289] Mr. Osborn: I trust Arizona will have state officers whose ability equals their salary, and no more.

Mr. Connelly: Before we have any more officers, I would like to know if the committee on public debt, revenue and taxation know where we are going to get all this money.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939290] Mr. Chairman: We will now consider section 1 on the next page on impeachment.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939291] Mr. Chairman: We will now consider section 1 on the next page on impeachment.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939292] Mr. Chairman: [...] It will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939293] Mr. Chairman: [...] Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939294] Mr. Chairman: [...] If there are no objections, the secretary will read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939295] Section 3. 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.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939296] Mr. Ellinwood: If the gentleman of the convention will have visions of the recall in mind, I think they will find that section 3 contains a very emphatic negative. I move you to strike out the words in the first line "not liable to impeachment."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939297] Mr. Weinberger: I believe that may confuse the situation. You will notice that section 2 provides for the governor and other state officers, but it does not make any provision for county officers, and does not interfere with or encroach upon the recall, but section 3 makes provision for such other officers who are not mentioned.

Mr. Cunniff: I wish to say I do not see the point of the gentleman from Cochise; the proposition looks all right to me.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939298] Mr. Chairman: All in favor of the amendment to strike out the words “not liable to impeachment” say “aye;” those opposed “no.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939299] [Editor’s Note: With the rejection of Ellinwood’s amendment, the section was considered adopted as read.]

(Editorial)

[e939303] [Editor’s Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e939300] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e939301] Mr. Winsor: I move the committee arise and recommend to the convention that Substitute Proposition Number 33 as amended with the exception of paragraph 7 do pass, said section 7 to be recommitted to the committee on legislative department.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 390)

[e939302] The motion prevailed.

(Editorial)

## **32.21 Wednesday, 16 November 1910, at 09:30 (s16112)**

[e939091] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939093] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939114] Mr. Chairman [...] The first proposition for consideration before this committee is Proposition Number 80. The secretary will please read the report on the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 393)

[e939118] Secretary (reading): “Phoenix, Arizona, November 9, 1910. Mr. President: Your committee on executive, impeachment and removal from office begs leave to report it has examined Proposition Number 80 and respectfully recommends the indefinite postponement of said proposition. J. Weinberger, Chairman.”

(The Records of the Arizona Constitutional Convention of 1910, Pages  
393-394)

[e939133] Mr. Winsor: Mr. Chairman, I move that when the committee arises it recommend that Proposition Number 80 be indefinitely postponed, inasmuch as the matter contained therein is contained in another proposition, which is Substitute Proposition Number 33.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[e939150] Mr. Jones (Maricopa): Mr. Chairman, I thought that under the rules that these matters must be disposed of together.

Mr. Winsor: It is just so in this case. This is a matter which was disposed of last night.

Mr. Chairman: The chair will rule that this was the proposition that was disposed of last evening.

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[e939153] Mr. Chairman: The chair will rule that this was the proposition that was disposed of last evening. All those in favor of the motion of the gentleman from Yuma answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[e939157] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e939161] [Editor's Note: Proposition Number 80 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939162] [Editor's Note: The Report from the Committee on Executive on Proposition Number 80 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939175] Mr. Chairman [...] The next proposition on the calendar is Proposition Number 139. Will the secretary please read the report on this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[e939180] Secretary (reading): "Phoenix, Arizona, November 10, 1910. Mr. President: Your committee on judiciary begs leave to report it has examined Proposition Number 139 and respectfully recommends that Proposition Number 139 be indefinitely postponed. D.L. Cunningham, Chairman. Phoenix, Arizona, November 10, 1910. Mr. President: We, a minority of the judiciary

committee begs leave to report that we have examined Proposition Number 139 and respectfully recommend that said Proposition Number 139 do pass. Fred L. Ingraham, James. E. Crutchfield.”

Mr. Chairman: Gentlemen, you have heard the reading of the reports. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[*e939183*] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 139.]

(Editorial)

[*e939188*] Mr. Ingraham: I move that when this committee arises it recommend that the minority report be adopted.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 394)

[*e939205*] Mr. Chairman: You have heard the motion that when the committee arises it recommend that the minority report be adopted. Are you ready for the question?

Mr. Ingraham: Mr. Chairman, the minority of the committee recommending that this measure do pass views the matter in this light: that children should not be treated on the same basis as adults; that when accused of offenses they should not be considered from the same standpoint as adult criminals. To emphasize this view, I wish you to consider the customs that are now frequently followed. I know at Yuma the custom is like this. A jail will be crowded with all sorts of persons, vagabonds, persons accused of crime, persons convicted of petty crimes, all penned up in a little jail. Sometimes in what they call the “tank,” there will be thirty-five, fifty, sixty men, all together, the scum of the earth, of the vilest habits that it is possible to think of, habits that one man cannot describe to another man without blushing, degenerates of all kinds and possible description. Now, a boy from that community, who perhaps is accused of some little offense, of breaking into somebody’s orchard, possibly, and stealing a handful of fruit, is thrown into that tank with those criminals, and I say to you, gentlemen, that if that boy, already, probably, with slight tendencies toward degeneracy, is kept among those men for three months or six months, it will be a miracle if he is not tainted for life. I have conversed with men who have had [sic, been] in charge of the prison at Yuma, when the penitentiary was there, and the stories they tell of the habits of those men are sickening. It is impossible for youth to be confined under those circumstances with those men, with the habits they have, and the topics of conversation they follow continuously, their stories of crime, the heroes they worship, without being tainted for life. I say, gentlemen, that our prisons and our jails, instead of being reformatories as they should be, are schools of vice and crime. Gentlemen, we send our boys to college, why do we do it? Because there they may be surrounded by men of high morals, men who are engaged in higher undertakings, with high thoughts, whose minds are single to the advancement of the race and of themselves, and we argue to ourselves that the boy placed in those surroundings will absorb from

his environment and from the example and precepts of others certain habits that will be his salvation. Why do we send a boy to jail or prison. Taking the same proposition, basing it upon the same premises, what will the boy get out of the prison and the jail? I know it is necessary that crimes be punished. I know it is necessary that men be confined in prisons and penitentiaries and jails, but I say that there is a limitation upon that. We should see that the young child is not contaminated in that way, and when we consider the few number of those criminals, those who are accused of crime, it will be easy for society to take them out in a separate class by themselves. Would you send your daughter—a girl of sixteen or seventeen years—to associate with prostitutes and vagabonds and drunken and dissolute women? If you did what would you expect? What would that girl become? What would you expect in a single week from that sort of procedure? What would you expect in three months or six months? And yet you allow some boys in this community to be thrown into jails under these circumstances, exactly the same circumstances. Is not the mind of the boy and his habits formed by the same environment and under the same circumstances and laws as the habits of the girl? Does not the environment of one affect the character the same as the environment of the other? And although it may not be your boy who is thrown into jail, is your boy any better than the other man's boy? The very fact that this boy is accused of an offense shows that he likely has started on the downward path. He is the boy who needs attention. He is the one who should be taken out of that environment. And so we of the minority of the committee think that this provision is based upon wise principles; that it will not entail any great expense. It may be that there are minor amendments that should be made to this proposition—I think there are—but we think that the procedure of this convention should be to adopt this proposition and then to amend it as it should be amended. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 394-396)

[e939211] Mr. Cunningham [one verbatim copy mistakenly says Cunniff]: I offer an amendment to the motion now pending; that is that when the committee do arise that it report and recommend that Proposition Number 139 be indefinitely postponed, adopting the report of the majority of the committee.

(Editorial)

[e939215] Mr. Cunningham [...] Now, Mr. Chairman, I am well aware that the judiciary committee are considered hardly sufficient to pass upon any question that is presented to them. I will say this in vindication of the judiciary committee's work, that not a member of that committee has any issue to take with the gentleman of Yuma who has just addressed this committee of the whole upon the principles involved. The judiciary committee by recommending indefinite postponement of this proposition do not thereby intend that this convention understand that they do not endorse the principle. I for one endorse everything that has been said by the gentleman from Yuma. I endorse the applause that he received for his statements, but, Mr. Chairman, this is a constitutional convention; that is the moving cause that brought us here. We are proposing at this time to frame a constitution. It would be utterly impossible for this convention in sixty day's time to define a proper punishment for every known offense or

delinquency that people might have practices in the territory of Arizona heretofore. If we undertake to write all the legislative matters and instructions into this constitution we never will complete it. You say that this only includes a few lines. In answer to that I will say, yes, it includes a few lines, but it means that if you are proposing to regulate every jail in the territory, then why not every other public institution [word unclear] regulated by this constitution? Why not define murder? Why not define arson? Why not make the punishments in this constitution as it is now laid down in the criminal code? Why not go into detail and [word unclear] and for all legislate for the territory of Arizona and the state of Arizona that is to follow, we hope? Why not go forward and write everything so that the territory will be saved the expense thereafter of ever having another legislative body in session in Arizona? Why not do that? You have not the time now, you say, but why would you start in to legislate upon one subject and not legislate upon all? Why not make a complete code now? It was tried many hundreds of years ago, when the lawyers then in existence tried to write a code that would never need amendment. They undertook it. Then the court started to work and had more to do than ever. Mr. Chairman, I do not want anyone to understand that I oppose the principle here laid down. It is only to save space in the constitution, believing that the matter is absolutely within the control of the legislature, believing that the people of Arizona are all too good in heart and too thoughtful of the youth of the land to allow such treatment of them as has been reported here from Yuma. I am surprised that any county in Arizona can send up such reports to be made of the treatment of the juvenile offenders. I know it has not been the case in any county that I am familiar with. In every jail that I have ever been in (I have never been incarcerated), but that I have had occasion to see, the jailors have hearts in them; the guards in the jail are always present. The youthful offenders have been kept in the office of the jailer, with the same accommodations that he has, furnished the same treatment that any other persons would be furnished with, not like Yuma County. I am surprised to know that such things exist, and I for one have almost been convinced, for the protection of the youth of Yuma County, that this provision should be paced in the constitution. In the County of Cochise, where they have anywhere from sixty to ninety prisoners every year, with the possible exception of a month after the criminal term of court has been dispensed of, there are youthful offenders that happen to be caught in the [word unclear] of the law are provided for. They have a yard, with a high brick fence around it. They have free access to that room from the jailer's office. They are not permitted to mix with the other criminals, not even permitted to see them unless the criminals pass through the doorways. Therefore, I consider that is absolutely unnecessary at this time.

Mr. Ingraham: Mr. Chairman, will the gentleman yield to a question? If that is the case, and there is no evil along that line, what harm will it do to put this in the constitution?

Mr. Cunningham: I have answered that already by saying that I am almost convinced, if one county has so neglected the youthful offenders as to treat them as they have in Yuma county, I am almost persuaded it is a good thing to put into the constitution.

Mr. Ellinwood: Mr. Chairman, there is no subject before this body in which I wish my position to be so thoroughly understood as this. I signed the majority report, and I think no one present will deny but what I have exercised

my every effort and every energy in behalf of the juvenile courts and juvenile offenders in the territory of Arizona. There is only one reason for this and that is that this measure is purely legislative. The session laws which dealt with this matter in the first place start out with that very proposition. Experience has shown that children lacking proper care and guardianship are led into courses of life which may render them liable to the penalties of the criminal law, and the law says that where the interest of such children requires, that they may be no [sic, so] incarcerated in penitentiaries and jails, and then it proceeds to have them separated, and I understand that in the laws of 1908 it is further provided, but the proposition is what is purely legislative; not that we are against this proposition; not that a member of the judiciary committee is against it. I think it is the unanimous consent of this convention that laws of this kind ought to be enacted, but is not this a purely legislative matter? If we are to legislate in this constitution upon this subject, where are we going to end? Is it not just as desirable to extend your legislation and say that in the apartment in which the child is to be incarcerated there shall be a complete and sufficient system of ventilation? That in this jail there shall be a proper sewer system? That the food furnished the children should be of proper character? That the sheets should be nine feet long? Where are you going to stop? There is not a member of the judiciary committee that is opposed to this measure. We simply say that it is purely legislative, and if we are to enter upon such legislation in this constitution there will be no end to it. We all agree with the gentleman from Yuma County. It seems to me it is like arguing that the Devil is an undesirable citizen. It is unanimous. This belongs to the legislature of Arizona and is not a part of the fundamental law.

Mr. Jones (Yavapai): Mr. Chairman, I beg to take issue with the gentleman who has just spoken. I do not consider that this matter is a legislative matter at all. It is only a declaration of the rights of the children, (applause) and if the constitution is not a declaration of rights, then what is it? It is simply a declaration of the rights of the children. (applause)

Mr. Franklin: I am thoroughly in accord with the spirit and principles in this proposition, but my objection to it is that it is a restriction on the right to do the very thing that is sought to be done by the proposition. "It shall be unlawful to confine any child under the age of 18 years accused or convicted of crime in the same section," etc. "But suitable quarters shall be prepared in our jails and prisons for the confinement of minor offenders." While I have not had very extensive experience in practicing in the juvenile court, I am advised that very often complaints are made against children who are accused of petty offenses, and they are brought before the judge for the determination of their guilt or innocence. We have a reform school to which those offenders are sent upon conviction by the judge in the juvenile court. Is it not of doubtful interpretation, under this proposition, whether or not the reformatory institution of Arizona would be done away with, and upon the decision of the judge they must be sent to jail or prison. I believe a matter of this kind to subserve the purpose, ought to be very carefully drawn. If this constitution is going to put it in there so it is without the power of the legislature to deal with it, they ought to do it so there will be no doubt about it at all, and this thing that it sought to be done should be clear and certain. I am therefore opposed to it for the reason that I deem it would do away with our reform institutions, and compel the judges to put the minor offenders in jail, or in prison.

Mr. Crutchfield: I am surprised at the attitude of my colleague from Maricopa. I think he certainly should, instead of opposing the proposition, he should offer a suitable amendment therefor, instead of signing a report recommending indefinite postponement. I consider also that every gentleman who insists that he is in favor of the spirit of this proposition should take the same attitude that if this is not drawn in legal form, instead of recommending indefinite postponement, he should recommend a substitute therefor. Therefore, their arguments are so conflicting that I cannot accept even their most logical reason. In respect to the criticism of the proposition, I cannot see that any such conclusions could be logically reached, however, for it says plainly that "It shall be unlawful to confine any minor child under the age of eighteen in the same section with adult prisoners. Suitable quarters shall be prepared for the confinement of minor offenders." The only possible flaw that could be interpreted at all as meaning that the reform school should be done away with would be possibly that last clause, and it is merely a repetition of the former thought. An amendment is the proper amendment for the gentlemen to pursue, if they are really sincere. Furthermore, I believe that undoubtedly the abuses which have been intimated by the gentleman from Yuma County are not at all unique. The association that I have had with the character of the men who are confined in our jails has taught me that they are the least fit for association with the citizens in a period of adolescence or any other class of citizens in the world. Dissolute women, lost of all sense of shame or decency, would not be any more unfit to associate with boys during the years when most of the juvenile offenders are incarcerated than the persons, the men who come there, the very scum of our earth. Not every one of these, of course, but the majority of them; the talking members, those in the jail who direct the conversation, and enforce the thought, are the least proper for association with boys. The experience I had in my childhood, in my young manhood, has made me feel very deeply upon this subject, and I believe that every boy at this age—every boy at the age of adolescence has the right to as clean surroundings as can be granted to any human being on the face of the earth. (applause) And I believe that to deny him this right at a time when he is most ready to crystallize his sentiment against the principles of right,—when he probably for the first time rises up in rebellion against those underlying principles of law,—I believe this is the period when criminals are really made, and that this is not merely a passing fad with anybody, but that it is a great reform that has been growing with the years,—that has been resting in the hearts of noble women, as they have seen the evils that surround their boys. I believe it is a principle that has rested in the minds of noble men, who have seen their sons growing up around them, and felt that the forces and powers which they had sought to use for their betterment and proper improvement were being vitiated by vile and evil surroundings. I believe that it is a principle that rests in the breast of every loyal, patriotic American citizen, and every Anglo-Saxon in this world of ours, that the easiest approach to morality and right should be granted to every man, especially to every young man. The Y.M.C.A. and colleges, and those instrumentalities that are being used for the development and culture of the youth, wherein men freely give of their wealth to provide proper surroundings and environments for youth, show that this principle is deeply buried in the hearts of all our people. The experiences that I have had in visiting and praying and talking with persons have led me also to feel deeply upon this subject, for I have had my heart moved to pity to find a youth with

all the marks of noble young manhood still left upon his brow associated with criminals who were vile, whose very thought was evil and that continually; associated with me who could find no other subject for conversation except the vilest things that could be conceived or born out of the passions of men, and forced to associate with them day by day in the closest contact. Two weeks of such imprisonment would almost spoil the best and noblest young man that this world could produce. You cannot expect even a young man of noble character to come out of a furnace as that untouched by the fire. You cannot expect to bring him out, even if he has had the finest qualities of manhood, unstained, after a month of such evil association. It is a right that belongs to the human race, that is inherent, I believe thoroughly those gentlemen who have spoken on the other side and signed the majority proposition feel the same thing, that it is a right that the youth of our land have, and that for them we, are [sic, who?] are speaking now, must speak, and that preparation must be made and prevention must be used, so that for all time to come a young man shall have this aid at a time when he needs it, which is, as the grace of Almighty God has promised, beforehand, before our sins have plunged us into their depths, a means to prevent us falling deeper in,—so I believe the people of this territory ought to provide at this time a means to prevent the further degeneration of our youth, and give them the opportunity which they ought to have, and the privilege which every noble young man cries for and clings to—a fair deal,—an opportunity to do his best and make the best out of himself in life. (applause)

Mr. Franklin: Mr. Chairman, what I am about to say I do not say flippantly. I have listened here in this convention to the reverend colleague who sits beside me, and I have been stirred to a pride with the perfection with which he performs his duties. I claim no such perfection as that to myself. I wish the reverend gentleman with that perfection which he claims as his own, would bring in a proposition along the lines that would meet my approval as a lawyer and would give spirit to this thing which it is intended to give, and I will say to you, my distinguished colleague, that if you will bring in a bill, perfect, as you can probably do, or you will sit beside me and give me the aid of your valuable assistance, and let me do the legal work, I will cooperate with you in bringing into this convention something that we can all approve and adopt.

Mr. Cunniff: At one time, some years ago, there was a gentleman who sat at his desk, a member of the legislature. There was an important subject up about which there was considerable agitation, and arguments were made by certain interests, and certain members of the legislature were presenting arguments and talking over the matter under discussion. I said to the gentleman that some of the arguments that were introduced by the agents who had the duty to present such arguments,—that they were pretty weak arguments. Now, if these arguments are not sound, why do not the people appoint agents, or come here themselves, and present their arguments. And I said to him, it seems to me the theory of an elective public officer or a representative in the legislature, that one is sent as the representative of the people to do the work on behalf of the people. It seems to me that the attitude that has been assumed by some of the gentlemen,—by one committee in particular, in this convention in regard to many proposition, that the gentlemen of that committee, or some gentlemen of that committee, sit and study proposition that are submitted to them in relation to their legality, and if propositions are not drawn up in strict legal form, or according to the opinion of some of those gentlemen, they are perfectly frank

and willing to stand up in this convention and say that they favor propositions of that nature but unfortunately they are obliged to recommend that they be indefinitely postponed because they are not drawn up in strict legal form. It seems to me when the delegates were elected to this convention, whether they belong to the legal profession or not, if they were sent here to do their best to have propositions drawn up and inserted in this constitution, they ought to give their best ability and their best effort in doing that. Now we have seen the unfortunate spectacle of seeing a proposition put out of the judiciary committee and referred to another committee, in order that that other committee—

(The Records of the Arizona Constitutional Convention of 1910, Page 396-401)

[e939216] Mr. Cunningham: I rise to a point of order. The gentleman is not speaking to the question.

(The Records of the Arizona Constitutional Convention of 1910, Page 401)

[e939218] Mr. Chairman: I think that point of order is well taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 401)

[e939219] Mr. Moeur: I do not think this question —

Mr. Cunniff: I ask you to rule. My argument is strictly the question that this should not be indefinitely postponed because it is not drawn up in the form that is satisfactory to some of the gentlemen of the judiciary committee.

Mr. Chairman: The chair has ruled. If you care to appeal from it.

Mr. Cunniff: Am I in order?

Mr. Moeur: I think the argument of this question is entirely out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 401)

[e939220] Mr. Jones (Yavapai): There seems to be no difference of opinion as to the necessity of some provision of this kind, either in the laws or in the constitution. The only fear is that if we leave it to the legislature it may be neglected. Without offering this at this time I make the suggestion that this can be obviated by adopting a proposition like this: that the legislature shall at its first session enact laws to provide that no minor child or juvenile offender shall be confined in the same quarters with adult prisoners. There is no legislative question in that, and that will allow the legislature to elaborate upon it as they want to. It will cover all the objections of the legal gentlemen, and when the deck is cleared, if it is cleared, I will offer this amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 401)

[e939221] Mr. Cassidy: Mr. Chairman, I move that the proposition be amended by striking out all of the proposition after the word "persons" in the third line.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 401)

[e939222] Mr. Cassidy: I think it will obviate the objection of the gentleman from Maricopa and substantially improve the proposition.

Mr. Jones (Yavapai): I do not believe it would be advisable to cut out that part of the proposition.

Mr. Chairman: Just a moment, Mr. Jones. The question is put. You have heard the amendment that all after the word "persons" in line 3 of Proposition Number 139 be stricken out. Are you ready for the question?

Mr. Weinberger: I move a further amendment to strike out—

(The Records of the Arizona Constitutional Convention of 1910, Pages 401-402)

[e939224] Mr. Ellinwood: I rise to a point of order. The motion before the house is to substitute the minority report for the majority. Until we have the minority report how can we amend it?

(The Records of the Arizona Constitutional Convention of 1910, Page 402)

[e939225] Mr. Chairman: The minority report is before the house.

(The Records of the Arizona Constitutional Convention of 1910, Page 402)

[e939226] Mr. Weinberger: The further amendment is by striking out the word "but" on line three, and making the word "suitable" the beginning of a sentence, and striking out in line 4 the words "in all jails and prisons," so that the sentence shall read "suitable quarters shall be prepared for the confinement of minor offenders," together with the balance of the section.

Mr. Chairman: There is no second.

Mr. Hunt: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 402)

[e939228] Mr. Chairman: There has been an amendment offered to the amendment to the first amendment to strike out all after the words "adult prisoners," and the amendment to the amendment is to retain that part stricken out by the amendment with the exception of the word "but" on line 3 and in line 4 with the exception of "in our jails and prisons," so that it may read "suitable quarters shall be prepared for the confinement of minor offenders." Are you ready for the question? All those in favor will signify by saying "aye;" contrary "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 402)

[e939231] Mr. Chairman: [...] Now the question will come up will the minority report be substituted for the majority report, and that when this committee report it recommend the adoption of Proposition Number 139 as amended. All that are in favor will answer "aye" as their names are called, and all opposed will answer "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 402)

[e939233] Mr. Ingraham: I wish to say just a word very briefly in regard to the remarks of the gentleman from Cochise, Mr. Ellinwood. The statement is made by him that this proposition was a purely legislative matter, and I want to say right here and now that the difference between a legislative matter and a

constitutional matter reminds me of the old conundrum “when does a pig cease to become a pig, and become a hog.” You cannot lay your finger upon the line that divides a legislative question from a constitutional question. It seems to me that a constitutional question is a fundamental question devoid of detail. Legislative question[s] may include fundamental questions, and for a man to say when a proposition ceases to have detail in it, and becomes wholly fundamental, and is removed from the legislative field in that degree to the constitution field is impossible, and I say, gentlemen of the convention, that if there is anything that is fundamental it seems to me that it is a principle that [is] expressed in this provision, which is aimed to protect society at its most vulnerable point, the point where criminals are being made. It seems to me that if there is anything fundamental in our work it is a proposition which is aiming to, and will in its effect [,] save hundreds of young men to good citizenship.

Mr. Short: I desire to say that with another gentleman of the convention I visited the county jail in this place the other day to ascertain if it classed minor offenders with adult prisoners in this county, and we found no minor offenders were confined at this time. In talking with the jailor he assured us when they had such offenders, if possible, they were confined in the women’s cell. In case of that being occupied, they were put in the corridor. That gave them access to all of the adult prisoners, which certainly was not to the benefit of the boys. I think that the matter of looking after our boys and girls in this state, is fully as important and should receive at least as much consideration as ourselves.

Mr. Cunningham: I desire to say only another word or two. The gentlemen who have talked in favor of the adoption of the minority report, have invariably given us reasons why the children should be protected. The gentleman from Yuma has discussed the question as to the difference between constitutional provisions and legislative provisions. Now it has always been the custom in constitutional conventions to provide a remedy for wrongs being committed within its jurisdiction, but it seems rather a unique position for a constitutional convention that is in harmony upon the question now before us, that all people agree upon a certain principle, that in order to enforce that principle we must make it a fundamental law, and place it in the constitution. That seems to be a very peculiar problem. No one has denied the matters and things that have been said. No one has insisted, except the gentleman from Yuma, that any wrong exists in the territory, that this matter has been aimed at. It would be perfectly just and proper if a wrong being committed in the territory to place a restriction and remedies against that wrong in a constitutional provision, but where the question involved is one that is so unanimously concurred in by all the people, why should we write it into the constitution in order to express our feelings to the gallery, or to the territory or to the people of the territory along that line?

(The Records of the Arizona Constitutional Convention of 1910, Pages 402-403)

[e939235] Mr. Chairman: The question comes up on when this committee arises that it recommend to the Convention that the minority report on Proposition Number 139 as amended be recommended for adoption. As amended it will read as follows: It shall be unlawful to confine any minor child under the age of 18, accused or convicted of a crime, in the same section of any jail or prison

in which are confined adult persons. Suitable quarters shall be prepared for the confinement of minor offenders." As many as are in favor will, when their names are called, answer "aye," and those opposed "no."

Roll call showed 34 "ayes" and 12 "nays."

Mr. Chairman: The "ayes" have it. It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 403-404)

[e939237] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e939239] [Editor's Note: The Minority Report on Proposition Number 139 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939241] [Editor's Note: Proposition Number 139 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939242] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 139 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939246] Mr. Chairman: [...] The next proposition is Number 144. Mr. Clerk please read it. What is your further pleasure gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939247] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 144 was taken up alongside the proposition.]

(Editorial)

[e939248] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to the Committee of the Whole's Report on Proposition Number 144.]

(Editorial)

[e939249] Mr. Winsor: I move that when the committee do arise it recommend that Proposition Number 144 be indefinitely postponed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939250] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939251] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e939252] [Editor's Note: The Report of the Committee on Judiciary on Proposition Number 144 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939253] [Editor's Note: Proposition Number 144 was referred to the Convention alongside the committee's report.]

(Editorial)

[e939254] [Editor's Note: The committee's report was referred to the Convention.]

(Editorial)

[e939255] Mr. Winsor: I am going to make a motion that I want to explain before I make it. There are a number of committees, and the committee on legislative department in particular, having very important work to do. There seems to be no opportunity in the morning to do that because our mornings are fully occupied with the business of the convention. I am going to move that the committee do now arise, and the purpose is to give these committees an opportunity to have meetings. I move the committee do now arise and report progress.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

[e939256] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 404)

## **32.22 Wednesday, 16 November 1910, at 14:00 (s16114)**

[e939115] Mr. Chairman: The committee of the whole will come to order. We have under consideration Proposition Number 44. The secretary will please read the report of the committee on education.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939117] Mr. Chairman: The committee of the whole will come to order. We have under consideration Proposition Number 44. The secretary will please read the report of the committee on education.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939121] Secretary (reading): “Mr. President: Your committee on education begs leave to report it has examined Proposition Number 44 and respectfully recommends that it do not pass.”

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939123] [Editor’s Note: Proposition Number 44 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e939126] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 44.]

(Editorial)

[e939128] Mr. Orme: Mr. Chairman, I would like to ask a question. Has the chairman of the committee made any provision in any other bill to cover this matter?

Mr. Moeur: There are other provisions of this nature.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939677] Mr. Crutchfield: Mr. Chairman, I move further consideration of the bill be deferred until we have further reports on the other bills.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939678] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939154] Mr. Chairman: The next propositions for consideration is [sic] Numbers 75, 73 and 41.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939163] Mr. Chairman: The next propositions for consideration is [sic] Numbers 75, 73 and 41.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939170] Mr. Chairman: The next propositions for consideration is [sic] Numbers 75, 73 and 41.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939172] Mr. Chairman: The next propositions for consideration is [sic] Numbers 75, 73 and 41.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939176] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Propositions Number 75, 73, and 41.]

(Editorial)

[e939679] Secretary: Propositions Numbers 75, 73 and 41 are here without any reports or recommendations. I think that the reports went to the committee on printing and clerks. The recommendations were that the three propositions be indefinitely postponed and the substitute proposition be adopted therefor, and that they be considered altogether when the other proposition is returned.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939680] Mr. Short: Mr. Chairman, I move you that when the committee arise it recommend the report of the committee to be adopted.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939681] Mr. Crutchfield: The substitute proposition has incorporated within it the same as these propositions on educational questions.

Mr. Chairman: It has been moved and seconded that these propositions be postponed to come up before the committee of the whole with the rest of the propositions when they are reported.

Mr. Weinberger: What has Proposition Number 75 to do with these?

Mr. Winsor: I want to call attention to the fact that this committee, in reporting, has made some errors. When a report on two, three or four or any number of propositions is made, the report must be submitted with each one, and no one had any right to separate the report from the proposition. If these propositions are separated from the reports, it is clearly a mistake.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939684] Mr. Crutchfield: I would offer a substitute motion, that 75, 73 and 41 be postponed until the report from the committee on education.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 407)

[e939686] Mr. Chairman: It has been moved and seconded that Proposition Number 75, 73 and 41 be deferred until the report of the committee on education is received.

Mr. Colter: Mr. Chairman, I think that Proposition 75 should have been referred to the committee on schedule, mode of amending and miscellaneous, and we are ready and will be glad to take it up at any time.

(The Records of the Arizona Constitutional Convention of 1910, Pages 407-408)

[e939687] Mr. Cunningham: I move that the committee recommend that Proposition Number 75 be indefinitely postponed.

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[e939689] Mr. Hunt: Mr. Chairman, I do not see why the gentlemen are so anxious to postpone this bill. It seems to me that it is a very good measure.

Mr. Jones (Yavapai): We consider it unnecessary and believe that the police or municipal authorities should be allowed to provide for the sanitary conditions and regulations and that it is not a political question that will ever be questioned by either party, therefore we feel it is entirely unnecessary in the constitution.

Mr. Webb: Doubtless every member of this convention realizes as I do the necessity of the best possible sanitary condition and that every city and town should be provided with these conditions, but I must take issue with the gentleman from Yavapai county upon this measure for I think that it is useless to try and get it into the constitution.

Mr. Colter: I agree with the gentleman in wishing to indefinitely postpone this proposition for this reason: It is not quite what I intended it to be. I am in favor of a clause in the constitution that will provide for sanitary regulations but I would prefer to prepare another proposition and submit another report upon this question in the place of Proposition Number 75.

(Editorial, Page 408)

[e939690] Mr. Chairman: All those in favor of indefinitely postponing Proposition Number 75 say "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[e939691] [Editor's Note: The adoption of Cunningham's recommendation made Short's recommendation obsolete.]

(Editorial)

[e939694] [Editor's Note: The adoption of Cunningham's recommendation made Crutchfield's recommendation obsolete.]

(Editorial)

[e939695] Mr. Crutchfield: I renew my motion that 73 and 41 be postponed until we have further reports from the committee on education.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[e939696] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[e939698] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e939699] Mr. Chairman: This is all we have on the calendar.

Mr. Hunt: Mr. Chairman, I move that the committee of the whole now arise.

Mr. Bolan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

[e939700] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 408)

### **32.23 Thursday, 17 November 1910, at 09:30 (s16118)**

[e939208] Mr. Chairman: The committee of the whole will come to order. The secretary will read the order of the work before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939209] Mr. Chairman: The committee of the whole will come to order. The secretary will read the order of the work before the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939213] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939214] Petitions relative to state wide prohibition and equal suffrage referred to the Committee of the Whole on November 17, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 198)

[e939356] Secretary: The propositions for consideration are Numbers 26, 27, 112, 3, 121, 124, 119 and 19, and a minority report on numbers 26 and 27.

Mr. Chairman: Gentlemen, what is your pleasure?

[Editor's Note: The Committee of the Whole took up Proposition Number 26.]

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939358] [Editor's Note: The Committee of the Whole took up Proposition Number 26.]

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939360] [Editor's Note: The Committee of the Whole took up Proposition Number 26.]

(Editorial)

[e939363] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 26.]

(Editorial)

[e939368] Mr. Crutchfield: Mr. Chairman, I move that when the committee arise it recommend that the minority report on Proposition Number 26 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939369] Mr. Keegan: Mr. Chairman, I move to amend that when the committee do arise it recommend that the majority report be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939370] Mr. Chairman: Will the secretary please read the report on Proposition Number 26?

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939374] Secretary (reading): "Mr. President: Your committee on matters for separate submission begs leave to report that it has examined Proposition 26 and respectfully recommends that said Proposition Number 26, relating to state wide prohibition be not adopted. Thomas N. Wills, Chairman. We concur: J.J. Keegan, E.A. Tovrea."

"Mr. President: We a minority of your committee on matters for separate submission begs leave to report we have examined Proposition Number 26 and respectfully recommend that Proposition Number 26, relative to state wide prohibition be adopted. W.T. Webb, Alfred Franklin."

(The Records of the Arizona Constitutional Convention of 1910, Page 411)

[e939413] Mr. Chairman: Now, gentlemen, what is your pleasure? The question before the house is on Proposition Number 26 relative to state wide prohibition.

[Editor's Note: Webb's opening remarks are missing from the Records but can be found in the Arizona Republican.]

Mr. Franklin: [words missing] There will be no just reason to defeat the minority report. There may be some very logical arguments against this question and some fine arguments to the effect that it will endanger the approval of the constitution at Washington, that it will meet defeat with such an appendage, but I would call attention to the pledges that have been made and the provisions for the will of the people to be given a voice in the matter. This was provided for in the Enabling Act and this matter was discussed in making this provision. I for one am willing to have both the prohibition and suffrage measures submitted to the people. If the constitution with the ratification of the people and their wishes expressed by acceptance of the constitution with these questions of separate submission should be turned down at Washington and the statehood question settled then I say let it be so. I shall accept it gracefully and I hope that this majority report will not be adopted.

Mr. Baker: Mr. Chairman, I feel I should raise my voice in opposition to the majority report. This is not a question as to whether prohibition is right or wrong, but we are confronted with the great question of giving unto the people the right to determine the matter whether or not they want statewide prohibition. This question cannot [sic, can] be determined only by the voice of the people, and it is their right to vote upon it at the present time. It is our duty to grant them this privilege, and I cannot see how we can be sincere or true to the people unless we give them the right to decide the matter for themselves. We have already adopted the initiative and referendum. Directly recognized the right of the people to pass upon this most important question, a most solemn and legal right, then why should we object to submitting this question to the people. I have waited with patience to hear some reason why we should not submit this question to the vote of the people and I have heard not a single reason, not a logical word upon it has yet been offered, while there is every reason that it should be submitted. If we give the people the right to determine this question for themselves at this time it will not cost the people a single dollar extra, and if we defer the matter it will come to an issue sooner or later and when it does come it will mean an expense to the taxpayers of an immense sum of money, and you cannot prevent the question, for it has become too broad-wide and so popular that we cannot hope to prevent or defer it, and if the people have any rights at all to determine any questions for themselves they most certainly have the right to settle the question of prohibition, therefore, I believe it is our solemn duty to grant the right unto the people at the present time to vote upon the question, and if they defeat it [it] shall then be left to the people in their own municipalities and counties, but if the people's vote carries the question, we should be willing to accept the will of the people and abide by their wishes. If the people have the right to direct legislation, and the initiative and referendum, then they most assuredly are entitled to vote in this matter, and I certainly hope that the majority report will not be adopted.

Mr. Cunningham: Mr. Chairman, I did not intend to open my mouth in the session this morning. The people of my county have spoken upon this question only last year. The question as far as the people of Cochise is concerned is settled; as far as I am personally concerned I believe heartily in the proposition, and the minority report on state wide prohibition, but I am not deciding any personal matter. Mr. Chairman one of the strongest advocates of separate submission has said that it would forever settle the question in Arizona. When he made that statement he must have known more about the definite settlement than anyone else can presume. I have only lived in three or four counties in Arizona, but I believe that I can state that this question would not be settled no matter how the vote of the people was cast, but the question in my mind is that if we write into that document the question of prohibition that it will endanger the approval of this constitution, and I do not wish to encumber the constitution by any such measures. As to the advisability of settling the prohibition question I would say that since I have been a citizen of this territory I have seen the people grow upon man lines, and have seen many principles of government as well as advanced ideas become a part of the people and the laws of this territory and I believe that this question will in time solve itself. When I first came here, there were laws and many acts that were unquestionable and now we find that the people have grown and developed until there is widespread civilization on every hand, and the people are growing and developing in every

line, and along the line of advancement when such questions of prohibition just as they did the gambling question which brought that question to a swift and commendable end. It will sweep the state as did this question, and I have no fear that it will ever be necessary to tack it on to the constitution. There is a way to solve this problem which I will discuss, and that is by removing the tax and the revenue upon the liquor. If there were no tax upon it the sale and manufacture would be so greatly impaired that it could ever exist and while it still might be manufactured every man who wished could have his own barrel within his cellar, and some fools might drink themselves to death, but so long as there is a license upon the liquor just so long will there be conditions that are now agitating the people. Every child, and every woman, man and child has heard this discussed on all sides, every one is familiar with it, but if it were submitted to the people no matter which way the vote[s] were cast it would still be unsettled. And so far as the members of the constitutional [convention] is concerned they have all made up their minds on the question, some one way or another, and this is their right as it is the right of all people; but this question is purely policy. We might be asked to submit every question that comes up just as we have been asked to submit this one, but we cannot do so. Gentlemen, this is a solemn question, and one that should not be attached to our constitution, but should be met only by such methods as each municipality and county can meet it unless it becomes a national question, then we could make it a state-wide issue. Mr. Chairman, I say that we should support the majority report, and I am not willing this measure should be an appendage any more than I was willing that it should be a part thereto, or in the constitution. Therefore, I favor the majority report.

Mr. Jones (Maricopa): Mr. Chairman, if the remarks and expressions of my colleagues Mr. Franklin and Mr. Webb of Graham County are also true, then the gentleman from Cochise and his arguments are very illogical. If the vote is lost the question is settled and if the vote for prohibition is not defeated then it is settled and should be, but the arguments of the gentleman from Cochise are illogical and full of blow holes. (laughter and much applause)

Mr. Cunningham: If my arguments are full of blow holes I should say that the arguments of the gentleman from Graham and from Maricopa were nothing but bubbles, for I based my arguments on theirs.

Mr. Webb: I did not intend to convey the idea that submitting the question to the people would settle the matter forever in the light you have taken it, for I did not presume to say just which way the people would vote. They may vote for it or they may defeat it and whichever way the people vote so should the question be determined. If the majority of the people vote against the measure it will be lost and if they vote for it, it will be carried and this is what should be done. It should be determined by the people and not by the members of this convention.

Mr. Crutchfield: I have a few words to offer upon this question. I will first address my remarks to the prohibitionists. There seems to be a question whether this amendment would militate against prohibition or not. As a prohibitionist I rather think it will be defeated. It would only get about forty to forty-five percent of the voters, but this forty percent of the voters who are in favor of state-wide prohibition should like to have gone on record to prove to certain people what we are in Arizona and to remove from their mind some of the terrible pictures they have of us. They think we are a people given to drunkenness,

robbery, debauchery and murders, and that no civilization prevails here to any extent. They think that we live only that frontier life which deals only with the worst forms of living and that civilization is foreign to us. I should like for them to know that I was a partner in the great cause of prohibition to wipe out all the terrible crime and sin that liquor brings. I am jealous for the good of Arizona among the Eastern states, and I would like to wipe out this terrible stigma upon our fair name. As an anti-saloonist I desire to blot from this territory any such pictures as they have of us.

To the anti-prohibitionists I desire to say a word or two: Are you afraid that if it is submitted to the people that they will vote against it and endanger statehood? Now I say there is no danger of endangering the statehood bill for this is an entirely different matter and can be omitted from the constitution if it is lost, but if it is carried then it is the voice of the people and should be incorporated into the constitution, but I do not think that you have any cause to fear for I believe that it is stronger for your question than it is for prohibition, and as to the danger of the people turning this constitution down [it] is no danger at all. I am reminded of a gentleman who went to see the circus. He took his wife with him and as he was a deacon he did not desire to attend any of the performances so he took his wife by the hand and led her around to look at the animals. They came to the hippopotamus. He look[ed] at him from one side to the other, from the head to the extreme parts, from every side he did view him, on the left and on the right, walking from North to South, from East to the West and when he had finished his view he remarked, "Sarah, there just ain't no such animal." Now the people will never turn this constitution down, neither will they turn anti-prohibitionists down, but gentlemen it is only Democratic [sic] to give unto the people the right to vote upon the measure. I appeal to you men as Democrats that this is a question that should be given to the control of the people and we have no right to withhold their right to express themselves upon this question. I do not believe it is fair to do so. The people are willing to vote upon it and abide by the result of that vote. And against it is the economy to vote upon the question now. As has been stated before it will save between thirty to forty thousand dollars to submit the question now and we as Democrats and the majority in this convention should be willing to not only grant the people the right to vote upon the question but to save the extra cost of an election at a later day for the question is so widespread that it cannot be killed.

As a warning, that if you defeat the American people's right to vote upon this question you are going to make the sentiment in favor of prohibition. You are giving them fair play upon it. If you defeat the prohibition measure today you are giving the prohibitionist something to do for this one step against it today will only add numbers to the foe of the majority report and numbers to the fight which is now on. I do not want to do only that which is just and right in this matter as well as all others and I do not wish to endanger our constitution or to defeat it or delay it in the slightest degree but I claim that it will neither defeat nor delay statehood for it is a provision of the Enabling Act that the constitution should be submitted to the people as well and they are not going to turn the constitution down. Now I beg you to meet this question squarely and in a Democratic [sic] spirit and grant that the voice of the people may say whether or not this shall be in the constitution.

Mr. Cunniff: Question.

Mr. Jones: Question.

Mr. Tovrea: Question.

Mr. Parsons: Mr. Chairman, it has been intimated that the arguments of the gentlemen from Cochise was [sic, were] full of blowholes and that the argument of the gentleman from Graham was [sic, were] bubbles, and if this is true, then the arguments of the gentleman from Maricopa is a whole stirring of bubbles and long enough to reach around the globe.

In the first place the gentleman from Maricopa states that the question if submitted to the people would get only forty or forty-five percent of the votes in favor of prohibition and that the great majority of votes which would be cast against it would defeat it overwhelmingly, but those votes which were cast for state-wide prohibition would influence the Eastern states as to what we were in Arizona and that these terrible pictures that they have of us would be blotted out. Now my friends, I say that if that is the purpose of bringing this question before the people, I say that it was better by far that the question never be submitted, for if forty-five percent of the people would be the number who would represent civilization and the rest the criminals, the murderers, the debauchers, then it were better if the people never voted upon the question. If this vote is to show the caliber of citizens of this territory, then I say that the question should never be submitted to the people, for we will stand a much better chance for a high position [in] the estimation of the East by not voting upon the question than to have it turned down by such an overwhelming majority as the brother predicts that there would be, and the brother says "That to vote against Prohibition here will make Prohibition votes." Now I say that if that is the case let us defeat it and get those votes. I would just like to refer you to a man whom you all are familiar with, the Honorable Eugene H. Chapin, former Prohibition candidate for president of the United States, who says that state-wide prohibition is a failure, and the solution of the question would require it to be a national issue, and if we can depend upon the words of a man who has given his best efforts to this question we surely can take his advice in the matter of state-wide prohibition.

I would also give you the statements of another ardent advocate of prohibition, that person is O. Gibson of Tombstone, the Prohibition candidate for delegate to Congress, who said, "If you can secure direct legislation, that first principle of right of the people, that would be all the prohibitionists would ask." And he made a statement just before the county convention in Cochise County this fall.

Now, Mr. Chairman, referring to the frequent appeal for the exercise of the principle of the initiative and referendum in this matter, and the question why state-wide prohibition should be discriminated against, I would suggest that the terms of the initiative and referendum have not yet been complied with. If the principle is now to be applied to prohibition why discriminate in favor of at least eleven other matters concerning which the convention was divided, or why should we discriminate against these two questions, prohibition and a suffrage question or why other propositions that are to be a part of this constitution. Now we could just as well submit every question that comes before this house in just the same way, but what is the use of making a constitution and having it subdivided in such a way. If we are going to have [a] constitution let us make one that contains only such principle [sic] and fundamental laws that there will be no entanglements with another question that can hinder or endanger

the ratification or approval of the constitution. As far as my own county is concerned we did not put these questions in the platform and we frankly stated that the questions were settled as far as our county was concerned and we are not breaking any pledges or our faith with anyone when we refuse to vote for either one of the questions submitted to the convention as matters for separate submission. Personally, I believe in prohibition and would be willing to give to the people the right to determine this question as a regional issue or in each county or community, and it is their right to maintain prohibition if the majority of the people vote for it, but as a state-wide measure, and a part thereto to this constitution, I am opposed and I give my support to the majority report.

Mr. Webb: Question.

Mr. Jones: Question.

Mr. Simms: Question.

Mr. Winsor: Question.

(The Records of the Arizona Constitutional Convention of 1910, Pages 411-417)

[e939415] Mr. Chairman: The secretary will call the roll and those who vote "aye" will vote against prohibition as a matter of separate submission, and those who vote "nay" will vote for prohibition to be submitted to the people.

Mr. Cunniff: Mr. Chairman, I would like to be sure about this vote. What is the question?

Mr. Chairman: Mr. Crutchfield moved that when the committee arise it recommend the adoption of the minority report, and Mr. Keegan moved to amend the motion that when the committee arise that is recommend the adoption of the majority report. The question is on the amendment of Mr. Keegan, and those who vote "aye" will vote against prohibition as a question for separate submission and those who vote "nay" will vote for prohibition as a question for separate submission.

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939418] Roll call showed 33 "ayes" and 15 "nays".

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939419] Mr. Chairman: The motion is carried. Gentlemen of the convention, the question before the committee is the motion of Mr. Crutchfield, as amended by the gentleman from Gila. Are you ready for the question? All those in favor of this question will make it known by saying "aye;" contrary "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939420] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e939422] [Editor's Note: Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939421] [Editor's Note: The Report from the Committee on Matters for Separate Submission on Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939423] [Editor's Note: The Minority Report from the Committee on Matters for Separate Submission on Proposition Number 26 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e939424] [Editor's Note: Once the Committee of the Whole had made a decision on Proposition Number 26, it seems probable that the petitions on prohibition were no longer under consideration by the Committee.]

(Editorial)

[e939425] Mr. Chairman: [...] The next proposition before the committee is Proposition Number 27. The secretary will read the report.

Secretary (reading): "Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition Number 27 and respectfully recommends that said Proposition Number 27, relating to suffrage be not adopted. Thomas N. Wills, J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939426] Mr. Chairman: [...] The next proposition before the committee is Proposition Number 27. The secretary will read the report.

Secretary (reading): "Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition Number 27 and respectfully recommends that said Proposition Number 27, relating to suffrage be not adopted. Thomas N. Wills, J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939429] Mr. Chairman: [...] The next proposition before the committee is Proposition Number 27. The secretary will read the report.

Secretary (reading): "Mr. President: Your committee on matters for separate submission begs leave to report it has examined Proposition Number 27 and respectfully recommends that said Proposition Number 27, relating to suffrage be not adopted. Thomas N. Wills, J.J. Keegan, E.A. Tovrea."

(The Records of the Arizona Constitutional Convention of 1910, Page 417)

[e939430] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 27.]

(Editorial)

[e939435] Mr. Tovrea: I make a motion that the majority report be adopted.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 418)

[e939437] Mr. Webb: I desire to amend the motion of the gentleman from Cochise and move that the minority report of the committee be adopted.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 418)

[e939440] Mr. Chairman: The question before the house is on the majority report as amended.

Mr. Goldwater: I would suggest to save time that we vote on the first proposition.

Mr. Webb: The same procedure is being followed this time as on the question last passed, and the question now is on the original motion made by the gentleman from Cochise that the majority report be adopted, and the amendment offered by myself, and entertained by the chair, that the minority report be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 418)

[e939443] [Remarks by Webb of Graham missing from all copies. In one copy only the last two words "religious liberty" are found and the note that it was followed by great applause.]

Mr. Franklin: I was told a long time ago that repentance never follows an act well done, and while our Republican friends have joined with the majority of this convention in refusing to yield to the popular will, I am not repentant and am still in favor of the people in Arizona controlling the affairs of Arizona, and therefore, hope this minority report will prevail.

Mr. Cooper: I should like to say just one word, in defense of at least a portion of this minority. I am not speaking with any authority for any except the five delegates from Pima County. I think I voice their sentiments in what I am about to say. I do not think this convention had been assembled more than forty-eight hours when we were informed that on account of the fact that we were in a lonesome minority, and unfortunately for our situation in this convention, Republicans, (I am not going to endeavor to say what authority the man who gave us the information—we got it,) we might as well understand from the beginning that any proposition submitted by the Republicans to this convention, if they carried with them any popularity or any merit, would be immediately turned down, and a proposition so modified and presented that the Democratic majority would have whatever honor and credit there seemed to be in the proposition. That did not hurt our feelings particularly. There have been few occasions passed on this floor where opportunity occurred for the Republicans did not vote with the majority, to cast some reflection upon this Republican minority, and I want to say that has not hurt our feelings either. A great deal has been said about loyalty to constituents, and that has seemed to have been the guiding star on this floor. It seems absolutely useless for us of the minority to explain our votes under existing conditions. Hence, we have kept quiet. I wish to say to those gentlemen who are making grand speeches on

loyalty while we are not saying anything we have some of the same loyalty to the people we represent, who are a part of the people of this territory, and we want statehood just as hard as anyone in this territory, although we may differ as to our ideas as to what will get statehood, and I think no one has the right to cast aspersions on our motives in voting. I simply wish to make this statement as an explanation, if any is due, of the votes we in the minority cast.

Mr. Webb: I simply desire to say that I at least, and none of us probably are responsible for the information given to the gentleman from Pima county.

Mr. Cooper: The information came to us not in Pima county but in this convention.

Mr. Webb: The question I desire to ask is whether this information has been verified or proven incorrect from the attitude of the majority toward the minority during the session of this convention.

Mr. Cooper: I will say to that, we have not taken the opportunity to find out.

Mr. Cunniff: I shall not take more than a minute and a half. (applause) The minority in good faith made a statement in good faith that they would work harmoniously without regard to their political party, and the majority I believe accepted their assurance in the same good faith. The majority have accepted on the floor of this convention and in committees the suggestions made by the minority members. Both majority and minority are doing the same kind of work in making this constitution, and I wish to say that I am proud of the minority and proud of the majority, and proud of the civilization of Arizona that this should be so.

(The Records of the Arizona Constitutional Convention of 1910, Page 418-419)

[e939445] Mr. Chairman: The question before the committee is whether we shall adopt the minority report as amended. All those in favor will say "aye;" opposed "no." Call the roll.

Mr. Webb: You will pardon me. Those who vote "aye" will vote for the separate submission of woman suffrage. Those who vote "no" will vote against it.

Roll call showed 19 "ayes" and 30 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 419)

[e939449] Mr. Chairman: The motion is lost. The question now comes up in the first motion; the adoption of the majority report. All those in favor of the majority report will make it known by saying "aye;" contrary "no." The "ayes" have it. The next proposition before the committee is Proposition Number 112.

(The Records of the Arizona Constitutional Convention of 1910, Page 419)

[e939450] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e939454] [Editor's Note: Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e939453*] [Editor's Note: The Report from the Committee on Matters for Separate Submission on Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e939456*] [Editor's Note: The Minority Report from the Committee on Matters for Separate Submission on Proposition Number 27 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[*e939459*] Mr. Parsons: As Propositions Numbers 112, 3, 121, 119 and 19 all refer to the same subject matter; that of ordinance, and as our substitute proposition is submitted by the committee on ordinance for all six of these propositions, I think we ought to take them up together.

(The Records of the Arizona Constitutional Convention of 1910, Page 419)

[*e939460*] [Editor's Note: This suggestion was accepted.]

(Editorial)

[*e939463*] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[*e939465*] Mr. Ellinwood: I move the committee do now arise and report progress.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 419)

[*e939466*] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 419)

## 32.24 Thursday, 17 November 1910, at 14:00 (s16125)

[*e939399*] Mr. Chairman: The committee of the whole will come to order. The first on the calendar for consideration is Proposition Number 112. As these propositions all border on the same proposition, possibly it would expedite matters if we consider them as a whole. Number 119 seems to be the one substituted for all of these, and possibly it would be better to have the report on Number 119 read first.

(Editorial)

[e939400] Mr. Chairman: The committee of the whole will come to order. The first on the calendar for consideration is Proposition Number 112. As these propositions all border on the same proposition, possibly it would expedite matters if we consider them as a whole. Number 119 seems to be the one substituted for all of these, and possibly it would be better to have the report on Number 119 read first.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939742] Secretary (reading): "Phoenix, Arizona, November 16, 1910. Mr. President: Your committee on ordinance begs leave to report it has examined Propositions Numbers 112, 3, 121, 124, 119 and 19, and respectfully recommend the indefinite postponement of Numbers 112, 3, 121, 124, [and] 19, as the substance of the same is incorporated in Number 119.

[Editor's Note: Proposition Number 19 is included in the version of the report the Secretary reads out. However, this is not part of the original report and is presumably added later, as Proposition Number 19 had previously been postponed to be considered alongside Proposition Number 119.]

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939744] [Editor's Note: Proposition Number 112 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e939746] [Editor's Note: Proposition Number 3 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e939747] [Editor's Note: Proposition Number 121 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e939750] [Editor's Note: Proposition Number 124 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e939752] [Editor's Note: Proposition Number 19 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e939757] [Editor's Note: The Committee on Ordinance report on Proposition Number 19 was referred to the Committee of the Whole.]

(Editorial)

[e939754] Your committee also returns Proposition Number 119 and has attached thereto certain amendments, and recommends that the amendments be adopted, and as amended it do pass.

Morris Goldwater, Chairman. We concur: C.C. Hutchinson, James E. Crutchfield."

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939759] [Editor's Note: Proposition Number 119 was referred to the Committee fo the Whole alongside the Committee on Ordinance report.]

(Editorial)

[e939762] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 119.]

(Editorial)

[e939764] Mr. Hunt: I move the committee of the whole, when it arise, recommend that Proposition Number 119 do pass as amended.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939765] Mr. Franklin: I notice in this ordinance, which has been adopted by the committee, that in a great many instances they use the term "legislature."

(Editorial)

[e939767] Mr. Winsor: I rise to a point of order. If the matter is going to be discussed, it should be discussed section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939770] Mr. Hunt: I withdraw my motion.

Mr. Roberts: I withdraw my second.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939773] Mr. Chairman: It has been moved and seconded that we consider this section by section. Are there any objections? We will take up the first section.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939775] [Editor's note: The editors have created a blank version of Proposition Number 119 in order to replicate the process of considering the Proposition section by section.]

(Editorial)

[e939782] Mr. Chairman: [...] We will take up the first section.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939784] Mr. Crutchfield: While I signed the committee's report, I see no reason for adding the words "or lack of the same" which words are not in the Enabling Act. I can see no reason why these words should be added, and I move they be stricken out.

Mr. Simms: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 423)

[e939786] Mr. Goldwater: I do not desire to make any talk about this matter at all. I think the gentleman's motion to strike out these words is sufficient reason for keeping them in. It is very probable that a great many people in the United States have no mode of worship. If you ask what church they belong to, they will answer none, and if you say no person shall be deprived of property on account of mode of worship, why not say the same thing if he has no mode of worship whatsoever. The mere fact that the gentleman wishes it out, convinces me that it is highly necessary it should be in.

Mr. Crutchfield: I will just say in answer to my honorable colleague on this committee that I said over and over again in the committee I had no objection to it, and I can see no reason for it. I cannot conceive of circumstances where a man would be molested because of lack of religious worship. Under a republican form of government, there can never be any means brought to bear on a man to prevent his exercising his right to religious freedom.

Mr. Chairman: All in favor of this motion will make it known by the usual sign; opposed "no."

Mr. Baker: I think the ground of the gentleman from Maricopa well taken here. Congress by virtue of this Enabling Act provided certain ordinances. Now Congress has not seen fit in this enabling act to add "or for lack of same." Why go beyond what they want? We ought to limit it to what Congress has limited it [to.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
423-424)

[e939791] Roll call showed 14 "ayes" and 32 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939792] Mr. Chairman: [...] Are there any other amendments to this section? If not, we will consider it passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939794] [Editor's Note: The Committee of the Whole passed Section 2 without comment.]

(Editorial)

[e939798] [Editor's Note: The Committee of the Whole passed Section 2 without comment.]

(Editorial)

[e939800] Mr. Chairman: [...] Proceed to section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939803] Mr. Parsons: I move that the section be amended by adding the word "intoxicating" before the word "liquors" in line 2.

Mr. Goldwater: I would state that the word "intoxicating" does not appear in the Enabling Act.

Mr. Simms: I second the motion of Mr. Parsons.

[Editor's Note: It is unclear what version of the proposition Mr. Parsons refers to here, as the original Proposition Number 119 already had the word "intoxicating" before the word "liquors" in the line indicated. However, it is possible that this was a change made in the Committee on Ordinance's amendments, which are not available.]

(Editorial)

[e939806] Mr. Chairman: All those in favor of this will make it known by saying "aye;" opposed "no." The motion is lost.

(Editorial)

[e939808] Mr. Chairman: [...] Are there any other amendments to section 3? If not, we will consider the section passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939811] Mr. Chairman: [...] What is your pleasure with section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939812] Mr. Chairman: [...] Do I hear any amendments? If not, this section will stand approved as read, and we will pass to section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939814] Mr. Chairman: [...] If not, this section will stand approved as read, and we will pass to section 5. Any amendments or corrections?

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939815] Mr. Parsons: Mr. Chairman, it seems to me while this may have the same meaning, but it is quite different in the first two or three lines from which it is in the enabling act. There is a possibility of some difference in meaning, and I think the language of the Enabling Act is better. I would like to have someone explain why the change is made.

Mr. Goldwater: As I look at it the language of the Enabling Act reads in the present tense "The people who are now residing" shall not be taxed any higher than those living within the territory or state, and the language used by the committee is to the effect that if a man who is now living here moves away he has the same rights as a non-resident.

(The Records of the Arizona Constitutional Convention of 1910, Page 424)

[e939818] Mr. Franklin: In order to conform to this Enabling Act, if it means the same as the language of the committee report, let us have it read as in the enabling act. I therefore move the words "who are or may become non-residents of" on line 14 be stricken out, and in lieu the words "residing without" be inserted.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
424-425)

[e939819] Rising vote showed 26 in favor and 10 against.

Mr. Chairman: The motion is carried. Those words will be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939820] Mr. Chairman: [...] Any further amendments? If not, this section will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939823] Mr. Chairman: [...] We will now consider section 6. You have heard the sixth section, if there are no amendments we will consider it passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939827] Mr. Ingraham: In line 9 on page 3, it is provided that nothing in this Enabling Act nor this ordinance shall be construed as legalizing or validating, etc. It does not seem to me that this ordinance can in any way construe [another version corrects to say "control"] the enabling act. It is proper to say "nothing in this ordinance" but why say the Enabling Act shall not be construed. We cannot control that. I move the words "in said Enabling Act nor" be stricken out.

[...]

Mr. Parsons: I second Mr. Ingraham's motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939830] Mr. Franklin: I think it is the evident purpose of this Enabling Act to prevent all laws being passed which will conflict with the provisions of this ordinance. I notice the Enabling Act used the word "legislature." Now under the initiative and referendum the people may pass a law. Therefore I move that after the word "legislature" the words "or of the people" [sic. "or the people"] be inserted on line 14, page 3.

Mr. Cunningham: I would like to ask the gentleman if the first sentence does not correct that defect. It is to be irrevocable by the people.

Mr. Jones (Maricopa): I second the motion of Mr. Franklin.

Mr. Parsons: I second Mr. Ingraham's motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939832] Mr. Chairman: You have heard the amendment of the gentleman from Yuma, Mr. Ingraham. All in favor of that amendment signify by the usual sign; opposed "no." The "ayes" have it, and the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939834] Mr. Chairman: [...] All in favor of the amendment of Mr. Franklin answer "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939836] Mr. Chairman: [...] Are there any other amendments or corrections? If not, we will proceed with the seventh section.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939840] Mr. Chairman: [...] Are there any other amendments or corrections? If not, we will proceed with the seventh section.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939844] Mr. Weinberger: The Enabling Act provides that provision shall be made for the establishment and maintenance of a system of public schools, and there is a question in my mind whether we have complied with this provision. We have stated here that the legislature shall provide, yet it seems to be it is desired by the Enabling Act that this constitution shall provide for this rather than direct the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939851] Mr. Cunniff: Mr. Chairman, I move as an amendment that in the last line the word "always" be inserted between the words "shall" and "the" on the 19th line.

Mr. Wood: I second the motion.

[Editor's Note: There is no 'the' on line 19. The Minutes say on page 203, "Mr. Cunniff moved to amend line nineteen, page three by inserting after the word 'shall' the word 'always'".]

(Editorial)

[e939853] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939855] Mr. Bolan: I move in the seventh paragraph between the words "legislature" and "shall" on line 16 be inserted the words "or the people."

(The Records of the Arizona Constitutional Convention of 1910, Page 425)

[e939857] Mr. Chairman: If there is no objection, the words will be inserted.

Mr. Cunniff: I object to that. It is a curious thing for the people of Arizona to command the people of Arizona to do so and so. Here the people are commanding the legislature.

Mr. Parsons: I think the position of the gentleman from Yavapai is eminently correct. We want in this constitution to make it mandatory on the legislature, and not on the people.

(The Records of the Arizona Constitutional Convention of 1910, Pages 425-426)

[e939859] Mr. Franklin: With the consent of Mr. Bolan, I will amend that motion to read as follows: On page 7, [sic. 3] line 16, "that provision shall be made by law" strike out the words "The legislature shall suitably."

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939860] Mr. Bolan: I accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939862] Mr. Jones (Yavapai): I rise for information. Will not the educational committee prepare a system of public schools whereby this will be in the constitution? Therefore it will not be necessary to provide something already in the constitution.

Mr. Parsons: I would like to point out that the Enabling Act says we must do it; Congress would otherwise have good grounds to reject our constitution.

Mr. Lynch: It seems to me "legislature" would be a generic term covering all law-making bodies, as a matter of organic law.

Mr. Cunniff: I agree with the gentleman from Graham. All that is necessary is to say "provision shall be made," and the ground is covered.

Mr. Franklin: As I understand the motion of Mr. Bolan as amended by myself, this constitution of Arizona is law as well as any act passed by the legislature or the people. The law in this constitution is the supreme law; while the law passed by the people is subordinate to law. They are both law. Now in order to comply strictly, it will read, if you adopt Mr. Bolan's amendment "provision shall be made by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939863] Mr. Chairman: Those in favor of the motion will make it known by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939865] Mr. Chairman: [...] We will now proceed to the eighth paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939877] Mr. Chairman: [...] We will now proceed to the eighth paragraph.

(The Records of the Arizona Constitutional Convention of 1910, page 426)

[e939880] Mr. Baker: I would like to inquire of the committee why the words "county and municipal officers" are there in addition to the provisions of the Enabling Act? It only says "state officers and officers of the legislature."

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939884] Mr. Ingraham: I now make the motion I made a short time ago, that in the eighth paragraph it shall be made to read "the state shall never enact" instead of the "legislature," etc.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939888] Mr. Chairman: Are there any objections? If not, the amendment will be accepted.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939893] Mr. Cunningham: I move to strike out the words “county and municipal” in the first line of this paragraph.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 426)

[e939895] Mr. Parsons: While the statement made by the gentleman from Maricopa, Mr. Baker, that the Enabling Act does not require us to go further than state officers is true, I don’t think there is anything wrong in putting in here the municipal and county officers.

Mr. Cunningham: This ordinance is too irrevocable without the consent of Congress and the people of Arizona. It may become necessary to make some changes and Congress would not be apt to do so. I think we had better leave it alone.

Mr. Parsons: If there was any possibility of wanting any change, that might be true, but I do not believe that there will ever come a time when we will want this changed.

Mr. Baker: Bear in mind, now Mr. Chairman, what we are doing now. We are not enacting any law now; we are simply obeying the dictates of the compact and Congress has laid down the exact words as to what the compact shall be, and we cannot go beyond or fall short of this. We should simply copy the exact terms. This is a very important matter; this is a very particular matter. I think we ought to adhere strictly to the Enabling Act in this ordinance.

Mr. Cunniff: I agree with the gentleman from Maricopa that we ought not to fall short of the Enabling Act, but I do not agree as to not going beyond it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 426-427)

[e939896] Mr. Chairman: Those in favor of the amendment will stand; opposed likewise.

Rising vote showed 25 in favor and 17 against.

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939897] Mr. Chairman: [...] Are there any other amendments? If not we will consider it as passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939898] Mr. Chairman: [...] We will now consider section 9. What shall we do with it? If there are no objections it stands passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939899] Mr. Ingraham: I move that the phrase “for that purpose” be inserted in line 3 after the word “legislature.”

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939901] Mr. Ingraham: I think we should be careful to follow as closely as possible the wording of the Enabling Act.

Mr. Parsons: Will the gentleman yield to a question? If we put the word "such" before "election" will not that serve the purpose?

Mr. Ingraham: I don't think the Enabling Act says that. It is evidently a mistake, but the motion I made was that after the word "legislature" in line 3 the phrase "for that purpose" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939902] Mr. Chairman: It has been moved and seconded that the words "for that purpose" be inserted after the word "legislature." Those in favor will make it known by saying "aye;" those opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939905] Mr. Cunniff: I move that on line 4 we insert between the words "no" and "election" the word "such." I know that this is not in the Enabling Act but it is necessary.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939906] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939907] Mr. Chairman: Proceed to section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939908] Mr. Chairman: Proceed to section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 427)

[e939911] Mr. Weinberger: I notice the wording of the Enabling Act is this: "that there be and are reserved to the United States with full acquiescence of the state," and I therefore move to insert after the word "United States" in line 6 these words "with full acquiescence of this state."

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
427-428)

[e939913] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939915] Mr. Franklin: I move in section 10, page 12, line 12, after the word "thereto" add the following: "to the same extent as if this state had remained a territory."

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939916] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939917] Mr. Chairman: Section 11 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939919] Mr. Chairman: Section 11 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939924] Mr. Parsons: The word “country” should be changed to “reservation.”

[Editor’s Note: It is unclear what version of the proposition Mr. Parsons refers to here, as the version of Proposition Number 119 preserved in the records already says “reservation” instead of “county”. However, it is possible that this was change is made in the Committee on Ordinance’s amendments, which are not available.]

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939926] Mr. Chairman: Are there any objections to changing the word “country” to “reservations?” If not, the change will be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939927] Mr. Chairman: [...] Any further consideration of section 11? If not, it stands passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939929] Mr. Chairman: [...] Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939930] Mr. Cunniff: I move that on line 22 the word “hereto” be stricken out and the word “thereby” be inserted.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939931] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939934] Mr. Parsons: I notice in the Enabling Act the provision is that not only the people of the state do this but the state. It may be that some of the gentlemen would prefer this. When we say the people of a state do a thing, that is sufficient, but I think the people of the state do a great many things that constitute an organization that is not the act of the organization itself, and I think the wording of it should be the same as that of the Enabling Act, that there could not be any question raised as to that, that “the state of Arizona” as it reads in the Enabling Act “and its people.” They seem to think it necessary to use both the word “state” and “people,” and if the members of Congress thought that was essential I think they may think it essential for us to include it here. I therefore move that section 12, in line 20, be amended to conform to the requirements of the Enabling Act that “the state and the people thereof hereby consent.”

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939938] Mr. Franklin: Mr. Parsons, will you accept an amendment that “the state of Arizona?”

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939940] Mr. Parsons: Yes, sir.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939942] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939945] Mr. Chairman: This finishes the consideration of this proposition. We have on the calendar other propositions—

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939948] Mr. Franklin: I move that when the committee arise it report to the convention with a recommendation that Proposition Number 119 as amended be adopted.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939952] Mr. Baker: I would like to offer one amendment to section 12, and I ask the gentlemen to refer to the Enabling Act on page 15. I think section 12 ought to be amended, and I will offer this amendment: “And no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without consent of Congress.”

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 428)

[e939955] Mr. Tuthill: Will the gentleman from Maricopa yield to a question? Judge, I would like to ask you if the first, third and fourth lines of the ordinance itself do not absolutely accomplish what you have in mind?

Mr. Baker: Not exactly in the language. Congress seems to have gone further in the latter clauses here and says “no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without consent of Congress.”

Mr. Ingraham: I would say, Mr. Chairman, that the first clause says this ordinance shall be irrevocable but it does not say it shall not be amended in any manner.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939962] Mr. Parsons: Mr. Chairman, will Judge Baker yield to a question? Will it not be as essential to add a clause in addition that this ordinance that we pass here shall be and become a part of the constitution that we are here making. I find in the second line of that last clause it says: "All of which ordinance described in this section shall, by proper reference be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making of any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress."

[Editor's Note: On page 204 of the Minutes it states that Baker proposed Section 13 as follows: 'Sec. 13. The foregoing ordinance is hereby made a part of the Constitution of the State of Arizona and no future constitutional amendment shall be made which in any manner abrogates or changes said ordinance in whole or in part without the consent of Congress.']

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939963] Mr. Baker: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939964] Mr. Chairman: It has been moved and seconded that the amendments made by Mr. Baker and Mr. Parsons be made a separate section, section 13. All those in favor make it known by saying "aye;" opposed "no." The motion is carried. Now, Mr. Franklin.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939967] Mr. Franklin: I renew the motion that when the committee arise it report to the convention that Proposition Number 119, introduced by the ordinance committee, be adopted as amended.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939968] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939972] [Editor's Note: Proposition Number 119 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939976] [Editor's Note: Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939980] [Editor's Note: The Report from the Committee on Ordinance on Proposition Number 119 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939981] Mr. Chairman: We have Proposition Number 112, which is relative to the same matter that we have just been discussing. What would be the committee's way of disposing of these propositions? Do you care to have them read?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 112.]

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939983] Mr. Osborn: I move that when the committee do arise it report back to the convention and recommend that Proposition Number 112 be indefinitely postponed.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939984] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939986] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e939989] [Editor's Note: Proposition Number 112 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e939992] Mr. Chairman: Next for consideration is Proposition Number 3.

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 112.]

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939996] Mr. Osborn: I make the same motion.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e939998] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e940001] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e940002] [Editor's Note: Proposition Number 3 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940005] Mr. Chairman: The next for your consideration is Proposition Number 121, what is the committee's pleasure?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 121.]

(The Records of the Arizona Constitutional Convention of 1910, Page 429)

[e940009] Mr. Parsons: I move that when the committee do arise it recommend that further consideration of Proposition Number 121 be indefinitely postponed.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 429-430)

[e940011] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940015] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e940018] [Editor's Note: Proposition Number 121 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940022] Mr. Chairman: What is your pleasure with Proposition Number 124?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 124.]

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940027] Mr. Osborn: I make the same motion.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940030] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940031] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e940034] [Editor's Note: Proposition Number 124 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940036] Mr. Chairman: What will you do with Proposition Number 19?

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 19.]

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940038] Mr. Parsons: I move that Proposition Number 19 take the same course.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940040] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940042] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e940043] [Editor's Note: Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940044] [Editor's Note: The Report from the Committee on Ordinance on Proposition Number 19 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e940047] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940049] Mr. Hunt: I move that the committee arise and report to the convention.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

[e940050] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 430)

**32.25 Friday, 18 November 1910, at 14:00 (s16171)**

[e941089] Mr. Chairman: The committee will come to order. Gentlemen of the convention, the propositions for consideration are Numbers 72, 9, 141, 48, 76 and 137. Number 72 is the first proposition for consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e941093] Mr. Chairman: The committee will come to order. Gentlemen of the convention, the propositions for consideration are Numbers 72, 9, 141, 48, 76 and 137. Number 72 is the first proposition for consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 436)

[e941100] Mr. Chairman: [...] Number 72 is the first proposition for consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941109] [Editor's Note: The Report from the Committee on Labor on Proposition Numbers 48, 134, 147, 76, 141, 9, and 72 was considered alongside Proposition Number 72, and the subsequent propositions associated with the report.]

(Editorial)

[e941149] Mr. Cunniff: I move that when the committee arises, it recommend to the convention that consideration of Proposition Number 72 be postponed to a point on the calendar of the committee of the whole when the propositions on employers' liability come up.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 439)

[e941152] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941160] [Editor's Note: Proposition Number 9 came up for consideration.]

(Editorial, Page 440)

[e941168] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 9.]

(Editorial)

[e941171] Mr. Franklin: I move that when the committee arise it report to the convention a recommendation that Proposition Number 9 do pass.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941179] Mr. Bradner: I wish to offer an amendment to insert the words "not more than" before the words "eight hours" in line 2.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941183] Mr. Franklin: I cannot see that it adds anything.

Mr. Feeney: We do, Mr. Franklin. It adds a great deal.

Mr. Bradner: In saying that eight hours shall constitute a days' work, you might work eight hours, and then eight more.

Mr. Chairman: That would be two days' work.

Mr. Baker: I cannot conceive of that construction of the thing at all. Plainly to my mind there could not be two sets of a days' work of eight hours, and while I have not them before me, it strikes me that this is the exact language of almost all the statutes I have seen fixing the number of hours of labor. I think it is all right as it stands.

Mr. Feeney: It may not strike the Judge so, but it has been construed so in the east, and to get the proper construction put on it, labor has had to go to court. It has been construed in that way by superintendents of mines.

Mr. Baker: The superintendents do not construe what the law is. The courts construe.

Mr. Bradner: I want to say that when we make a contract with a superintendent we do not have access to the law to get the proper construction.

Mr. Curtis: Would this prevent police officers from working more than eight hours a day? If so it would be a hardship –

Mr. Feeney: On policemen? (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941188] Mr. Cunniff: I would say that it does not cover police officers. I would like to offer an amendment which may be accepted by the gentleman from Cochise, that this shall read "eight hours and no more, shall constitute a day."

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941190] Mr. Bradner: I accept the amendment.

Mr. Feeney: I accept the amendment. I want to say that labor will feel far better satisfied, and I believe you gentlemen are willing to make this positive.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941195] Mr. Chairman: Those in favor of this amendment will make it known by saying "aye;" those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941506] [Editor's Note: The editors have dropped Franklin's recommendation that Proposition Number 9 do pass unamended, after Cunniff's recommendation, as amended by Bradner, was passed.]

(Editorial)

[e941496] Mr. Feeney: We have an eight hour law now, and a great many men work over eight hours, but eight hours constitutes a legal day's work, and after that he gets over-time.

Mr. Franklin: This excludes the possibility of over-time.

Mr. Feeney: All right, we do not want the over-time.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941627] Mr. Chairman: All in favor of recommending to the convention that this proposition do pass, answer “aye;” contrary-minded “no.”

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941630] Mr. Chairman: All in favor of recommending to the convention that this proposition do pass, answer “aye;” contrary-minded “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 440)

[e941636] [Editor’s Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941639] [Editor’s Note: Proposition Number 9 was referred to the Convention alongside the Committee’s report.]

(Editorial)

[e941682] Mr. Orme: Mr. Chairman, I would like to ask for information. Does this mean a farmer cannot work a man for more than eight hours?

Mr. Chairman: I will say to the gentleman from Maricopa he will have to accompany that request with a retainer fee. The next proposition is Number 141.

(The Records of the Arizona Constitutional Convention of 1910, Pages 440-441)

[e941688] Mr. Chairman: [...] The next proposition is Number 141.

(The Records of the Arizona Constitutional Convention of 1910, Page 441)

[e941722] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 141.]

(Editorial)

[e941729] Mr. Simms: Mr. Chairman, this seems to be a rather broad proposition. Does it mean to say that a child after he leaves school in the spring cannot go to a factory and work. That a boy of 14 cannot go into the mills of Phoenix or any other place and work?

Mr. Chairman: I will say that when the president of the convention called me to the chair he did not endow me with power more than human, and unless he did, I could not answer the question.

Mr. Simms: It seems to me it is a little unfair, and I think we ought to encourage the boy rather than discourage him.

Mr. Keegan: I would say that it was the intention of this measure to keep children from working in the factories.

Mr. Winsor: I see it prohibits any minor child under the age of 15. I take it an adult child under 15 can work all he wants to.

(The Records of the Arizona Constitutional Convention of 1910, Page 441)

[e941735] Mr. Feeney: I move that the word "minor" be stricken out.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 441)

[e941759] Mr. Franklin: If you are going to strike out "minor," I move that the word "child" be stricken out and "person" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 441)

[e941770] Mr. Short: I cannot see any material difference between person and child in this connection.

Mr. Moeur: I am heartily in favor of this proposition because I do not believe in anybody working who can help it. I think if the child had to make its own living and the only place it could get a job was in a mine or factory, it seems to me if you pass this bill you prohibit his getting employment and make him an object of poverty.

Mr. Jones: I agree with the doctor from Tempe, but while the meaning and intent of this measure I good, it will result in more harm than good as presented. "Manufacturing plant" is rather a broad term. A newspaper plant is a manufacturing plant in one sense of the word, and many boys are delivering papers after school. This would deprive those boys of a chance of helping themselves. In a fruit country, children of from 10 to 15 years of age are often employed to great advantage in their parents' fruit drying or canning yard.

Mr. Feeney: In every state throughout the east, and the entire nation, there is agitation against child labor, and as has been well said, there has been more destructive than constructive criticism in this convention, and while there are few large manufacturing plants in this territory now, they may increase and we of the labor party want this.

Mr. Weinberger: What is a manufacturing plant?

Mr. Feeney: Ask the Judge.

Mr. Bolan: I want to say a few words in favor of this bill. From practical experience, gentleman, and from working around a mine, I have seen this provision harshly abused, and I want it corrected. Take for instance, around the hoisting works in a mine, they employ children under the age of 15 years, where it is dangerous. As children they do not know the danger and consequently cannot use precautions that persons over 16 years of age would use. I have also seen them working underground. It is not the fault of the persons employing them, as the employers hire them as a favor. There is nothing we could do that would be of more good to the children.

Mr. Jones (Yavapai): Will the gentleman yield for a question? I am afraid the wording of this proposition will not prevent children working around a mine. It only provides in a mine.

Mr. Bolan: I am in favor of such an amendment, to include that too.

Mr. Ingraham: It seems to me there is a broad principle which has not been mentioned. I take it our farmers would not think of hitching yearling colts to a plough, and neither would any stockman who had a valuable colt put a saddle on him and ride him at one year old. I think the principle at the basis of this legislation is the same principle of conservation. I say if we work children, you

will never work them as grown men. The cotton mills of the south and New England work children at 10 and 15 years, and they are grinding the children into profit so they may become diamonds or automobiles for the factory owners. I am in favor of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Pages 441-442)

[e941773] Mr. Chairman: All in favor of the motion of the gentleman from Maricopa, Mr. Franklin, answer "aye;" opposed "no." The "nays" seem to have it; the "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941777] Mr. Ingraham: I wish to make an amendment to that amendment that in place of striking out the word "minor" we strike out the word "child."

Mr. Langdon: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941779] Mr. Chairman: Gentleman, you have heard Mr. Ingraham's motion. All in favor signify by answering "aye;" opposed "no." The "nays" have it. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941780] The question recurs upon the original motion. All in favor; all opposed. The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941781] Mr. Jones (Yavapai): I move you that in line 2 after the second word "in" insert "or around" and after the fourth word "mine" insert "or in any."

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941787] Mr. Osborn: As an amendment, I move that Proposition Number 141 be re-referred to the committee and get it up in good shape. I will say that I am heartily in favor of the principle involved in this proposition, but I think the language is not good, and we can get better wording.

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941790] Mr. Chairman: We will have this work to do over again. The question comes up on the amendment of Mr. Ingraham [sic. Jones].

(The Records of the Arizona Constitutional Convention of 1910, Page 442)

[e941794] Mr. Moeur: I would like to ask the gentleman a question. Will he define what he means by "around," would that cover a place half a mile from it?

Mr. Cunniff: I would say that no child shall be employed in a mining operation.

Mr. Short: I am in favor of a proposition of this kind, but I believe this is a little too drastic.

Mr. Ingraham: In regard to the criticism that "around" a mine might be construed to mean half a mile from it, I wish to say that I think we can trust the courts in construing this not to infringe upon the right to employ children in any manner.

Mr. Jones (Maricopa): Although I am an advocate of protections of child labor, this proposition is fatally defective. There is a question in my mind whether this would apply to smelters as it now reads, but it would apply to a widow woman making butter.

(The Records of the Arizona Constitutional Convention of 1910, Pages 442-443)

[e941797] Mr. Connelly: I move to amend in line 2 to strike out the words "in any mine, mill or manufacturing plant."

(The Records of the Arizona Constitutional Convention of 1910, Page 443)

[e941799] Mr. Chairman: Gentlemen, you have heard the amendment. Those in favor of this amendment will answer "aye" as their names are called; opposed "no." The secretary will call the roll.

Roll call showed 11 "ayes" and 30 "nays."

Mr. Chairman: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 213)

[e941806] Mr. Cobb: I move that this proposition be re-referred to the committee on labor, with instructions that they prepare a proposition making it mandatory on the first legislature to pass a child labor law.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 443)

[e941812] Mr. Colter: I think this proposition should be re-referred. I am heartily in favor of any measure of this kind, and I think children should have every social and educational advantage, and should not go against certain obstacles before they are of the age of 15 or 16.

Mr. Feeney: It seems strange, you are all in favor of the child labor law, but someone's butter factory or printing establishment or something else wants to hire a child not 15 years old. I am willing to let my boy (and he is dependent upon me altogether) go to the age of 15 without being employed. I want him to run loose out in the fields and have a good time. I had to go to work before 15, and I do not think it is right to make one under that age work. I think we are all agreed that we want a child labor law, and let us go to it.

Mr. Jones (Maricopa): I would like to know whether it would be better to make a child a pauper in the event he had no one to support him. Suppose your boy would be deprived of support by reason of death of all on whom he is dependent, would you want him to be dependent on charity? I know lots of boys in this town who are taking care of themselves in a good wholesome way, who you would make paupers by passing the present bill, and what I want is to see it re-referred.

Mr. Feeney: I do not want to make any of them paupers, and that is just why I want the child labor law. We are making too many paupers by lack of these laws. Society cries its eyes out for the widow and orphans, and here is an opportunity to act.

Mr. Cunniff: To get down to brass tacks, we have a pretty good proposition here, and the only difficulty seems to be on line 2. Let us get down to work and "saw wood."

(The Records of the Arizona Constitutional Convention of 1910, Pages 443-444)

[e941820] Mr. Chairman: All in favor of this motion to re-refer this matter to the committee in which it has been considered, to report an amplified bill, answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941822] Mr. Chairman: [...] Now the motion recurs on the amendment adding the words "or about" after the word "in" on the second line, and the words "or in any" before the word "factory" in the second line. Those in favor of the adoption of the amendment say "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941828] Mr. Cunniff: I offer an amendment that the words "or ore reduction works" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941835] Mr. Simms: I would like to amend that to read "railroad or telegraph companies."

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941853] Mr. Weinberger: I think we are getting into deeper water every minute. Our idea seems to have the legislature enact certain suitable legislation concerning child labor. I move to amend the entire proposition to read as follows: "The legislature at its first session shall enact suitable legislation concerning employment of child labor."

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941867] Mr. Chairman: The question is upon the motion of the gentleman from Yavapai to add "or ore reduction works."

Mr. Connelly: None of these amendments cover the point. What we want is to get a law passed that will protect all children up to 15 years of age. You can talk about factories and railroads, but you leave out other things. I have known girls under 15 years of age working in "hash houses," working 14 hours a day. These are the kids we want to take care of. I am from a smelter town, and I have seen young girls working in the smelter. We want to take care of these children whether in a factory, mine or anywhere.

Mr. Chairman: I know the suffragists regret that the gentleman did not wake up in time for the discussion yesterday. The question is upon the motion of Mr. Cunniff. Those in favor ...

Mr. Feeney: Mr. Chairman, we labor men are willing to take a chance on the legislature, and Mr. Connelly's amendment was not going to do anything but give the legislature full opportunity to enact the law.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941869] Mr. Ingraham: I demand a roll call. I want the gentlemen to go on record on this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941872] Mr. Crutchfield: I wish to explain my vote. I have voted for this amendment, but I do not believe in any amendment to this line, as I believe every particular we add to this line will cut out necessarily other particulars.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941875] Mr. Chairman: The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 444)

[e941878] Mr. Webb: I should say I should have desired not to vote. This is a matter of entire indifference to me, but I am glad to meet my friend from Cochise on common ground and say I too am willing to trust the first legislature of Arizona, and I am willing to leave legislative matter to that legislature and I do not suppose that all the virtues are possessed by this convention, and the next legislature may be just as desirous of enacting these measures as the gentlemen of the convention. I may say you can juggle with these words and you will still leave it to the first legislature, and they can do whatever they please.

(The Records of the Arizona Constitutional Convention of 1910, Pages 444-445)

[e941891] Mr. Franklin: I would ask the unanimous consent of this convention to propose a substitute for Proposition Number 141 as follows: "That the first legislature of the State of Arizona shall enact suitable legislation for the protection of child labor."

Mr. Ingraham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 445)

[e941898] Mr. Cunniff: I beg to point out we are not endeavoring to protect but to forbid child labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 445)

[e941903] Mr. Weinberger: I offer an amendment "that the first legislature shall enact suitable laws prohibiting the employment of children under fifteen years of age."

(The Records of the Arizona Constitutional Convention of 1910, Page 445)

[e941912] Mr. Chairman: The question is upon the amendment of the gentleman from Yavapai; that the words "or ore reduction works" be added. Those in favor will answer "aye" as their names are called; opposed "no."

Mr. Colter: I want to rise to explain my vote. I will have to vote "no," because I am against the proposition as it is. I am certainly in favor of the intent of the proposition, but I am anxious to see some more George Washingtons, some good business men, some more good professors in these United States, and I do not want them handicapped by a child not being able to go to work before the age of 15 years.

Mr. Connelly: I rise to explain my vote. It is different from Mr. Colter's. I will vote for it, but I would like to see it cover more ground.

Mr. Crutchfield: I rise to explain my vote. I do not think we should enumerate these unless every possible form be covered. I vote "aye" on this amendment.

Mr. Jones (Maricopa): I want to explain my vote. I am in favor of an adequate provision preventing child labor in hazardous or unwholesome occupations. I vote "no" on this because I believe this proposition is an abortion.

Mr. Osborn: I would like to explain my vote. As the gentleman from Yuma wants to put all men who are opposed to this proposition on record, I am glad to say I am as heartily in accord as the gentleman from Yuma or any other man in the house with protecting children. I would like to leave this to the legislature, as I have as much faith in the next legislature as in this convention, and therefore, I have to vote no.

Mr. Short: I think it is up to me to explain my vote. I am heartily in favor of allowing the legislature to pass something regulating the employment of children, and this will simply be a matter of imperfect legislation with this amendment, if it is going to pass. I hope this will not pass, and I am going to vote against the measure.

(The Records of the Arizona Constitutional Convention of 1910, Page 445)

[e941923] Motion of Mr. Cunniff to amend line two, page one by inserting the words "or ore reduction works" carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cobb, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Ellinwood, Feeney, Goldwater, Ingraham, Jones, A. M., Keegan, Langdon, Lovin, Moore, Morgan, Parsons, Roberts, Sims, R. B., Tovrea, Weinberger, Winsor, Wood, Mr. President. Total 27.

Nays—Colter, Franklin, Hutchinson, Jones, F. A., Kinney, Moeur, Orme, Osborn, Pusch, Scott, Short, Simms, Mit, Webb, White. Total 14.

Absent—Cassidy, Curtis, Kingan, Lynch, Standage, Tuthill.

Excused—Cooper, Doe, Jacome, Wells, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 213)

[e941933] Mr. Winsor: I offer the following amendment: "To strike out the entire proposition as it now appears, and insert in lieu thereof the following: it shall not be lawful in the State of Arizona to employ any child under the age of 15 years in any hazardous or unwholesome capacity, and the legislature shall enact suitable laws to enforce the provisions hereof." I want to point out that our constitution is one of limitations, and that the legislature or the people can do whatever they are not specifically prohibited from doing. Therefore, they could pass all the child labor laws they want without any order from the constitutional

convention. On the other hand, with all the orders and mandates in the world they could not be compelled by this convention to pass any child labor law at all. Therefore, I do not think you are accomplishing anything definite by the proposition you have. What you want, to my mind, is a constitutional prohibition against the employment of children under the age of 15 years, and I submit the proposition I have prepared absolutely prohibits the employment of children under the age of 15 years. I think it is unwise to go into detail naming the employments, inasmuch as you have here a fundamental basis on which a law may be founded, and the legislature, if it can be trusted at all, can be trusted to cover the ground fully.

Mr. Hunt: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 446)

[e941937] Mr. Connelly: Will the gentleman yield for a question? I would like to have you interpret what it means by "hazardous or unwholesome capacity."

(The Records of the Arizona Constitutional Convention of 1910, Page 446)

[e941943] Mr. Winsor: I would like to amend this to follow the Oklahoma provision in this regard, which reads "that the employment of children under the age of 15 years in any occupation injurious to health or morals or especially hazardous to life and limb is hereby prohibited, and the legislature shall enact suitable laws to carry this provision into effect."

(The Records of the Arizona Constitutional Convention of 1910, Page 446)

[e941947] [Editor's Note: Winsor amends his own amendment, so it did not require a vote by the Convention in order to be incorporated.]

(Editorial)

[e941960] Mr. Cunniff: The proposition we have before us is very much better than the proposition suggested by the gentleman from Yuma. In the first place we do not want to prohibit the employment of all children under the age of 15, because there are boys under that age who work after school selling papers. There are occupations which are hazardous or unwholesome to children under the age of 15 which are not hazardous and unwholesome occupations, and the matters of interpretation of these words has been carried to the supreme court of the United States. The only question about the proposition as it stands is to cover all the occupations which should be covered in Arizona, and I think the proposition is good as it stands.

Mr. Bolan: Before the question is put, I would like to say in regard to this amendment that since Oklahoma has become a state, and since this constitution for Oklahoma was written I have had opportunity to talk with citizens of Oklahoma in regard to this measure of child labor, and I find aid societies and humane societies in Oklahoma say it does not prohibit child labor in Oklahoma in the coal mines, and there are as many children working in these mines as before, and consequently I think this will not do any good, and I hope this amendment will not pass.

(The Records of the Arizona Constitutional Convention of 1910, Pages 446-447)

[e941996] Mr. Franklin: I wish to propose an amendment to the action of the gentleman from Yuma, so it shall read as follows: "The first state legislature shall enact suitable laws to protect child labor."

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942009] Mr. Short: We seem to make haste slowly in this matter, and I think the proposition that is submitted as a substitute by my colleague from Yuma almost coincides with my views.

Mr. Connelly: We are getting right back into the old rut where Oklahoma is. They prohibited child labor under certain conditions. They also say that children may work in the mines if they get the consent of their parents or guardians.

Mr. Winsor: Mr. Chairman, I would like to ask the gentleman a question. The gentleman from Cochise states that the constitution of Oklahoma goes on to say that the children can be employed in certain capacities with the consent of their parents, but I want to point out that the provision proposed by myself does no such thing.

Mr. Connelly: No, but you do not say they cannot work there.

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942011] Mr. Franklin: I rise to a point of order.

Mr. Chairman: State your point of order.

Mr. Franklin: The question here is on the amendment to the amendment. That amendment was made on the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942012] Mr. Connelly: I move that the gentleman's point of order is not well taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942014] Mr. Chairman: The gentleman from Cochise has the floor. The point of order is not well taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942019] Mr. Connelly: Mr. Webb said the Oklahoma constitution was no good. They can work children if the parents or guardians will make an affirmation that they have got to do it to live, and you know as well as I do that you can get some parents to swear to an oath on a stack of Bibles as high as the Capitol, just to get the two or three dollars the kid earns. So far as the kids having to sell newspapers, I do not believe it is right for the kids to have to get out on cold, frosty mornings to sell any papers, and I believe that the only solution of this problem is to prohibit the child labor under 15 years of age.

Mr. Orme: What are we going to do with the pages in the convention?

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942021] Mr. Chairman: The next convention cannot have them. The question is on the adoption of the amendment of the gentleman from Maricopa, as to have heard it read. If you desire to have it read again it will be done. And the amendment offered by the gentleman from Yuma. All those in favor of the amendment offered by Mr. Franklin manifest by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 447)

[e942024] Mr. Chairman: [...] The motion recurs upon the amendment of the gentleman from Yuma, Mr. Winsor. Those in favor will manifest by saying "aye;" opposed "no." The motion prevails, and it is so ordered. A roll call has been demanded. The secretary will call the roll.

Roll call showed 22 "ayes" and 20 "nays."

Mr. Chairman: The amendment has been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 447-448)

[e942053] Mr. Webb: I move that when the committee do arise it report to the convention that it has examined Proposition Number 141 and recommend that the same be adopted as amended.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942058] Mr. Jones of Yavapai raised the point of order that Mr. Webb's motion was out of order.

(The Minutes of the Arizona Constitutional Convention, Pages 213-214)

[e942060] Chair sustained motion of Mr. Webb.

(The Minutes of the Arizona Constitutional Convention, Page 214)

[e942118] Mr. Jones of Yavapai, appealed from the decision of the Chair.

(The Minutes of the Arizona Constitutional Convention, Page 214)

[e942122] Mr. Weinberger took the Chair and by rising vote of 23 to 18 Chair was sustained.

(The Minutes of the Arizona Constitutional Convention, Page 214)

[e942067] Mr. Chairman: The gentleman from Graham has moved that when the committee do arise it report to the convention recommending that Proposition Number 141—the substitute for Proposition Number 141, as amended by the gentleman from Yuma, Mr. Winsor, be adopted—the report be that it be adopted. Are there any further remarks?

Mr. Ingraham: I move that the proposition be re-referred to the committee on labor.

Mr. Connelly: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942085] Mr. Chairman: You have heard the motion, that the proposition be re-referred to the committee on labor. Are you ready for the question? Those in favor will manifest by saying "aye;" opposed "no." The chair is in doubt. The secretary will call the roll.

Mr. Winsor: Mr. Chairman, we have a proposition from the committee on labor which has engaged the attention of this committee for several hours, and I cannot see any logic in re-referring that proposition without any instructions back to the same committee. I cannot see that we are making any headway at all. Therefore, I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942100] Roll call showed 21 "ayes" and 22 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942133] Mr. Webb: Mr. Chairman, I ask that my motion now be put.

Mr. Chairman: The question now is on the motion of the gentleman from Graham, Mr. Webb, when the committee do arise it recommend that Proposition Number 141 as amended by the gentleman from Yuma, Mr. Winsor, be adopted. Those in favor signify by saying "aye;" opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942136] [Editor's Note: By adopting Webb's motion, the Committee effectively drops the pending amendments to the proposition.]

(Editorial)

[e942142] [Editor's Note: By adopting Webb's motion, the Committee effectively drops the pending amendments to the proposition.]

(Editorial)

[e942147] [Editor's Note: By adopting Webb's motion, the Committee effectively drops the pending amendments to the proposition.]

(Editorial)

[e942151] [Editor's Note: By adopting Webb's motion, the Committee effectively drops the pending amendments to the proposition.]

(Editorial)

[e942155] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942363] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942166] Mr. Chairman: [...] The next order of business is Proposition Number 134.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942185] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 134.]

(Editorial)

[e942194] Mr. Tovrea: I move the adoption of the report of the committee.  
Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 448)

[e942211] Mr. Cunniff: I am in favor of all propositions that are advantageous to labor, but I think this is not a proposition of that kind. It is one that would be a benefit to working men under certain conditions,—married men living around large mines, but it seems to me it would work unnecessary hardship on small mines in various parts of the country, and the men being employed being the ones who should have first consideration. It is a matter that would not be of advantage to them, and therefore, I feel that this matter is fixing the question of wages could very well be settled by a legislative enactment whereby distinctions could be made better than in the constitution. Therefor, I am opposed to this.

Mr. Feeney: Does the gentleman from Yavapai yield to a question?

Mr. Cunniff: Why, certainly.

Mr. Feeney: Will this work the greatest good to the greatest number?

Mr. Cunniff: This is a question that I can scarcely answer. I think it would probably be of assistance in towns like Bisbee, Jerome and Clifton, so far as the mining industry is concerned, and the number of men employed in these other sections would surpass the other.

Mr. Baker: Mr. Chairman, I am in hopes that the convention will not see it to adopt this proposition, because, in my mind, it would absolutely be null and void, unconstitutional and in direct violation of the 14th amendment to the constitution of the United States, simply because you deprive corporations, individual or association, from entering into a contract and saying when and how they shall pay their employees. The right to contract is a proper right in the sense of the Constitution of the United States. You cannot deprive anyone in this country of that right to make their contract in reference to the payment of their employees. This would invade that right, in my opinion.

Mr. Webb: Mr. Chairman, I desire to say briefly that I have not gone into the merits of this question, or the effect it might have if it were a law, neither have I any desire to do so, as our writing [it] into our constitution could do nothing except cumber our constitution with something of no effect whatever. The legislature may or not may do that, or it will or will not do it, just as they please. It is not our work, and in writing it in here we are attempting to usurp their power. We are presuming that they will be incompetent or dishonest, and for that reason any proposition that is ineffective in any way only encumbers the constitution and I shall vote against [it.]

Mr. Feeney: I would like to ask the Judge a question. Are you familiar with the conditions that existed in the writing of the New York two-weeks or semi-monthly pay day law?

Mr. Baker: No sir, I am not familiar with the provision you refer to.

Mr. Feeney: The legislature passed a semi-monthly pay day in New York, and it was fought in the courts, and I am sure it was held to be constitutional.

Mr. Bradner: Massachusetts has a law that all firms and corporations have to pay their help every week, and Connecticut and Rhode Island also, and New York every two weeks.

Mr. Hunt: Isn't that a statutory law? It is not in the constitution.

Mr. Bradner: It must be constitutional if it is a statutory law.

Mr. Baker: The laws of this country—the Constitution of the United States—allow me and you to agree that if you work for me for one month I shall pay you ten dollars at stated times during the month until it amounts to one hundred dollars in all. There is no doubt but what that is a constitutional right under the Constitution of the United States. If you pass a law of this kind you deprive a man of the right of making a contract of that kind. You say that this legislature is wiser than the man who employs the man to work for him; that we know more about their interests, so we say positively by enactment that this employee shall be paid at stated times. What business would you have in this country with such a law overshadowing mines and corporations. I do not think you would have any business here in a short time.

Mr. Chairman: The question is on the adoption of this report of the committee on labor. Those in favor will manifest by saying "aye;" opposed "no." A roll call is demanded. The secretary will call the roll.

Mr. Short: On the same ground that I took in regard to the other, I shall be obliged to vote no. I think it is purely legislative.

(The Records of the Arizona Constitutional Convention of 1910, Pages 448-450)

[e942213] Roll call showed 18 "ayes" and 23 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942216] Mr. Baker: I move that when the committee do arise that it report to the convention and recommend that Proposition Number 134 do not pass.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942220] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942224] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e942228] [Editor's Note: Proposition Number 134 was referred to the Convention alongside the committee's report.]

(Editorial)

[e942233] Mr. Chairman: The next order of business is Proposition Number 48.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942238] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 48.]

(Editorial)

[e942244] Mr. Webb: Mr. Chairman, since having taken the position I have on two or three measures, I simply desire to say that this is restrictive and I shall support it.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942246] Mr. Feeney, moved, seconded by Mr. Osborn, that when the Committee arise it recommend that Proposition No. 48 do pass[.]

(The Minutes of the Arizona Constitutional Convention, Page 214)

[e942247] Mr. Short: I would like to offer an amendment to this proposition, in line 3 after the word "state" strike out the balance of that line. That will give road overseers an opportunity to employ such labor as they may be able to procure in working roads over the mountains and places where it is very difficult to secure citizens of the United States to do the work.

Mr. Chairman: The paragraph will not then make sense if you stop at the word "state."

Mr. Short: That is right, Mr. Chairman. Leave in the word "employment," and strike out "county and municipal," and change the word "works" to "work."

Mr. Orme: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942248] Mr. Cunniff: I wish to move an amendment here. The point is I have myself presented a proposition of this mind, Number 136. I wish to move that that matter between the brackets be incorporated here. This covers the ground.

(The Records of the Arizona Constitutional Convention of 1910, Page 450)

[e942251] Mr. Hunt: I would like to ask if under this provision an Indian could be employed on public works.

Mr. Cunniff: Not unless they were Indians admitted to citizenship.

Mr. Hunt: In Gila county they employ a good many Indians.

Mr. Cunniff: I would like to point out that this matter between brackets in Proposition Number 136 covers all the ground. It provides in cases where it is impossible to procure citizens of the United States that others may be employed, which seems to me to be a necessary provision.

Mr. Chairman: Do I understand the gentleman from Yavapai offers that as an amendment?

Mr. Cunniff: That is aiming to do the thing that the gentleman has in mind, and I think it is better.

(The Records of the Arizona Constitutional Convention of 1910, Pages 450-451)

[e942254] Mr. Chairman: Will the gentleman from Yuma accept the amendment of the gentleman from Yavapai?

Mr. Short: I would if it would mean the same thing.

[Editor's Note: The Chairman goes onto state that Cunniff's suggestion has not 'become an amendment yet', and later the two amendments are considered separately, which implies that it is dropped here as an amendment to Short's amendment because of Short's response.]

(The Records of the Arizona Constitutional Convention of 1910, Page 451)

[e942283] Mr. Feeney: As a member of the labor committee, I would rather that none of it pass than to provide for those words in the brackets, for if there was ever a loophole left it is provided in those brackets, and I will vote against that.

Mr. Chairman: That has not become an amendment yet.

Mr. Franklin: Do I understand that Mr. Cunniff offers this proviso in brackets as an amendment?

Mr. Cunniff: Yes.

Mr. Chairman: Mr. Cunniff proposes to offer his proposition as an amendment to this.

Mr. Franklin: As this Proposition Number 48 now stands I support it, but if this provision embodied in the brackets is grafted in it, I shall opposed it for the reason it absolutely destroys—

Mr. Hunt: We have a lot of Indians, and it seems to me that we ought not to deprive them of that source of revenue. In Gila county the Indians make a living by building roads and such labor as that. They do not come in conflict with organized labor at all.

Mr. Chairman: It would seem to the chair that that would not be an amendment to the amendment made by the gentleman from Yuma.

Mr. Moeur: I am opposed to Proposition Number 48 from start to finish. It is not American. If we had to employ American labor some of the roads would not be finished in fifty years.

Mr. Ellinwood: I regret that I am opposed to this measure for no other reasons than those stated by the other members. If you pass this provision it would prevent the employment of a sculptor. The Bucky O'Neill monument would not have been erected. The Congressional Library in Washington would never have been built. You are barring out that class of people. I am sure that the framers of this bill did not have that in mind. There are certain things, such as the work of a sculptor which sometimes you have to get a foreigner to perform.

Mr. Baker: I would like to call the attention of the convention to this matter. I find that a similar section to this is in the constitutions of Idaho and Wyoming; so far as I know they were the only two states in the Union that have attempted to put anything like this in the constitution. I confess on the spur of the moment I have not had time to dig up the authorities on the question, but I find a note that says a proposition, if a treaty exists, will not be operative. It strikes me that this is a true statement of the matter. Take some of the aliens

that come into this country on a treaty of the United States. We all know this is a treaty and I doubt very much, where they have a right to come in under a treaty, whether we can exclude them from employment upon public works or any work.

Mr. Weinberger: I want to ask the author of this proposition if there is any danger of the employment of such people on public works. I have not known of any instances in the territory, except the employment of Mexicans of the lowest class. I do not know that there is any reason to fear that anything of this kind will take place.

Mr. Bolan: Speaking from observation, and in cases where I know it to be a fact; people, citizens of the United States, were barred from working on the county roads when they could get any other kind of labor, simply because the men who were at the head of this department would not employ them, but employ foreign labor at the same price, and would not give them a chance to work and would give foreigners preference over these people for some cause or other. I do not attempt to state this cause. This has not only been in certain vicinities, but I understand from talks with people from various parts of the country, that it occurs quite frequently in different parts of the country; consequently I think they should have some protection. People who pay the taxes should have the preference in regard to this work.

Mr. Weinberger: I want to ask another question. Suppose a county or state enters into a contract with some firm or corporation for the construction of a building or a bridge. It seems to me the contracting parties have a right to their own privileges under the contract.

Mr. Bolan: That has been settled. They will not let them contract for alien labor or contract labor.

Mr. Feeney: You are speaking about when they could not get American citizens to work. You do not stop to think that in California no one but American citizens can work on the aqueduct, and they manage to get all the help they need, because the state has a law compelling them to pay good wages. I know that whenever Mexicans and this low element is used on municipal works there is also a line of nasty little grafting going on, and that is the condition that arises in most of the municipal works, and that is what we are striking at.

Mr. Orme: If you include the county and municipality here it would ruin this county for any work whatever. In letting a contract to build a bridge across the river here last summer we included ten thousand dollars worth of Indian work which the Indian department donated. During the summer it was impossible to get any white men except the experts to work on that bridge in any way, shape or form, and it is that way today. The American labor won't do it, and in working on our roads hauling gravel (which is the principal portion of the work here) nine-tenths of the men are Mexicans who do that hauling. It is utterly impossible to get an American to haul that gravel and the country would be absolutely at a loss, and it would be impossible to work a road in any way.

Mr. Franklin: With reference to the power of this state to do this thing, I am thoroughly convinced it has the power, for this is a different matter from prohibiting aliens, or any other person, from signing or contracting for employment. If this constitution should provide that nobody but aliens should have employment, it would, in my mind, be clearly unconstitutional, for the reason that under the treaty provisions of the various countries and the United States that is prohibited, but here this state is the contracting power itself. The mu-

municipalities are making these contracts. If I am doing my work I have a right to say that I shall not employ an Italian or an Indian, or anybody I please, because I am making the contract. Here this state or its subdivisions may make these contracts and they have a right to say they will not employ certain individuals. So far as this is concerned, I think it is constitutional. On the other hand, I think it is a very good provision, and if it is left unrestricted I shall vote for it because I think it is a good regulation for the protection of our non-citizens. (applause)

Mr. Crutchfield: I would like to answer the argument of my colleague from Maricopa, Mr. Orme, [in] which he said it would be impossible to get labor. Now, I believe, it is hardly right to say that it is impossible to get labor for the proper price will bring sufficient labor at any time. It is a question of economy, probably, with cities and counties, and the state, also, but it is economy that is very poor indeed, when American citizens are to be denied positions and a low class of labor hired in their stead. I believe we can easily secure all the labor we need if we will pay the proper price for it. It is perfectly constitutional—furthermore it is perfectly right, and I am going to vote for it.

Mr. Moeur: This proposition is absolutely unjust. Talk about American citizens! Ninety per cent of us come from across the water. We did not make this universe, and do not expect to control it. It makes me tired to hear this talk.

(The Records of the Arizona Constitutional Convention of 1910, Pages 451-453)

[e942285] Mr. Hunt: I would like to offer an amendment that in the first line after the word “citizens” you insert “or ward.” This gives the Indians in this territory a chance to live, and they were here a long time before we ever saw America.

(The Records of the Arizona Constitutional Convention of 1910, Page 453)

[e942287] Mr. Cobb: I am heartily opposed to the amendment offered by the gentleman from Gila. It is that very thing that we want to stop—the employment of cheap labor, and if they are wards of the government, the government can support them.

Mr. Bradner: I would like to ask President Hunt a question. Is an Indian required to work as a means of livelihood?

Mr. Hunt: The government don’t feed them enough to sustain life.

Mr. Bradner: They are supposed to.

Mr. Webb: I believe most of these Indians have the choicest farming lands that there are in Arizona, and the working man is not permitted to take this land up. There is water and land, plenty of it, furnished free, and I know the government has furnished them with cattle by the hundreds to run, with farm implements of every kind and with skilled farmers to teach them how to farm.

Mr. Hunt: I would like to ask where that land is.

Mr. Webb: Part of it is in Gila county and part in Graham county.

Mr. Cobb: That is part of the population of Graham county.

Mr. Webb: That is the part that I want counted.

Mr. Chairman: The motion is on the amendment of the gentleman from Gila, Mr. Hunt, that we add the words “or ward” after the word “citizens.”

Mr. Ellinwood: I would like to ask one question. Doesn't the Indian after he receives an allotment cease to be a ward?

Mr. Hunt: Then he becomes a citizen.

(The Records of the Arizona Constitutional Convention of 1910, Pages 453-454)

[e942289] Mr. Chairman: Those in favor of the amendment manifest by saying "aye;" those opposed "no." The "nays" have it and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 454)

[e942290] Mr. Jones (Maricopa): I move an amendment to insert these words following the comma (,) on line 3: "provided that nothing herein shall be construed to prevent the working of prisoners by the state or municipality thereof on street or road works."

Mr. Chairman: After the word "employment."

Mr. Jones (Maricopa): Adding on the third line after the word "employment."

(The Records of the Arizona Constitutional Convention of 1910, Page 454)

[e942292] Mr. Osborn: I would like to ask the gentleman from Maricopa if a prisoner here in the municipal jail is not a citizen of the United States.

Mr. Jones (Maricopa): He is not a citizen if he is a foreigner.

Mr. Jones (Yavapai): We do not want to prevent the punishment of criminals in our jails, nor do we want to make it impossible to work prisoners on the rockpile or on the street.

(The Records of the Arizona Constitutional Convention of 1910, Page 454)

[e942294] Mr. Chairman: You have heard the amendment. Are you ready for the question? All those in favor will make it manifest by saying "aye;" those opposed "no." The chair is in doubt. Those in favor will make it manifest by rising.

Motion prevailed by rising vote of 20 to 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 454)

[e942296] Mr. Webb: I move that when the committee arise it report to the convention that it has examined Proposition Number 48, and recommend that the same be passed as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 454)

[e942297] Mr. Short: Mr. Chairman, I would like to vote on my amendment to strike out in line 3 "county and municipal" and to change the word "works" to "work."

Mr. Chairman: The question recurs on the motion to strike out the words "county and municipal" and to change the word "works" to "work." Those in favor will manifest by saying "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 454-455)

[e942299] Mr. Cunniff: I move that the matter between the brackets in Proposition Number 136 be inserted on line 3: “provided that in case of such citizens or such prospective citizens do not apply for employment, others may be employed.”

Mr. Chairman: Does that meet with a second?

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942300] Mr. Webb: Such a provision would do this. It would necessitate the decision of the court to tell whether or not they could, and would probably never be determined on its merits.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942302] Mr. Chairman: Those in favor will manifest by saying “aye;” those opposed “no.” The motion is lost. The question now recurs on the motion of the gentleman from Graham, Mr. Webb.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942304] Mr. Moeur: I wish to amend that motion that this committee do arise and recommend that the proposition do not pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942306] Mr. Chairman: You have heard the amendment that the committee arise and recommend that Proposition Number 48 do not pass. Those in favor will manifest by saying “aye;” opposed “no.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942308] Mr. Moeur: Roll call.

Mr. Webb: They will probably consent to a roll call on the next motion which is exactly the same thing—that it do pass.

Mr. Moeur: Roll call, Mr. Chairman.

Mr. Chairman: The secretary will call the roll.

Mr. Jones (Maricopa): I want to say in explanation of my vote that if Indians were exempted I would vote “no;” as it is I shall vote “aye.”

Mr. Lovin: I would like to make the same explanation as Mr. Jones. If Indians were exempted I would vote “no;” but as it is I will vote “aye.”

Mr. Hunt: I would like to have the word “Indians” in there, but I will vote no anyway.

Roll call showed 18 “ayes” and 25 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942311] Mr. Chairman: The motion is lost. The question now recurs upon the motion of the gentleman from Graham. Shall the committee recommend that this proposition do pass? Those in favor manifest by saying “aye;” opposed “no.” The motion is carried; so ordered. Proposition Number 76 is next on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942314] [Editor's Note: With the adoption of Webb's recommendation to pass the proposition as amended, Feeney's recommendation to pass the proposition was made obsolete.]

(Editorial)

[e942315] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e942317] [Editor's Note: Proposition Number 48 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942318] Mr. Chairman: [...] Proposition Number 76 is next on the calendar.  
Secretary (reading): Report of committee on labor on Proposition Number 76 recommending that it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942319] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 76.]

(Editorial)

[e942320] Mr. Feeney: I move it be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942321] Mr. Connelly: I move that in line 3 the word "four" be stricken out and that the word "two" be substituted.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942322] Mr. Chairman: You have heard the motion that in line 3 of section 1 the word "four" be stricken out and the word "two" be inserted in lieu thereof; those in favor manifest by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 455)

[e942323] Mr. Weinberger: This states "a department of labor is hereby created to be under the control of the commissioner of labor who shall be elected." Who are you going to elect, the department of labor or a commissioner of labor?

Mr. Connelly: A commissioner of labor. This is a verbatim copy of the Oklahoma constitution.

Mr. Short: The way this reads it certainly elects the department of labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942324] Mr. Keegan: Section 3 of this proposition reads: “The legislature shall create the office of state boiler inspector, whose term of office shall be four years, and his duties shall be prescribed by law.” Shall that remain that way? I move that it be made two years.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942325] Mr. Chairman: The amendment is offered that the word “four” in line 9 be changed to “two.” Those in favor manifest by saying “aye;” opposed “no.” The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942326] Mr. Connelly: This is taken the way it reads in the Oklahoma constitution, and it cannot mean the department of labor because it says “his duties shall be prescribed by law.” The department should be more than one.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942327] Mr. Jones (Yavapai): I move that an amendment be made inserting these words in line 3 after the word “and”—“whose term of office shall be two years and” “who shall be state boiler inspector and his duties shall be prescribed by law.” We have nothing of that kind now for any department, and if it is possible, and I think it may be, to get a man who could be competent to look after the inspection of boilers—one head and make that head responsible for the inspection of boilers. I believe that it would be in the line of economy, and I believe it could be worked out practically.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942328] Mr. Connelly: The state boiler inspector is a job by itself. I do not think you can get a man to inspect boilers and be at the head of a commission of labor also, although in this department of labor the legislature may have the office of state boiler inspector under the direction of the commission of labor, but in most of the states where they have a state boiler inspector he must have had at least eight or nine years experience as a boiler maker.

Mr. Weinberger: Since this has been interpreted that the commissioner of labor has to be elected, what becomes of the department of labor? You state “the department of labor is hereby created.”

Mr. Feeney: Make a suggestion.

Mr. Weinberger: I do not know what was intended.

Mr. Connelly: That is nothing more or less than a department of labor left to the legislature to fill out—and a commissioner shall be elected who is at the head of it.

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942329] Mr. Ellinwood: I would ask that a division of the three sections be made. There is one section I would like to vote for but I cannot vote for it all.

[Editor’s Note: By dividing the three sections Ellinwood is calling for a section by section discussion of the proposition. In order to replicate this process the editors have introduced a blank version of the document.]

(The Records of the Arizona Constitutional Convention of 1910, Page 456)

[e942330] Mr. Chairman: Those in favor of the committee when it arise recommending the adoption of section 1 of Proposition Number 76 make it manifest by saying "aye;" opposed "no." Those in favor make it manifest by rising.

(The Records of the Arizona Constitutional Convention of 1910, Pages 456-457)

[e942331] [Editor's Note: The amendment suggested in Connelly's recommendation and which was agreed by the Committee a few moments earlier is represented here.]

(Editorial)

[e942332] [Editor's Note: The amendment suggested in Connelly's recommendation and which was agreed by the Committee a few moments earlier is represented here.]

(Editorial)

[e942333] [Editor's Note: The amendment suggested in Jones' recommendation just before the division of the proposition is represented here. It is unclear whether in voting to adopt the section, the Committee also adopted the amendment.]

(Editorial)

[e942334] Mr. Chairman: [...] The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 456-457)

[e942335] [Editor's Note: The amendment suggested in Jones' recommendation just before the division of the proposition is represented here. It is unclear whether in voting to adopt the section, the Committee also adopted the amendment.]

(Editorial)

[e942336] Mr. Chairman: [...] Those in favor of the committee recommending the adoption of section 2 of Proposition Number 76 will make it manifest by saying "aye;" those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, pages 456-457)

[e942337] Mr. Chairman: [...] The "ayes" have it. The section is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 456-457)

[e942338] Mr. Chairman: [...] Those in favor of the committee recommending the adoption of section 3 of Proposition Number 76 make it manifest by saying "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Pages 456-457)

[*e942339*] [Editor's Note: The amendment suggested in Connelly's recommendation and which was agreed by the Committee a few moments earlier is represented here.]

(Editorial)

[*e942340*] [Editor's Note: The amendment suggested in Connelly's recommendation and which was agreed by the Committee a few moments earlier is represented here.]

(Editorial)

[*e942341*] Mr. Chairman: [...] The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 456-457)

[*e942342*] Mr. Hunt: I would like to ask for information in regard to section 3. Will some gentleman inform me of the duties of a state boiler inspector?

Mr. Chairman: It shall be prescribed by law.

Mr. Hunt: All the boilers in the territory?

Mr. Chairman: The proposition says "which shall be prescribed by law..."

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[*e942343*] Mr. Chairman: The proposition says "which shall be prescribed by law." We have adopted the whole proposition, the committee's report on Proposition Number 76. All those in favor will manifest by saying "aye;" opposed "no." The motion prevails. Proposition Number 76 is adopted as amended.

[Editor's Note: Though the proposition is described as adopted as amended, the amendments suggested by the Committee came up in the Convention.]

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[*e942344*] On motion of Mr. Feeney Committee decided that when it arise it recommend that Proposition No. 76 as amended to do pass.

(The Minutes of the Arizona Constitutional Convention, Page 215)

[*e942345*] On motion of Mr. Feeney Committee decided that when it arise it recommend that Proposition No. 76 as amended to do pass.

(The Minutes of the Arizona Constitutional Convention, Page 215)

[*e942346*] [Editor's Note: With the adoption of Feeney's motion to adopt the proposition as amended, his original recommendation was made obsolete.]

(Editorial)

[*e942347*] [Editor's Note: Neither the Minutes nor the Records specifies the outcome of Jones' amendment to Section 1 of the proposition.]

(Editorial)

[e942348] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942362] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942349] Mr. Chairman: [...] The secretary will read the report of Proposition Number 137.

Secretary (reading): Report of committee on labor on Proposition Number 137 recommending that it do pass as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942350] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 137.]

(Editorial)

[e942351] Mr. Chairman: What is the pleasure of the convention?

Mr. Bolan: I move that when the committee arises it report and recommend the adoption of the committee report.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942352] Mr. Ingraham: I move that in line 2 after the word "corporations" be inserted the words "or persons."

Mr. Chairman: The amendment offered is that the words "or persons" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942353] Mr. Cunningham: I have caught the disease "amendacitis," and I think I will ask the gentleman from Yuma to add the word "associations" to his amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942354] Mr. Chairman: Will you accept the amendment?

Mr. Ingraham: Yes, sir.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942355] Mr. Moeur: I have the disease "Kickitis" I guess. I object to this. We have a right to create a "black list." I tell you right now you have a right to protect yourselves against such people.

Mr. Feeney: Why didn't you vote for the boycott bill?

Mr. Cunniff: The other day I helped to vote down a proposition on the boycott, and there seems to be a strong opinion that the boycott should not be permitted. What is sauce for the goose is sauce for the gander. Let us not have the "black list" either.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942356] Mr. Chairman: The amendment of the gentleman from Yuma, Mr. Ingraham, is to add the words "associations or persons" after the word "corporations" in line 3. Those in favor manifest by saying "aye;" opposed "no." The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 457)

[e942357] Mr. Moeur: Roll call.

Mr. Chairman: The question was decided before any roll call was demanded. The question now is that when the committee arises it recommend that the proposition as amended do pass. Those in favor make it manifest by saying "aye;" opposed "no." The "ayes" have it and it is so ordered. Do the gentlemen want a roll call.

(The Records of the Arizona Constitutional Convention of 1910, Pages 457-458)

[e942358] Mr. Moeur: I want to go on record on such a proposition as this.

Mr. Jones (Maricopa): I would like to know what we are voting on.

Mr. Chairman: We are voting on the proposition that has already been passed.

Mr. Jones (Maricopa): Could one merchant tell another you are a dead cat?

Mr. Bradner: Can I explain that?

Mr. Chairman: The chair has no objection.

Mr. Bradner: Will you allow me to explain that to you?

Mr. Jones (Maricopa): Certainly.

Mr. Bradner: The railroads are the corporations that use the black list more than anyone else, and if a man has an accident of any kind that they think shows he is not really a careful man, and discharge him, and he goes to another road for employment, he has to make out an application and in the meantime he goes to work, and when the application comes back the man is discharged. The man might be competent, only he met with an accident, and the only way that man can get a job again is to change his name, or make out false papers.

Mr. Jones (Yavapai): I would like to vote in favor of that but there is an association in every town of the Unites States of merchants who exchange lists of deadbeats for the protection of the men who have good credit. You prevent that by this proposition, and I want to vote for what you want to accomplish, and want to make it possible for you and I in the mercantile business, to tell each other when we are being defrauded by people who are plainly "deadbeats."

Mr. Bradner: I can tell the gentleman the way they can keep out is not to trust those "deadbeats."

Mr. Weinberger: I want to ask a question. You say here the legislature shall prohibit the exchange of "black lists." What do you mean by "black lists"—giving one for another? Suppose that a "black list" is given without any exchange, or return of any other "black list."

Mr. Chairman: The chair suspended the roll call long enough for the gentleman from Maricopa to ask a question, and we had better proceed with the roll call.

Mr. Franklin: I want to ask one more question. Does this prevent a grocery man from "black listing?" If it does I will vote for the "black listing."

Mr. Ellinwood: Mr. Chairman, this is the first time I have ever arisen to explain my vote. I am heartily in accord with everything Mr. Bradner says, and I am opposed to this system from start to finish. This law you are attempting to pass is not going to do it. It is the exchange of a "black list;" in other words, one man can give a list and he must get a "black list." It ought to be the giving out of a "black list." It accomplishes nothing and I vote no.

Mr. Weinberger: I want to explain my vote. I asked Mr. Bradner to explain the meaning of the word "exchange," and the way it appears to me now; this will not be of any effect at all, and I, therefore, vote no. I am willing to favor a suitable proposition concerning this matter, but not in its present form.

Roll call showed 25 "ayes" and 17 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 458)

[e942359] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e942360] [Editor's Note: Proposition Number 137 was referred to the Convention alongside the committee's report.]

(Editorial)

[e942361] [Editor's Note: The Report from the Committee on Labor on Propositions Number 48, 134, 147, 76, 141, 9, and 72 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942364] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e942365] Mr. Hunt: I move the committee arise.

Mr. Moeur: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 458)

[e942366] Mr. Chairman: Those in favor of the motion that the committee do now arise make it manifest by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 458)

**32.26 Saturday, 19 November 1910, at 09:30 (s16195)**

[e942551] Mr. President: The committee of the whole. Gentlemen, we have some business for consideration by the committee of the whole, and if there is no objection the convention will now resolve itself into a committee of the whole, and the gentleman from Yavapai, Mr. Jones, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942552] Mr. President: The committee of the whole. Gentlemen, we have some business for consideration by the committee of the whole, and if there is no objection the convention will now resolve itself into a committee of the whole, and the gentleman from Yavapai, Mr. Jones, will take the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942553] Mr. Chairman: The first before us is Proposition Number 106. The secretary will read the report of the committee.

Secretary (reading): “Your committee on Public Debt, Revenue and Taxation, begs leave to report it has examined Proposition Number 106 and respectfully recommends that the proposition herewith submitted by substituted for Proposition Number 106, and that said substitute proposition be adopted. (signed) J.J. Keegan”

Mr. Chairman: You have heard the report, what is your pleasure? If there is no objection, gentlemen, the proposition will be considered paragraph by paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 464)

[e942684] [Editor’s Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that the Report from the Committee on Public Debt, Revenue and Taxation on Proposition Number 106 was referred to the Committee alongside the Substitute Proposition.]

(Editorial)

[e942685] [Editor’s Note: Substitute Proposition Number 106 came before the Committee of the Whole on this day, so the editors have inferred that the original proposition was referred to the Committee alongside the Substitute Proposition.]

(Editorial)

[e942554] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 106.]

(Editorial)

[e942555] [Editor’s Note: The Committee of the Whole considered Paragraph 1 of Substitute Proposition Number 106.]

(Editorial)

[e942556] [Remarks by Hunt of Gila not found]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
464-465)

[e942557] Mr. Baker: I can understand now why some useless words were used in section 1 of the substitute proposition from listening to the reading of this gentleman's letter or statement. I refer to the words on line 3 of section 1 "the territorial limits of the authority levying the tax." I move to amend by striking out the above words and substitute in lieu thereof simply "the state."

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
464-465)

[e942558] Mr. Ellinwood: I would just like to ask the gentleman from Maricopa if these words would not be necessary in view of school districts and cities. All taxes are not levied for state purposes; some are for city purposes and some for school purposes. This was taken from the letter Mr. Hunt just read. If all the taxes were state taxes, the gentleman from Maricopa would be eminently correct, but we thought the words "the territorial limits of the authority levying the tax" were necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 465)

[e942559] Mr. Ellinwood moved to amend line 3, page 2 by striking out the capital letter "T" in the word "Territorial" and inserting the small letter "t." Carried.

(The Minutes of the Arizona Constitutional Convention, Page 219)

[e942560] Mr. Ellinwood moved to amend line 3, page 2 by striking out the capital letter "T" in the word "Territorial" and inserting the small letter "t." Carried.

(The Minutes of the Arizona Constitutional Convention, Page 219)

[e942561] Mr. Baker: I withdraw my amendment with the consent of my second.

Mr. Franklin: I agree to the withdrawal.

(The Records of the Arizona Constitutional Convention of 1910, Page 465)

[e942562] Mr. Ingraham: I would like to ask a question about the proposition. A considerable number of states are levying graduated income taxes and graduated inheritance taxes in which small incomes are excepted and small inheritances are excepted from the tax, and in which very large incomes are taxed at a somewhat higher rate than the medium income, and I would like to ask if, in the opinion of the members, the second sentence does not prohibit such a tax. It states "all taxes shall be uniform on the same class of property."

Mr. Ellinwood: As I understand it, the very purpose of the sentence is to give what the gentleman from Yuma so desires. It is the power of the state or

city to make classification as provided by law. When the classification is made, then a tax may be laid on such classes as it sees fit. It can make one class of incomes of \ \$7,000, another of \ \$10,000, and so on. Its very purpose is to accomplish what the gentleman from Yuma desires.

Mr. Ingraham: It does not seem to me the ordinary meaning of the words will allow of the classification of incomes of \ \$5,000, in one class, another class of \ \$50,000, and that seems straining the meaning of the words.

Mr. Hunt: Quoting from the Tax Review of the State of Kentucky, I will say that they have been trying to change their law now, and instead of having it that taxes shall be uniform on all classes of property, their amendment is that they shall be uniform on all property of the same class.

(The Records of the Arizona Constitutional Convention of 1910, Page 465)

[e942563] Mr. Cunniff: It seems to me the point of the gentleman from Yuma is well taken. If there are two interpretations of this phrase "same class" there seems a possibility that the court might decide with regard to the graduated income tax that incomes were all of the same class, and I therefore want to offer an amendment at this point that the following words be added to this paragraph: "Provided that nothing in this section shall be construed as prohibiting the state to impose taxes on incomes graduated according to the amount of such income."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
464-465)

[e942564] Mr. Orme: I would like to ask a question for information. Does not this first section prohibit the different boards of supervisors in different counties from levying different rates? Each county has a different rate, and I would like to ask if this does not prohibit that. It seems to me that it would.

Mr. Ingraham: In answer to the gentleman from Maricopa, Mr. Orme, it does not seem to me that it is the intention of this first paragraph to prevent the levying of a different rate in one county from that levied in another county. The very purpose of allowing a different rate is accomplished in the phrase which states that the taxes shall be uniform within the territorial limits of the authority levying the tax. Now the authority levying the tax in this case would be the board of supervisors.

Mr. Hunt: The gentleman from Yavapai has offered an amendment. I want to quote from the remarks of Mr. F.W. Taussig, of Harvard, "I beg to express my opinion in favor of the proposals made by the International Tax Association with regard to the provisions on this topic in the constitution proposed for your state. Our experience in Massachusetts has been instructive. A hundred years ago hard and fast lines were laid down in our constitutions, probably suited to the conditions of the day. Those constitutions are now outgrown, and we find ourselves hampered by antiquated restrictions. A simple and elastic constitutional provision, such as the Tax Association suggests, leaves the needed discretion to the legislature and permits accommodation to the changing needs of growing communities. I am sure you will find the weight of opinion among the economists and serious students of taxation throughout the country in favor of the proposed provision."

Mr. Cunniff: I would say I have the utmost confidence in everything Mr. Taussig says, but the question in my mind is that the court may occasionally

interpret things different from the intent of those who formulated the laws, and if the proposition means the same thing, let us say so in plain English, and therefore I offer this amendment.

Mr. Ellinwood: I think there is absolutely no harm whatever in the amendment of the gentleman from Yavapai, Mr. Cunniff. It simply says it shall be interpreted in a certain way. The provision is complete and definite without it, but there is no harm in putting it in.

(The Records of the Arizona Constitutional Convention of 1910, Page 466)

[e942565] Mr. Ingraham: I will make an amendment to that amendment by including "Inheritances" as well as incomes.

Mr. Tuthill: I second the amendment of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Page 466)

[e942566] Mr. Cunniff: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 466)

[e942567] Mr. Cassidy: I am opposed to this amendment for the reason that I think it is absolutely unnecessary. I think under the original wording that unquestionably the legislature will have the right to classify incomes and inheritances and levy a graduated tax. I think this is unnecessary.

Mr. Parsons: As has been stated by the gentleman from Gila, Mr. Hunt, he has given us the opinion of the ablest experts on the economic question of taxation, and as a result of this we have this first paragraph. They provide all that is necessary in the most modern constitutions, and is a complete and elastic system, by which they can lay taxes, and the limitation necessary is that the taxes shall be uniform as to the same class within the territory of the taxing power.

Mr. Cunniff: I am satisfied with the proposition as it stands, but I am not satisfied the courts of Arizona will give the right interpretation.

Mr. Ingraham: It may be that the gentleman from Yavapai and I are exercising an abundance of precaution here, but this is a very important matter, and it seems to me [one] in which an abundance of precaution should be exercised. Whether the courts would construe the classification of incomes according to size would be [sic, as] a reasonable classification is entirely conjectural. It would depend on the interest of the judge or his affiliation. It seems to me that leaving it in this way is a dangerous matter.

(The Records of the Arizona Constitutional Convention of 1910, Pages 466-467)

[e942568] Mr. Chairman: The question is on the adoption of the amendment of the gentleman from Yavapai, Mr. Cunniff. All those in favor of the amendment will signify by answering "aye;" opposed "no." The nays have it. Are there any other objections to paragraph 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 467)

[*e942569*] Mr. Jones of Maricopa, moved to amend line 4, page 2 by adding after the word "only" the following: "Provided that in case the State Board of Equalization, or assessor, is unable to determine the actual value of the franchise and property of public service corporations, the paid in capitalization and interest bearing securities shall be deemed the actual value."

(The Minutes of the Arizona Constitutional Convention, Page 219)

[*e942570*] [Remarks by Ellinwood of Cochise not found.]

Mr. Morgan: I want to say the sheep men of Arizona are glad to get off with a taxation of 80% of their value. I would not believe it when the assessor said, "All you have to put in is 80%."

Mr. Baker: My objection is this: we are now simply preparing a constitution, and I am fearful we are constantly forgetting the fact that we are limited to the preparation of a constitution. We are endeavoring all the time to legislate about the most intricate matters, and we resolve ourselves almost continually into a legislature. This general provision is proper, but I think if we are going to provide how to levy the assessment we have to go through the whole routine, and prepare another bill and put it in the constitution, whereas I believe we ought to leave it to the legislature. They will have the broad principles laid down in this section, and when they know all the facts the legislature can work out the system of levying the taxes. I say by all means make these railroads and corporations pay their full and just rate of taxation, but my objection is to legislating on this matter in the constitution.

Mr. Franklin: It impresses me that this paragraph is in an improper place. We are laying down a broad general system of taxation. If the proviso is inserted here as suggested and it is held unconstitutional, it will be so closely interwoven with the principle that the whole will be declared unconstitutional. I am therefore, opposed to the proviso in this place, if I could support it at all.

(The Records of the Arizona Constitutional Convention of 1910, Pages 467-468)

[*e942571*] Amendment lost by the following vote:

Ayes—Bolan, Coker, Connelly, Crutchfield, Cunniff, Feeney, Goldwater, Ingraham, Jones, A. M., Jones, F. A., Langdon, Moeur, Morgan, Parsons, Roberts, Short, Simms, Mit, Webb. Total 18.

Nays—Baker, Cassidy, Cobb, Colter, Cunningham, Curtis, Ellinwood, Franklin, Hutchinson, Keegan, Kinney, Lovin, Lynch, Moore, Osborn, Pusch, Scott, Sims, R. B., Standage, Tovrea, Tuthill, Weinberger, Wells, Winsor, Wood, Mr. President. Total 26.

Absent—Orme.

Excused—Bradner, Cooper, Doe, Jacome, Kingan, White, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 219)

[*e942572*] Paragraph 1 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 219)

[*e942573*] [Editor's Note: The Committee of the Whole considered Paragraph 2 of Substitute Proposition Number 106.]

(Editorial)

[e942574] Mr. Sims: I wish to move an amendment to paragraph 2. On line 8 after the word "schools" insert the word "convents" and on line 9 after the word "libraries" insert "orphanages and Young Men's Christian Association buildings."

Mr. Parsons: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942575] Mr. Connelly moved to amend line 9 by inserting after the words "Young Men's Christian Association" the words "Young Women's Christian Associations."

(The Minutes of the Arizona Constitutional Convention, Page 219)

[e942576] Mr. Chairman: You have heard the amendment submitted by the gentleman from Cochise, Mr. Sims. Are you ready for the questions?

[Remarks by Morgan of Navajo not found.]

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942577] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e942578] Mr. Baker: I move the committee arise and ask leave to sit again.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

[e942579] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 468)

## **32.27 Saturday, 19 November 1910, at 14:00 (s16170)**

[e942592] Mr. Chairman: The committee of the whole will come to order. We have under consideration the amendment of the gentleman from Cochise, Mr. Sims, to the second paragraph in line 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 469)

[e942593] Mr. Chairman: The committee of the whole will come to order. We have under consideration the amendment of the gentleman from Cochise, Mr. Sims, to the second paragraph in line 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 469)

[e942594] Mr. Connelly: I offer a further amendment. After Y.M.C.A. and Y.W.C.A. put in W.C.T.U. and other women's clubs.

(The Records of the Arizona Constitutional Convention of 1910, Page 469)

[e942595] Mr. Chairman: Hearing no second to that amendment the vote will be on the original motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 469)

[e942596] Mr. Hunt: I would like to ask for information of some of the gentlemen here in regard to the Y.M.C.A's. Don't they rent part of their buildings. Do they do that here in Phoenix?

Mr. Parsons: I dare say that is true that the Y.M.C.A. buildings do rent part of their rooms, but not for the purpose of profit but to help maintain the institution and thereby reduce the amount that they have to call upon the public for. The purpose and sentiment expressed in the remarks to which reference was made by the gentleman from Gila in including or excepting institutions, it was those dependent upon public contributions for support and the Y.M.C.A. as well as the Y.W.C.A. is of that character, and where they rent rooms it is to simply reduce the amount for which they have to ask the public.

Mr. Weinberger: The amendment as it now reads includes Y.M.C.A. buildings, but what about the grounds connected with the buildings?

Mr. Parsons: We are perfectly willing to have added to it "and buildings, contents and grounds."

Mr. Weinberger: The point I am making is, you are including buildings but you are subjecting the grounds to taxation.

Mr. Baker: I think the gentleman from Gila is entirely mistaken. It reads "and lots together with buildings thereon used exclusively for religious worship; and lots together with buildings thereon with contents therein, used exclusively for parsonages, schools, academies, colleges, universities, libraries, hospitals, or cemeteries, if not used or held for profit." If you write Y.M.C.A. after every one of these words it would injure [sic, include] their lots as well as their buildings.

Mr. Roberts: Will the gentleman yield to a question?

Mr. Parsons: Certainly.

Mr. Roberts: I would like to know if the Y.M.C.A. in Douglas does not charge the players for the use of their billiard tables?

Mr. Parsons: They do charge to help pay the expenses of their institution but not for profit, and after that has been done there is the secretary and assistant secretary to carry on what I want to stand here and put myself on record as saying is an institution more beneficial to the general good of the community of Arizona than any other institution in it, not excepting any. The Y.M.C.A. advocates and administrates [sic, administers] physical and moral cleanliness and gives the young people an opportunity for clean amusement and enjoyment, and I believe there is no one institution in the United States in the way of a moral institution that is more unsectarian, that is more absolutely and purely an American institution than this Y.M.C.A., and while they do have pool tables and they do have billiard tables and they do have bowling alleys, they recognize that these are things simply for the amusement of the people and the charges that are made are always at least one-half that made anywhere else, in order to induce young men to go there instead of going to some places that are debasing.

Mr. Cunniff: In an attitude of hostility, I, at one time, made a thorough investigation of the Y.M.C.A. in its various departments, and in starting on

that investigation in an attitude of hostility, I came to the conclusion that there was no educational institution of the kind we are trying to exempt here, that is in any degree more valuable than the Y.M.C.A. and the Y.W.C.A. I think it is just as much of an educational institution as there is and fully as valuable, therefore, I shall support this amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 469-470)

[e942597] Mr. Chairman: Are you ready for the question? The question will be on the amendment of the gentleman from Cochise. All those in favor will signify by saying "aye;" contrary "no." The amendment is to insert after the word "school," in line 8 the word "convent;" after the word "libraries" in line 9 the words "orphanages, Y.M.C.A.'s and Y.W.C.A.'s." The "ayes" seem to have it. The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 470)

[e942598] Mr. Chairman: [...] Now the question comes up on the adoption of the paragraph—

[Editor's Note: At this point, it seems as though Sims' amendment and Connelly's amendment to Sims' amendment were decided in tandem.]

(The Records of the Arizona Constitutional Convention of 1910, Page 470)

[e942599] Mr. Franklin: I do not know but it seems to me it would be a little better in this second paragraph: "That there shall be exempted from taxation all federal, state, county and municipal property," the words following "and lots together with buildings thereon used exclusively for religious worship," and after the word "for" in line 8 insert the words "religious worship." Make it read: "There shall be exempted from taxation all federal, county and municipal property, and lots together with buildings thereon with contents therein used exclusively for religious worship," etc. and I make the motion that the following words, "and lots together with buildings thereon used exclusively for religious worship" on lines 6 and 7 be stricken out, and after the word and "for" on line 8 the words "religious worship" be inserted.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 470)

[e942600] Mr. Parsons: Mr. Chairman, the suggestion made by the gentleman from Gila, Mr. Weinberger, I think would call our attention to the fact if the amendment of the gentleman from Maricopa, Mr. Franklin, is adopted, then we might tax the lot in which the Y.M.C.A. and other buildings that are not mentioned here are located but not tax their buildings or contents, and I do not think that would be a reasonable proposition. If the buildings are to be immune from taxation I think the lots on which the buildings stand, the property within the building used for the purpose of the association should also be exempt, and I see no reason why we should strike out those words.

Mr. Chairman: Those are repeated there, one right after the other. That is the reason the gentleman wishes to put them out.

Mr. Hunt: It says "for religious worship." If you strike that out on line 9 you could not tax churches, then.

Mr. Parsons: The balance of it is not particularly religious worship, and a whole lot of people do not think playing pool and rolling in a bowling alley is religious worship, and we want these people to have their property exempt as long as it is for a moral, elevating tendency. I do not think we can worship all the time, and one of the best ways to worship is to work and play when you ought to work and play.

(The Records of the Arizona Constitutional Convention of 1910, Pages 470-471)

[e942601] Mr. Franklin: I do not believe it would have any such meaning as Mr. Parsons indicates. As amended that section will read, "there shall be exempted from taxation all federal, state, county and municipal property, and lots together with buildings thereon with contents therein used exclusively for religious worship." It might be construed as property of the state, county and municipality used for religious worship. I think we ought to cut that sentence out and say: "There shall be exempted from taxation all federal, state, county and municipal property, and lots together with buildings thereon with contents therein used exclusively for religious worship, for parsonages, schools, academies, universities, libraries, hospitals, or cemeteries, if not used or held for profit."

(The Records of the Arizona Constitutional Convention of 1910, Page 471)

[e942602] Mr. Parsons: I did not hear that you had your "religious worship" in down below.

Mr. Chairman: That was what I was trying to explain to you. You make that a motion, do you, Mr. Franklin?

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 471)

[e942604] Mr. Morgan: I would like to ask for information. What is done at the Young Men's Christian Association? There has been a building right here in the city of Phoenix, costing thousands of dollars, and I would like some member to inform me what is carried on in that building. There has been a new building put up here and I want a little information as to what is done at the Y.M.C.A., if any member will give me the information.

Mr. Parsons: I do not profess to be any walking encyclopedia of just all that is done in the Young Men's Christian Association, but in reply to the gentleman who has asked the question,— and I believe has asked it in good faith,— I want to say to him that my experiences with references to the Y.M.C.A. in three states and one territory has been this: that what has been done has been that an effort has been made by those who have been managing those institutions and who have given of their wealth toward their support, to furnish in the first place the very best kind of a place where young men, especially those away from home, could find an opportunity to meet with people in the community in which that institution might be situated who would know where they might best find employment consistent with their ability and their peculiar tastes. Second among those duties was to furnish at least a temporary home to those who

were in a strange community, at the lowest possible rates, without any idea of profit,—to furnish a home at the lowest expense possible. In addition to that, to furnish the best class of reading matter for young men who were idle and away from home,—a reading room where the best literature of the day was furnished for everyone who might come in there. In addition to that, to furnish night schools, at actual cost, for those who, being employed in manual labor, were unable to prosecute [sic] their studies in different branches. In addition to this, to take up other branches of improvement, always with a view to furnishing them at actual cost, or even less, because these institutions are all supported by contributions other than what can be received from those who are the patrons of it. In addition to that, to furnish clean, moral, wholesome entertainment to the young, and the old as well, and that at the very lowest cost consistent with, as has been mentioned here,— talking about pool tables and bowling alleys,— just such a charge as would keep up the pool tables and bowling alleys and provide boys to set up the pins. There are just a few of these things. In addition to that, to furnish baths, furnish to the men who work in the smelters and machine shops of Douglas a place to go and take a bath, either a tub bath or a shower bath, and it will cost one cent a bath. I believe in that old statement that personal cleanliness is akin to Godliness, and I think when we furnish people an opportunity to be clean we furnish one of the greatest assistants [sic, assistance] to them to be good, and that is one of the things that the Y.M.C.A. does, and I believe it applies with equal effect to the Y.W.C.A. There are simply a few things, and I regret that the gentleman who showed this morning by the great list of clippings that he had here his attitude against the church and the clergy, that he has been so blinded that he has not been able to learn what one of the greatest institutions on the surface of God Almighty's earth is doing.

Mr. Morgan: I do not think that this morning I mentioned the Young Men's Christian Association, which the gentleman from Cochise says I am against.

Mr. Parsons: I beg the gentleman's pardon. It is not what he said against it, but what I highly commiserate is that he has not learned anything about it.

Mr. Morgan: I want to ask if it is not a fact in most Young Men's Christian Associations buildings like this that is proposed to exempt from taxation, that it is a fact that they have swimming pools there and all that kind of thing—that they have a gymnasium there, and everybody has free access to the gymnasium. I want to ask if a man who did not believe in Christianity would have access to that.

Mr. Parsons: I take great pleasure in saying that no religious test is applied to membership. Any man can use the boxing gloves, and use the swimming pool, and use the gymnasium without any question as to whether he be Jew, Gentile, or whether he has any religious views or not. He does not have to comply with any of these provisions. It is absolutely open to every man who will be [a] decent, law abiding citizen.

Mr. Morgan: If churches are exempt, Young Men's Christian Association buildings and all that is necessary thereto certainly ought to be exempt. (applause)

Mr. Chairman: I will state for the benefit of the gentleman from Navajo that the convention has adopted the amendment inserting Y.M.C.A.'s and Y.W.C.A.'s in the clause of the second paragraph of this proposition, and the question now is on the adoption of the whole paragraph.

Mr. Morgan: I understand the proposition thoroughly, and my idea in

talking is that if I cannot cut out the whole thing to cut out that much. If Mr. Jeffries was to start an institution in the city of Phoenix, for instance, where there was boxing—if some of the windjammers and hot air merchants will give me from thirty to fifty minutes, it is all the time I am going to take up. I think these gentlemen have done a lot of my work that I am not capable of doing at all and I thank them for it. If Mr. Jeffries or Mr. Johnson started a gymnasium in the city of Phoenix, with boxing, where you could swing the dumb bells and Indian clubs, their institution would certainly be taxed.

Mr. Parsons: It would be for profit.

Mr. Morgan: But I want to ask the gentleman from Cochise what the Y.M.C.A. outside of that does for anybody?

Mr. Parsons: I want to say that it does all that any institution I know of that is the best of combined mental efforts of the reformers of the whole civilized world—I won't limit it to the United States,—but the combined intelligence of the civilized world has been able to devise in a way of an institution that is free from all of the objections of sectarianism, of creed, of anything that is tinctured in that way,—furnishes to the people just such an institution as it is,—one that tends toward the upbuilding and betterment of not only the rising generation but the entire people.

Mr. Morgan: The very name of this institution, the name Young Men's Christian Association,—nobody but the Christian need enter here.

Mr. Parsons: Mr. Chairman, I want to say that no Jew or any member of any other religious body outside of the Christian has ever been denied admission to a Y.M.C.A. because of the fact that he did not belong to the Christian religion, but I want to say to you that this is the reason it is world-wide. That is why it is greater than any church organization on top of God's green earth.

Mr. Chairman: If there are no other —

(The Records of the Arizona Constitutional Convention of 1910, Pages 471-473)

[e942605] Mr. Goldwater: Mr. Chairman, I offer this amendment. I want to say this much. I do not need to say what I am. When the Y.M.C.A. first started in San Francisco a great many years ago I came very near committing murder unintentionally. The way I got mixed in this position was that when the Y.M.C.A. building was completed, with its gymnasium and bowling alley, I went up there one night and I went to the office of the secretary, and I said I wanted to join, and he asked me my father's name, my mother's name, and he finally got over to a column where it said, "Do you believe in the Christian religion or Jesus Christ?" I said "no." The man looked at me, and the next column said: "What religion have you?" And I said, "I am a Jew," and I think I almost killed the secretary of the Y.M.C.A., but nevertheless I became a member of it and for a number of months I paid my dues. I had a certificate which I had framed and hung in my room, much to the dislike of my mother, but I have nothing against the Y.M.C.A. I want to say that the first school where I think I learned more than I did at any other school, as a school taught by a Catholic priest in the city of Los Angeles. Now, my amendment to this proposition is this: scratch out all the words of paragraph 2 after the word "property" in line 6, and insert instead of this "property of religious, educational and charitable institutions not used or held for profit shall be exempt from taxation by law." I do not want

to decide whether this hospital is used for profit or not. The difficulty of this thing is the question of profit. If the Y.M.C.A. is supposed to be a benevolent institution and makes money this year, what becomes of that money? It is sent away from here. The hospital or the church, they make money. You may say that they use it for the purpose of building up another hospital in another place, and this Y.M.C.A. when it gets enough money made here will go up and build a Y.M.C.A. in some other city. It is a matter that leaves it open for every board of supervisors and every board of equalization to decide whether that institution is run for profit or whether it is not. I think if we are going to leave it to them—I am perfectly willing to leave it to them. I think the county board of supervisors or the city board of equalization are able to determine as well as this convention is whether it is run for profit or not. When an institution goes to work and buys nine lots and on the middle lot puts up a building, and then claims all the other lots are exempt from taxation, and five or six or ten years later, when the increased value of the property justifies them, they sell the other lots, it does not seem to me to be a just thing to the poor people who pay the majority of the taxes in every city and county. If a woman owns a cow, I know in our place the city taxes her. Why then should somebody else who claims that they are not making any profit on a cow be allowed to run ten or twelve cows and say that they need the milk because they are running a hospital but are not making any profit out of it? The language of the thing is wrong. It is not a question whether you are making a profit or not. Many and many a year I do not make any profit. The question is am I trying to make a profit? That is my idea of taxation. Strike out the whole of that last clause and put in this, and let the legislature decide whether they are making a profit or whether they are not, and I offer this amendment. (applause)

Mr. Jones (Maricopa): I will second the motion, Mr. Chairman, and support it for the reason that I concur in all that Mr. Parsons and everybody has said with respect to encouraging these institutions, and I particularly support it because you cannot in this constitution make a provision broad enough to cover all of the institutions that should be exempt. We have left out institutions that should be included, and I think the enumeration of those different institutions is legislative, and that the gentleman from Yavapai's amendment will cover all of them.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
473-475)

[e942606] Mr. Parsons: Mr. Chairman, now I want to object, and in reply to the gentleman from Maricopa say that the objection that he has made here to require legislative action to determine all these things applies to this amendment as well as to the others that have been made here, and we have mentioned certain things that we want exempted from taxation. There is not any law that I know of that prevents any of these gentlemen who say there are other things that should be exempted from mentioning them. I want to reply to the gentleman from Yavapai when he says these institutions make money and their money is sent away. I don't know about it, but if I were a gambling man I would bet my last dollar that there is not a Young Men's Christian Association in the town in which he lives, because I know from the looks of him that if there had been any they would have called on him. The law does not say those that make profit

but those that are conducted for profit—for the purpose of making profit. They are not conducted for that purpose. They are conducted for the purpose, just as the churches are conducted, for the purpose of improving the people of the world.

Mr. Morgan: In reply to the gentleman from Cochise, I want to say that in my humble opinion the appearance of the gentleman from Yavapai county compares favorably with the appearance of any gentleman in this territory.

Mr. Parsons: That is just why I made my remark. He has one of the most generous faces.

Mr. Ellinwood: I do not want to enter into the discussion of the merits of the case at all, but I would refer the members to lines 16, 17 and 18 in connection with this amendment. "All property in the state not exempt under the laws of the United States or under this constitution shall be subject to be ascertained as provided by law." If you pass this amendment leaving it to the legislature to exempt religious and charitable institutions, then you also leave to the legislature the exemption of all other property. If you leave the exemption at all you leave to them the right to exempt railroads and other property, unless you specifically mention it here and then shut the door so no other property shall be exempted.

Mr. Goldwater: I am willing to let it go that way.

Mr. Chairman: Does the gentleman from Yavapai withdraw the amendment?

Mr. Goldwater: No.

Mr. Franklin: I have held in abeyance during the discussion and I have been enlightened on the subject a good deal, but I will call the attention of the chair to the fact that I moved a while ago that on line 6 the words "and lots together with buildings thereon used exclusively for religious worship" be stricken out, and that on line 8 after the word "exclusively" insert the words "for religious worship."

Mr. Chairman: The question comes up on the motion of the gentleman from Yavapai as an amendment to the motion of the gentleman from Maricopa.

Mr. Goldwater: I was not offering any amendment to the motion of the gentleman from Maricopa. If the gentleman from Maricopa wants his motion put I have no objection. My motion is not an amendment to his. After his motion has been adopted I will make mine.

Mr. Franklin: I would suggest that they be put that way.

(The Records of the Arizona Constitutional Convention of 1910, Pages 475-476)

[e942607] Mr. Chairman: The question now is on the motion of the gentleman from Maricopa, Mr. Franklin, to strike out on line 6 after the word "property" the balance of that line and on line 7 up to and including the word "worship." All those in favor of that amendment will signify by saying "aye;" opposed "no." The "ayes" have it and it is so ordered. The secretary will take a record of it.

(The Records of the Arizona Constitutional Convention of 1910, Page 476)

[e942608] Mr. Baker: Mr. Chairman, I offer an amendment—

Mr. Chairman: The chair will rule that the gentleman from Yavapai's motion will have preference. The question is on the motion of the gentleman from

Yavapai, Mr. Goldwater. You have heard the motion. All those in favor will signify by saying "aye;" contrary "no." The "nays" seem to have it; the "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 476)

[e942609] Mr. Baker: I now offer an amendment to this section by striking out line 9 commencing with the word "if" the words "if not used or held for profit." To strike out these words in lines 9 and 10 and insert in lieu thereof these words "not used or held solely for private or corporate profit." That makes it clearer.

(The Records of the Arizona Constitutional Convention of 1910, Page 476)

[e942610] Mr. Chairman: Are you ready for the question? All those in favor will signify by saying "aye;" opposed "no." The "ayes" appear to have it and the "ayes" have it; so ordered. Any other objections? If not, paragraph 2 will stand as read and so ordered. Any other objections? If not, paragraph 2 will stand as read and so ordered. We will now consider paragraph 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 476)

[e942611] Mr. Ingraham: I understand that the words "Young Men's Christian Association and Young Women's Christian Association" were inserted in line 9. Does that mean that the association is exempt from taxation?

Mr. Chairman: The Y.M.C.A. and Y.W.C.A. buildings, is the way I have it in the amendment.

Mr. Parsons: Mr. Chairman, as I understand the paragraph it says: "and lots together with buildings thereon used exclusively for parsonages, schools, convents, academies, colleges, universities, libraries, orphanages, Young Men's Christian Associations, and Young Women's Christian Associations." It is the buildings, lots and contents used exclusively for that purpose.

Mr. Morgan: If I join a Young Men's Christian Association and I go there in the week and box fifteen minutes and I swing dumb bells fifteen minutes and I take a bath in their tank, I am willing to pay the money to cover that expense, and that is the principal reason why they attract the young men of the United States. If I go there I am willing to pay a certain sum per week or per month or per day for that privilege of getting the advantage of it, and I do not think it ought to be exempt from taxation.

(The Records of the Arizona Constitutional Convention of 1910, Page 476)

[e942612] Mr. Chairman: I will put paragraph 2 before the house and take a vote on it. All those in favor of the adoption of paragraph 2 as amended will signify by saying "aye;" contrary "no." The "ayes" have it and it is so ordered. Paragraph 3 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942613] Mr. Chairman: [...] Paragraph 3 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942614] Mr. Parsons: I move it be passed.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942615] Mr. Chairman: If there is no objection paragraph 3 will stand as read, and it is so ordered. What will you do with paragraph 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942616] Mr. Chairman: [...] What will you do with paragraph 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942617] Mr. Franklin: Mr. Chairman, I move an amendment to paragraph 4. On line 14 after the word "widow" insert the words "residents of this state" so it will read: "The legislature may exempt from taxation the property of widows residents of this state not exceeding the amount of one thousand dollars where the total assessment of such widow does not exceed two thousand dollars."

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942618] Mr. Parsons: I desire to amend the amendment offered by the gentleman from Maricopa by adding after the word "widows" [the words] "or deserted wives." In support of my motion I want to say that it is not because I am an old widower fifty-nine years of age that I think I might catch one of these deserted wives, but in my community there are a number of wives quite as bad off as God's widows.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942619] Mr. Chairman: Does the gentleman from Maricopa accept the amendment?

Mr. Franklin: No sir.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942620] Mr. Winsor: I rise to a point of information. I would like to ask the gentleman from Maricopa who proposed this amendment if it would not be in conflict with the fifth paragraph.

Mr. Chairman: The gentleman from Yuma is out of order. The question before the house is on the amendment of the gentleman from Cochise.

Mr. Winsor: I renew my request for information. I would like to know if the gentleman does not think this would be in conflict with the fifth paragraph of our ordinance irrevocable which states: "That the lands and other property belonging to citizens of the United States residents without the said state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof." He is excluding from the benefits of this tax exemption widows residing out of the state.

Mr. Franklin: I think there is a very clear distinction. That section of the law is the power to tax. This is a matter of exemption. The policy of exemption is for the purpose of exempting that property of residents in this territory whom we think deserving. It does not come in the purview of that power mentioned in paragraph 5. That says the power to tax; this is an exemption.

(The Records of the Arizona Constitutional Convention of 1910, Page 477)

[e942621] Mr. Bolan: I move that you strike out all of paragraph 4 because it is a legislative matter. There has been quite a little argument in regard to questions that have come before us of allowing a matter to be put in this constitution that is a legislative matter, and I would like to ask some of the gentlemen that have got up here on the floor of this convention and argued against legislative matters, what is there in this paragraph that is not a legislative matter, and if we put it in there what good will it do. The legislature will simply do as they choose about it, consequently I move that the entire paragraph be stricken out.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
477-478)

[e942622] Mr. Baker: I would like to state my view to the gentleman from Cochise. If you strike out this clause giving the legislature the power to exempt the property of widows, then you would not have the power at all to exempt it. They could not act [at] all because your constitution provides that all property in the state not exempted under the laws of the United States or under this constitution shall be subject to taxation as provided by law, so it would be subject to taxation; it would be bound to be taxed.

Mr. Chairman: You have heard the motion of the gentleman from Cochise. Are you ready for the question? All those in favor of the motion—

(The Records of the Arizona Constitutional Convention of 1910, Page 478)

[e942623] Mr. Roberts: I desire to amend the motion to include the first three lines of paragraph 4.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 478)

[e942624] Mr. Franklin: May I rise in answer to the gentleman from Cochise and ask a question for information? Is it your desire, Mr. Bolan, to prevent the legislature entirely from exempting the property of widows from taxation?

Mr. Bolan: No sir, it is not.

Mr. Franklin: This amendment will do it.

(The Records of the Arizona Constitutional Convention of 1910, Page 478)

[e942625] Mr. Bolan: I will withdraw it then.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
478-479)

[e942626] [Editor's Note: In withdrawing his amendment, Bolan made Roberts' amendment to his amendment obsolete.]

(Editorial)

[e942627] Mr. Ingraham: I would like to ask if under the three lines of section 4 the property could not be exempted by the legislature anyway?

Mr. Parsons: Not unless exempted under this constitution.

Mr. Ingraham: The question in the last three lines of paragraph 4 is that "all property in the state not exempt under the laws of the United States or under this constitution shall be subject to taxation to be ascertained as provided by law." The questions are certainly contradictory.

Mr. Chairman: The question before the house is on the amendment of the gentleman from Maricopa, Mr. Franklin, to insert in line 14 after the word "widows" [the words] "residents of this state." Are you ready for the question?

Mr. Orme: Before the legislature [acted] four years ago rich women could come to this territory and buy two or three thousand dollars worth of property, and we had no way of taxing their other property, and they were exempt. The legislature four years ago passed an act making it apply to residents of this territory. Before that there was a great deal of property exempt owned by non-residents that was not taxed.

Mr. Chairman: Are you ready for the question?

Mr. Parsons: I want to call the attention of the committee to the language of the proposition, substitute Proposition Number 19, referred to by the gentleman from Yuma, and it seems to me that this will be in violation of it. On lines 15, 16 and 17 that proposition says: "the lands and other property belonging to citizens of the United States residents without the said state shall never be taxed at a higher rate than the lands and other property belonging to residents thereof." Now, if a widow living out of this state has to pay taxes on all her property herein and the widow living within this state may have exempted one thousand dollars worth of property, are we not violating the provisions of this ordinance? Isn't the property of the widow living outside of the state taxed higher than the property of the widow living within the state? If she has two thousand dollars worth of property, doesn't she get off with paying taxes on one thousand dollars under this provision? Then the provision does not mean anything if she does not.

Mr. Orme: A widow, a resident of this state, has to make an oath that it is all the property she has. A widow outside the state makes no such oath. She can be worth fifty thousand dollars out of the state and have two thousand in the state and be exempt unless you put this provision in.

Mr. Franklin: Mr. Chairman, we have a provision similar to the provision in the Enabling Act providing that the property of non residents shall not be taxed higher than that of residents, and we have this exemption statute allowing widows exemption. We think the power to tax is not like the power to exempt.

(The Records of the Arizona Constitutional Convention of 1910, Pages 478-479)

[e942628] Mr. Chairman: The question is on the amendment offered by the gentleman from Maricopa, Mr. Franklin, in line 14 to insert after the word "widows" the words "residents of the state." All those in favor signify by saying "aye;" opposed "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942629] Mr. Parsons: I desire to offer a further amendment to paragraph 4, that after the word "dollars" at the end of line 15 that there be inserted this provision: "All heads of families residing within the state not owning real estate and owning personal property not exceeding five hundred dollars shall be exempt."

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942630] Mr. Chairman: Will the gentleman please send that up in writing.

Mr. Parsons: That is section 2 of Proposition Number 65 that I have already introduced. I desire to say in support of this amendment—

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942631] Mr. Chairman: I have heard no second to that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942632] Mr. Cunniff: We adopted an amendment that added to the end of paragraph 2 “if not used or held solely for private or corporate profit.” That means we may exempt a school, for example, or a business college, which is maintained chiefly for profit, but in which might be established one department which was not conducted for profit, and it would be exempt under the constitution by the use of that word solely, and I am utterly unwilling to vote for a proposition that exempts from taxation institutions of this kind unless they are not maintained for private or corporate profit. I want to come under taxation those that are maintained for private or corporate profit, and therefore I move that the word “solely” be stricken from paragraph 2 as amended.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 479-480)

[e942633] Mr. Morgan: It strikes me that it is strange you do not exempt a man who is working for thirty or forty dollars a month with a family of seven or eight children. Not a word about the poor man.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942634] Mr. Chairman: It will take unanimous consent to refer back to paragraph 2, and take up the amendment of the gentleman from Yavapai, Mr. Cunniff, to strike out the word “solely.” All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942635] Mr. Chairman: It will take unanimous consent to refer back to paragraph 2, and take up the amendment of the gentleman from Yavapai, Mr. Cunniff, to strike out the word “solely.” All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942636] Mr. Chairman: It will take unanimous consent to refer back to paragraph 2, and take up the amendment of the gentleman from Yavapai, Mr. Cunniff, to strike out the word “solely.” All those in favor will signify by saying “aye;” opposed “no.” The “ayes” have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 479)

[e942637] Mr. Wood: Mr. Chairman, in the fourth paragraph, line 13, I move that the words "legislature may" be stricken out and in their place be inserted "there shall be," making it read "there shall be exempt from taxation."

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942638] Mr. Chairman: You have heard the motion of the gentleman from Yavapai that the first three words of paragraph 4 be stricken out and the words "there shall be" inserted in lieu thereof. All those in favor signify by saying "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942639] Mr. Cunniff: On line 14 and 15 I move that the word "one" be stricken out on line 14 and the word "two" be put in its place, and in line 15, the word "two" be stricken out and the word "four" be substituted.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942640] Mr. Chairman: It has been moved and seconded that in line 14 the word "one" be stricken out and the word "two" be inserted in its place, and in line 15 the word "two" be stricken out and the word "four" be inserted in its place.

Mr. Jones (Maricopa): Mr. Chairman, I want to remind the gentleman that under the established plan of assessment we are already exempting six thousand dollars worth of property by this two thousand provision, or approximately so, and I think we have got it up high enough.

Mr. Connelly: I think that one thousand dollars is enough, and Mr. Bolan says that any widow that has four thousand dollars worth of property need not be a widow. (laughter)

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942641] Mr. Chairman: All those in favor will answer "aye" as their names are called, those opposed "no." The secretary will call the roll.

Roll call showed 10 "ayes" and 32 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 221)

[e942642] Mr. Chairman: [...] If there are no further amendments or objections paragraph 4 will stand approved as amended. It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942643] Mr. Chairman: [...] If there are no objections or amendments to paragraph 5 it will stand as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942644] Mr. Chairman: [...] If there are no objections or amendments to paragraph 5 it will stand as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942645] Mr. Chairman: [...] If there are no objections or alterations to paragraph 6 it will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942646] Mr. Chairman: [...] If there are no objections or alterations to paragraph 6 it will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 480)

[e942647] Paragraph 7 approved as read.

[Editor's Note: From this point, the Records mis-number the paragraphs of the Report. For this reason, the editors have referred to the Minutes.]

(The Minutes of the Arizona Constitutional Convention, Page 221)

[e942648] Mr. Cunniff: Mr. Chairman, there is one error in that paragraph, but it can be corrected by the Committee on Style, Revision and Compilation.

Mr. Weinberger: Mr. Chairman, what kind of money is that? There are several kinds of money, but if this is United States money it should say so.

Mr. Franklin: Mr. Chairman, I would like to ask a member of the committee which drafted this paragraph to explain it.

Mr. Ellinwood: This paragraph is found in most all of the state constitutions, and it provides that all taxes shall be paid in money, United States coin, and no state warrants.

[Editor's Note: The Records describe this debate as being on Paragraph 6, though given the content of the paragraphs, it clearly applies to Paragraph 7.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 480-481)

[e942649] Mr. Parsons: I move you that this paragraph be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942650] Mr. Chairman: If there are no objections this paragraph will stand approved as read. We will pass to paragraph 7.

[Editor's Note: Though the Chairman says Paragraph 7 here, the Committee moved on to Paragraph 8.]

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942651] Mr. Chairman: If there are no objections this paragraph will stand approved as read. We will pass to paragraph 7.

[Editor's Note: Though the Chairman says Paragraph 7 here, the Committee moved on to Paragraph 8.]

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942652] Paragraph 8 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 221)

[e942653] Mr. Chairman: [...] What will you do with the next paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942654] Mr. Cunniff: Mr. Chairman, I move that in line 17, the word “acts of the legislature,” be stricken out and the word “laws” be inserted.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942655] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942656] Mr. Ellinwood: The committee first thought of leaving the space blank for the committee of the whole to fill in, then it was reconsidered and we filled it by the sum of \ \$250,000 but it is subject to the will of the members now if they wish to change the sum.

Mr. Franklin: If any member can give us information upon this question, I would like to hear it, as I am not certain as to the amount needed.

Mr. Ellinwood: Mr. Chairman, I think that Mr. Wood can give us some light upon the subject.

Mr. Chairman: Will the gentleman from Yavapai, Mr. Wood, give the desired information?

Mr. Wood: I have looked over the records of Ohio and other states and I find that they have appropriated the amount of \ \$750,000 but in the case of Arizona, I would say that I think the sum here is sufficient, but I am willing to leave it to the members of the convention to fix the amount of or change the amount here as they may think best. I figure that the amount given here is quite sufficient.

Mr. Parsons: For instance, would the committee explain what “casual deficits or failures in revenues” [means]? Does this specify an extra-ordinary annual expenditure? I would like information on this subject.

Mr. Ellinwood: Yes, this has reference to temporary deficits of annual expenditures that might occur at the end of each fiscal year.

Mr. Chairman: Are there any other corrections?

Mr. Cunniff: Has any gentleman here any figures on Wyoming, Utah or some of the western states?

(The Records of the Arizona Constitutional Convention of 1910, Page 481)

[e942657] Mr. Franklin: If I remember right most of the western states have the amount fixed at \ \$200,000. I move you that we strike out the words “and fifty” in line 18 and retain the words “two hundred thousand.”

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 481-482)

[e942658] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942659] Mr. Chairman: Are there any other alterations or corrections? Hearing none the paragraph will stand approved as amended. We will take up the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942660] Mr. Chairman: [...] We will take up the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942661] Mr. Cunniff: Mr. Chairman, I move you that the first four words in line 22 be stricken out, and that after the word "villages" insert the words "may be vested by law." And I further move that the word "a" be stricken out so that it reads as follows: "The corporate authority of cities, towns and villages may be vested by law, with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes and such taxes shall be uniform upon the same class of property within the jurisdiction of the body levying the same."

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942662] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942663] Mr. Franklin: Mr. Chairman, I notice in paragraph 1 the words, "all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, ..." etc., and in this paragraph just read and amended we have the same wording with the exception of the words "jurisdiction and territorial limits." I move you that the word "territorial" be stricken out and the words "within the territorial limits" be used.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942664] Mr. Lynch: I cannot see that the gentleman's point is well taken as the first section provides that the taxes shall be uniform within certain sections. I hold that the words employed here are correct. One is taxed within limits and the other is authority within jurisdiction.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942665] Mr. Cunniff: That clause at the end of the section reads "and such taxes shall be uniform..." etc. It seems to me that there is no use of those words being retained as this is only a repetition of paragraph 1, and I move to strike out the last clause, after the first word "taxes," line 1, page 4.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942666] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942667] [Editor's Note: By adopting Cunniff's amendment, Franklin's amendment was made obsolete.]

(Editorial)

[e942668] Mr. Franklin: This is inadequate and should not stand in that way. In the first paragraph as is seen there is a general scheme, and now coming down to this point I think that this should particularize and I would like to have the same wording occur here as in paragraph 1: "All taxes shall be uniform upon the same class of property, within the territorial limits of the authority."

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942669] Mr. Cunniff: I withdraw my second.

Mr. Franklin: I think that should hold.

Mr. Chairman: The gentleman has withdrawn his second.

[Editor's Note: The Minutes records this amendment as lost by a rising vote, rather than dropped for lack of a second.]

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942670] Mr. Goldwater: I would say that I think there should be an amendment to the next paragraph.

Mr. Chairman: Are there any other alterations or corrections? If not the paragraph will stand approved as read. We will proceed to the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
482-483)

[e942671] Mr. Chairman: Are there any other alterations or corrections? If not the paragraph will stand approved as read. We will proceed to the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
482-483)

[e942672] Mr. Baker: On line 3 of this paragraph before the words "The legislature" I move to insert the words "In addition to the above powers to contract debts, the legislature may borrow money..." etc.

Mr. Wood: I second the motion.

[Editor's Note: The Minutes record this amendment as "the State" rather than "the legislature."]

(Editorial)

[e942673] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942674] Mr. Chairman: If there are no objections, alterations or corrections the paragraph will stand approved as amended. We will take up the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942675] Mr. Chairman: If there are no objections, alterations or corrections the paragraph will stand approved as amended. We will take up the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942676] Paragraph 12 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 221)

[e942677] [Editor's Note: The Committee of the Whole considered Paragraph 13 of Substitute Proposition Number 106.]

(Editorial)

[e942678] Mr. Goldwater: I move to correct line 9 by striking out the word "the" after the word "nor" and inserting the word "any" instead.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942679] Mr. Chairman: If there are no objections the correction will be made and if there are no other objections the paragraph will stand approved as amended. Hearing none it stands approved. What is your pleasure with the next paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942680] Mr. Chairman: If there are no objections the correction will be made and if there are no other objections the paragraph will stand approved as amended. Hearing none it stands approved. What is your pleasure with the next paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942681] Mr. Chairman: If there are no objections the correction will be made and if there are no other objections the paragraph will stand approved as amended. Hearing none it stands approved. What is your pleasure with the next paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942686] Mr. Cassidy: I move to amend line 20, by supplying the words "qualified voters."

Mr. Cunniff: I second the motion, Mr. Chairman

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942687] Mr. Cunniff: I second the motion, Mr. Chairman, I ask unanimous consent of the committee to change the words "voters" to "electors."

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942688] Mr. Chairman: If there are no objections the correction will be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 482)

[e942689] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 222)

[e942690] Mr. Parsons: In line 24, I think the incorporated towns should have the same rights as cities, and the word “towns” should be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942691] Mr. Cunniff: I call the attention of the gentleman from Cochise to line 25 in which there is the same error, and in line 4, page 5, the word “or” should be supplied in place of “and.”

[...]

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942692] Mr. Parsons: I accept the suggestion and offer this as an amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942693] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942694] Paragraph 14 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 222)

[e942695] Mr. Chairman: What will you do with the next paragraph? Are there any alterations or corrections? Hearing none, the paragraph will stand approved as read. Pass to the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942696] Mr. Chairman: What will you do with the next paragraph? Are there any alterations or corrections? Hearing none, the paragraph will stand approved as read. Pass to the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942697] Mr. Chairman: [...] Pass to the next paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942698] Mr. Franklin: This paragraph is not plain as it does not designate that railroads are private corporations. I think that the words “public service or private corporations” should be inserted, and also move that in line 11, you strike out the word “other.”

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942699] [Editor’s Note: Franklin’s motion was not mentioned again.]

(Editorial)

[e942700] Mr. Parsons: I move to amend it further by using the words "or any public service or private corporation," and striking out the words "railroads or other."

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942701] Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Cochise, are you ready for the question? Those in favor of the motion answer "aye;" those opposed "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942702] Mr. Keegan: In the next section the blanks should be filled and I move we pass that up to the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942703] Mr. Chairman: We have not come to that yet.

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942704] Mr. Chairman: [...] We will now consider the next paragraph. Are there any objections or corrections?

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942705] Mr. Chairman: [...] We will now consider the next paragraph. Are there any objections or corrections?

(The Records of the Arizona Constitutional Convention of 1910, Page 483)

[e942706] Mr. Winsor: I ask that a correction on line 20 be made to the effect that after the word "board" the letter "s" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942707] Mr. Chairman: If there are no objections the correction will be made. It is now open for the committee to fill in the blanks.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942708] Mr. Ellinwood: Our board of equalization at the present time is appointed by the governor, one from each of the judicial districts of the territory, and whether this rule will obtain with the committee I am unable to say. It is subject to the will of the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942709] Mr. Winsor: Mr. Chairman, I move that this board be composed of the chairman of the board of supervisors of each county and would just state by this method the board would represent every county.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942710] Mr. Baker: I move to amend that motion by filling in the blanks as follows: "The board shall consist of the governor, the secretary of state, state treasurer, and attorney general."

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942711] Mr. Ellinwood: I believe I prefer to support the motion of the gentleman from Yuma, as the chairmen of the various boards of supervisors would make it more general and give representation from each county. The motion as given by Judge Baker is the exact copy of the Colorado law.

Mr. Baker: I took this from the Montana.

Mr. Ellinwood: I would much prefer the present system of one from each of the judicial districts of the territory, but I still think the motion of the gentleman from Yuma is best.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942712] Mr. Cassidy: It seems to me that it would be well to add the chairman of the corporation commission to Judge Baker's motion. I think there should be five members instead of four. I offer this as an amendment, and I move that the original motion of Judge Baker be amended to include the chairman of the corporation commission, if the amendment is in order.

Mr. Chairman: The amendment is in order.

Mr. Cunniff: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 484)

[e942713] Mr. Baker: Mr. Chairman, there is no such officer at the present time, and none provided for that I know of.

Mr. Cunniff: Did we not adopt a measure a few days ago that was on the same principle as this one, in the matter of supreme judges? Now, if we know that we are to create such officers as the corporation commissioners, it seems to me we would be safe in naming the chairman as a member of the state board of equalization.

Mr. Winsor: As this question seems to be up for discussion I would say that there has never been any such thing as equalization of taxes under the present system, and I think this is a matter that should have the voice of representation of all of the counties. The motion, if carried, as made by the gentleman from Maricopa, will give the whole board to Maricopa county, and by this method you have no assurance of a representative board. For this reason I am very much opposed to naming a board that does not represent the people, for I cannot see anything that would tend toward equalization unless it is the voice of the people of the state. Each county has its own peculiar interests, and which are better understood by their board than anyone else, and for this reason I think that the members of the board should be representatives of the counties.

Mr. Baker: The proposition has not been passed upon entirely. As to the statement by the gentleman from Yuma, I would say that we do not know whether it would be Maricopa county or what county would be represented in the named officers, but I think whoever they are they will be the most qualified to take care of that matter.

Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Yuma, and second the motion that this board be of state representation.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942714] Mr. Chairman: Gentlemen, are you ready for the question? The question is on the motion to insert the word "chairman of the corporation commission." Those in favor answer "aye;" those opposed "nay." The chair is in doubt. The members will now vote by rising.

Rising vote showed 18 in favor of and 20 against.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942715] Mr. Cunniff: Mr. Chairman, that motion was lost by the gentlemen from the reservation.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942716] Mr. Chairman: The motion was lost. The question will now come up on the original motion. Those in favor of the motion of the gentleman from Maricopa will answer "aye;" those opposed "nay." The chair is in doubt. You will please rise for the vote.

Rising vote showed 22 in favor and 15 against.

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942717] Mr. Weinberger: I move the adoption of the entire section.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942718] Mr. Chairman: Those in favor of adopting the section as it now reads will answer "aye;" those opposed "nay." Call the roll.

Roll call showed 25 "ayes" and 15 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942719] Mr. Ingraham: I move that the following paragraph be added: "The lawmaking power shall have the authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes; also stamp, registration, production or other specific taxes."

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942720] Mr. Ingraham: Mr. Chairman, I would just like to state that this was taken from the constitution of Oklahoma, page 50.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942721] Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Yuma. All those in favor of the motion will say "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942722] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 106.]

(Editorial)

[e942723] Mr. Hunt: I move that when the committee arises it recommend that this substitute Proposition Number 106 do pass as amended.

Mr. Keegan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942724] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942725] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e942726] [Editor's Note: Substitute Proposition Number 106 as amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942727] [Editor's Note: Substitute Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942728] [Editor's Note: Proposition Number 106 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942729] [Editor's Note: The Report from the Committee on Public Debt on Proposition Number 106 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942730] Mr. Weinberger: Mr. Chairman, I move that the committee do now arise.

Mr. Baker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 485)

[e942731] The motion was lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942732] Mr. Chairman: The secretary will proceed to read the next order of business.

Secretary (reading): Report of Committee on Public Debt, Revenue and Taxation on Proposition Number 56 together with minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942733] Mr. Chairman: The secretary will proceed to read the next order of business.

Secretary (reading): Report of Committee on Public Debt, Revenue and Taxation on Proposition Number 56 together with minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942734] [Editor's Note: Proposition Number 56 was referred to the Convention alongside the Committee's reports.]

(Editorial)

[e942735] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 56.]

(Editorial)

[e942736] Mr. Webb: I move that when the committee arises that this proposition be indefinitely postponed by recommendation of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942737] Mr. Ellinwood: Mr. Chairman, I move to amend by moving the adoption of the minority report.

Mr. Tovrea: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942738] Mr. Cunniff: I move to amend the proposition as follows: Strike out that portion of Proposition Number 56 after the word "proposed," and insert in lieu thereof the following: "The state shall never levy any poll tax for county or state road purpose."

(The Records of the Arizona Constitutional Convention of 1910, Page 486)

[e942739] Mr. Ellinwood: I have no objection whatever to the amendment of the gentleman from Yavapai, Mr. Cunniff, and I would like to speak of the proposition just a minute. I think the property of the territory or state ought to bear the burden of taxation. The property of this territory is held very largely by the corporations, especially railroads and the large mining companies. I think this burden of keeping up the roads ought to be on the corporations, who own the property, and not on the individuals, and I am opposed to a tax for road purposes. If you will go into the mining communities—it is different in the agricultural communities—you will find that the men working the mines seldom have occasion to use the roads. They pay their street tax and go into the mine

and return at night, and never use the county or state road. Does it not seem improper and unjust that the burden should be on the individual who never uses it?

Mr. Webb: While it may possibly be true that there are miners in the territory of Arizona who rarely or never use the roads, it is true that the work which is furnished them depends on roads, and good roads. The development of all resources of the state is dependent upon good roads, even a fine prospect cannot be developed without a good road so one can go look at it. I think the miner receives more good from roads than any other class of men, and it is also true that the miner receives a greater remuneration for his labor than any other class of laborers in this territory. I think it is not a hardship—I think the best interests of the state depend on this tax being levied.

Mr. Connelly: I think this is a tax on a great many people on whom it should not rest. Take my own vocation, railroading. I do not see where we get any benefit from a good road, but we are taxed just the same. I do not see that anybody but the corporation, and the man who owns the land should build the roads. I do not think it is fair to levy a poll tax—it is taxation without representation—to tax every man whether he receives any good from the road or not.

Mr. Cunniff: If it is true that the miners receive more than other industrial workers, I want to say that they earn every cent of it, and then some, and it is unjust to deduct road taxes from their hard-earned wages. Take for instance in my own case, I have to deduct from the wages of my miners, a county road tax, when the only road the miners ever use is a road we built.

Mr. Ingraham: I am glad to find that for once I am in agreement with the gentleman from Cochise, Mr. Ellinwood. I should be opposed to the collection of the entire expenses of the state by a capitalization or a head tax. I believe such a proposition would be absolutely unjust, and if that be true I cannot see why the collection of a part of the expenses of the state is not in principle just as unjust.

Mr. Webb: I would like to ask the gentleman whether it is fair that these transients who come into the territory (and a great many of the miners are transients) should be able to earn \$5.00 or \$6.00 a day and not pay a single cent of taxes, but send it to Russia, or some other foreign country.

Mr. Ingraham: The question is a question of principle as to how taxes should be levied, and I would say in regard to this implication that the miners draw high wages, and it is demonstrable that these men earn more money than they get; otherwise they would not be working here. It is also demonstrable that every cent of taxes paid into this territory comes out of the wages of men. The only men who pay the taxes are those who get out and rustle. You cannot get blood out of a turnip, nor out of a man who does not get out and work. This man who works for \$5.00 a day and whom the gentlemen say does not pay any taxes—he and the others who work in this territory pay all the taxes of the territory. (applause)

Mr. Sims: I just want to state that since I have been in Cochise county, I believe there has been enough money collected to pave the streets, and I think the roads are in no better condition. I believe the miners and railroad men would be the last to kick if the money was judiciously spent, or if it were spent for education or school funds, it would be all right.

Mr. Ellinwood: Under the statute the corporations are required to hold out

the taxes of their employee's wages, as has been stated. The result of that is that the only tax collected, at least in our county, is from the miners. The tax collector gets 12 ½ cents out of \\$.250, and therefore he makes a demand on the corporation and they take the same and pay it over to him and he takes out his 12 ½ cents. Now in order to collect the road tax from the farmer and the individual, the assessor would have to go to each man throughout the county, which he could not afford to do for his 12 ½ cents on \\$.250. The result, as far as Cochise county is concerned, is that almost the whole tax is from the miners.

Mr. Webb: In answer to the gentleman from Cochise that it is easier to collect taxes from the miners than from the farmers, I want to reply that if he will stop to think he will see that it is much easier to collect from the farmer than the man working for the corporation. If the farmer does not pay the tax [there] is a lien on his property and [it] must be paid when he pays the property tax.

Mr. Wells: I would like to ask if this taxation for road purposes is in addition to the school tax. It is my motion that one taxation is sufficient.

Mr. Lynch: I want to give one specific instance. Take the road from Morenci to Clifton. That is difficult to keep up, and it must necessarily be kept up by the Arizona Copper Company and the other by the Detroit Copper Company. For vegetables in the company store you have to pay not less than 6, 8 or even 20 cents a pound when in season. The farmer coming into the town over the road can sell them for 2 or 3 cents a pound. Cut your poll tax and your road goes down, not because you cannot, but because you will not raise the money in any other way. At present you will see dozens of wagons laden with farm produce going into town, but I can readily see the two stores would not object to doing away with the poll tax for this road, this giving them almost a monopoly. If the method is wrong, let us remedy the method, but let us keep the tax.

Mr. Ellinwood: In answer to the gentleman from Graham, I understand the mining companies pay 70 cents on every dollar collected for taxes in that county. If that is true, my idea is to let these very companies pay these taxes, and thus you will collect from the Arizona Copper Company, the Shannon Copper Company, the Detroit Copper Company and the railroads \\$.40 of every \\$.200 of the tax. That is we are taxing the people who are working in the industry, and not the man who is earning his bread by the sweat of his brow.

Mr. Franklin: It does not seem to me that this is an essential part of this constitution. It is a question of policy. We all say we just must have some tax to keep up the roads. It is a question of policy whether the man or the property shall pay, and I therefore would be in favor of leaving it to the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Pages 486-488)

[e942740] Mr. Chairman: The question is on the amendment of the gentleman from Yavapai: "The state shall not levy any poll tax for county or state roads." All those in favor of the amendment will signify by saying "aye;" when their names are called; those opposed "no." The secretary will call the roll.

Roll call showed 9 "ayes" and 30 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 488)

[e942741] Mr. Chairman: The motion is lost. The question come us on the adoption of the minority report, recommends that Proposition Number 56 do

pass. All those in favor of the adoption of the minority report will signify by saying "aye," as their names are called. Those opposed "no."

Roll call showed 12 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 488)

[e942742] Mr. Chairman: The motion is lost. The question will come on the adoption of the majority report, recommending indefinite postponement of Proposition Number 56. All in favor of such indefinite postponement will signify by saying "aye;" opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Pages 488-489)

[e942743] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e942744] [Editor's Note: Proposition Number 56 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942745] [Editor's Note: The Report from the Committee on Debt, Revenue, and Taxation on Proposition Number 56 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e942746] [Editor's Note: The Minority Report on Proposition Number 56 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941017] Mr. Chairman: [...] We have under our consideration Proposition Number 26, what is your pleasure, gentlemen? Secretary will read the report of the committee.

[Editor's Note: In the Records, the Chairman refers to the proposition as Number 26. Although given the subsequent debate and the Minutes' account of this moment, it was clearly Proposition Number 126 that was under discussion.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 488-489)

[e941011] Secretary (reading): Report of Committee on Public Debt, Revenue and Taxation recommending that further consideration of Proposition Number 126 be postponed, for the reason that same is incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e941022] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 126.]

(Editorial)

[e941026] Mr. Jones (Maricopa): I move the adoption of the report.  
Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e941027] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e941029] [Editor's Note: When the Committee made a final decision on their recommendation the report was implicitly adopted.]

(Editorial)

[e941031] [Editor's Note: Proposition Number 126 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942747] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e942748] Mr. Jones (Maricopa): On account of the necessity of a committee meeting or two yet this evening, I move the committee now arise and report progress and ask leave to sit again at 7:30 p.m.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942749] Mr. Cunniff: I amend that to make it 9:30 Monday morning.

Mr. Webb: I second that motion.

Mr. Chairman: You have heard the motion to arise and report progress and ask leave to sit again at 7:30 p.m., amended to 9:30 a.m. Monday. Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

[e942750] Roll call showed 20 "ayes" and 16 "nays."

Mr. Chairman: The motion is carried. The committee will now arise and report progress, and requests to be allowed to sit again on Monday.

(The Records of the Arizona Constitutional Convention of 1910, Page 489)

**32.28 Monday, 21 November 1910, at 09:30 (s16161)**

[e940339] Mr. Chairman: The committee of the whole will please come to order. Mr. Secretary, you will read the first proposition on the calendar. Will the committee please come to order—

(The Records of the Arizona Constitutional Convention of 1910, Page 495-496)

[e940342] Mr. Chairman: The committee of the whole will please come to order. Mr. Secretary, you will read the first proposition on the calendar. Will the committee please come to order—

(The Records of the Arizona Constitutional Convention of 1910, Pages 495-496)

[e940365] Secretary (reading): Report of committee on Public Debt, Revenue and Taxation on Proposition Number 147, recommending that further consideration of same be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940375] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 147.]

(Editorial)

[e940382] Mr. Keegan: Mr. Chairman, I move that when the committee arise it report back to the convention and recommend that Proposition Number 147 be indefinitely postponed.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940386] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940388] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940390] [Editor's Note: Proposition Number 147 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941034] Mr. Cunniff: May I make a suggestion? I think it would expedite matters if the authors of these propositions will move to postpone those that are suggested for indefinite postponement.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940399] Secretary (reading): Report of Committee on Public Debt, Revenue and Taxation on Proposition Number 122, recommending that the further consideration of same be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940407] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 122.]

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940573] Mr. Wills: I move the committee recommend that it be indefinitely postponed.

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940577] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940583] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940585] [Editor's Note: Proposition Number 122 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940589] Mr. Chairman: Proposition Number 83.

Secretary (reading): Mr. President, Your Committee on Public Debt, Revenue and Taxation begs leave to report that it has examined Proposition Number 83 and respectfully recommends that further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940593] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 83.]

(Editorial)

[e940598] Mr. Crutchfield: I move that when the committee arises that it recommend that Proposition Number 83 be indefinitely postponed.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940599] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940601] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940604] [Editor's Note: Proposition Number 83 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940629] Secretary (reading): Mr. President, your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 59 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940639] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 59.]

(Editorial)

[e940642] Mr. Coker: Mr. Chairman, I move that when the committee arises, that it recommend that this proposition be indefinitely postponed.

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940650] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940652] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940654] [Editor's Note: Proposition Number 59 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940659] Secretary (reading): Mr. President, Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 65 and respectfully recommends that the further consideration of the same be indefinitely postponed, for the reason that the same is mainly incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940663] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 65.]

(Editorial)

[e940669] Mr. Keegan: Mr. Chairman, I move that when the committee arises that it recommend the adoption of this report for indefinite postponement.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 496)

[e940672] The motion prevailed.

(Editorial)

[e940673] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940676] [Editor's Note: Proposition Number 65 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940681] Secretary (reading): Mr. President, Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 11 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940685] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 11.]

(Editorial)

[e940691] Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that Proposition Number 11 be indefinitely postponed.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940693] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940695] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940697] [Editor's Note: Proposition Number 11 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940718] Secretary (reading): Your Committee on Public Debt, Revenue and Taxation begs leave to report it has examined Proposition Number 10 and respectfully recommends that the further consideration of the same be indefinitely postponed for the reason that the same is mainly incorporated in Proposition Number 106.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940719] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 10.]

(Editorial)

[e940720] Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that this proposition be indefinitely postponed.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940723] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940724] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940726] [Editor's Note: Proposition No. 10 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941040] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940755] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940756] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940757] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940760] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940785] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940788] On motion of Weinberger, seconded by Mr. Franklin, consideration of Propositions Numbers 73, 100 and 44 was postponed to be taken up in the Committee of the Whole with Substitute Proposition Number 15 November 22, 1910; carried.

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940956] Secretary (reading): Mr. President, Your committee on Executive, Impeachment and removal from office begs leave to report it has examined Proposition Number 61 and respectfully recommends that the proposition herewith submitted be substituted for Proposition Number 61 and that said substitute proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940958] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940961] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940963] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 61.]

(Editorial)

[e940966] Mr. Jones (Yavapai): I move that when the committee arises that the committee recommend that the Substitute Proposition Number 61 do pass.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940968] Mr. Winsor: I rise to a point of information. I want to know why they insert the word "male," I want to know why it is necessary to say "male" when the women are not qualified electors.

Mr. Jones (Yavapai): There are a great many positions such as governmental positions that women can hold, and I would mention school trustees, school superintendents, etc., and for this reason it was decided to make it plain.

Mr. Chairman: Gentlemen, you have heard the motion which is on the adoption of the recommendation of the committee on Substitute Proposition Number 61.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e940970] Mr. Jones of Yavapai moved, seconded by Mr. Cunniff that when the Committee arise it recommend that Substitute Proposition No. 61 do pass; carried.

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e940971] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940976] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940973] [Editor's Note: Substitute Proposition Number 61 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940974] [Editor's Note: Proposition Number 61 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941044] [Editor's Note: The Committee of the Whole began to consider each of the propositions from the report from the Committee on Mine and Mining.]

(Editorial)

[e941048] Secretary (reading): Mr. President, Your Committee on Mines and Mining, begs leave to report it has examined Proposition Number 64 and respectfully recommends that the committee substitute proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 497)

[e941051] [Editor's Note: Proposition Number 64 was referred to the Committee of the Whole alongside the committee's report.]

(Editorial)

[e941053] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 64.]

(Editorial)

[e941056] Mr. Cobb: I move that when the committee arises it recommend the adoption of the report on Substitute Proposition Number 64.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 497-498)

[e941099] Mr. Ellinwood: I am in favor of a mining inspector, but I am opposed to a geologist.

Mr. Hunt: I would like to ask for information, why is it so necessary to have a mine inspector.

Mr. Webb: I do not know only that almost all states that have a large mining industry have a mining inspector.

Mr. Franklin: I have no objections to a mining inspector, but it seems to me that we have too much legislative matter in this, which is so unnecessary, and I would say that this should be a matter for consideration by the legislature.

Mr. Bolan: I think this is a very important matter that we should have a mine inspector, for where there are such great mining interests as Arizona has this is one of the chief officers of the state, but where there is but little mining done then it would not be necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 498)

[e941060] [Editor's Note: The editors have created a blank version of Substitute Proposition Number — in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e941097] [Editor's Note: The Committee of the Whole considered section 1. The text of the substitute proposition is missing. The document text provided is an approximation based on a comparison of Propositions No. 130 and No. 138.]

(Editorial)

[e941101] Mr. Short: I move that in line 10 of Proposition Number 130, [sic, 64 is correct] after the word "successor" we cut out the rest of the sentence, and making it imperative for the legislature to fill the vacancy.

[...]

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910)

[e941105] Mr. Cunniff: I beg to point out that his successor shall be appointed. In section four of the original copy you will find that there is a provision for this election as the first mining inspector would have nothing to base his work on, it is necessary to prescribe something as a guide.

Mr. Crutchfield: I second that motion.

Mr. Short: I move that the whole sentence after the word "successor" be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 498)

[e941121] Mr. Chairman: The motion is on the amendment in line 10 and 11 after the word "successor." Those in favor of the motion will answer "aye," opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 498)

[e941127] Motion of Mr. Ellinwood, seconded by Mr. Bolan, to adopt section 1

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e941130] Motion of Mr. Ellinwood, seconded by Mr. Bolan, to adopt section 1; carried.

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e941136] [Editor's Note: The Committee of the Whole considered section 2.]

(Editorial)

[e941140] Mr. Roberts: Mr. Chairman, I move that the second section be stricken out.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 498)

[e941155] Mr. Chairman: You have heard the motion that the second paragraph be stricken out, are you ready for the question?

Mr. Cunniff: There is a state geologist in California, Colorado, Idaho, Utah. The mining industry in Arizona is one of, if not, the very greatest industries and I think it is very vital that we would have a state geologist to give the necessary reports. The only report we ever get is from the government, and they cannot always be had, nor is it as correct as a state geologist's report would be. In the interest of the great industry and the development of these industries, I think there should be an office created.

Mr. Webb: Mr. Chairman, I simply wish to say this: in the name of common sense let us call a halt on creating offices. If we want the blessing of statehood to prove a blessing to the people, let us not create so many offices for them to pay for, and if we expect them to receive this constitution that we are framing let us not burden it any further with such useless offices, therefore, I am opposed to a state geologist.

Mr. Hunt: I would say that we had a territorial geologist here a few years ago but that office was abolished by the legislature, as the records will show. It was not considered necessary or beneficial and for this reason was abolished.

Mr. Cobb: I agree with the gentleman from Yavapai, that this is one of the most important offices that the state could have, and in fact I would say just as important as judiciary or legislature, and will do more good than any office in the territory with reference to the great mining industry of the state, which industry is the largest in the territory.

(The Records of the Arizona Constitutional Convention of 1910, Pages 498-499)

[e941162] Mr. Roberts moved, seconded by Mr. Osborn, to strike out section 2; carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Connelly, Cooper, Cunningham, Curtis, Ellinwood, Franklin, Goldwater, Hutchinson, Ingraham, Jacome, Jones, F. A., Keegan, Kingan, Kinney, Langdon, Lovin, Lynch, Morgan, Orme, Osborn, Parsons, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Tuthill, Webb, Weinberger, Wells, Mr. President. Total 37.

Nays—Cobb, Coker, Colter, Crutchfield, Cunniff, Jones, A. M., Moore, Wills, Winsor, Wood. Total 10.

Absent—Tovrea.

Excused—Doe, Feeney, Moeur, White.

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e941166] [Editor's Note: Section 2 as amended was adopted.]

(Editorial)

[e941187] [Editor's Note: As the Substitute Proposal has now been amended, Cobb's recommendation that it do pass is implicitly dropped.]

(Editorial)

[e941175] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that when the Committee arise it recommend that Substitute Proposition Number 64 as amended do pass

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e941196] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, that when the Committee arise it recommend that Substitute Proposition Number 64 as amended do pass; carried.

(The Minutes of the Arizona Constitutional Convention, Page 231)

[e941198] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941201] [Editor's Note: Substitute Proposition Number 64 as amended by the Committee of the Whole was referred to the Convention alongside the committee's report.]

(Editorial)

[e941204] [Editor's Note: Substitute Proposition Number 64 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941205] [Editor's Note: Proposition Number 64 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941210] Secretary (reading): Mr. President: Your Committee on Mines and Mining begs leave to report it has examined Proposition Number 130 and respectfully recommends that it be indefinitely postponed as the subject matter therein contained is covered by committee Substitute Proposition Number 64.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941215] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 130.]

(Editorial)

[e941218] Mr. Cunniff: I move you that when the committee arises it recommends the indefinite postponement of Proposition Number 130.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941221] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941223] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941225] [Editor's Note: Proposition Number 130 is referred to the Convention alongside the committee's report.]

(Editorial)

[e941234] Secretary (reading): Mr. President: Your committee on Mines and Mining begs leave to report it has examined Proposition Number 138 and respectfully recommends that it be indefinitely postponed as the subject matter therein contained is covered by committee Substitute Proposition Number 64.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941236] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 138.]

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941240] Mr. Hunt: Mr. Chairman, I move that when the committee arises it recommend that the report of the committee to indefinitely postpone Proposition Number 138 be adopted.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941241] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 499)

[e941243] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941244] [Editor's Note: Proposition Number 138 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941247] [Editor's Note: The report was referred to the Convention.]

(Editorial)

[e941253] [Editor's Note: The Committee of the Whole began to consider the report from the Committee on Legislative Department, Distribution of Powers and Appointment section by section.]

(Editorial)

[e941255] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 20 and respectfully recommend that the said Proposition Number 20 be indefinitely postponed on the ground of public policy.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941256] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 20.]

(Editorial)

[e941263] Mr. Ellinwood: I move that the report of the committee be adopted.  
Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941264] Mr. Osborn: I would like to ask the chairman of that committee what the committee means by "public policy." I do not understand it.

Mr. Winsor: It was the opinion of the committee that this proposition is not a good measure and that it would not be a good policy to pass this measure, and therefore, the report means just what it says.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941265] Mr. Chairman: Gentlemen, you have heard the motion. Those in favor of adopting this report will answer “aye;” those opposed “nay.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941266] [Editor’s Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941267] [Editor’s Note: Proposition Number 20 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e941272] Secretary (reading): Mr. President: Your committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 35, and respectfully recommends that the said Proposition Number 35 be indefinitely postponed inasmuch as the provision proposed adds nothing to the power of the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941281] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 35.]

(Editorial)

[e941287] Mr. Short: Mr. Chairman, I move that the recommendation of the committee be adopted.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941290] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941293] [Editor’s Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941297] [Editor’s Note: Proposition Number 35 was referred to the Convention alongside the committee’s report.]

(Editorial)

[e941304] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 39 and respectfully recommends that the said Proposition Number 39 be indefinitely postponed inasmuch as the legislature will have the right to make provision included within the said proposition without a constitution reservation therefor.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941306] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 39.]

(Editorial)

[e941308] Mr. Webb: Mr. Chairman, I move that when the committee arises it recommend the [indefinite] postponement of Proposition Number 39.

Mr. Simms: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941311] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941312] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941314] [Editor's Note: Proposition Number 39 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941392] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment, begs leave to report it has examined Proposition Number 43, and respectfully recommends that the said Proposition be amended as follows: Insert the word "the" before the word "executive" and insert the word "the" before the word "judicial," and as so amended, recommends that the said proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 500)

[e941395] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 43.]

(Editorial)

[e941397] Mr. Winsor: Mr. Chairman, I move that when the committee arises it recommend the report be adopted as amended.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
500-501)

[e941398] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941399] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941400] [Editor's Note: Proposition Number 43 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941404] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 96 and respectfully recommends that the said Proposition Number 96 be indefinitely postponed, inasmuch as the subject matter thereof is contained in Proposition Number 43.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941407] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 96.]

(Editorial)

[e941408] Mr. Webb: Mr. Chairman, I move the adoption of the report.  
Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941409] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941410] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941411] [Editor's Note: Proposition Number 96 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941414] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 45 and respectfully recommends that the said Proposition Number 45 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941416] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 45.]

(Editorial)

[e941420] Mr. Jones (Maricopa): Mr. Chairman, I move you that we adopt the report of the committee.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941423] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941424] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941436] [Editor's Note: Proposition Number 45 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941443] Secretary (reading): Mr. President: Your Committee on Legislative Department, Distribution of Powers and Apportionment begs leave to report it has examined Proposition Number 89 and respectfully recommends that the said Proposition Number 89 be indefinitely postponed, inasmuch as the subject matter is now carefully covered by federal statute.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941447] [Editor's Note: Proposition Number 89 was referred to the Committee of the Whole alongside the report.]

(Editorial)

[e941449] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 89.]

(Editorial)

[e941454] Mr. Webb: Mr. Chairman, I move the adoption of the report.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 501)

[e941463] Mr. Cunniff: I protest with emphasis against this. The whole delegation from Yavapai county is pledged to have this in the constitution. It is fully covered by the statutes of the federal government, but it should also be in this state constitution as it will enable the state to take care of and have jurisdiction over all matters that arise in the state and that should be settled by the state courts rather than the federal courts.

Mr. Weinberger: I still think it is unnecessary to include this in the state constitution.

Mr. Cunniff: The solid delegation from Yavapai county is pledged to place this in the constitution.

Mr. Weinberger: The federal laws are certainly above the state laws, as in the case of selling liquor, as in the case of selling liquor to Indians.

Mr. Webb: I desire to say that it may be much easier settled by including this in the constitution, but I think that it will have strong opposition since it is a legislative matter, and I am opposed to any legislative matter of this kind being placed in the constitution.

Mr. Ellinwood: Mr. Lynch has explained the unfortunate condition of the Yavapai delegation in having some measure in their platform which the majority of the members of the convention were not elected upon in their platforms, and I agree with the gentlemen who have opposed this measure. It is in most part an international question, when you speak of the expelling of aliens.

Mr. Cunniff: There is no part of it that refers to expelling aliens, and you cannot construe the meaning of importing to include expelling.

Mr. Jones (Yavapai): In the importation of goods I would say that there is some difference in the terms. Goods have to be brought here and cannot come without help, but aliens come without being brought and I think that it should be given to the state to prevent the importation of aliens and this does not refer to the expelling of them.

Mr. Ellinwood: Suppose Congress should change this law with regard to the importation of aliens, then what would you do with this law?

(The Records of the Arizona Constitutional Convention of 1910, Pages  
501-502)

[e941468] Mr. Chairman: You have heard the motion that when this committee arises it recommend that Proposition Number 89 be indefinitely postponed. Those in favor answer "aye;" opposed "no." The motion is carried. The next is proposition Number 93.

(The Records of the Arizona Constitutional Convention of 1910, Page 502)

[e941472] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941475] [Editor's Note: Proposition Number 89 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941477] [Editor's Note: The Report from the Committee on Legislative Department on Proposition Number 89 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941481] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, recommending that Proposition Number 93 be amended in accordance with amendments attached and so amended the proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 502)

[e941486] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 93.]

(Editorial)

[e941488] Mr. Cunniff: I move the recommendation of the committee be adopted and when this committee arises it recommend its adoption.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 502)

[e941493] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 502)

[e941495] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941499] [Editor's Note: Proposition Number 93 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941501] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, recommending that Proposition Number 97 should be indefinitely postponed as the substance of such proposition is covered by Substitute Proposition Number 4 submitted by this committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 502)

[e941502] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 97.]

(Editorial)

[e941504] Mr. Jones (Maricopa): I move the report of the committee be adopted.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 502-503)

[e941505] The motion prevailed.

(Editorial)

[e941507] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941509] [Editor's Note: Proposition Number 97 was referred to the Convention alongside the committee's report.]

(Editorial)

[e941513] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, recommending that Proposition Number 133 be indefinitely postponed, inasmuch as the matter contained therein is legislative and is now covered, though somewhat inadequately by statute.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941514] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 133.]

(Editorial)

[e941517] Mr. Cunniff: I move you the report of the committee be adopted, and when the committee arises, it recommend the indefinite postponement of Proposition Number 133.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941519] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941520] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941522] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941526] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, recommending that Proposition Number 146 be indefinitely postponed, inasmuch as the subject matter thereof is contained in a proposition heretofore submitted by the committee on judiciary.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941527] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 146.]

(Editorial)

[e941529] Mr. Ingraham: I move when the committee arises it report in favor of the indefinite postponement of this proposition.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941532] Ingraham's Recommendation that Proposition Number 146 be Indefinitely Postponed

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e941533] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941535] [Editor's Note: Proposition Number 146 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940717] Secretary (reading): Your Committee on Counties and Municipalities recommends that Proposition Number 40 introduced by Mr. Webb be superseded by substitute proposition herewith submitted by the committee on counties and municipalities, known as committee Substitute Number 40, which is to be substituted for Proposition Number 40.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940414] Secretary (reading): Your Committee on Counties and Municipalities recommends that Proposition Number 40 introduced by Mr. Webb be superseded by substitute proposition herewith submitted by the committee on counties and municipalities, known as committee Substitute Number 40, which is to be substituted for Proposition Number 40.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940420] [Editor's Note: Proposition Number 40 was referred to the Convention alongside the committee's report.]

(Editorial)

[e940426] Mr. Cunniff: I move that the substitute proposition be considered section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940429] [Editor's Note: The Committee of the Whole proceeded to consider the proposition section by section.]

(Editorial)

[e940435] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 40 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e940454] Mr. Chairman: If there are no objections, we will consider section 1 as adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940458] Mr. Chairman: If there are no objections, we will consider section 1 as adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940464] Mr. Chairman: [...] What will you do with section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940468] Mr. Short: What is meant by "the several counties?" Does it mean the boundaries, or the government, or what?

Mr. Cunniff: I would suggest it means bodies politic and corporate.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940470] Mr. Chairman: Are there any further remarks? If there are no objections to paragraph 2, we will consider the third paragraph. Section 2 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940476] Mr. Chairman: Are there any further remarks? If there are no objections to paragraph 2, we will consider the third paragraph. Section 2 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940485] Mr. Cunningham: I move that instead of the word "district" the word "county" be inserted before the word "attorney."

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940486] Mr. Weinberger: I will say, although they are called "District Attorneys," at the present time, their jurisdiction only extends to the county, and I do not see any reason for change.

(The Records of the Arizona Constitutional Convention of 1910, Page 503)

[e940489] Mr. Chairman: The motion is to strike out the word "district" and substitute there for the word "county." All in favor of this motion answer "aye;" contrary "no." The motion is carried, and the word "district" is stricken out, and "county" substituted there for.

(The Records of the Arizona Constitutional Convention of 1910, Pages 503-504)

[e940495] Mr. Cunningham: I move to insert the word "assessor" after the word "attorney."

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 504)

[e940510] Mr. Orme: Make a division.

Mr. Cunningham: I have no objection to a division, but I think both of these officers should be elected.

Mr. Chairman: Gentlemen of the committee, all in favor of adding the word "assessor" after the word "attorney" will signify by saying "aye;" opposed "no."

Mr. Orme: On that question of assessor, I wish to say a few words. It is a well-known fact that if an assessor is elected and does his duty, he never can be re-elected. He is not responsible to the board of supervisors in any way, shape or form, and if he does his duty he never could be re-elected. The board could not say "Mr. Assessor, you put that property at a wrong valuation." The assessor must be a qualified man, and it takes two years for him to become qualified, and if the board has no control over him he will make his arbitrary assessments in a way so he can be re-elected. Consequently, I think it would be a poor thing to have the assessor elected, as he would not make proper assessments.

Mr. Jones (Yavapai): It has been my experience that the assessor who is appointed by the supervisors takes more interest in politics than any other man, and if he is going to take the interest, he should do it for himself, and not for the board of supervisors. I take exception to the statement that if he does his duty and assess everybody alike he will not be re-elected. He will not fail to be re-elected as long as he wants the job.

Mr. Wills: Mr. Orme has expressed my sentiments as to electing an assessor; I think he should be appointed by the board of supervisors.

Mr. Winsor: I want to add a word to Mr. Orme's statements. Mr. Orme is chairman of the Maricopa board of supervisors and has reason to know whereof he speaks. Where the assessor has been elected, from time immemorial he almost invariably uses his office to secure his re-election. It works this way: As the assessor goes around the county and assesses property of individuals he fails to find all of that property. For instance, if a man has 100 sheep on a range, he will see but 10 of them. He says: "That is all right," and hopes the owner will remember that; and he generally does. As the gentleman from Maricopa has said, when an assessor performs his duty fearlessly, they not only visit that performance of duty in punishment on the assessor, but they try to carry it to the board of supervisors who appointed the assessor. I have known assessors to be appointed by the supervisors, and in the performance of their duty incur the ire of large property owners, and demand was made when candidates for the board of supervisors were being elected afterward that they should refuse to appoint such an assessor on account of the injury worked on them in the

performance of their plain duty. I am heartily in favor of the appointing of the assessor.

Mr. Webb: I think in nine times out of ten the office of the assessor is pledged before the election.

Mr. Orme: I have been on the board of supervisors of this county for many years, and I will say no man ever broached the matter to me in any shape or form, and I never gave any promise.

Mr. Webb: Well, perhaps I did make it too strong, but I want to say that the assessor by talking with the owners in assessing the property can arrive at a much more satisfactory understanding than the board of supervisors who sit in their office and arbitrarily raise or lower the assessment.

Mr. Ellinwood: I think this constitution ought certainly to create the office of assessor; it is one of the most important county offices.

Mr. Roberts: I cannot see that it would make a man infallible because he was appointed by the board of supervisors.

Mr. Webb: You will pardon a personal illustration. Frankly, I believe I can do an applicant for the position of assessor more good in my efforts to secure his appointment than to secure his election. In other words, I think my influence would go farther with the three men who compose the board of supervisors, than with the people as a whole, and I believe the assessor would think so and would be more apt to show me a favor in order to secure my influence.

Mr. Parsons: Why not apply that to all the officers?

(The Records of the Arizona Constitutional Convention of 1910, Pages 504-505)

[e940518] Mr. Chairman: Gentlemen of the committee, the question is on adding after the word "attorney" the word "assessor." All in favor of this motion will answer "aye," as their names are called; and all those opposed will answer "no." Call the roll.

Roll call showed 28 "ayes" and 19 "nays."

Mr. Chairman: Gentlemen, the motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940520] Mr. Winsor: Before we pass to section 4, I would like to ask what happens to the county superintendent of roads under this provision.

Mr. Weinberger: If I may be allowed to answer that question, the county superintendent of roads is appointed.

Mr. Ingraham: Though the county superintendent of roads is now appointed, there is a provision that hereafter he shall be elected.

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940523] Mr. Colter: I make a motion that "county superintendent of roads" be added to paragraph 3, after the word "assessor."

Mr. Standage: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940526] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940528] Mr. Cunniff: I move the word "surveyor" be added to paragraph 3.  
Mr. Winsor: I second that motion

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940533] Mr. Sims: With the gentleman's permission I would like to add the words "clerk of the board of supervisors."

(The Records of the Arizona Constitutional Convention of 1910, Page 505)

[e940535] Mr. Cunniff: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940557] Mr. Hunt: Make a division.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940561] [Editor's Note: Sims' amendment was originally proposed as an amendment to Cunniff's amendment. Dividing the question meant that each amendment was proposed independently of one another.]

(Editorial)

[e940564] Mr. Chairman: The question will first come up on the "surveyor." Those in favor will answer "aye;" contrary "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940566] Mr. Chairman: [...] All in favor of inserting the word "clerk of the board of supervisors" will say "aye;" opposed "no." The chair is in doubt. The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940569] Mr. Cunningham: Before the vote is had, it seems to me nothing more than right that the board of supervisors should have the right to discharge their clerk when he is not acting in accordance with the wishes of the board.

Mr. Cunniff: I agree with the gentleman from Cochise in the position that the board of supervisors ought to be allowed to appoint a man to work in harmony.

Mr. Osborn: Why would that not apply to the clerk of the superior court?

Mr. Cunningham: That is different. The clerk performs all the duties of the probate judge at present.

Mr. Osborn: And the clerk of the board performs early all of the duties of the board of supervisors.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e940571] Roll call showed 7 "ayes" and 36 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941594] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e941598] Mr. Jones (Yavapai): I move the committee now arise and report progress, and ask leave to sit again this afternoon.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

[e941601] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 506)

## 32.29 Monday, 21 November 1910, at 14:00 (s16150)

[e940145] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940147] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940578] Mr. Chairman: [...] We will take up paragraph 4 of Substitute Proposition Number 40.

[Editor's Note: As the Committee continued on to consider Section 4, Section 3 was implicitly adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940586] Mr. Chairman: [...] We will take up paragraph 4 of Substitute Proposition Number 40.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940590] Mr. Webb: Mr. Chairman, I do not quite see the need of that in the constitution. I would ask the chairman of that committee the necessity of it. The state legislature can unquestionably do it and they may or may not with this in here, it seems to me. I move that it be stricken out.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940592] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940595] Mr. Chairman: What will you do with paragraph 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940596] Mr. Hunt: I would like to ask, isn't that largely legislative?

(The Records of the Arizona Constitutional Convention of 1910, Page 509)

[e940600] Mr. Franklin: I agree with the gentleman from Gila, Mr. Hunt, that that section is purely legislative, and that ought to be left to the people and the legislature, and I move to strike out all of paragraph 5.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
509-510)

[e940603] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940607] Mr. Baker: I move that the following be substituted as section 4 in this bill: "The legislature shall provide by general law for changing county seats in organized counties and it shall have no power to remove the county seat of any organized county."

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940611] Mr. Webb: Mr. Chairman, I would suggest that [sic] the senior member from Maricopa that the only point that will be effected in this proposed amendment is covered, I think, in the legislative bill. Is it not, Mr. Chairman; you remember, I think?

Mr. Chairman: The recollection of the chair is that this section on special legislation is a verbatim copy of the proposition submitted by the legislative committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940614] Mr. Baker: Then it would read thus: "The legislature shall provide by general law for changing county seats in organized counties."

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940617] Mr. Coker: I have a copy of the legislative law, Proposition Number 2, locating or changing county seats. It is a prohibition.

Mr. Baker: Then I have stricken that out by amendment.

[Editor's Note: Mr. Baker has the right to amend his own amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940619] Mr. Chairman: Gentlemen of the convention, you have heard the motion.

Mr. Webb: I raise the same objection as have [sic, has] been raised to the two stricken out. It is purely legislative.

Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Maricopa, who offers this amendment, a question. Is it not a fact that the legislature without our incorporating this provision in our constitution would have that power?

Mr. Baker: I suppose the legislature would have the general power, but I can see no harm in saying that the legislature shall provide by general laws for removal of county seats, —provide a system for it.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940620] Mr. Chairman: The question is on the adoption of the amendment of the gentleman from Maricopa. All in favor will signify by saying “aye;” opposed “no.” The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940621] Mr. Chairman: [...] Any objections to paragraph 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940624] Mr. Cunniff: Mr. Chairman, I understand there was a roll call demanded on striking out paragraph 5.

Mr. Sims: Mr. Chairman, I did, and I am sorry I was ignored in the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940625] Mr. Chairman: The gentleman from Cochise has asked for a roll call on the question of striking out paragraph 5 of Substitute Proposition Number 40. All in favor of striking out paragraph 5 will signify by saying “aye;” as their names are called; those opposed say “no.” The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940635] Roll call showed 30 “ayes” and 17 “nays.”

Mr. Chairman: The motion is carried. Section 5 will be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940640] Mr. Baker: I move to strike out paragraph 6.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 510)

[e940644] Mr. Chairman: A motion has ben made and seconded that paragraph 6 be stricken out. All in favor will signify by saying “aye;” opposed “no.” The secretary will call the roll.

Mr. Baker: Let me call the attention of the members to this matter, because I am satisfied the moment you see it you will see that it is absolutely necessary for this to come out of this bill. I do not think any one of you can explain the meaning of the proposition. It is confounding and confusing. It provides that no territory shall be stricken from any county or new county created unless the majority of the voters shall approve. There is a confusion of terms. Furthermore,

there is not a county in the territory but what one hundred of its inhabitants, or fifty, could not cut off a part of that territory from their county. It would only require a majority of those living within that part you want to cut off. The rest of the county would be absolutely at their mercy and helpless about the matter. As has already been argued by the gentleman from Graham county, it is absolutely and purely statutory. There is a system for the changing of county seats. They are generally based upon population. Sometimes they take the population. Sometimes they take the area, a number of miles a new county shall have, but it is a system. You have to work it out. It takes a legislative enactment to do the thing with any degree of fairness at all. It is purely legislative.

Mr. Cunniff: I would like to ask the committee that prepared this from what constitution they got that authority.

Mr. Webb: I just checked it up with the Utah constitution. It was introduced originally as a verbatim copy of the Utah constitution, but in committee it was changed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 511)

[e940653] Mr. Chairman: The secretary will call the roll. All in favor of striking out this paragraph will say "aye" when their names are called; those opposed will answer "no."

Roll call showed 41 "ayes" and 6 "nays."

Mr. Chairman: The motion is carried and paragraph 6 is stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940661] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 44.]

(Editorial)

[e940665] Mr. Webb: I move when the committee arises it report back to the convention that it has examined Substitute Proposition Number 40 and recommended the adoption of the substitute proposition as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940675] Mr. Connelly: Mr. Chairman, I move that it be referred back to the committee.

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940678] Mr. Franklin: I rise to a point of order.

Mr. Chairman: What is your point of order?

Mr. Franklin: There is a motion before the house to recommend the adoption of this proposition as amended. The motion to refer does not take precedence over the motion to arise and report.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940680] Mr. Chairman: The chair will sustain the point of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940684] Mr. Chairman: [...] The question is upon the adoption of the Substitute Proposition Number 40 as amended by the committee of the whole. All in favor will signify by saying “aye;” those opposed “no.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Pages 511-512)

[e940688] [Editor’s Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940689] [Editor’s Note: Substitute Proposition Number 40 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940692] [Editor’s Note: Proposition Number 40 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940694] [Editor’s Note: Substitute Proposition Number 40 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940721] [Editor’s Note: The Report of the Committee on Counties and Municipalities on Proposition Number 40 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940735] Mr. Chairman: [...] We will now consider section 1 of Substitute Proposition Number 52.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940743] [Editor’s Note: Proposition Number 52 was referred along with the Substitute Proposition.]

(Editorial)

[e940745] Mr. Chairman: [...] The secretary will first read the committee’s report.

Secretary (reading): Report of committee on counties and municipalities on Proposition Number 52 recommending that attached Substitute Proposition Number 52 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 511)

[e940165] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 52 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e940170] Mr. Chairman: Are there any amendments to section 1? If not section 1 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940176] Mr. Chairman: Are there any amendments to section 1? If not section 1 will be considered adopted.

[Editor's Note: No amendments were offered.]

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940181] Mr. Chairman: [...] Are there any amendments to section 2? If not section 2 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940184] Mr. Crutchfield: Mr. Chairman, I move that section 2 be stricken out for the reason that it gives corporations a power that has been conferred upon them by the last legislature which is objectionable and repugnant to a majority of the counties of this territory, and it proposes to put in the fundamental law, a law which we call the law of segregation, which gives to corporations rights which we do not think belong to municipal corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940185] Mr. Chairman: Was there a second to that motion? The chair does not hear a second. If there is no second, section 2 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940187] Mr. Ingraham: Mr. Chairman, in line 7 the word "always," I cannot see the import of that. I move that be stricken out.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940189] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940190] Mr. Jones (Maricopa): I move an amendment to line 6. Following the word "powers" add the words "rights and powers not abrogated by this constitution."

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 512)

[e940193] Mr. Baker: I would like to ask for information from the gentleman who makes this motion. What part of the constitution up to the present time—what propositions have we enacted up to this time yet—what proposed proposition—what is in the thought? Do we propose to abrogate any of the rights of these cities by virtue of the constitution we are going to make? I hardly think it is possible that we will pretend to make an effort along that line at all.

Mr. Jones (Yavapai): If we have not abrogated any of the rights this won't do any harm, but if we find after going over this constitution that we have abrogated any of the rights I think this is a wise provision.

Mr. Osborn: Mr. Chairman, didn't we pass a proposition here some time ago which said every law should be in effect unless it was contrary to the constitution? I think we did, and if we did that there is no use putting this in.

Mr. Roberts: Mr. Chairman, it strikes me that this whole article is purely legislative, and I will make a motion that when the committee arise it report and recommend that Proposition Number 52 be indefinitely postponed.

Mr. Franklin: Mr. Roberts, if you will move that section 2 be stricken out, I will second the motion.

Mr. Roberts: It strikes me that this whole thing is legislative.

Mr. Chairman: Gentlemen of the committee, the question is upon the adoption of the amendment proposed by the gentleman from Maricopa, Mr. Jones, inserting the word "rights and powers not abrogated by this constitution," after the word "powers" on line 6.

(The Records of the Arizona Constitutional Convention of 1910, Pages 512-513)

[e940205] Mr. Franklin: I move to amend by striking out section 2.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940206] Mr. Chairman: The motion has been made and seconded to the effect that the entire section 2 be stricken out. The secretary will call the roll.

Roll call showed 18 "ayes" and 28 "nays."

Mr. Chairman: The amendment is lost and the section is not stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940207] Mr. Chairman: [...] The question is now upon the insertion after the word "powers" of the words "not abrogated by this constitution," in line 6. The secretary will call the roll.

[Remarks by Crutchfield of Maricopa not found.]

Mr. Lynch: Mr. Chairman, it would seem to me that the gentleman from Maricopa will still persist in "seeing things." I cannot see what he sees. This provision is certainly plain. They shall have certain rights until otherwise provided by law. They have no rights excepting by law and when that law is changed then they no longer have the right. I think the gentleman is unduly exercised.

Mr. Sims: For the information of the gentleman from Maricopa I wish to call attention to the fact that this is an exact copy of the Oklahoma constitution, one of the prohibition states.

Mr. Cunniff: I should like to point out in regard to this question that all this section says is that every municipal corporation now existing within this state shall continue with all its present rights and powers until otherwise provided by law and no other words are necessary to convey or complete the idea including the idea in the amendment of Mr. Jones of Maricopa. I should like to make an amendment as soon as the one before the house is disposed of.

Mr. Crutchfield: I wish to say that will be unobjectionable to a prohibitionist but in this state, rights have been given to certain municipalities which are objectionable, and while it is a statement verbatim, probably from Oklahoma, it is entirely unsatisfactory to a prohibitionist in Arizona, to place in the constitution an objectionable principle.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940208] Mr. Chairman: The secretary will call the roll on the motion of Mr. Jones of Maricopa.

Roll call showed 7 "ayes" and 39 "nays."

Mr. Chairman: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940209] Mr. Cunniff: I move that all be stricken out after the word "law" on line 7.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940210] The motion prevailed.

Mr. Chairman: The sentences after the word "laws" are stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 513)

[e940211] Mr. Ingraham: I move that the whole of the second section be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940212] [Editor's Note: It seems that this motion was not seconded. Moreover, since a vote had already been taken on whether to strike out section 2, it seems unlikely that this motion would have been in order.]

(Editorial)

[e940213] [Editor's Note: Since the Convention moved on to discuss Section 3, Section 2 was implicitly adopted as amended.]

(Editorial)

[e940214] Mr. Chairman: What will you do with section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940215] Mr. Curtis: Mr. Chairman, if we are going to give to the people direct legislation this section is far from doing it. I have no fault to find with the section on the whole for I think it is fine, but as it is too far from the people and does not grant the very thing the convention is crying for, direct legislation, I move that the whole section be stricken out.

Mr. Lynch: Mr. Chairman, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940216] Mr. Chairman: It has been moved and seconded that section 3 be stricken out. All those in favor of striking out section 3 will say "aye;" those opposed "no." The secretary will call the roll.

Roll call showed 12 "ayes" and 35 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940217] Mr. Crutchfield: Mr. Chairman, I would like to amend section 3, by striking out all of that section from the word "state" in line 12.

Mr. Webb: Mr. Chairman, I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940218] Mr. Chairman: It has been moved and seconded that the remainder of the section from the word "state" in line 12 be stricken out.

Mr. Cunningham: I would like to ask how and why the gentleman can amend this section in that manner and have anything left.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940219] Mr. Winsor: Mr. Chairman, I would like to ask unanimous consent to change the word "any" to "and," in line 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940220] Mr. Chairman: If there are no objections this correction will be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940221] Mr. Chairman: [...] Those in favor of striking out the section from the word "state" in line 12 will answer "aye;" those opposed "nay." The chair is in doubt. Those in favor of the motion to strike out this part of the section will please rise. Now those opposed may rise.

Rising vote showed 23 in favor and 23 against.

(The Records of the Arizona Constitutional Convention of 1910, Page 514)

[e940222] Mr. Baker: Mr. Chairman, let us first know what we are striking out. If you strike this out then you have no system at all. You might as well take away the whole right to form their own laws, and I object to striking out any of this section unless you strike out all.

Mr. Ellinwood: Mr. Chairman, I agree with the gentleman from Maricopa, Mr. Baker, that if you strike out this you might as well strike out the whole thing for it is absolutely nothing when this part is stricken out.

Mr. Cunniff: I agree with the gentleman from Maricopa and the gentleman from Cochise, and I am opposed to striking out any of this section.

Mr. Ingraham: This appeals to me as being a very good measure all the way through and because it contains matters of detail does not mean that it is not a constitutional detail and it is all necessary and is just so in this instance.

Mr. Baker: I will state that the purpose of this measure is home government and this authorizes a charter government for the people in order that they do not have to go to the legislature for a charter, and this law prevails in Missouri, Oklahoma and California as well as other states and it is intended to provide self government.

Mr. Ellinwood: Once more I protest that if this section is abolished it destroys the right of self government in the cities and towns and leaves them without a means of a charter government until they appeal to a legislature. I would just illustrate that a charter for a city government often provides for parks and boulevards. In Bisbee we cannot have a park or a boulevard if we wanted it, but what we need is a subway to carry off the water, and we want a charter government provided for no so that every city or town of any size can provide for all conditions they have to meet.

(The Records of the Arizona Constitutional Convention of 1910, Pages 514-515)

[e940223] Mr. Chairman: Gentlemen, the question is on the motion to strike out all of section 3 from the word "state" in line 12. Those in favor of that motion will answer "aye;" those opposed will answer "nay." Call the roll.

Roll call showed 19 "ayes" and 28 "nays."

The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940224] Mr. Winsor: Mr. Chairman, I move to amend section 3 by striking out all beginning with the word "the," line 14, page 3, and insert the following: "The charter so ratified may be amended in the manner provided by the initiative and referendum section of this constitution and subject to such conditions and regulations as may be imposed by ordinance."

Mr. Hunt: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940225] Mr. Osborn: I would like to have the author of that amendment explain it.

Mr. Winsor: The initiative and referendum law has already been adopted by this convention, providing for such an ordinance and this I suggest will arrive at this same end.

Mr. Cunniff: Mr. Chairman, this provision is broader and I believe will be better. I am in favor of retaining it.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940226] Mr. Chairman: All those in favor of the amendment offered by the gentleman from Yuma will answer "aye;" those opposed "nay." Call the roll.

Roll call showed 2 "ayes" and 45 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940227] Mr. Cunniff: Mr. Chairman, I move to amend on page 2, line 12, by striking out the word "freeholders."

Mr. Ingraham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940228] Mr. Cunniff: Mr. Chairman, I would just like to say the reason for amending this by striking out the word "freeholders" is because I am a democrat and I do not believe in freeholders, and I do not think they have any right to hold any such office. I do not want any such clause in this constitution, and no such persons shall hold such office in this state

Mr. Sims: Now, Mr. Chairman, I do not see anything questionable in this for in some towns there are a much larger number of freeholders than any other class and I think it would be very fair to give them the right to act as members of this board.

Mr. Cunniff: I am not opposed to the qualified electors having this right for it is their right and the power should be theirs but I do not concede any such right to freeholders.

(The Records of the Arizona Constitutional Convention of 1910, Page 515)

[e940229] Mr. Chairman: Those in favor of striking out the words "freeholders," will answer "aye;" those opposed "nay." The secretary will call the roll.

Roll call showed 13 "ayes" and 32 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940230] Mr. Parsons: Mr. Chairman, I desire to offer an amendment to line 22, page 2, I move that the word "three" be changed to "four" for the reason that the amount of time given for publishing this law does not cover the number of times it shall appear in a publication.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940231] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940232] Mr. Cunningham moved, seconded by Mr. Sims of Cochise, to amend line 13, page 3 by striking out the words "register of deeds" and inserting the words "county recorder"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 239)

[e940233] Mr. Cunningham moved, seconded by Mr. Sims of Cochise, to amend line 13, page 3 by striking out the words "register of deeds" and inserting the words "county recorder"; carried.

(The Minutes of the Arizona Constitutional Convention, Page 239)

[e940234] Mr. Chairman: Are there any other amendments to that paragraph, if not we will proceed to the next section.

[Editor's Note: No further amendments were offered.]

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940235] Mr. Chairman: [...] Are there any amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940236] Mr. Webb: I move that we amend this section by changing the word "next" in line 2, page 4, to "last."

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940237] The motion failed to pass.

(The Arizona Republican, Page 516)

[e940238] Mr. Chairman: Are there any other amendments? If not, we will proceed to paragraph 5.

[Editor's Note: No further amendments were offered.]

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940239] Mr. Chairman: [...] If not, we will proceed to paragraph 5. Are there any corrections or alterations?

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940240] Mr. Kingan: I would ask the committee why this is a majority of two-thirds? It seems to me that a majority of the qualified electors residing within the corporate limits is sufficient. That is the use of saying a two-thirds majority. I move the words "two-thirds" be stricken out.

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940241] Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Pima, for the reason that it would be much easier to grant a franchise to a monopoly under the present wording of two-thirds than it would to grant a franchise to a corporation, therefore I agree that the correction is very much preferable.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940242] Mr. Chairman: The question is on the motion of the gentleman from Pima to strike out the words “a two-thirds,” in line 10, page 4, and have the line read only “a majority.” Those in favor of the motion will say “aye;” those opposed “nay.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 516)

[e940243] Mr. Chairman: [...] Are there any other amendments or corrections?  
[Editor’s Note: No further amendments were offered.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
516-517)

[e940244] [Editor’s Note: The Committee proceeded to consider Section 6.]

(Editorial)

[e940245] Mr. Franklin: I move to amend line 21, page 4, after the word “said” by inserting the word “municipal.”

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940246] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940247] Mr. Cobb: Mr. Chairman, I move that all of section 6 be stricken out.

Mr. Webb: I will second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940248] Mr. Weinberger: I would like to ask the gentleman’s reason.

Mr. Cobb: It is socialistic.

Mr. Weinberger: Do you not think that the city or town should own their own lights and power?

Mr. Cobb: Yes, but this goes too far.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940249] Mr. Chairman: Those in favor of striking out section 6 will answer “aye;” those opposed “nay.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940250] [Editor’s Note: No further amendments were offered to Section 6.]

(Editorial)

[e940251] Mr. Chairman: [...] Are there any corrections or alterations to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940252] Mr. Short: I move you to amend by striking out the word "other" in line 23, page 4, where it first appears.

Mr. Cunniff: I would like to ask the committee just what that means?

Mr. Chairman: Any second to the motion of the gentleman from Yuma?

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940253] Mr. Chairman: It has been moved and seconded that the word "other" in line 23, page 4, be stricken out. Those in favor of the motion will answer "aye;" those opposed "nay."

Mr. Cunniff: I cannot tell how to vote until someone explains the language of that sentence.

Mr. Sims: Perhaps some lawyers can explain that term.

Mr. Cunniff: Does this mean franchise?

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940254] Mr. Franklin: I think it would be more intelligible if the words "or other" were stricken out and the word "for the" inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940255] Mr. Baker: Mr. Chairman, I think that the word "other" is very plausible and effective, and goes farther, and covers the meaning for the temporary license.

Mr. Franklin: I would like to know the meaning of the word "franchise." Is it a perpetual right or is it a temporary franchise?

Mr. Kingan: If that be true there is no possible way of granting to the people the right to own their own lights and other municipal properties.

Mr. Franklin: A franchise is a right.

Mr. Cunniff: I would like to offer an amendment.

Mr. Chairman: There is an amendment before the house. The gentleman from Maricopa, Mr. Franklin, has an amendment before the house.

Mr. Franklin: I will re-state the amendment. Strike out the words "or other" and insert the words "for the."

(The Records of the Arizona Constitutional Convention of 1910, Page 517)

[e940256] Mr. Cunniff: I should like to offer an amendment to the amendment. I move that section 7 be amended by inserting the following in lieu of line twenty-two and that part of line 23 ending with the word "of," "no grant, extension or renewal of any right to use, by franchise or otherwise."

Mr. Chairman: The secretary will read the amendment of Mr. Cunniff.

Secretary (reading): "No grant, extension or renewal of any right to use by franchise or otherwise the street, alleys or other public grounds, etc."

(The Records of the Arizona Constitutional Convention of 1910, Pages 517-518)

[e940257] Mr. Ellinwood: I think this section is correct as reported by the committee.

Mr. Franklin: I heard the learned gentleman from Pima quote Mr. Noah Webster as an authority against the initiative and referendum. He defines the word "franchise" as "a particular legal privilege; to enfranchise; to give liberty to." Under the meaning of the word, a franchise is a right, a grant of power to do something that the other inhabitants of the city have not the power to do, unless so authorized by the city. This means nothing except when the city grants a franchise to anyone it shall not be prohibited from the use of the street to which the right extends.

Mr. Cunniff: I would like to point out that there are only two possible meanings: one, as an adjective, so this means a franchise use. If it is used as a noun according to the meaning that is set forth by the gentleman from Maricopa the use of the term here is a use—a franchise or some other kind of use—and therefore the language is not clear because "franchise" used as a noun is incorrectly used, as a franchise is not a use, and "franchise" is not recognized as an adjective. I would suggest that the amendment I offer clears up the meaning of the section.

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940258] Mr. Chairman: The question is first on the amendment made by the gentleman from Yavapai. All in favor of the amendment will say "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940259] Mr. Chairman: The question is first on the amendment made by the gentleman from Yavapai. All in favor of the amendment will say "aye;" opposed "no." The motion is lost. The question is now upon the amendment of the gentleman from Maricopa.

Mr. Baker: I want to say that this is an exact copy of two or three other constitutions in other states.

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940260] Mr. Chairman: All those in favor of this motion will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940261] Mr. Ingraham: I wish to revert for a moment to section 1. The first expression used there, it seems to me, is not distinct and clear. If it be true that the county is a municipal corporation, the section does not say what it means. I move to amend so that it shall read "cities and towns shall not be incorporated by special law."

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940262] Mr. Short: I rise to a point of order. I have an amendment before the committee to strike out the word "other."

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940263] [Editor's Note: As the Committee proceeded to vote on Short's amendment, it is clear that his point of order was well taken.]

(Editorial)

[e940264] Mr. Chairman: All in favor of the amendment of the gentleman from Yuma to strike out the word "other" in line 23, page 4, will say "aye;" opposed "no." The motion is lost.

(Editorial, Page 518)

[e940265] [Editor's Note: No further amendments were offered to Section 7.]

(Editorial)

[e940266] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 52.]

(Editorial)

[e940267] Mr. Chairman: I move that when the committee arises, it recommend that Substitute Proposition Number 52 do pass as amended.

Mr. Keegan: I second the motion.

[Editor's Note: The Records' attribution of this motion to the Chairman (Cassidy) is an error. The Minutes records the motion as coming from Coker, and page 519 of the Records refers to the motion as 'the motion of the gentleman from Pinal, Mr. Coker.']

(The Records of the Arizona Constitutional Convention of 1910, Page 518)

[e940268] Mr. Chairman: The motion is that when the committee arise it recommend the adoption of Substitute Proposition Number 52. Are there any remarks?

Mr. Crutchfield: On the question of adopting this proposition as a whole I wish to just say a word. I am not very particular about seeing what Washington has to say about our constitution, because in case we prepare a constitution that will be acceptable to our people, if it be turned down by the President and Congress, we will have done our duty, but if we adopt a constitution which is rejected by the people of Arizona, we will have to come back and do this all over again. I am tired of this, and I feel that when we get through we should have discharged our duty. I am afraid Section 2 will cause the prohibitionists to vote down the constitution, because it threatens in the constitution a municipal right they have upheld. I am not arguing for this as a prohibitionist, I am arguing for it as a communist and as a member of this convention and as a representative of the county from which I come.

Mr. Parsons: I want to ask the gentleman from Maricopa what part of section 2 he thinks interfered with the rights of prohibitionists.

Mr. Chairman: The chair will rule that both gentlemen are out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940269] Mr. Roberts: I wish to amend the motion so as to have the report provide that this Substitute Proposition Number 52 be indefinitely postponed, on the ground that it is purely legislative, and does not belong in the constitution.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940270] Mr. Chairman: The question is on the motion of the gentleman from Pinal, Mr. Coker, that the proposition be adopted as amended by this committee. All in favor of that motion will answer "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940271] Mr. Hunt: I move the committee do now arise.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940273] [Editor's Note: This motion does not seem to have been seconded.]

(Editorial)

[e940272] Mr. Cunningham: I do not care to offer any amendment, but I think this committee should recommend that Proposition Number 52 for which this has been substituted, be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940274] Mr. Chairman: The chair rules that out of order, as the adoption of a substitute automatically postpones the original proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940275] Mr. Franklin: I appeal from the decision of the chair. I would like to have Mr. Roberts' motion put. The gentleman from Maricopa, Mr. Crutchfield, seconded it.

Mr. Chairman: Gentlemen of the convention, the motion of the gentleman from Pinal has been amended to the effect that Substitute Proposition Number 52 as amended be indefinitely postponed.

[Editor's Note: It is not clear why Mr. Franklin frames this as an appeal from the decision of the chair, as his issue is different from Mr. Cunningham's. There appears to have been quite a lot of confusion at this point; Mr. Roberts' amendment ought to have been decided on before Mr. Coker's original recommendation.]

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940276] Mr. Weinberger: I rise to a point of order. This question has already been settled.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940277] [Editor's Note: The Chair made no decision on this point of order.]

(Editorial)

[e940278] Mr. Chairman: All in favor of the amendment of the gentleman from Cochise that Substitute Number 52 be indefinitely postponed, answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 519)

[e940279] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940747] [Editor's Note: Substitute Proposition Number 52 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940748] [Editor's Note: Proposition Number 52 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940750] [Editor's Note: The Report from the Committee on Counties and Municipal Corporations on Proposition Number 52 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940281] [Editor's Note: Substitute Proposition Number 52 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940282] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940283] Mr. Hunt: I move the committee do now arise.  
Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
519-520)

[e940284] The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 520)

**32.30 Tuesday, 22 November 1910, at 09:30 (s16154)**

[e940300] Petition from J. C. McIntosh and others of Bisbee, Ariz., read and referred to Committee of the Whole.

(The Minutes of the Arizona Constitutional Convention, Page 242)

[e940582] Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on [the] first proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940588] Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on [the] first proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940606] Secretary (reading): Proposition Number 15 by Mr. Moeur. Your committee on education begs to leave to report and respectfully recommends that committee substitute proposition be substituted therefor, and that committee Substitute [Proposition] Number 15 do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940609] [Editor's Note: Proposition Number 15 was referred to the Committee of the Whole alongside the report from the Committee on Education.]

(Editorial)

[e940612] [Editor's Note: Substitute Proposition Number 15 was referred to the Committee of the Whole alongside the report from the Committee on Education.]

(Editorial)

[e940616] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 15 in order to replicate the process of the Committee of the Whole considering the document section by section. Creating a new version of the proposition also allows the Committee of the Whole to amend the document, as any changes they agree must also be accepted by the Convention.]

(Editorial)

[e940622] Mr. Chairman: If there is no objection, the proposition will be taken up, under the rules, section by section. Are there any amendments to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940626] Mr. Parsons: I move that line 1 and all of line 2 up to and including the word "people" to be stricken out, and the paragraph begin with the word "it" in line 2, making the letter "I" a capital. The introduction is not even legislative; it seems like a good old-fashioned Democratic speech.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940628] Mr. Chairman: Are there any remarks? All those in favor of the motion will signify by saying "aye;" opposed "no." The chair is in doubt. Those in favor will signify by rising; those opposed will signify by rising.

Rising vote showed 21 in favor and 17 against.

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940631] Mr. Chairman: [...] Are there any amendments to paragraph 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940641] Mr. Chairman: [...] Are there any amendments to paragraph 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940645] Mr. Chairman: [...] Are there any amendments to paragraph 2? Paragraph 2 will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 523)

[e940647] Mr. Chairman: [...] Any amendments to paragraph 3?

(The Records of the Arizona Constitutional Convention of 1910, Pages  
523-524)

[e940657] Mr. Sims: I move that one line 22, page 2, "the city superintendent of schools" be cut out.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 524)

[e940666] Mr. Moeur: I know very little about schools, and when I investigated this was the suggestion of every one of the teachers I went to. As they receive no pay I see no objection to it. They wanted a high school member put on because he would keep up with the latest methods.

Mr. Goldwater: The city over which I preside has no such officer as city superintendent of schools, and no provision for one.

Mr. Moeur: I would say we have a superintendent of all the schools of Phoenix.

Mr. Cunniff: I understand the city of Jerome has a city superintendent of schools.

Mr. Ingraham: I think technically this expression is incorrect. It is true the larger school districts have superintendents, but the superintendent is not the superintendent of the city school but of all the schools of the district, and the district may comprise lands outside the city, so technically this wording should be slightly changed. I have another criticism I wish to make of this matter, but I have not thought it out sufficiently to make an amendment, While it is a good idea to have men of practical experience in education, it seems this board consisting of eight, is too heavy with educators. My experience has been (and I have been principal in high schools and a teacher in college) that educators are

liable to become theoretical, and they get away from the ground and up in the air, and a board like this ought to have some business men on it.

Mr. Sims: I would like to say that in Douglas the school district not only takes in the city of Douglas but a large scope of surrounding territory.

Mr. Parsons: While I agree with my colleague from Cochise County, I think he will agree with me that if he will look at the exhibit marked as the "Douglas schools," and the superintendent of schools would be known as the city superintendent of schools. But Mr. Chairman, I want to know if the word "ex-officio" is not used wrongly here.

(The Records of the Arizona Constitutional Convention of 1910, Page 524)

[e940668] Mr. Chairman: The chair will rule the motion is on the amendment to strike out on line 22 the phrase "the city superintendent of schools," and the gentleman will confine his remarks thereto. All in favor of this motion will signify by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940677] Mr. Roberts: I move you that in line 22 the words commencing with line 22, "and" and ending with "legislature" on line 24 be stricken out.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 524)

[e940679] Mr. Chairman: Are you ready for the question?

Mr. Ingraham: I would like to ask a question. The number of this board is eight members?

Mr. Moeur: Yes sir.

Mr. Parsons: I would like to ask the gentleman another question. When you use the words "appointed by the governor" was it your intention that he should appoint a country superintendent who had already been elected, or appoint one from the body of electors?

Mr. Moeur: He was to appoint one from those already elected.

(The Records of the Arizona Constitutional Convention of 1910, Pages 524-525)

[e940683] Mr. Parsons: I move the word "designated" be substituted for the word "appointed."

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940687] Mr. Chairman: The chair will rule the amendment of Mr. Parsons is not in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940690] Mr. Chairman: The chair will rule the amendment of Mr. Parsons is not in order. All those in favor of the amendment of the gentleman from Cochise, Mr. Roberts, will answer "aye"; opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940696] Mr. Parsons: I renew my motion to substitute "designated" instead of "appointed" in line 23.

Mr. Wills: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940698] Mr. Chairman: It has been moved and seconded that "designated" be substituted for "appointed." Are you ready for the question?

Mr. Kingan: I am opposed to that motion for this reason. I think the governor should be empowered to appoint these persons without the action of the legislature. If you use the word "designated" you will have to have the action of the legislature. These are officials who are to serve without pay. They are persons who already occupy positions of trust in the territory, and it seems idle to have their office confirmed by the legislature. Besides, the legislature is not in session except once in two years, and it may be necessary to have a man appointed without waiting that length of time. There you have the men already in positions of trust, it is sufficient to merely have the action of the governor. I mention that because I wish to offer an amendment after this is passed on.

Mr. Parsons: In reply to the gentleman from Pima, I desire to say I suggested this because my colleague had the idea it was giving the power to appoint a county superintendents of the state one who should become a member of the board of education.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940699] Mr. Chairman: All in favor of this motion will signify by saying, "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940700] Mr. Parsons: That would be inconsistent with the statement made before.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940701] Mr. Chairman: Are there any further amendments?

Mr. Jones (Maricopa): Mr. Chairman, I favor cutting out "and confirmed by the legislature" in lines 23 and 24. It does not seem to me that that is necessary. I move the words be stricken out.

Mr. Kingan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940702] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 525)

[e940704] Mr. Parsons: Mr. Chairman, I move as an amendment to line 21 that the words "ex-officio" be stricken out. If these men are to be members of the board by appointment of the governor we do not need the words "ex-officio." They are not members of the board by virtue of their office.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 525-526)

[e940705] Mr. Chairman: It is moved by the gentleman from Cochise, seconded by Mr. Standage, that the word "ex-officio" be stricken out.

Mr. Cunningham: Mr. Chairman, I should think it would be ill advised to strike out that word because the governor, superintendent of public instruction, president of the university and members of the state normal schools should be ex-officio members of the board.

(The Records of the Arizona Constitutional Convention of 1910, Page 526)

[e940706] Mr. Chairman: Any further remarks? It has been moved and seconded that the words "ex-officio" on line 21 be stricken out. Those in favor will signify by saying "aye;" those opposed "no." The motion is lost. Any further amendments to paragraph 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 526)

[e940707] Mr. Sims: Mr. Chairman, I move that beginning on line 2 after the word "pay" all the balance of this paragraph be stricken out.

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 526)

[e940708] Mr. Hunt: I do not see the use of striking out that, because these members are serving without pay but their necessary expenses are paid.

Mr. Sims: Mr. Chairman, I take the position that it is absolutely legislative and has no part in the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 526)

[e940709] Mr. Coker: Mr. Chairman, I insist that the entire selection beginning at the word "law" in line 1 is also legislative, and I would amend the motion of the gentlemen from Cochise by asking that all be stricken out after the word "law."

Mr. Chairman: Where is the point?

Mr. Coker: After the word "law" in line 1, to include the members of the board to serve without pay—to strike out that entire sentence.

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 526)

[e940710] Mr. Parsons: Mr. Chairman, it seems to me that this part is a little more legislative. The legislature would not be authorized to provide for salary. This part provides that they shall serve without pay.

Mr. Standage: Mr. Chairman, if the members of the board shall serve without pay-if that is left in there, there could be no provision made whereby they could get their expenses paid.

Mr. Jones (Yavapai): Mr. Chairman, as the members of this board are not paid now, I do not see any necessity of saying they shall not be paid.

Mr. Sims: Mr. Chairman, I do not think the position of school trustee carries very much importance. I believe in Douglas we have the best schools

anywhere in the United States, and we never pay for school trustees, and I do not think in the future you will have any difficulty in getting men to act as school trustees.

Mr. Moeur: When the board meets and you call a man away from his business you simply pay his expenses. No trustee gets any pay for serving in public.

Mr. Hunt: Mr. Chairman, I will ask the gentleman, I suppose this means travelling expenses.

Mr. Moeur: When the board meets and you call a man away from his business you simply pay his expenses. No trustee gets any pay for serving the public.

Mr. Hunt: Mr. Chairman, I will ask the gentleman, I suppose this means travelling expenses.

Mr. Moeur: Traveling expenses, but they receive no pay for their actual expenses, only their board and railroad fare.

Mr. Sims: No, I would not take that position.

Mr. Bolan: Mr. Chairman, the committee on education, in working this matter out, spent some time deciding to adopt this clause that we are amending, and we came to the conclusion after thinking the matter over carefully and working among ourselves that this was a necessary clause in this paragraph. I believe in regard to the expenses incurred by members attending this meeting that they should have their expenses paid, consequently I am opposed to striking out the section.

(The Records of the Arizona Constitutional Convention of 1910, Pages 526-527)

[e940711] Mr. Chairman: Any further remarks? The question is on the amendment offered by the gentleman from Pinal. Mr. Coker, seconded by Mr. Curtis to cut out all of the last sentences after the word "law" in line 1, on page 3. Those in favor will signify by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 527)

[e940712] Mr. Chairman: [...] The question is now on the motion offered by the gentleman from Cochise, Mr. Sims, seconded by the gentleman from Maricopa, Mr. Cassidy, that all after the word "pay" on line 2 in that paragraph be stricken out. Those in favor of making this amendment will signify by saying "aye"; those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 527)

[e940713] Mr. Jones (Maricopa): I move that the word "travelling" be inserted between the words "necessary" and "expenses" on line 2—"necessary travelling expenses." "Necessary expenses" is rather vague and might mean automobile hire, cigar, etc.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 527)

[e940714] Mr. Chairman: It is moved and seconded that the word "travelling" be inserted between the words "necessary" and "expense." Are you ready for the question?

Mr. Coker: Mr. Chairman, I move an amendment that the words “and living” be inserted after the word “travelling.”

(The Records of the Arizona Constitutional Convention of 1910, Page 527)

[e940715] Mr. Chairman: Does the gentleman from Maricopa accept the amendment? The amendment is to add the words “and living” after the word “traveling.”

Mr. Jones (Maricopa): Yes sir.

(The Records of the Arizona Constitutional Convention of 1910, Page 527)

[e940716] Mr. Chairman: The question is to add on line 2, page 3—to add the words “traveling and living” between “necessary” and “expense.”

Mr. Weinberger: Mr. Chairman, I do not see the necessity of passing those amendments. This means just what it says, but “all necessary expenses”—If you want to insert the words “all necessary traveling expenses incurred by the members attending the meeting” you would not have very good sense, and if you insert the words “living expenses,” I do not think it would help it out any. It can only be such expenses as are necessary. It could not intimate that automobile hire, cigars, etc., are necessary.

Mr. Franklin: Mr. Chairman, I understand that amendment was accepted by the mover.

Mr. Chairman: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Pages 527-528)

[e940722] Mr. Franklin: I move to amend that by inserting the words “board and lodging” after “traveling expenses”, including all necessary traveling expenses “including board and lodging.”

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940725] Mr. Jones (Yavapai): Mr. Chairman, I do not think the words “traveling” put in there excludes automobile hire because certainly if a man travels in an automobile it would come in as traveling expenses.

(The Records of the Arizona Constitutional Convention of 1910, Page 258)

[e940727] Mr. Chairman: Any further amendments to the amendment? The motion is on the amendment offered by the gentleman from Maricopa, Mr. Franklin, that the words “board and lodging” be used instead of the words “and living.” Those in favor will signify by saying “aye;” opposed “no.” The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940729] Mr. Chairman: [...] The question is now in the insertion of the words “traveling and living” between the words “necessary” and “expenses” in line 2. Those in favor will signify by saying “aye;” opposed “no.” The motion is lost. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940730] Mr. Chairman: [...] Are there any further amendments to the paragraph? Any further amendments to paragraph 3? Paragraph 3 will be considered adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940731] Mr. Chairman: [...] Are there any amendments to paragraph 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940732] Mr. Weinberger: I move to strike all of lines 13, 14, and 15 commencing with "his."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 528)

[e940733] Mr. Moeur: Mr. Chairman, I know very well that the salary of the superintendent of public instruction has been fixed, and I feel that the salary is too small, I would like to make some amendment to this not to conflict with the other that he be allowed his traveling expenses in addition to his salary of twenty-five hundred dollars; this will be necessary because [sic] to get a capable man to fill the job. He incurs a great deal of expense and the salary of twenty-five hundred dollars is inadequate for men of his intelligence. I would like this convention to take some action whereby he can be allowed his travelling expenses in addition to his salary.

Mr. Lynch: Mr. Chairman, I would state that the state in any superintendent of schools does not travel around the state in any state that I know of. His office is at the capital and his business is there and he does not go to other places.

Mr. Standage: Mr. Chairman, I would like to say that I believe he does travel. It seems to me he is called to visit different schools and different places in the territory. I can remember he has been called to the schools I have been in, to deliver addresses, etc., and he has no way of getting compensation.

Mr. Cunningham: Mr. Chairman, I agree with the gentleman from Maricopa that he does not travel, but it is in the summertime when he goes to the coast or to the mountains.

Mr. Weinberger: I will say that the constitution does not preclude the legislature from allowing travel expenses, and we might leave that matter to the legislature.

Mr. Bolan: Mr. Chairman, when they selected my fellow member, Dr. Moeur, on this educational committee, he gave this matter his attention, and we consider this one of the most important state offices we would have to elect this superintendent of schools. I am satisfied that every gentleman in this convention, whether he had children, or whether he has not, has this subject more or less at heart, consequently I believe that this allowing of expenses is not extravagant, and I am in favor of making some arrangement to increase his salary to more than twenty-five hundred.

Mr. Feeney: I seconded Mr. Weinberger's motion because I feel that it is not necessary every time we mention an officer in our constitution that we specify the wages. I will boost for higher wages at the proper time, but I feel that it is irrelevant here.

(The Records of the Arizona Constitutional Convention of 1910, Pages 528-529)

[e940734] Mr. Chairman: The question is on the amendment offered by Mr. Weinberger, seconded by Mr. Feeney, to strike out the last sentence in paragraph 4. All those in favor signify by saying "aye;" opposed "no." The "ayes" have it. The motion is carried. The sentence is stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 529)

[e940736] Mr. Short: I move an amendment in line 6 by striking out the words after "shall" and in line 7 up to "four" including "officials," making it read "The state superintendent of public instruction shall for two years next preceding," etc.

(The Records of the Arizona Constitutional Convention of 1910, Page 529)

[e940737] Mr. Chairman: I would like to point out to the gentleman from Yuma that you will have to strike out the word "he" in line 8 also, Mr. Short.

Mr. Short: Yes, the word "he" will also be stricken out.

Mr. Chairman: The motion of the gentleman from Yuma is that in line 4 on page 3 all after the word "shall" be stricken out—all in line 7 up to and including the word "officials" and on line 2 the word "he," so the paragraph would read "The state superintendent of public instruction shall for two years next preceding his election—" I would suggest the word "shall" will have to be cut out—"have been engaged in educational work in some department of the public school system of Arizona."

Mr. Jones (Maricopa): Mr. Chairman, the reason for striking out that clause as amended by the gentleman from Yuma is that Substitute Proposition Number 33 provides that a state superintendent of schools shall be elected for a term of two years, therefore it is unnecessary to repeat it here.

Mr. Moeur: Mr. Chairman, it strikes me as very unnecessary to strike out any of it. We are not voting on Proposition Number 33, and this makes it very plain, and I do not know that Proposition Number 33 is going to be adopted finally, therefore I am opposed to making any changes.

(The Records of the Arizona Constitutional Convention of 1910, Page 529)

[e940738] Mr. Chairman: Any further remarks on that motion? It is moved by the gentleman from Yuma, Mr. Short, seconded by Mr. Jones of Maricopa, that the words on line 4, all the words after "shall" line 6 I should say, after the word "shall" to the end of that sentence, including the word "officials," be stricken out. Those in favor will signify by saying "aye;" opposed "no." The motion is carried. The words are stricken out. Any further amendments to paragraph 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 529)

[e940739] Mr. Cassidy: Mr. Chairman, I move that in line 9 the words "in some department of" be stricken out as unnecessary, making it read "engaged in educational work in the public school system of Arizona."

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 350)

[e940740] Mr. Chairman: It has been moved and seconded that the words "in some department of" in line 9 be stricken out. Are there any remarks?

Mr. Moeur: I object to that because a man might be working in the normal school, may teach in the University, therefore he is ineligible to the office; therefore I object to striking that out.

Mr. Crutchfield: Mr. Chairman, I think Mr. Cassidy will accept striking out all the words, "in some department of public schools system of Arizona, and he will have left, "He shall have been engaged in educational work in Arizona."

Mr. Cassidy: I do not care to accept this amendment. I feel that he should have been engaged in the work in connection with the public schools.

(The Records of the Arizona Constitutional Convention of 1910, Page 530)

[e940741] Mr. Chairman: The motion is on striking out the words "In some department of" in line 9. Those in favor will signify by saying "aye;" those opposed "nay." The chair is in doubt. Those in favor will signify by rising.

Rising vote showed 14 in favor and 22 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 530)

[e940742] Mr. Bradner: Mr. Chairman, I move to strike out in line 7 after the words "state officials" up to line 8; "He shall have been engaged in educational work in some public school system of Arizona two years."

Mr. Chairman: I would like to point out that the words "he shall" have already been stricken out, so it now reads: The state superintendent of public instruction for two years next preceding his election have been engaged in educational work in some department of the public school system of Arizona.

Mr. Bradner: Strike out then the words "next preceding."

Mr. Chairman: That will not do.

Mr. Bradner: "For two years shall have been engaged."

Mr. Chairman: As I understand the amendment [it] is that the words "next preceding his election" be stricken out.

Mr. Roberts: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 530)

[e940746] Mr. Ellinwood: I move to strike out the whole sentence "for two years next preceding his election he shall have been engaged in educational work in some department of the public schools system of Arizona." I have gone over quite carefully these constitutions here and I find no such qualifications. It is perfectly possible that a gentleman who has engaged in the ministry, or who is now engaged in educational work, would be the most fit man. I find no other constitution in which school teachers alone can be elected.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940749] Mr. Moeur: I notice the gentleman from Cochise did not kick on having qualifications for lawyers who are to sit on the bench here.

Mr. Chairman: Any further remarks?

Mr. Parsons: In addition to what Mr. Ellinwood has said, I want to call attention to the fact that it might be as this territory develops we might feel

equal to employing some gentleman who might come highly recommend from Harvard, who had not been at in our territory. We might want to go away and bring fresh blood in here, and I don't think we should shut the door against it.

Mr. Bolan: Mr. Chairman, I am in favor of this officer being elected from among the teachers of our state, and I should prefer they should have some experience, that is, at least two years, had training in teaching school. He might be one of the best educated men in the country, and not be thorough in regard to the conditions of our territory as some man who has had experience in the public schools.

Mr. Standage: I think any man who should be elected to the office of superintendent of public instruction should have had experience in Arizona. We have conditions here not similar to conditions in any of the other states. We require teachers coming from the east to pass rigid examinations. The teachers in the normal school are permitted to teach in the territory, thus making employment for all of the teachers, and I think the superintendent of public instruction should be elected from among the teachers of Arizona who have learned the conditions of Arizona.

Mr. Jones (Maricopa): I think it is rather surprising to hear the gentlemen of the bar talk about trusts when we read their judicial qualifications. (applause) If they have not sewed up the people here so they cannot import supreme or superior judge[s], then I cannot read their preposition [sic], and I think the qualifications here are certainly modest.

Mr. Sims: I take the proposition, Mr. Chairman, that I am opposed to creating a monopoly here at any time. I do not believe that the people here would elect a man for school superintendent who was not qualified, and if they made a mistake they would go after him with the recall.

Mr. Orme: Mr. Chairman, we have a very progressive school system, different from the east, and I think a man to be superintendent of public instruction should be very conversant with our schools and I am utterly opposed to importing anyone here to run our schools. We have as able educators in the territory of Arizona as they have in any state in the Union. We might as well let our judges come from other states.

Mr. Connelly: I believe we already have a qualification that he must be an elector of the territory, which means he shall have lived here at least one year. I am just republican enough to believe in patronizing home industry so far as school teachers are concerned.

Mr. Chairman: Are there any further remarks?

Mr. Wells: If there are no further amendments I would like to hear that section read as amended.

Mr. Chairman: The section now reads as follows: "The state superintendent shall for two years next preceding his election have been engaged in educational work in some department of the public school systems of Arizona. He shall be a member and secretary of the state board of education and ex-officio a member of all the other boards having control of public instruction in any state institution." The question is on the amendment offered by the gentleman from Cochise, Mr. Ellinwood, to strike out the whole of the first sentence, so the paragraph would then begin with the word "he" on line 10, striking out the sentence "The state superintendent of public instruction," etc. The chair would like to say a word or two, and that is that if there were a provision like this in the constitution of other states there would not be a state university, of even second rate, in the

educational world west of Buffalo, and the state universities west of Buffalo are some of the finest institutions because they import men from various places. This is a subject that has agitated the educational world ever since the time of Horace Mann, who was really the originator of public instruction in the country.

(The Records of the Arizona Constitutional Convention of 1910, Pages 531-532)

[e940751] Mr. Chairman: [...] Are you ready for the question? The question is on the amendment offered by the gentleman from Cochise, Mr. Ellinwood, to strike out all that sentence. A roll call has been asked for. Those in favor will signify by saying "aye" as their names are called, opposed "no."

Roll call showed 25 "ayes" and 23 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940752] Mr. Chairman: The motion is carried. That disposes of the amendment offered by the gentleman from Cochise. Mr. Bradner, seconded by Mr. Roberts, to strike out "next preceding his election." The whole sentence is cut out.

Mr. Cunningham: Mr. Chairman,—

Mr. Chairman: I am in error. The words "The state superintendent of public instruction" on line 6 are not stricken out, but the words "he shall" at the end of line 9, the beginning of line 10, are stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940758] Mr. Chairman: [...] Any further amendments to this paragraph? If not the paragraph will be considered adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940759] Mr. Chairman: [...] Any amendment to paragraph 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940761] Mr. Weinberger: Mr. Chairman, I move to amend line 17 by striking out the word "four" and substituting the word "two."

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940762] Mr. Moeur: Mr. Chairman, I object to making the term less than four years. He has a great deal of work to do, and it will take him at least a year to get on to his job, and about the time he gets so he can run these schools economically he has to be reelected or another man elected in his place, and I believe four years is plenty short enough for the term.

(The Records of the Arizona Constitutional Convention of 1910, Page 532)

[e940774] Mr. Osborn moved to amend by striking out all of line 16 and that part of line 17 ending with the word "years".

(The Minutes of the Arizona Constitutional Convention, Page 243)

[e940770] Mr. Connelly moved, seconded by Mr. Jones of Maricopa, to amend by striking out lines 16, 17, 18, and 19...

[Editor's Note: The Records describe this amendment as striking out the entire section. However, as the Committee continues to amend the last paragraph of the section, the Minutes' account is clearly the more accurate account in this instance.]

(The Minutes of the Arizona Constitutional Convention, Page 246)

[e940776] Mr. Chairman: It has been moved and seconded that the whole of the first paragraph in section 5 beginning on line 16 and ending on line 19 be stricken out. Are there any remarks on the motion? Those in favor striking out that entire paragraph will signify by saying "aye;" opposed "no." The "ayes" have it. The paragraph is stricken out. Any further amendments to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 533)

[e940779] [Editor's Note: Adopting Connelly's amendment to strike out the paragraph made Osborn's motion irrelevant.]

(Editorial)

[e940782] [Editor's Note: Adopting Connelly's amendment to strike out the paragraph made Weinberger's motion irrelevant.]

(Editorial)

[e940786] Mr. Kingan: Mr. Chairman, it seems to me the same objections apply here to that part of lines 21 and 22, page 3, of this paragraph as to the requiring of appointment of regents to be confirmed by the legislature. It seems to me it will work a hardship in many cases, and will cripple the work of the universities. The board of regents is a small body. Suppose one were to die, another were to move away. The governor could not fill the vacancy until the legislature met, two years perhaps. I therefore move you, Mr. Chairman, that the following be stricken out beginning with the word "and" being next to the last word on line 21, and down to the word "legislature" on line 22 be stricken out.

Mr. Moeur: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 533)

[e940790] Mr. Chairman: The question is on the motion of the gentleman from Pima to strike out beginning at the end of line 21 and running on to line 22" and confirmed by the state legislature." The gentleman from Yuma, Mr. Ingraham.

Mr. Ingraham: Mr. Chairman, I am opposed to this for this reason. I consider the appointment of the board of regents a very important and serious matter. I came from the state of Michigan, and the regents of the University of Michigan are elected by the people, and a most remarkable thing has taken place in that state. The election of regents has been entirely taken out of politics, so I have known the Republican party in that state to nominate a Democrat

on their ticket and elect him. It shows the attitude that the people of that state attach to their university and to the managing board of that institution, and that is the reason why the University of Michigan stands, perhaps, pre-eminent among the institutions of the middle west in education. Now it seems to me that if we are to have a great university here in Arizona, and I see no reason why we should not have, perhaps not great in numbers, but great in standing, in its value, and in the ability of its graduates. It does not take a large institution to make a great institution. The standing of some of our great universities. Now if the regents are to be appointed by the governor merely, it seems to me that the appointment will lack that balance, that measuring and weighing that will come if the governor's appointment must be submitted to ratification or rejection by the legislature. Now in regard to the criticism that was made by the gentleman from Pima that the legislature cannot always be in session, it seems to me, gentlemen, that we shall have to have a general provision in this constitution covering vacation appointments, just as there are in the United States Senate. The President makes vacation appointments, which stand until the Senate convenes. We must have such a provision here that the governor where he has the appointing power there must be provision for vacation appointments. It seems to me that in view of that necessary general provision, that we should not amend this to take away from the legislature this check upon the governor.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
533-534)

[e940792] Mr. Chairman: Any further remarks? The question is on the motion of the gentleman from Pima, Mr. Kingan, seconded by Dr. Moeur, to cut out the phrase beginning at the end of lines 21 and 22 "and confirmed by the state legislature." All those in favor will signify by saying "aye;" opposed "no." The chair is in doubt. All those in favor of the motion will signify by rising. The motion is carried. The words are stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 534)

[e940795] Mr. Chairman: [...] Any further amendments to offer to paragraph 5? If not, the section as amended will be considered adopted.

(Editorial)

[e940796] Mr. Chairman: [...] What will you do with paragraph 6? What is the pleasure of the committee in regard to that section?

(The Records of the Arizona Constitutional Convention of 1910, Page 534)

[e940800] Mr. Jones (Yavapai): I move that on line 6, page 4, the word "six" be stricken out and the word "seven" be inserted in lieu thereof.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 534)

[e940805] Mr. Moeur: I would say that these people tell me that it is impossible to maintain school more than six months in some sections of Arizona where the

snow gets very deep; therefore, I put that down but not really because I wanted to.

Mr. Jones (Yavapai): I do not believe there is any place in Arizona where the weather is so bad but that a child can go to school seven months in the year.

Mr. Crutchfield: Mr. Chairman, I have had some experience is travelling in Arizona. I have gone over every line of railroad and most of the stage lines, and know there are periods in certain regions where it is practically impossible for the pupils to go to school more than six months in the snow, severe hail, etc. There are places where it would be absolutely impossible to maintain school seven months in the year.

Mr. Moeur: I understand you have to have a certain per cent of attendance or they cannot keep the school up.

Mr. Standage: Also in a small school where they have less pupils than fifteen they receive but five hundred dollars, and five hundred dollars will not permit these schools to run more than six months.

(The Records of the Arizona Constitutional Convention of 1910, Page 534)

[e940807] Mr. Chairman: It is moved and seconded that the word "six" in line 6, page 4, be stricken out and the word "seven" be inserted in lieu thereof. Those in favor will signify by saying "aye;" opposed "no." The motion is lost. Any further amendments to the section?

(The Records of the Arizona Constitutional Convention of 1910, Page 534)

[e940809] Mr. Goldwater: Mr. Chairman, I would like to ask if on line 5 the word "all" really means "all" or does it mean "each."

Mr. Chairman: I think some correction is necessary there, but I do not think we need bother about it now. Any further amendments to the section? The section will be considered adopted as amended.

Mr. Parsons: I notice there is a change in the age at which compulsory attendance at school is required. I see it provides between the ages 8 and 16. Under our present law it is 6 and 13. I would like to ask the chairman of that committee if he has an explanation to make why this change was made.

Mr. Moeur: I would say I thought it was between 6 and 21.

Mr. Chairman: There are two ages—one in line 7 and one is line 11

Mr. Parsons: As I understand it now the compulsory law applies to children between the ages of 6 and 14. I see it is changed here too between 8 and 16, and unless there seems a very good reason for it I would like to offer and amendment to substitute "fourteen" for "sixteen"

Mr. Cooper: Mr. Chairman, I am not a member of the committee, but I am rather in favor of fixing the age of compulsory education at eight is this: I know personally a number of children who at the age of six years are and have been unable to attend school by reason of physical disability. They are not sufficiently developed at that age to stand the strain of beginning school at that time, and to compel them to go into school at the age of six might interfere seriously with their physical development, while an additional two years from 6 to 8 would develop their physical strength so they might go through with their education without being hampered by weak bodies.

Mr. Jones (Yavapai): Also in reference to those schools that are in those outlying districts where some children go a distance to school, six years will be quite young for a child to go some distance to school.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
534-535)

[e940815] Mr. Standage: I think it should be left at six for this reason: There are some people that are perfectly able to go to school at six, and those who are not able to go it seems to me the school trustees are lenient an they do not force them, but I think the law should be six so that they could force those that are able to go. I would like to amend line 11 to read from 6 to 16.

Mr. Osborn: I second that motion

(The Records of the Arizona Constitutional Convention of 1910, Page 535)

[e940817] Mr. Chairman: It has been moved and seconded to amend line 16 by eliminating the word "eight" and inserting in lieu thereof the word "six."

Mr. Colter: I think it should be left at eight because there is considerable difference of opinion as to whether it is best for a child to start to school before the age of eight.

Mr. Cunningham: Mr. Chairman, I would like to say that I don't think we need to rob the cradle. Eight years is young enough for a police officer to come and snatch a child from the cradle.

Mr. Standage: I would like to ask Mr. Cunningham if he ever saw anything like that happen in Arizona.

Mr. Feeny: As the father of children going to American schools, I want to say that we were tickled to death to have them go at four.

(Editorial)

[e940827] Mr. Parsons: Mr. Chairman, I move an amendment to the amendment offered by the gentleman from Maricopa that the word "eight" remain and that the maximum would be fourteen instead of sixteen.

Mr. Weinberger: I second the motion.

[Editor's Note: Although Parsons describes his changes as an "amendment to the amendment," Standage's and Parsons' amendments are voted on separately, demonstrating that the Chairman considered them to be separate amendments.]

(Editorial)

[e940831] Mr. Parsons: I will say, Mr. Chairman, that there is a law now that provides that if a child is not physically able to go to school it is not compelled to go, but in rural districts the boy after he gets to be fourteen years old gets pretty near to where he can do a man's work, and if he had eight years attendance at school I believe there are a great many families where they would rather their boys and girls had six months in school.

Mr. Colter: I object for this reason: If we should happen to pass a bill here compelling children not to do any work until they are fifteen years of age there would be one year they could neither go to school or work. I am strictly in favor of a child going to school and I think the law should be enforced, but if he doesn't go to school for goodness sake let him work.

Mr. Jones (Maricopa): Mr. Colter made the point that I was going to make, that you had a year that the child could neither work nor go to school. I also want to call Mr. Parsons' attention to the fact that he has reversed himself

when he says that he knows children at the age of fourteen who can do a man's work.

Mr. Parsons: Mr. Chairman, I said that I believed that in the rural districts there were many at the age of fourteen that were considered able to do a man's work.

Mr. Standage: I think the fact that boys are able to do the work when they are fourteen years old is a good reason for having it sixteen, for I have known people to take their children out of school to work then when they would have been better off if they had been in school.

(The Records of the Arizona Constitutional Convention of 1910, Page 536)

[e940833] Mr. Chairman: The question is first on the motion offered by the gentleman from Maricopa, that is to cut out the word "eight" and insert the word "six." I do not want to put that motion before I say one word myself. I have a child six and a half years old, and I would defy the constitution of Arizona, or of the United States before I would send that child two miles over a country road in the mountains to school. All those in favor of the motion will signify by saying "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 536)

[e940834] Mr. Chairman: [...] The motion is now on the amendment offered by the gentleman from Cochise, Mr. Parsons, to eliminate the word "sixteen" and substitute the word "fourteen." Those in favor will signify by saying "aye;" contrary "no." The motion is lost. Are there any further amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 536)

[e940837] Mr. Coker: Mr. Chairman, on line ten, referring to the same matter, which has just been voted upon, I think it is too restrictive. I think the ages should be left to the legislature. Therefore I move to strike out, after the word "body" in line 10, down to and including the word "years" on line 11, leaving it to the legislature to determine the maximum and minimum age, at which these children can be forced into attendance upon the public school.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 536-537)

[e940840] Mr. Coker moved, seconded by Mr. Osborn, to amend lines 10 and 11 page 4 by striking out the words "between the ages of eight and sixteen years"; lost.

(The Minutes of the Arizona Constitutional Convention, Page 246)

[e940844] Mr. Connelly: Mr. Chairman, in line 11, where it says sixteen years, I move we strike out "16" and put in "15."

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940847] Mr. Chairman: It has been moved and seconded that the word "sixteen" in line 11 be stricken out, and the word "fifteen" inserted in lieu thereof. Those in favor will signify by saying "aye;"—

Mr. Colter: I want to amend that motion. Is it in order?

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940848] Mr. Chairman: No, that will be out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940852] Mr. Chairman: No, that will be out of order. All those in favor of cutting out "16" and inserting "15" will signify by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940855] Mr. Colter: Everything is accomplished now that I was going to amend.

Mr. Chairman: Any further amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940864] Mr. Short: Mr. Chairman, inasmuch as this matter is fully covered by statute at the present time, and it is purely legislative, I move you that all of this paragraph beginning with "and" and in line seven be stricken out.

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940869] Mr. Chairman: It is moved and seconded that all this paragraph under discussion beginning with the word "and" on line seven, to the end of the paragraph be stricken out. Those in favor will signify by rising. Those opposed will signify by rising.

Rising vote showed 30 in favor and 14 against.

Mr. Chairman: The motion is carried, and that portion of the paragraph is stricken out beginning with the word "and" to the end of the paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940873] Mr. Chairman: [...] Any further amendments to the section? The section then will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940875] Mr. Chairman: [...] What is your pleasure with section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940878] Mr. Osborn: Mr. Chairman, I move that section 7 be stricken out.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 537)

[e940883] Mr. Osborn: I would like to say it seems to me that it is purely legislative and we are telling the legislature to do something that they can do if they want to, and there is a law on the statute books today that is in full force and effect.

Mr. Ingraham: The enabling act also says that provision shall be made for the establishment and maintenance of public schools, which shall be open to all children of said state.

Mr. Moeur: If the gentlemen of this convention want their children to go to school with colored children they have my permission, but I for one will never vote for white and colored children to attend the same school.

Mr. Jones (Yavapai): I think this should be in the constitution, and I do not think it comes in conflict with the Enabling Act, where it says schools shall be provided for the colored children as well as the white children.

(The Records of the Arizona Constitutional Convention of 1910, Page 537-538)

[e940888] Mr. Roberts: Mr. Chairman, I move that section 7 be approved.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940891] Mr. Chairman: The motion is on the amendment that the section be approved. Are you ready for the question? Those in favor of retaining this paragraph as it stands will signify by saying "aye;" those opposed no. The chair is in doubt. The secretary will please call the roll.

Mr. Coker: I am in favor of all but the last sentence.

Mr. Chairman: It can be amended.

Mr. Coker: I vote "aye;" with the understanding that the last sentence can be amended.

Mr. Cooper: I would ask for information; is that vote on the adopting of it as it is now?

Mr. Chairman: Yes, passing it as it is now.

Mr. Cooper: I vote "aye."

Mr. Ingraham: Mr. Chairman, it seems to me that the provision should call for separate schools for Japanese and Chinese. I vote "no."

Mr. Short: I would explain my vote on this matter. I believe the provision is all right, if it could be carried out, but I do not understand how in small districts where you have a few colored children, and a few white children you are going to carry it out. Consequently, I vote "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940899] Roll call showed 22 "ayes" and 22 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940900] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e940903] Mr. Jones (Yavapai): I move that the committee now arise and report progress and ask leave to sit again this afternoon.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

[e940905] The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 538)

### **32.31 Tuesday, 22 November 1910, at 13:30 (s16160)**

[e940330] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e940331] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941615] Mr. Osborn: I move that section 7 be stricken out.

Mr. Ellinwood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941621] Mr. Chairman: The question is on the motion to strike out section 7. Those in favor of the motion will answer "aye;" those opposed "nay," when the roll is called.

Roll call showed 21 "ayes" and 21 "nays."

The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 247)

[e941623] Mr. Colter: Mr. Chairman, I would like to change my vote from "aye" to "nay."

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941624] Mr. Chairman: The chair will rule that the gentleman from Apache is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941632] Mr. Coker: Mr. Chairman, I move that the last sentence of that paragraph be stricken out.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941634] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941643] Mr. Colter: Mr. Chairman, I move for a reconsideration of the vote on section 7.

[...]

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941648] Mr. Feeney: How did the gentleman vote?

Mr. Chairman: The gentleman voted "aye."

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941659] Mr. Chairman: Those in favor of reconsideration of section 7 will answer "aye;" those opposed "nay." The secretary will call the roll.

Roll call showed 22 "ayes" and 21 "nays."

Mr. Chairman: The motion to reconsider is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941680] Mr. Chairman: [...] The motion is now on striking out section 7. Those in favor of striking out section 7 will answer "aye;" those opposed "nay."

Roll call showed 22 "ayes" and 21 "nays."

Mr. Chairman: The motion is carried. Section 7 is stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941687] Mr. Chairman: [...] Gentlemen, what is your pleasure in regard to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941692] Mr. Wood: Commencing at line 19, including line 20, after the word "purpose" is the exact wording of paragraph 16 of substitute proposition adopted yesterday, and since it contains this same sentence I move that this part be stricken out.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941696] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941701] Mr. Chairman: Any other amendments?

Mr. Feeney: I move its adoption.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941702] Mr. Chairman: If there are no other amendments the section will stand approved as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941705] Mr. Chairman: [...] What is your pleasure, gentlemen, with regard to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 539)

[e941709] Mr. Jones (Yavapai): Mr. Chairman, I move that in line 4 the words "and rental" be stricken out; and in line 11 the following words inserted after the word "fund"—"and rental derived from school lands."

Mr. Orme: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 539-540)

[e941710] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941711] Paragraph 9 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 248)

[e941713] Mr. Chairman: Are there any corrections or amendments to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941714] Mr. Chairman: [...] Section 10 will stand approved since there are no corrections or amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941715] Mr. Chairman: [...] Any alterations or corrections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941717] Mr. Cassidy: Mr. Chairman, I move you that the word "state" be stricken out in line 1, page 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941719] Mr. Chairman: If there are no objections the word "state" will be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941724] [Editor's Note: The Committee proceed to make motions to recommend that the Committee recommend that the proposition pass, indicating that the Section 11 as amended was approved.]

(Editorial)

[e941733] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 15.]

(Editorial)

[e941739] Mr. Weinberger: I move that when the committee arises it recommend the adoption of Substitute Proposition Number 15 as amended.

Mr. Jones (Maricopa): I second that motion.

(Editorial)

[e941740] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e941741] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941742] [Editor's Note: Substitute Proposition Number 15 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941746] [Editor's Note: Substitute Proposition Number 15 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941748] [Editor's Note: Proposition Number 15 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940764] Mr. Chairman: What is your pleasure with Propositions Number 41 and 73?

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940765] Mr. Chairman: What is your pleasure with Propositions Number 41 and 73?

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940353] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Numbers 41 and 73.]

(Editorial)

[e940358] Mr. Osborn: I move they be indefinitely postponed.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940362] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940376] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940775] [Editor's Note: Proposition Number 41 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940777] [Editor's Note: Proposition Number 73 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940781] Mr. Chairman: Proposition Number 100 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940784] Mr. Chairman: [...] Read the report.

Secretary (reading): Mr. President: Your committee on Education and Public Institutions begs leave to report it has examined Proposition Number 100 and respectfully recommends that it be indefinitely postponed, as it thoroughly covered in Substitute Proposition Number 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940445] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 100.]

(Editorial)

[e940449] Mr. Feeney: Mr. Chairman, I move that it be indefinitely postponed.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940451] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940452] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940789] [Editor's Note: Proposition Number 100 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940793] [Editor's Note: The Report from the Committee on Education Proposition Number 100 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940797] Secretary (reading): Mr. President: Your Committee on Education and Public Institutions begs to leave to report it has examined Proposition Number 44, and respectfully recommends that it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940799] Secretary (reading): Proposition Number 44, introduced by Mr. Orne of Maricopa County, relative to charitable institutions.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940459] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 44.]

(Editorial)

[e940463] Mr. Chairman: If there are no objections it will be considered section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 540)

[e940467] [Editor's Note: Objection was made.]

(Editorial)

[e940801] Mr. Ellinwood: Is the purpose of this bill to have all public institutions under one board of control or a special board of charities?

Mr. Winsor: That matter should be under the Committee on Executive, Impeachment and Removal from office. The legislative committee has not considered it at all.

Mr. Jones (Yavapai): It does not seem to me that we provided for a board of control.

(The Records of the Arizona Constitutional Convention of 1910, Pages 540-541)

[e940475] Mr. Webb: I move the indefinite postponement of the entire proposition.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940479] Mr. Baker: What charitable institutions or reformatory institutions have we?

Mr. Orme: Indian school and reform school at Benson.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940481] Mr. Chairman: It has been moved and seconded that the entire proposition be indefinitely postponed. Those in favor of the motion will say "aye;" those opposed "nay." The "ayes" have it. Proposition Number 44 is indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940490] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940804] [Editor's Note: Proposition Number 44 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940806] [Editor's Note: The Report from the Committee on Education on Proposition Number 44 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940838] Secretary (reading): Mr. President, your committee on executive, impeachment and removal from office begs leave to report it has examined Proposition Number 125 and respectfully recommends that the Proposition Number 125 and that said Substitute Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940842] "Section 1. A state examiner, who shall be a skilled accountant, shall be appointed by the governor by and with the advice and consent of the Senate for a term of four years. The state examiner shall examine the books and accounts of such public officers and perform such duties and have such other powers as the legislature may prescribe."

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940853] [Editor's Note: Proposition Number 125 was referred to the Committee of the Whole alongside the Substitute Proposition.]

(Editorial)

[e940499] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 125.]

(Editorial)

[e940505] Mr. Jones (Yavapai): I move that in line 3 of Substitute Proposition Number 125 the word "four" be stricken out and the word "two" be inserted therefore.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940858] Mr. Jones (Yavapai): My reason for this amendment is that the governor has a term of only two years and this office cannot be for a greater length of time.

Mr. Cunningham: The members of the committee discussed this matter but thought it were best to hold the public examiner for a greater term.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940508] Mr. Chairman: It has been moved and seconded that the word "four" be stricken out and the word "two" inserted in lieu thereof. Those in favor of this motion will answer "aye;" those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940511] Mr. Weinberger: Mr. Chairman, I move that when the committee arises it recommend the adoption of Proposition Number 125 as amended.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940512] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 541)

[e940514] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e940865] [Editor's Note: Substitute Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940866] [Editor's Note: Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940871] [Editor's Note: The Report from the Committee on Executive, Impeachment and Removal from Office on Proposition Number 125 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e940880] Secretary (reading): Mr. President: We a minority of your Committee on Judiciary begs leave to report we have examined Proposition Number 88 and respectfully recommend that section 3 and 5 of said proposition are covered by Proposition 50, section 4, by the report of the committee of labor. Section 1 and 2 should be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages 541-542)

[e940885] [Editor's Note: Proposition Number 88 was referred to the Committee of the Whole along with the Committee reports.]

(Editorial)

[e940881] Mr. Chairman: Read the majority report.

Secretary (reading): Mr. President: Your Committee on Judiciary begs leave to report it has examined Proposition Number 88 and respectfully recommends that said Proposition be amended to read as follows:

“The legislature or the people shall enact as equitable and sufficient employers' liability law or laws for the protection and safety of employees in all hazardous occupations.”

And recommends that same be adopted. Your committee further recommends that in the opinion of a majority of your committee the above words will meet all necessary requirements and limitations. That section 2 of said Proposition Number 88 with the above substitute adopted would be surplusage. That section 3,4,5, are fully covered by other provisions adopted or under consideration.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940517] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 88.]

(Editorial)

[e940889] Mr. Webb: I would like to ask the chairman of that committee what good this provision of the majority report would do.

Mr. Cunningham: I will state it is the feeling of the judiciary committee that if such measure were to go into our constitution this would be sufficient.

Mr. Webb: I would ask, will it accomplish anything at all?

Mr. Cunningham: I do not think it will.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940525] Mr. Short: Mr. Chairman, I move that when the committee arises to report to the convention that the minority report to be adopted.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940529] Mr. Cunningham: Mr. Chairman, I offer an amendment to that motion, and move that when the committee arises it recommend the adoption of the majority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940531] Mr. Jones (Yavapai): I move that when the committee arises to report to the convention that it recommend that copies of the report of the committees, the majority and minority reports, be typewritten and placed on the desk for tomorrow morning.

Mr. Moore: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940534] Mr. Chairman: Gentlemen, you have heard the motion to postpone consideration of these reports on Proposition Number 88 until tomorrow morning and that typewritten copies of the same be placed upon the desks. Those in favor of the motion will answer "aye;" those opposed "no." Call the roll.

Roll call showed 11 "ayes" and 29 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 542)

[e940906] Mr. Crutchfield: Mr. Chairman, the difference between the minority report and the majority report is the legality, constitutionality and detail parts of the proposition, and I would like to read from the United States Statutes: "To recover damage for personal injuries to an employee, or where such injuries have resulted in death, the fact that the employee may have been guilty of contributory negligence shall not bar recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employees," and from section 5: "Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void." Now, Mr. Chairman, to protect the rights of employees against corporations I think that this measure should be incorporated in the constitution.

Mr. Webb: No one has offered the slightest reason for adoption of the majority report, and the chairman has himself said that it was not good. I believe that if we can take any man's word upon the worth of the measure we certainly could depend upon the chairman of that committee, and when he declared that it is not good then why should we waver in the postponement of the entire proposition.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
542-543)

[e940568] Mr. Coker: I move that when the committee arises that it recommend indefinite postponement of the majority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 543)

[e940570] Mr. Chairman: The chair will rule that motion is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 543)

[e940915] Mr. Moeur: I do not see how we can get any satisfaction out of the consideration of this proposition without the printed copies.

Mr. Chairman: The chair rules that that question has been passed upon. Will the gentleman from Gila, Mr. Weinberger, take the chair?

Temporary Chairman: Mr. Cunniff is recognized.

Mr. Cunniff: I am in favor of the minority report. I am in favor of something more specific in the constitution of Arizona than the majority report prescribes, and I do not think that it should be left to the discretion of the legislature. Since it is a part of the statute law of the United States so do I think it should be in our own state laws. I have here a first report to the legislature of the state of New York by the commission appointed under Chapter 518 of the laws of 1909 to inquire into the question of employers' liability and other matters and from this I read: "In brief, that law placed upon the employer the liability to compensate the employee for all damages due in whole or in part to negligence or failure of duty of the employer, as at common law before a jury, and also takes away two of the employers' common law defenses, and modifies the third. Thus, the act provides that contributory negligence of the employee shall not bar the action, but the damages shall be decreased by the jury in proposition [sic, proposition] to the negligence." I am strictly against the majority report and very much in favor of the minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 543)

[e940918] Mr. Chairman: The motion before the committee is on the adoption of the majority report. Call the roll.

Roll call showed 9 "ayes" and 37 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 543)

[e940928] Mr. Chairman: [...] The question now comes up on the adoption of the minority report, and it has been requested that it be considered section by section.

[Editor's note: The editors have created a blank version of Proposition Number 88 in order to replicate the process of the Committee of the Whole considering the minority substitute for Proposition Number 88 section by section.]

(The Records of the Arizona Constitutional Convention of 1910, Page 543)

[e940936] [Editor's Note: Section 1 came up for consideration.]

(Editorial)

[e940940] Mr. Winsor: I move to strike out the word "legislature," in line 1, and substitute therefore "the legislative power of the state."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940942] Mr. Cassidy: It seems to me that this amendment of the gentleman from Yuma should not prevail. How can this convention instruct the people to enact a law? Yet the words "legislative power of the state" would mean the people, and it would mean the same thing as the people instructing themselves. I think it should stand just as it is.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940943] Mr. Winsor: I believe on second thought the gentleman is right, and I will withdraw my motion with the consent of my second.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940947] Mr. Webb: The same argument seems to me to apply to all this, if you instruct the first legislature. I move to strike out the first section, which certainly is of no effect and of no force. The second section is restrictive and is the only one which would have any effect.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940948] Mr. Winsor: I fully agree, as I have said several times lately, our instructions to the legislature may or may not be obeyed by that body, but we have instructed the legislature in a great many cases in which it was desired to embody the principle in the constitution, and, if possible to secure an enactment into law by the legislature, and if it is sense of the convention that such a law ought to exist on the statute books, I see no reason to make an exception in this case. Why should we make an exception in this matter when we have instructed the legislature in other cases?

Mr. Webb: I take the position we have not instructed them in many cases, and wherever it has been done, it was done against my advice, I ask my advocate of this why the second section, restrictive as it is, does not cover the matter.

Mr. Chairman: I should like to say in answer to the gentleman from Graham we are instructing the legislature, and I trust we will keep on instructing the legislature, and personally, just as a matter of curiosity I would like to see the legislature that will refuse to obey the mandate of this convention.

Mr. Webb: As to whether or not the instructions of this convention will be obeyed, depends on whether we have a friendly legislature. I do not think all the virtues are confined to this body, and I am willing to trust the legislature, and I am going on record to leave the matter to the legislature. The second section is restrictive and accomplishes all that the two sections can accomplish. I do not see any reason why you and I should say to the future legislature "do this." It is presumptuous.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940949] Mr. Chairman: The motion is that section 1 be stricken out. Those in favor will answer "aye" as their names are called; those opposed "no."

Roll call showed 23 "ayes" and 23 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 544)

[e940955] Mr. Crutchfield: I move to amend section 1 by striking out all of lines 1, 2, 3, and 4, making a capital at the beginning of line 4, with the word "any," and after the word "corporation" in line 4, insert "shall be liable" adopting the remainder as a bill of rights. Also in place of the word "such" insert "any hazardous."

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e941009] Mr. Connelly: I am not in favor of striking out any of this, for the reason that if the legislature does follow our wishes and pass a law the courts cannot declare it unconstitutional, because we have in the constitution such a provision, whereas if we did not put in anything like this the courts can say it is unconstitutional. I am in favor of the "whole works."

Mr. Webb: Every time we mention anything specifically it is a restriction on the legislature. The legislature will be forced to comply with this. When new conditions arise, it may seem best to leave this out, and every time you specifically mention a thing, you restrict rather than empower the legislature.

Mr. Feeney: For twenty-five years labor has been knocking at the doors of the legislature for an employers' liability act, and has not gotten it, and this is one method of impressing it upon them that we want it. Gentlemen claim it would not be constitutional, but I would like to know what is constitutional and what is legislative; where should the line of demarcation go?

Mr. Jones (Yavapai): I believe if this amendment is adopted, it does not make any difference whether the legislature enacts a law or not; under this the employers will be liable. Therefore I am in favor of the amendment.

Mr. Bolan: I would like to say a few words on this measure in defense of it. I am in favor of adopting this first paragraph just as it reads, because you fail to specify or name the conditions, and you might just as well cut out the rest of it. If you have this in the constitution, it specifies that the legislature shall do something in the matter of mine, smelter, street railway transportation and others of the most hazardous occupations.

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e940962] Mr. Chairman: Those in favor of making this amendment will signify by saying "aye;" opposed "no." The "nays" have it, and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e940964] Mr Chairman: [...] Any further amendments to section 1?

Mr. Bolan: I move you that section 1 be adopted as it stands.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e940967] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e940969] Mr. Chairman: Section 1 is adopted. Are there any amendments to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 545)

[e940977] Mr. Ingraham: I wish to move an amendment. It seems to me that the expression in line 18 "less than complete and willful negligence" is not clear. I therefore would move to insert after the word "negligence" the following: "Except where such injury or death shall be caused wholly by the negligence of the employee killed or injured." That is as near as may be the phrase used near the close of section 1.

(The Records of the Arizona Constitutional Convention of 1910, Pages 545-546)

[e940979] Mr. Chairman: Those in favor of making the amendment will signify by saying "aye;" opposed "no." The "nays" have it and the motion is lost. Any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940982] Mr. Wood: On line 18 after the word "negligence" I move to strike out "less" and "complete and willful negligence," as the expression reads "to any degree of negligence" and covers the whole thing it seems to me.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940986] Mr. Franklin: I would like some gentleman to explain to me a term I am not familiar with at all. I understand what the word "negligence" means, but I do not understand what anything less than negligence, or complete negligence means. This is evidently inserted for some reason. Now the terms are foreign to me and I would like some gentlemen to explain.

Mr. Bolan: I think I can. In a mine there may be men working underground on the same work, in practically the same place. Some men know it is dangerous and take precautions, refusing to go to work unless reasonably protected, while others are negligent and go willfully into a place of danger.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940990] Mr. Wood: I withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940992] Mr. Cunningham: In the case mentioned by my colleague from Cochise, the miner assumes the risk, and he is not permitted to put up a defense. He is assuming the risk of a dangerous occupation.

Mr. Chairman: I will suggest if the gentleman will read this very proposition, he will see the assumption of risk is not permitted. I would say that this does not cover the case mentioned by the gentleman from Cochise. In underground work the risk is assumed by the employer, and there are many cases where strong, bullheaded men have been told by the foreman and by their fellow workmen

not to work in certain places, for instance not to pick the roof without standing under a timber. When they are thus willfully negligent and are injured or killed, such men or their relatives should not be in a position to get a recompense.

Mr. Feeney: As a question of information: Would it not be much better if we absolutely and forever abolished the fellow-servant doctrine than write a section this way?

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940994] Mr. Chairman: The chair rules that the question is on the adoption of section 2 as it stands. Those in favor will signify by saying "aye;" opposed "no." Section 2 is carried without amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e940997] Mr. Chairman: [...] The secretary will read the report of the minority in regard to sections 3, 4, and 5.

Secretary (reading): "That section 3 and 5 of said proposition are covered by Proposition Number 50, section 4, by the Committee on Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e941259] [Editor's Note: At this point Sections 3, 4 and 5 came up for consideration in so far as it was recommended that they be struck out in line with the recommendation of the minority report.]

(Editorial)

[e941261] [Editor's Note: At this point Sections 3, 4 and 5 came up for consideration in so far as it was recommended that they be struck out in line with the recommendation of the minority report.]

(Editorial)

[e941262] [Editor's Note: At this point Sections 3, 4 and 5 came up for consideration in so far as it was recommended that they be struck out in line with the recommendation of the minority report.]

(Editorial)

[e941032] Mr. Connelly: I move that the minority report of this proposition be accepted.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e941033] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 546)

[e941038] Mr. Hunt: I move when the committee arises it report back to the convention that this proposition do pass as amended by the elimination of sections 3, 4, and 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941042] Mr. Webb: I demand a division of the question, as I desire to vote against the first section for the reason that it has no force or effect.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941043] Mr. Connelly: I see no reason for a division; we have had a vote on this before.

Mr. Webb: I would like to call attention to Rule 28, that “any member may call for a division of a question if it can be divided so that when a part is taken away a substantial question is left for the decision of the convention.”

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941045] Mr. Chairman: The chair will rule to save debate, this proposition may be divided. The question will first be on section 1. All those in favor of its adoption answer “aye;” opposed “no.” The secretary will call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941047] Mr. Goldwater: It seems to me entirely wrong that because some member wants a roll call, we should have one on a question [on] which we have already voted. I am going to vote the same way, but I want to protest against having a roll call.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941052] Roll call showed 29 “ayes” and 19 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941054] Mr. Webb: Mr. Chairman, as my good faith in demanding a roll call has been questioned, I would say that had not six or eight members changed their vote the proposition would not have failed to pass. I knew there were two members in their seats who were not here before and who would vote against the adoption of this section 1. I made the motion in good faith, expecting that the nays would have a majority.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941055] Mr. Chairman: All in favor of accepting the committee report, recommending that section 2 be adopted, answer “aye,” opposed “no.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941081] Mr Chairman: [...] The question is on Proposition Number 50.

[Editor’s Note: It is not clear why Proposition Number 50 came up for consideration at this point when no final decision had yet been taken on Proposition Number 88.]

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941082] Mr Chairman: [...] The question is on Proposition Number 50.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941084] Mr Chairman: [...] The question is on Proposition Number 50.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941087] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 50.]

(Editorial)

[e941191] Mr. Connelly: I move you that we strike out section 3 and 5 and substitute therefore Proposition Number 50 as amended.

[Editor's Note: Sections 3 and 5 have already been struck out, along with Section 4. However, since Mr. Connelly does not seem to have been aware of this, we have added Section 4 back in to represent the way that he envisions the document looking at this stage.]

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941194] Mr Chairman: We might just as well pass on Proposition Number 50 independently.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941123] Mr. Jones (Yavapai): I move you Proposition Number 50 as amended be adopted.

Mr. Connelly: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941141] Mr. Chairman: The question is on the adoption of the minority report, recommending the adoption of Proposition Number 50 as amended.

Mr. Cobb: I move as an amendment that the majority report be adopted.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 547)

[e941150] Mr. Chairman: The question is on the adoption of the majority report. Those in favor will answer "aye;" opposed "no."

Mr. Crutchfield: Upon the question of striking out the last two lines as recommended by the majority report, I wish to say there are certainly conditions under which this waiver of the right to recover damages would be manifest, unjust, and should be declared void. Some companies are accustomed to provide an agreement that is really a prerequisite to employment, and if the employee[s] sign the contract waiving all right and claim to damages in the case of death or injury above a certain amount which they specify and provide for, and all

these circumstances with many others seem to me to make it necessary to retain the second part of the proposition. I feel it would be a distinct loss, and I am therefore opposed to the majority report, and trust the proposition will stand adopted without amendment.

Mr. Jones (Maricopa): I would like to ask some member of the committee—one of the legal fraternity—if it is not a fact that this last sentence would be nullified anyway. If it is true, it would be unwise to put it in here, and I think the matter was discussed and that Judge Baker took that position, which I think is correct.

Mr. Cunningham: I did not have any intention of making any remarks upon any report made by the judiciary committee, and I feel as though the liberties of the people ought to be protected. The constitution of the United States guarantees to the people of the United States equal protection of the law. If we here intend to write in this constitution that a man who is injured cannot have the right to contract, then we are taking from him one of his constitutional rights—that of equal protection of the law. This is in violation of the constitution of the United States. It would be of absolutely no value at all to us to write it in here. We would simply be writing that which would have no effect whatever. It would be absolutely absurd and wrong for us to do it, and therefore I raise my voice in protection of the liberties of the people of Arizona.

Mr. Bolan: The gentleman is perfectly right in certain cases, but under certain conditions there has been injustice practiced upon people who have been injured; especially in railroad accidents. I know that many who are injured on railroads receive a small compensation when they should have received larger compensation if they received their just dues.

(The Records of the Arizona Constitutional Convention of 1910, Pages 547-548)

[*e941213*] Mr. Cobb moved, seconded by Mr. Parsons, to amend by recommending the adoption of the majority report; carried by the following vote:

Ayes—Baker, Cassidy, Cobb, Colter, Cooper, Cunningham, Curtis, Ellinwood, Franklin, Hutchinson, Jacome, Jones, F. A., Kingan, Kinney, Langdon, Lynch, Orme, Parsons, Pusch, Sims, R. B., Simms, Mit., Standage, Tuthill, Webb, Weinberger, Wells, Wills. Total 27.

Nays—Bolan, Bradner, Coker, Connelly, Crutchfield, Cunniff, Feeney, Goldwater, Ingraham, Jones, A. M., Keegan, Moore, Morgan, Roberts, Scott, Short, Winsor, Wood, Mr. President, Total 19.

Absent—Lovin, Moeur, Osborn.

Excused—Doe, Tovrea, White.

[Editor's Note: The Record reports this motion being voted down and the subsequent adoption of the minority report. However, it is clear from the debate that Mr. Crutchfield and Mr. Bolan are opposed to the majority report, whereas Mr. Cunningham is in favor of it, which suggests the voting record is in favor of the majority report. Moreover, a comparison with the final version of the Constitution makes it clear that the second sentence of the proposition was struck out.]

(The Minutes of the Arizona Constitutional Convention, Page 251)

[*e941220*] Mr. Cobb moved, seconded by Mr. Parsons, to amend by recommending the adoption of the majority report; carried by the following vote:

Ayes—Baker, Cassidy, Cobb, Colter, Cooper, Cunningham, Curtis, Ellinwood, Franklin, Hutchinson, Jacome, Jones, F. A., Kingan, Kinney, Langdon, Lynch, Orme, Parsons, Pusch, Sims, R. B., Simms, Mit., Standage, Tuthill, Webb, Weinberger, Wells, Wills. Total 27.

Nays—Bolan, Bradner, Coker, Connelly, Crutchfield, Cunniff, Feeney, Goldwater, Ingraham, Jones, A. M., Keegan, Moore, Morgan, Roberts, Scott, Short, Winsor, Wood, Mr. President, Total 19.

Absent—Lovin, Moeur, Osborn.

Excused—Doe, Tovrea, White.

[Editor's Note: The Record reports the previous motion being voted down and the subsequent adoption of the minority report here. However, it is clear from the debate that Mr. Crutchfield and Mr. Bolan are opposed to the majority report, whereas Mr. Cunningham is in favor of it, which suggests this voting record is in favor of the majority report. Moreover, a comparison with the final version of the Constitution makes it clear that the second sentence of the proposition was struck out.]

(The Minutes of the Arizona Constitutional Convention, Page 251)

[e941228] Mr. Winsor: I move you when the committee arises it recommended that Proposition Number 50 be adopted as amended.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 548)

[e941230] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 548)

[e941232] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941235] [Editor's Note: Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941238] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941239] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 50 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941279] Mr. Connelly: What have we done with sections 3, 4 and 5 of Proposition Number 88?

Mr. Chairman: The chair will rule that sections 3, 4 and 5 were cut out on amendments.

(The Records of the Arizona Constitutional Convention of 1910, Pages 548-549)

[e941286] Mr. Ingraham: I move we adopt section 3; it has never been voted on.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941288] Mr. Chairman: That has already been acted upon.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941298] Mr. Winsor: I move a reconsideration of the vote. I do not think any one knows how we voted, if a vote was had.

Mr. Connelly: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941300] Mr. Chairman: Gentlemen, it has been moved and seconded that we reconsider our vote on section 3. Those in favor will rise. Those opposed to reconsideration will rise.

Rising vote showed 20 in favor and 25 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941315] Mr. Weinberger moved, seconded by Mr. Webb, that when the Committee arise it recommend that Proposition No. 88 as amended do pass; carried.

[Editor's Note: There is no mention of this motion in the Record. Since Mr. Hunt had already made a recommendation to this effect, we have modelled this as a procedural motion to adopt his recommendation.]

(The Minutes of the Arizona Constitutional Convention, Page 251)

[e941316] Mr. Weinberger moved, seconded by Mr. Webb, that when the Committee arise it recommend that Proposition No. 88 as amended do pass; carried.

[Editor's Note: There is no mention of this motion in the Record. Since Mr. Hunt had already made a recommendation to this effect, we have modelled this as a procedural motion to adopt his recommendation.]

(The Minutes of the Arizona Constitutional Convention, Page 251)

[e941318] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941322] [Editor's Note: Proposition Number 88 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941320] [Editor's Note: Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941323] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941324] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 88 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941327] Mr. Chairman: [...] The next business before the committee is the consideration of Proposition Number 72.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941329] Mr. Chairman: [...] Read the report.

Secretary (reading): "Your committee on labor begs leave to report it has examined Proposition Number 72 and recommends that it do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941331] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 72.]

(Editorial)

[e941337] Mr. Chairman: What is the pleasure of the committee?

Mr. Ellinwood: I move the adoption of the report. I would like to say a word on the subject. The American Association for Labor Legislation in its report for August says "the employers' liability act by which the court and jury take responsibility for accidents is not satisfactory because (a) A tedious and costly law-suit is necessary. (b) The court has power (sometimes wrongfully exercised) to non-suit the plaintiff. (c) Even in the case of recovery, one-half of the amount will be taken for expenses, which deters many workmen from bringing suit. We favor legislation without regard to negligence, for the reason that no other scheme of employers' liability act is economically sound, or ethically just." That is my position. This act was taken from an act recently passed in the State

of New York, which went into effect on September 1, providing the workmen can take compensation fixed by the legislature at a certain definite amount (\\$3,000 for death, and half-pay for eight years for injury, I think.) He can take it regardless of negligence if he wishes, or resort to the court and sue if he sees fit. If he does not limit the liability, he still has the right to come into court and sue.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941339] Mr. Short: I do not care whether this is taken from the State of New York, or the state of matrimony, or what not. The fact is that Proposition Number 50 says the legislature must not enact a law of this kind. It is not a matter of whether the employer wants to accept it, it is binding on him.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941340] Mr. Chairman: Those in favor of adopting the majority report, and recommending to the convention that this proposition be adopted, will signify by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 549)

[e941342] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941344] [Editor's Note: Proposition Number 72 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941401] Mr. Chairman: [...] Read the report on the Proposition Number 47.

Secretary (reading): "Your Committee on Judiciary begs leave to report it has examined Proposition Number 47, and respectfully recommends the indefinite postponement of such proposition, for the reason, among others, that the same is legislative in character, and is capable of regulation by the legislative department.

(The Records of the Arizona Constitutional Convention of 1910, Pages 549-550)

[e941402] We a minority of your Committee on Judiciary, beg leave to report we have examined Proposition Number 47, and respectfully recommend that it do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941391] [Editor's Note: Proposition Number 47 came up for consideration alongside the reports from the Committee on Judiciary.]

(Editorial)

[e941406] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 47.]

(Editorial)

[e941412] Mr. Connelly: I move you that the minority report of the committee be adopted.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941413] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941417] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941418] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 47 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941419] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 47 was referred to the Convention alongside the Committee of the Whole Report.]

(Editorial)

[e941421] [Editor's Note: Proposition Number 47 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941425] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941427] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941429] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941430] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941432] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941431] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941433] Mr. Chairman: It is the understanding of the chair that Proposition Numbers 42, 46, 128, 30, 11, 51, and 117 are postponed until the consideration of the printed report of the committee on suffrage and election.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941437] Mr. Jones (Yavapai): I move you that these propositions be postponed until such time as the committee of the whole may have under consideration Substitute Number 21.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941439] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941441] Mr. Chairman: The next proposition before the committee is Number 108.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941442] Mr. Chairman: [...] Read the report.

Secretary (reading): "Your Committee on Suffrage and Election begs leave to report it has examined Proposition Number 108, and respectfully recommends that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941445] The undersigned members of your Committee on Suffrage and Election beg leave to report they have examined Proposition Number 108, and respectfully recommend that the same do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941448] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 108.]

(Editorial)

[e941451] Mr. Jones (Yavapai): In explanation of that report I would say that Saturday evening, I called a meeting of the suffrage and election committee, at which there were four members present including myself, and three decided to indefinitely postpone this proposition; therefore, that report was made that way.

(The Records of the Arizona Constitutional Convention of 1910, Pages 550)

[e941456] Mr. Ingraham: In explanation of the minority report I will say that a majority of the committee has signed the minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 550)

[e941460] Mr. Weinberger: As this is a matter relative to elections, I do not see why we should take it up at this time. Why not take it up with the report of the committee on suffrage and election?

Mr. Jones (Yavapai): I would say there is nothing on this line taken up in the report of the suffrage and election committee. Therefore, it can be taken up now, and thus save time.

Mr. Cassidy: I would like to inquire what the object of this proposition is? I do not know any candidate for office who has been required to pay any fee, nor have I heard anybody who wanted him to pay a fee. It seems to me it is a provision wholly unjustified by any circumstances or situation here in Arizona. It is simply encumbering the constitution just that much, if we put it in.

Mr. Ingraham: There is a law to that effect now, actually requiring the payment of fees to stand for office. Now the American principle for years and years has been that the office ought to seek the man, and while the country has grown away from that principle, I hope you will agree with me that it is unfortunate we have done so. Political life is so strenuous that a man must get out and fight his political battles just as he does his industrial battles. It seems to me we have gone to the other extreme in providing that a candidate must pay money before he can run, as the law says today. Also I believe such a law is absolutely unconstitutional, if it were contested, but in the nature of things it cannot well be contested. If you can charge a man \$25.00 to stand for the office of sheriff or justice of the peace, you can charge him \$250.00, or \$25,000.00. The law is un-American in principle, and I believe is unconstitutional.

Mr. Weinberger: What law is it that requires the payment of a fee?

Mr. Ingraham: The direct primary.

Mr. Cassidy: This proposition, it seems to me, does not cover the case of a primary election at all. As I understand it, the word "election" is held by the courts not to mean a primary election, but an ordinary election, and for that reason it seems to me that would not cover the case of the gentlemen from Yuma.

Mr. Parsons: In reply to the gentlemen from Maricopa, I would call his attention to the last portion of this proposition, which not only says election, but says, "nor shall any fee ever be required by any political party or organization to have a name placed on the ballot." I want to add my mite to what the gentleman from Yuma has said. I believe it is un-American to require any man whose friends want him to run for office, to comply with any kind of financial or property qualification. I am in favor of a clear field and a fair fight.

Mr. Ellinwood: I am in favor of this on the ground that I am opposed to all sorts of capitation taxes; I believe in a tax on property.

(The Records of the Arizona Constitutional Convention of 1910, Pages 550-551)

[e941465] Mr. Short moved, seconded by Mr. Winsor, that when the Committee arise, it recommend the adoption of the minority report on Proposition No. 108 and that it do pass; carried.

(The Minutes of the Arizona Constitutional Convention, Page 251)

[e941466] Mr. Chairman: Those in favor will signify by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 551)

[e941467] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941470] [Editor's Note: Proposition Number 108 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941471] [Editor's Note: The Minority Report from the Committee on Suffrage on Proposition Number 108 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941474] Mr. Chairman: [...] The secretary will read [the] report on Proposition Number 91.

(The Records of the Arizona Constitutional Convention of 1910, Page 551)

[e941483] Secretary (reading): "Your Committee on Judiciary begs leave to report it has examined Proposition Number 91, and respectfully recommends that the proposition be amended by striking out all the words following the word 'language' on page 3, for the reason a majority of your committee is of the opinion these words stricken out would conflict with the supreme law of the land. A majority of your committee recommends that as amended the proposition do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 551)

[e941480] We a minority of your Committee on Judiciary, beg to leave to report we have examined Proposition Number 91, and respectfully recommend that it do pass, for the reason we believe it is just, and trust that it is in accord with the United States Constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 551)

[e941485] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 91.]

(Editorial)

[e941490] Mr. Winsor: I move when the committee arises it recommend that Proposition Number 91 do pass as amended by the majority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 551)

[e941497] Mr. Crutchfield: I move to amend that when the committee arises it recommend to the convention the adoption of the minority report.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 552)

[e941521] Mr. Bolan: I would make an amendment in the third line after the word "language."

Mr. Chairman: The question is on the adoption of the minority report. Are you ready for the question?

Mr. Crutchfield: Just a word before we vote. I would like to call the attention of the convention to the fact that the proposition touches the men working underground or in other hazardous occupations, and people who cannot speak the English language are especially inadequate for that work; and that any alien labor over 20 per cent in any kind of employment would be contrary to the rights of American citizens. Sometimes, not twenty per cent, but 80 or 90 per cent have been alien laborers, who are brought here largely by going right over the laws against contract labor, and their further employment in such large numbers should be discouraged.

Mr. Ellinwood: I would like to say just a word to put myself on the record. I have lived under conditions such that probably I have had a better chance to observe this question of alien labor than any here. My opposition to this measure is based upon the constitutionality of the provision. It is in conflict with section 1 of the 14th amendment of the constitution of the United States, that "no person within the jurisdiction of the United States shall be denied the equal protection of the law." Now the only ground on which this could be sustained is the police power of the state, which allows laws relating to public health, public safety, or public morals. The legislature cannot under the guise of police power arbitrarily invade the rights of the people. I think this is in violation of the constitution.

Mr. Jones (Yavapai): I think this proposition as it stands goes too far. It says "no individual, corporation or association." If a farmer needed two days

work, and an alien came along, he would be violating the law because [he] would have over 80 percent of his employees. He would have only one.

Mr. Baker: I do not wish to enlarge on what the gentleman has said upon the unconstitutionality of this law at all. I am thoroughly convinced that all this part of the section would be absolutely void and absolutely in conflict with the 14th amendment of the United States Constitution, and would simply make a laughing stock of us in one sense of the word. It is impossible that you could discriminate against laborers. Now, I cannot see that it is fair to work men underground and in hazardous places and deny the protection, and it looks to me that under the police power of the state it would not be void. The government has the right under the police power to protect the lives of men working underground, and that I wish to vote for, but the other part is unquestionably void in my mind, and I dislike very much to be driven to vote against a law a part of which I like because I am in conscience driven to vote against the minority report.

Mr. Bolan: I think all the gentlemen here who know me know I am heartily in sympathy with anything that is for the good of American labor. I have made it a point to inquire, since this bill came up, as to its legality both from lawyers, who are members of this convention, and outside, and I am perfectly satisfied in my mind that the part of this bill after the word "language" is unconstitutional. Therefore, I will regrettably have to vote against it.

Mr. Ingraham: It is plain to my mind that the first sentence is within the police power of the state, the purpose of it being to protect the lives and safety of men who are employed underground. A person who cannot understand the English language of course cannot be communicated with. He cannot understand orders, and he himself is in more danger than those who can understand the language, and he puts others working around him in danger likewise. It is also plain to me that the last sentence goes entirely beyond the police power of the state. It has been assumed that the second sentence applies to underground work; it does not, it is broader than that. It goes to the extent that any farmer who employs alien labor shall not employ more than 20 percent of alien labor. It is plainly void under the 14th amendment of the constitution. This was enacted soon after the Civil War, and the purpose was that the state should not discriminate against the negro. It was drawn in broader terms, so it applies to all persons, and would apply here.

(The Records of the Arizona Constitutional Convention of 1910, Pages 552-553)

[e941523] Mr. Chairman: The question is on the adoption of the minority report, that this proposition be adopted unamended. Those in favor will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941543] Mr. Winsor: I move you that the majority report be amended by adding the word "intelligently" after the word "language" in line 3, and adding the last sentence in paragraph 7: "any violation of this sentence shall be punished as provided by law."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941545] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941550] [Editor's Note: Although the Committee of the Whole did not take a separate vote on this, it is clear that they intended their vote on Mr. Winsor's further amendment to include a vote on the amendment made by the majority report.]

(Editorial)

[e941554] Mr. Winsor: I move when the committee arises, it recommend that Proposition Number 91 as amended be adopted.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941559] Mr. Chairman: You have heard the motion. Call the roll, Mr. Secretary.

Mr. Wills, I am going to explain my vote. These hazardous occupations, I am afraid, will apply to cowpunchers. I am going to vote no.

Mr. Cooper: Mr. Chairman, I vote under a misapprehension. I voted "aye," I think. I want to change my vote to "no."

Roll call showed 31 "ayes" and 15 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941561] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941563] [Editor's Note: The Report from the Committee on Judiciary on Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941566] [Editor's Note: The Minority Report from the Committee on Judiciary on Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941569] [Editor's Note: Proposition Number 91 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941573] Mr. Chairman: [...] Proposition Number 28 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941575] Mr. Chairman: [...] Proposition Number 28 is next.

(The Records of the Arizona Constitutional Convention of 1910, Page 553)

[e941579] Mr. Coker: Number 28 was reported out of the Committee on State and School Lands yesterday, and I move that it be deferred until the printed substitute report of that committee comes up, probably tomorrow.

Mr. Wills: I second the motion.

(Editorial)

[e941580] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941581] Mr. Chairman: The chair will entertain a similar motion in regard to Memorial Number 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941586] Mr. Short: I move that the consideration of Memorial Number 1 be deferred until we have the report of the committee on state and school lands.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941589] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941599] Mr. Chairman: What will you do with Proposition Number 95?

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941602] Mr. Chairman: What will you do with Proposition Number 95?

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941603] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 95.]

(Editorial)

[e941606] Mr. Winsor: I move that when the committee arise it recommend that Proposition Number 95 be indefinitely postponed.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941607] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941609] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941610] [Editor's Note: Proposition Number 95 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941757] [Editor's Note: The Committee report as recorded in both the Records and the Minutes lists recommendations on Propositions Numbers 58 and 120. This is likely a mistake, as the Committee considered neither of these propositions in this session. Furthermore, Proposition Number 120 was indefinitely postponed on November 1, 1910, and Substitute Proposition Number 58 was not reported to the Convention by the Committee on Public Service Corporations until November 23, 1910. It seems likely that '120' was a mistake for '128,' which was taken up and postponed during this session, but does not appear in the report, whilst '58' was simply mistakenly inserted.]

(Editorial)

[e941762] Mr. Parsons: I move that the committee now arise and report to the convention.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

[e941763] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 554)

## **32.32 Tuesday, 22 November 1910, at 19:30 (s16166)**

[e940682] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940686] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[e940816] Mr. Weinberger: Mr. Chairman, I move that Substitute Proposition Number 6 be taken up first.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[*e940818*] Mr. Weinberger: Mr. Chairman, I move that Substitute Proposition Number 6 be taken up first.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[*e940819*] Mr. Weinberger: Mr. Chairman, I move that Substitute Proposition Number 6 be taken up first.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[*e940821*] Mr. Weinberger: Mr. Chairman, I move that Substitute Proposition Number 6 be taken up first.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 558)

[*e940824*] Mr. Cassidy: The gentleman from Pinal, Mr. Coker, concurred with the report except as to section 1, and I move we consider the remainder, commencing at section 2.

Mr. Cunniff: I will second that motion.

Mr. Cobb: I accept that amendment, Mr. Chairman, and move that section 1 be made a special order for tomorrow morning.

(The Records of the Arizona Constitutional Convention of 1910, Pages 558-559)

[*e940825*] Mr. Chairman: It has been moved to take up the consideration of Substitute Proposition Number 6 with the exception of section 1, beginning at section 2, and that section 1 be made a special order for tomorrow. Those in favor of this motion will answer "aye," those opposed "nay." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[*e940829*] Mr. Webb: I move an amendment to the original proposition that it be placed at the head of the calendar for tomorrow morning.

Mr. Wills: I second that motion.

Mr. Chairman: Gentlemen, it has been moved by Mr. Cassidy, and amended by Mr. Webb that consideration of section 1 of Substitute Proposition Number 6 be made special order for tomorrow morning and placed at the head of the calendar. Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[*e940835*] The amendment offered by Mr. Webb to make Proposition No. 6 Special order for the Committee of the Whole for November 23, 1910, carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cobb, Colter, Cooper, Cunniff, Cunningham, Elliwod, Feeney, Franklin, Goldwater, Hutchinson, Keegan, Kingan, Kinney, Langdon, Lovin, Parsons, Pusch, Roberts, Scott, Sims, R. B., Simms, Mit, Webb, Wills, Wood, Mr. President. Total 29.

Nays—Cassidy, Connelly, Crutchfield, Ingraham, Jacome, Jones, A. M., Jones, F. A., Orme, Osborn, Scott, Weinberger, Winsor. Total 12.

Absent—Coker, Curtis, Lynch, Moeur, Moore, Morgan, Standage, Tuthill.

Excused—Doe, Tovrea, White.

(The Minutes of the Arizona Constitutional Convention, Pages 256-257)

[e940839] Mr. Osborn moved, seconded by Jones of Maricopa, that the Committee do now arise and report progress.

(The Minutes of the Arizona Constitutional Convention, Page 257)

[e940841] Lost.

(The Minutes of the Arizona Constitutional Convention, Page 257)

[e940843] Mr. Chairman: The motion is carried. The chair will rule that Proposition Number 21 shall be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940846] Mr. Chairman: The motion is carried. The chair will rule that Proposition Number 21 shall be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940851] Mr. Chairman: The motion is carried. The chair will rule that Proposition Number 21 shall be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940854] Mr. Chairman: The motion is carried. The chair will rule that Proposition Number 21 shall be taken up at the same time. Gentlemen, what is your pleasure in regard to the reports on this proposition?

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940857] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 21.]

(Editorial)

[e940860] Mr. Cassidy: I move consideration of the majority report, section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940862] Mr. Chairman: If there are no objections it will be so considered.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940867] Mr. Osborn: Mr. Chairman, I move that the minority report be substituted for the majority report. There is more language in the majority report than in the minority report, which covers the grounds sufficiently.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940868] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940870] Mr. Winsor: I rise to a point of information. I would like to have the chairman of the committee who drafted this measure, explain it.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940872] [Editor's Note: The editors have created a blank version of Majority Substitute Proposition Number 21 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e940874] [Editor's Note: The Committee of the Whole considered Section 1.]

(Editorial)

[e940876] Mr. Webb: Mr. Chairman, I move you that section be stricken out.  
Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e940877] Mr. Jones (Yavapai): It seemed advisable to retain this section, respecting the use of the voting machine and I approve of retaining that section if we adopt that report

Mr. Cunniff: Mr. Chairman, I do not see why that should be done or why such a motion should prevail.

Mr. Cobb: In California, just recently, there was passed as amendment to the constitution and the amendment was exactly the same.

Mr. Webb: I think the legislature can attend to this matter and I can see nothing at all to be accomplished by retaining this section. It does not appeal to me as being very reasonable.

Mr. Cobb: I think it is very reasonable. Very recently several states have adopted voting machines and we may want to adopt one some time.

(The Records of the Arizona Constitutional Convention of 1910, Pages 559-560)

[e940879] Mr. Parsons: I offer an amendment that section 1 be adopted.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 560)

[e940882] Mr. Chairman: It has been moved by the gentlemen from Graham, Mr. Webb and seconded by Mr. Osborn of Maricopa, that section 1 be stricken out and the motion has been amended by Mr. Parsons and seconded by Mr. Cobb that the section be adopted. Those in favor of the motion will say "aye;" opposed "nay." The motion is carried. What is your pleasure, gentlemen, with regard to this section?

(Editorial, Page 560)

[e940884] [Editor's Note: The Committee of the Whole considered Section 2.]

(Editorial)

[e940886] Mr. Cunniff: Mr. Chairman, I move that section 2 of the majority report be stricken out and section 2 of the minority report be substituted, therefore.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 560)

[e940890] Mr. Orme: I wish to amend that motion by moving that section 2 be adopted.

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 560)

[e940893] Mr. Cunniff: I would like to point out that it is customary in constitutions, or that is in state constitutions from Massachusetts to Oklahoma, and I think it is positively necessary that they contain such a measure as the minority report contains, and I think that Arizona can safely follow this example.

Mr. Jones (Yavapai): I would just like to state that the majority report has an error. This was a part of that report, but it was left out by the printer.

Mr. Chairman: The question is now upon the motion of Mr. Cunniff, seconded by Mr. Webb, to strike out section 2 of the majority report and inserting [sic, insert] section 2 of the minority report, and this motion was amended by Mr. Orme, seconded by Mr. Crutchfield, that the section be adopted.

Mr. Webb: Since this explanation I think that the gentleman from Maricopa will be willing to withdraw his motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 560)

[e940894] Mr. Chairman: Does the gentleman wish to withdraw?

Mr. Orme: I withdraw.

(The Records of the Arizona Constitutional Convention of 1910, Page 560)

[e940895] Mr. Chairman: The question is on the motion of the gentleman from Yavapai, Mr. Cunniff, seconded by Mr. Webb, that section 2 of the minority report be inserted in lieu of section 2 of the majority report, and that section 2 of the majority report be stricken out.

Mr. Winsor: I object to the proposition as it is something I have not been able to decide upon.

Mr. Osborn: I would like to have explained what difference there is between section 2 of the majority report and that matter of qualified electors adopted today.

Mr. Cunniff: I am heartily in favor of adopting this section into the constitution and I will just say that the section which I have moved to have inserted in the majority report in lieu of section 2 of that report gives more to work upon, and is the very best measure to adopt. I hope that my motion prevails.

Mr. Ellinwood: I am heartily in favor of this section also. It seems to me that since we have already adopted the initiative and referendum, by which the voters are to pass on laws or a good many laws, that will be impossible for all classes to do so intelligently unless we have an educational qualification law. How in the name of common sense can the people pass intelligently upon their laws if they cannot vote intelligently, if they cannot speak the English language. I am strongly in favor of that section and hope that the motion of the gentleman from Yavapai will prevail.

Mr. Feeney: You have today voted that no man can go down into a mine who cannot read the English language or speak it. Are you going to say the man you will [sic, not] let engage in a hazardous occupation because he cannot read can go into a voting booth and run this country?

Mr. Franklin: Mr. Chairman, the serious objection I have to this minority [sic, report] is that I very seriously doubt that it conforms to the enabling act. This enabling act, as I read it, states that the educational qualification that is prescribed by the statutes of the territory of Arizona shall not [sic, shall be] be in effect, regarding especially the officers who are to be elected under the enabling act. I very much doubt if it is in the province of this convention to contravene the expressions of this enabling act, and to provide other qualifications than those prescribed. Unless I have further light upon that subject I do not propose to put anything into this constitution that is contrary to the enabling act.

Mr. Cunniff: I would like to ask the gentleman from Maricopa if there is anything in the enabling act which prescribed what the qualifications of voters shall or shall not be after the adoption of the constitution?

Mr. Osborn: This provision does not go into effect until after we are admitted to statehood.

Mr. Colter: Mr. Chairman, does not the enabling act provide that the laws of 1901 shall be in effect at the first state election?

Mr. Osborn: The first state election? I believe that we are not admitted to statehood until after we hold the first state election, and after the state officers are elected the President issues a proclamation declaring Arizona a free and sovereign state. The first state election must be held under the provisions of the enabling act.

(The Records of the Arizona Constitutional Convention of 1910, Pages 560-561)

[e940897] Mr. Ellinwood: I move an amendment that the following be inserted in lieu of section 2 in the majority report, being the same as the minority report save and except the first sentence: "After the first State election of State officers every male person of the age of twenty-one years or over, possessing the following qualifications shall be entitled to vote in all general elections for all officers which thereafter may be elective by the people and upon all questions

which may be submitted to the vote of the people. First, he must be a citizen of the United States, second, he shall have resided in this State one year, immediately preceding the election at which he offers to vote, in the town, country, or precinct, such time as may be prescribed by law. Third, he shall be able to read the Constitution of this State in English and write his name; Provided, that the provisions of this section not apply to any person prevented by physical disability from complying with this requisition.”

Mr. Osborn: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 561-562)

[e940901] Mr. Weinberger: I would like to ask the gentleman from Cochise a question. We are going to have one election under the enabling act, and then we are going to have our first state election. Do you mean the election under the Enabling Act?”

Mr. Ellinwood: After the first state election. The qualifications of the first state election are provided in the enabling act.

Mr. Weinberger: The first state election will be the second election that we will have.

Mr. Ellinwood: The second election that we will have, yes.

Mr. Weinberger: And the present law will exist until after the second election?

Mr. Ellinwood: It certainly is.

Mr. Osborn: The President will not issue his proclamation until after the election for state officers.

Mr. Cobb: Mr. Chairman, I think I can cure that all right. After the first election of state officers—

Mr. Ellinwood: That will fix it absolutely. If you will just change that in accordance with Mr. Cobb’s amendment. This minority report says on line 3 “that are now or hereafter may be elected by the people.” That is changed to “thereafter may be.”

Mr. Jones (Yavapai): Mr. Chairman, this clause in the constitution cannot have any effect on the election of the first state officers because it does not go into effect until after the President’s proclamation which comes after those officers are elected; therefore it is entirely unnecessary. It absolutely cannot apply to the election of the first state officers for the simple reason that the constitution does not go into effect until after.

[Speech by Ingraham of Yuma not located.]

[Speech by Ellinwood of Cochise not located.]

[Speech by Winsor of Yuma not located.]

Mr. Franklin: Mr. Chairman, I have lost the thread of this proposition in the argument. As I understand the position of the gentleman from Cochise that after the first state election of state officers we have the authority to prescribe the qualifications for electors, but so far as the election of state officers is concerned, their qualifications are prescribed by the enabling act. Is that true, Mr. Ellinwood?

Mr. Ellinwood: Yes, sir.

Mr. Franklin: I am heartily in accord with that. I believe the enabling act is clear in that respect, and I will vote for this amendment for this reason, and

if we do anything else we are doing something repugnant to the very thing that gives us the authority to vote.

Mr. Winsor: May I ask a question? Mr. Franklin, do you wish the constitution to state all the qualifications of electors, closing the door against all other qualifications that might be proposed hereafter?

Mr. Franklin: I will state in reply that I wish the constitution of the state of Arizona to conform first to the provisions of the enabling act, which grants the authority to make it, and next to the wishes of the people of the State of Arizona.

Mr. Winsor: That does not answer my question.

Mr. Franklin: And I say the provisions here in this section are drastic enough to suit anybody.

Mr. Winsor: Do you wish to close the door so that no more qualifications may be made thereafter?

Mr. Franklin: I am not concerned about closing the door. What I am concerned [about] is that in the first state election the qualifications of electors for the first officers in the state election shall not be other than that [sic, those] prescribed by the enabling act. After that I am not particularly concerned

Mr. Osborn: It seems to me the only reason why the members of this convention would vote against an educational qualification is because they think Congress might turn the constitution down. The gentleman from Yuma seems to be very much exercised because he thinks that would be the one thing that Congress would look for. In reading the proceedings before the Senate committee I would say that in all those proceedings not once is mentioned the educational qualification, and it seems to me if Congress had been so much exercised over this educational qualification, Senate Beveridge at least would have made some inquiry into this thing.

Mr. Cunniff: Mr. Chairman, I am surprised at all this discussion, and also surprised at the amendment offered by the gentleman from Cochise. I have in hand the Michigan pamphlet on elections, and I will read just a few of the provisions: "Every male citizen of this state, who is a citizen of the United States, shall be entitled to vote at any election of the people." "He shall have resided in the state at least two years." "After the first day of January, 1903, the following persons, and no others." "Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same." "No property qualifications shall be required for any person to vote or hold office." "Every person over the age of 21 years." There is no mention of state electors. This seems to have been drawn up in an intelligent way.

Mr. Franklin: I would like to ask the gentleman if the enabling act in these various states has prescribed qualifications for the election of the first state officers.

Mr. Cunniff: No.

Mr. Franklin: Arizona has done that.

Mr. Cunniff: That makes no difference. The constitution of Arizona goes into effect just as the constitution of the other states went into effect, and nothing can have any bearing whatsoever in regard to that election for state officers.

Mr. Jones (Yavapai): This convention has a sub-committee which was appointed by the president of this convention to draw up an ordinance covering

the first election of state officers. That in itself is sufficient proof that this proposition is not supposed to cover the first state election.

Mr. Winsor: Mr. Chairman, I want to point out another defect and a conflict in the amendment proposed by the minority [of the] committee as amended by the gentleman from Cochise, Mr. Ellinwood. Section 2 of the minority report states that "every male person over the age of 21 years possessing the following qualifications shall be entitled to vote," and the qualifications are named. Everyone possessing these qualifications is entitled to vote. If you will turn to section 8 you will find that no person under guardianship, non compos mentis or insane is entitled to vote. There is an absolute conflict of qualifications here.

Mr. Cobb: You will find that conflict in every constitution written in the United States.

Mr. Winsor: No, you won't. You will find the qualifications stated in the negative.

Mr. Webb: It seems to me that the two gentlemen from Yuma ought to abstain now, surely, when one has attempted to offer a further amendment, and it has not been entertained by the chair, for these defects can be corrected as soon as we have passed upon this question. I do not claim that the section will suit me altogether, but I am going to vote for it, and these small defects can be remedied as long as the question stands as it is now.

[Speech by Ingraham of Yuma not located.]

Mr. Chairman: The question before the house is on the motion of the gentleman from Yavapai to strike out section 2, of the majority report, of this Proposition Number 21, and substitute therefore section 2, of the minority report, and the motion has been amended by the gentleman from Cochise, Mr. Ellinwood.

Mr. Cobb: Mr. Chairman, just a few words; here is the report of the proceedings before the Senate committee, and I wish to draw your attention to the distinction Senator Beveridge made between an educational qualification and so-called educational qualification as provided in the statutes of Arizona. All through these proceedings you will find it was not the educational qualification but it was the discretion placed in the hands of the registering officer. Mr. Morrison was being questioned. "The Chairman: It will disqualify them before they even get to the registration officer? Mr. Morrison: Yes, sir, they will not get there at all. Senator Hughes: That is, they do not possess the necessary educational qualifications? Mr. Morrison: That is it. The Chairman: No. Senator Hughes: That is what he says. Mr. Chairman: They do not possess the qualification named in this bill. Senator Hughes: That is the educational qualification of the bill. The Chairman: That is the so-called educational qualifications." They did not object to an educational qualification. But it was the discretion of the registration officer.

Mr. Cunniff: I would like to say one additional word strictly to the point. I cannot support the amendment if we do not provide for something behind us.

(The Records of the Arizona Constitutional Convention of 1910, Pages 562-565)

[e940907] Mr Chairman: All in favor of the amendment offered by the gentleman from Cochise, Mr. Ellinwood, manifest by saying "aye;" opposed "no." The

motion is lost. The question is on the motion of the gentleman from Yavapai to strike out section 2 of the majority substitute, and substitute therefore section 2 of the minority report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 562-565)

[e940909] Mr. Winsor: Mr. Chairman, I desire to move an amendment to this effect: That section 2 read as follows: "No persons shall be entitled to vote at any general election, or for any office that now is or hereafter may be created by the people, or upon any question which may be submitted to a vote of the people, except the questions provided for in section 15, of this article, which may be submitted to the vote of qualified taxpayers, unless he possess the following qualifications: First: That he be a citizen of the United States, of the age of twenty-one years or over. Second: That he shall have resided in the state one year, immediately preceding the election, at which he offers to vote, and in the town, county or state such time as may be prescribed by law."

Mr. Roberts: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 565)

[e940911] Mr. Osborn: As I understand it, that does away with the educational qualifications.

Mr. Winsor: It absolutely does not touch it. It simply prescribes that these qualifications are necessary, and does not place any limitation upon other qualifications.

Mr. Roberts: I submit that we have an educational qualification which may have a bearing on elections, as quick as the first state election is held.

Mr. Osborn: Mr. Chairman, I would like to call the gentleman's attention that it says those are the qualifications and therefore it repeals the educational qualification on our statute books today.

Mr. Ellinwood: That is what it does do. Under the enabling act, the laws of Arizona are to remain in force and effect until changed by this constitution, and if you put qualifications in here prescribing what they are, you have repealed the statutes of Arizona.

Mr. Winsor: I would like to ask the gentleman from Cochise what words are used which limit the qualifications which may be placed upon electors.

Mr. Ellinwood: When you say that the qualifications shall be a voter is twenty-one years of age, and other qualifications, then you have eliminated their other qualifications, and when you say a voter shall be twenty-one years of age, and reside within the state, and that is all you say, that is all the qualification it is necessary for a voter to have.

Mr. Winsor: Mr. Chairman, the gentleman does not understand the reading of the proposition. The proposition states no person shall be entitled to vote unless he has these certain qualifications. The proposition the gentleman from Cochise has submitted, states that anybody may vote, who possesses the certain qualifications named in this proposition, or in the minority report. The amendment I propose states that no person shall vote unless he has those qualifications, and they may prescribe an indefinite number of qualifications.

Mr. Cunniff: Mr. Chairman, I object to the proposition introduced by the gentleman from Yuma, in that it does not give any body a right to vote, and

this minority proposition is preferable, because it follows the phrasing used in all the other propositions. It seems to me the proposition introduced by the gentleman from Yuma—

Mr. Chairman: A second amendment not subject to further amendment at this time. All in favor of the amendment of the gentleman from Yuma will answer “aye” as their names are called; those opposed “no.”

Mr. Parsons: I want to call the attention of the members of the committee to the fact that this does not provide that it be a male, but is simply a citizen of the state.

(The Records of the Arizona Constitutional Convention of 1910, Pages 565-566)

[e940916] Amendment lost by the following vote:

Ayes—Cassidy, Connelly, Goldwater, Ingraham, Keegan, Kinney, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Weinberger, Winsor. Total 13.

Nays—Baker, Bolan, Bradner, Cobb, Coker, Colter, Cooper, Crutchfield, Cunniff, Cunningham, Curtis, Ellinwood, Feeney, Franklin, Hutchinson, Jacome, Jones, A. M., Jones, F. A., Kingan, Langdon, Lovin, Lynch, Orme, Osborn, Parsons, Pusch, Tuthill, Webb, Wells, Wills, Wood, Mr. President. Total 32.

Absent—Moeur, Moore, Morgan, Standage.

Excused—Doe, Tovrea, White.

(The Minutes of the Arizona Constitutional Convention, Page 258)

[e940920] Mr. Cunniff's motion carried by the following vote:

Ayes—Baker, Bolan, Bradner, Cassidy, Cobb, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Ellinwood, Feeney, Goldwater, Jones, A. M., Jones, F. A., Keegan, Lynch, Osborn, Parsons, Tuthill, Webb, Weinberger, Wills, Wood, Mr. President. Total 25.

Nays—Colter, Cooper, Curtis, Franklin, Hutchinson, Ingraham, Jacome, Kingan, Kinney, Langdon, Lovin, Orme, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Wells, Winsor. Total 20.

Absent—Moeur, Moore, Morgan, Standage.

Excused—Doe, Tovrea, White.

(The Records of the Arizona Constitutional Convention of 1910, Page 566)

[e940926] Mr. Ellinwood: I wish to offer an amendment to section 2, on line 12, after the last word, add the following: “Provided further, that no persons under guardianship, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of treason, or felony, vote at any election, unless restored to civil rights.”

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 566)

[e940932] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 566)

[e940937] Mr. Webb: Mr. Chairman, I would also amend section 2 by adding at the end of line 5, the following words: "Except on questions provided for in section 15 of this article, which may be submitted to the vote of qualified taxpayers."

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 566)

[e940941] Mr. Jones (Yavapai): Mr. Chairman, I do not like to see this go into our constitution. I do not think a property qualification should be incorporated in our constitution. I think a man has the right to vote, whether he owns property, or whether he does not in the management of the government he ought to have just as much to say as anyone else, and you might as well say because he only has a lot worth \$50.00 a man worth \$50,000.00 should have that many times as many votes. I think it is absolutely un-American. These property qualifications have been frowned down for fifty years. We do not want to go back. This thing is going back for fifty years. Today it is a government of the people, not a government of the property owner.

[Speech by Cunniff of Yavapai not found.]

Mr. Weinberger: Mr. Chairman, I move to amend the amendment by striking out the words "or taxes" so as to give the women a right to vote on matters concerning bond issues.

Mr. Ellinwood: Mr. Chairman, I would like to ask if in place of striking out the words "or taxes," if that ought not to be "or special assessments."

Mr. Weinberger: The wording here is "or taxes."

Mr. Ellinwood: I think it ought to be "bond issues or special assessments."

Mr. Weinberger: I will accept the amendment, so that the words "or special assessments" will follow.

Mr. Webb: I simply desire to say in answer to the criticism of the gentleman from Yuma, on section 15, that it certainly is not under consideration, and his criticism was out of order. I have not read it. I had nothing to do with drawing it, and if it is objectionable when we reach it, he will have opportunity to amend it at that time.

[Editor's Note: Weinberger's amendment repeats later on in the session as an amendment to section 15 and is more logically placed there. The editors assume that the above exchange is a placement mistake in the Secretary's notes.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 566-567)

[e940945] Except on questions provided for in section 15 of this article, which may be submitted to the vote of qualified taxpayers.

Mr. Ellinwood moved to amend so that the above phrase should be inserted after the word "people" in line 5.

(The Minutes of the Arizona Constitutional Convention, Page 259)

[e940950] Amendment accepted by Mr. Webb.

(The Minutes of the Arizona Constitutional Convention, Page 259)

[e940952] Mr. Chairman: Are you ready for the question on the amendment offered by the gentleman from Graham, Mr. Webb? All those in favor manifest by saying "aye;" opposed "no." Call the roll, Mr. Secretary.

Roll call showed 19 "ayes" and 25 "nays."

Mr. Chairman: The motion is lost, the section now is ready for further amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 567)

[e940975] Mr. Cassidy: Mr. Chairman, I wish to amend line 6 by inserting after the word "state" the words "or the territory of Arizona." The reason I make this amendment is that the first general election will probably be in November 1912, and it is not likely that any person in Arizona will have resided in the state one year, at that time.

Mr. Osborn: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 567)

[e940978] Mr. Jones (Yavapai): Mr. Chairman, no officer of the state will be elected under this constitution for a year, or a year and a half, after the constitution is adopted, because a new set of officers will go in who have been elected under the ordinance of this constitution, when this state comes into the Union. Therefore, the first election that comes under this constitution will be anyway, eighteen months, or two years thereafter. Therefore, that is absolutely necessary.

Mr. Cassidy: Mr. Chairman, it is not likely we will be admitted as a state before a year and a half. It is not possible.

Mr. Chairman: We won't be through with this convention before that time.

Mr. Cassidy: If that be true then the following general election will occur before six months after the time of our admission as a state.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
567-568)

[e940981] Mr. Weinberger: I wish to offer another amendment, and I think it will be acceptable to the gentleman from Maricopa, so that the sentence will read: "He shall have resided in Arizona one year." That will leave the question open as to whether it is a state or a territory.

(The Records of the Arizona Constitutional Convention of 1910, Page 568)

[e940983] Mr. Cassidy: I will accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 568)

[e940985] Mr. Chairman: The question is upon the motion of the gentleman from Maricopa, Mr. Cassidy, to strike out the words "this state" and insert in lieu thereof the word "Arizona." Are you ready for the question? All in favor will signify by saying "aye." Those opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 568)

[e940987] Mr. Winsor: I move an amendment by striking out all after and including the word "third" in line 8 down to the word "name" in line 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 568)

[e940989] Mr. Webb: I rise to a point of order. That would leave it practically as the amendment proposed by the gentleman from Yuma. The only question at issue is shall the educational qualification remain or not.

Mr. Winsor: That was not the question at all before. That was a negative proposition I submitted and this is an affirmation. I move to strike out.

Mr. Osborn: I would like to ask the gentleman from Yuma his reason for wanting to strike out the educational qualifications.

Mr. Winsor: Simply I do not want the educational qualifications in the constitution.

[Speech by Cunniff of Yavapai not found.]

[Speech by Winsor of Yuma not found.]

Mr. Cobb: The substitute proposition which you introduced would not repeal our present law.

Mr. Winsor: You are right.

Mr. Cobb: Do you think we could hood wink Congress? Why not say plainly in our constitution we believe in an educational qualification instead of leaving it on the statute books?

Mr. Winsor: I cannot say how strict Congress is. I simply know what action they have taken.

Mr. Connelly: I cannot see after listening to all this pro and con talk (mostly con) that it has done any good. I do not see any use of taking any chance; let us let our legislature fix that up.

Mr. Ellinwood: If you pass this resolution the legislature cannot pass an educational qualification, and that is the end of it.

Mr. Winsor: In reply to the gentleman, he has just confessed what I charge; he is placing here a qualification which absolutely closes the door. This is no place to close the door on questions of this sort. I would like to ask further what has come over the spirit of the gentleman since he introduced Proposition Number 51, which provides that this educational qualification should not apply to voters able to vote at the time of admission.

Mr. Ellinwood: I would say I thought that was as far as I could go. I found the sentiment of the convention is different, as I always was in favor of this proposition.

Mr. Ingraham: I consider this absolutely the most dangerous thing this convention has had under consideration, without question.

Mr. Parsons: I do not like to take up the time of this body, but the gentleman has said how important he thinks this is. I think it is the most ridiculous exhibition of foolishness—

Mr. Winsor: That is getting pretty personal.

Mr. Parsons: I am talking about the argument, not about your person. I say that the proposition that Congress would refuse to accept our constitution on the ground taken here is the most ridiculous talk I have heard in this convention (and that is saying a good deal). I am in favor of the amendment. I am in favor of having an educational qualification for the reason that I have always, ever since I was old enough to know what a ballot was, believed that no ballot should go into the box that did not register an honest opinion. (applause) I was in favor of this before I heard of the initiative and referendum, and I hope it will prevail.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
568-569)

[e940991] Motion lost by the following vote:

Ayes—Bolan, Colter, Connelly, Cooper, Crutchfield, Curtis, Hutchinson, Jacome, Kingan, Kinney, Langdon, Orme, Pusch, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Wells, Winsor. Total 21.

Nays—Baker, Bradner, Cassidy, Cobb, Coker, Cunniff, Cunningham, Ellinwood, Feeney, Franklin, Goldwater, Jones, A. M., Jones, F. A., Keegan, Lovin, Osborn, Parsons, Tuthill, Webb, Weinberger, Wills, Wood, Mr. President. Total 23.

Absent—Lynch, Moeur, Morgan, Standage.

Excused—Doe, Tovrea, White.

(The Minutes of the Arizona Constitutional Convention, Page 259)

[e940995] Mr. Connelly moved, seconded by Mr. Parsons that the Committee do now arise and report progress and ask leave to sit again.

(The Minutes of the Arizona Constitutional Convention, Page 259)

[e940996] Motion lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 260)

[e940998] Mr. Chairman: The motion is lost. If there is no amendment to section 2 it will be adopted, and we will pass on to section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941000] Mr. Chairman: The motion is lost. If there is no amendment to section 2, it will be adopted, and we will pass on to section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941001] Mr. Chairman: [...] If there are no alterations the section will stand approved as read. What will you do with section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941003] Mr. Chairman: [...] If there are no alterations the section will stand approved as read. What will you do with section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941004] Mr. Chairman: [...] If there are no objections the section will stand approved as read. It is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941005] Mr. Chairman: [...] If there are no objections sections 5 and 6 are approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941006] Mr. Chairman: [...] If there are no objections sections 5 and 6 are approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941007] Mr. Chairman: [...] If there are no objections sections 5 and 6 are approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941010] Mr. Chairman: [...] If there are no objections sections 5 and 6 are approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941012] Mr. Chairman: [...] Any objections to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941013] Mr. Jones (Yavapai): I move you that section 7 be stricken out, for the reason that yesterday we passed Substitute Proposition Number 61, which covers that ground.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941014] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941015] [Editor's Note: Section 7 as amended—i.e. stricken—was adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 569)

[e941018] [Editor's Note: The Committee of the Whole considered Section 8.]

(Editorial)

[e941019] Mr. Ellinwood: I move to strike out section 8 because it is incorporated in section 2.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
569-570)

[e941107] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941108] The motion prevailed.

[Editor's Note: Section 8 as amended—i.e. stricken—was adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941110] [Editor's Note: The Committee of the Whole considered Section 9.]

(Editorial)

[e941111] Mr. Roberts: I move to strike out section 9.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941113] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941115] Mr. Cassidy: I move that that part of section 9 beginning with the word "provided" in line 12 to the end be stricken out, because that is provided for.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941117] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941118] The motion prevailed.

[Editor's Note: Section 9 as amended was adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941120] Mr. Chairman: If there is no objection to section 10 it will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941122] Mr. Chairman: [...] It is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941126] Mr. Chairman: [...] Any objections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941129] Mr. Connelly: Is there a special committee figuring that out?

Mr. Osborn: That special committee is to provide for the first election for state officers after the proclamation.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941132] Mr. Chairman: [...] If there are no further objections, section 11 will stand approved as read.

(Editorial, Page 570)

[e941134] Mr. Chairman: [...] What will you do with section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941135] Mr. Winsor: I suggest a correction, that in line 3, page 5 the word “to” be changed to “in.”

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941137] Mr. Chairman: Without objection, the secretary will make the change. Any further objections concerning section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941138] Mr. Chairman: [...] Any further objections concerning section 12? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941142] Mr. Chairman: [...] Any suggestion to be offered concerning section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941144] Mr. Chairman: [...] Any suggestion to be offered concerning section 13? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941146] Mr. Chairman: [...] Any suggestions to section 14? Any suggestions to section 14? If not, it will stand approved as read

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941147] Mr. Connelly: I would like to refer back to section 13 for information. Would the general election of state, county, and precinct officers bar us from voting for congressman and senators? The United States constitution provides we shall elect congressmen and senators; therefore, I did not think it worth while to provide in our constitution for that.

[Editor’s Note: Connelly’s suggestion does not appear to have been taken up.]

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941151] Mr. Chairman: Hearing no objections, section 14 will be adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941153] [Editor’s Note: The Committee of the Whole considered Section 15.]

(Editorial)

[e941156] Mr. Cunniff: I move section 15 be stricken out.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941159] Mr. Weinberger: I move to amend by striking out "or taxes," on line 11, and insert in lieu thereof "or special assessments."

(The Records of the Arizona Constitutional Convention of 1910, Page 570)

[e941163] Mr. Cunniff: If the motion to strike out prevails the others will be unnecessary.

Mr. Chairman: It will be more expedient to pass on that first.

Mr. Cunniff: I do not like to take up time, but I should like to point out that our sister state of California has arrived at its present stage of development and wealth with his provision, and if she can afford to have a provision like this, we can afford to be as democratic as California.

Mr. Connelly: The last Republican platform in California has woman suffrage.

Mr. Chairman: We are not passing on platforms. The question before the house is the motion of Mr. Cunniff to strike out section 15. The secretary will call the roll.

Mr. Cunniff: I should like to say in all sincerity I hope to be able to sign the constitution, and I hope to be able to urge the adoption of this constitution, and I have serious doubts if I can if that proposition goes in.

Mr. Ingraham: Unless that goes in, you won't have any constitution.

Mr. Connelly: If it goes in, I am not sure I will sign it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 570-571)

[e941165] [Editor's Note: No decision appears to have been made on Weinberger's amendment, possibly because passing Cunniff's amendment would make Weinberger's irrelevant.]

(Editorial)

[e941393] Carried by the following vote:

Ayes—Bolan, Bradner, Cobb, Coker, Cooper, Cunniff, Feeney, Ingraham, Jacome, Jones, A. M., Jones, F. A., Keegan, Kingan, Langdon, Lovin, Parsons, Pusch, Roberts, Wills, Wood, Mr. President. Total 21.

Nays—Cassidy, Colter, Connelly, Crutchfield, Cunningham, Curtis, Ellinwood, Goldwater, Hutchinson, Kinney, Osborn, Scott, Short, Sims, R. B., Simms, Mit, Tuthill, Weinberger, Wells, Winsor. Total [sic]

Absent—Baker, Franklin, Lynch, Moeur, Moore, Morgan, Orme, Webb, Standage.

Excused—Doe, Tovrea, White.

(The Minutes of the Arizona Constitutional Convention, Page 260)

[e941394] Mr. Chairman: The motion is carried. Section 15 will be stricken out.

[Editor's Note: Section 15 as amended—i.e. stricken—was adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941396] Mr. Parsons: I move the committee do now arise.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941403] Mr. Cunniff: I amend that the committee do now arise and report a recommendation that this proposition be adopted as amended.

Mr. Connelly: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941405] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941450] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941415] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e941422] Mr. President:

Your Committee of the wWhole begs leave to report it has examined Substitute Proposition Number 21 and respectfully recommends that said Substitute Number 21 be adopted as amended by the Committee of the Whole.

D.L. CUNNINGHAM,

(The Minutes of the Arizona Constitutional Convention, Pages 260-262)

[e941426] Mr. Cunniff: I amend that the committee do now arise and report a recommendation that this proposition be adopted as amended.

Mr. Connelly: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

[e941446] The motion prevailed.

Mr. Chairman: The committee will now arise.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 571)

### **32.33 Wednesday, 23 November 1910, at 09:30 (s16169)**

[e940959] Mr. Chairman: The committee will come to order. The secretary will read the calendar for the day for the committee of the whole—the first number.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940960] Mr. Chairman: The committee will come to order. The secretary will read the calendar for the day for the committee of the whole—the first number.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940965] Secretary (reading): "Report of the Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 6, recommending that the Substitute Proposition Number 6 be adopted."

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole considering Substitute Proposition Number 6 section by section.]

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940972] Mr. Chairman: You have heard the report of the committee. What will you do with section 1 of Substitute Proposition Number 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940980] Mr. Osborn: Mr. Chairman, I move you that in line 2 that the word "nineteen" before the word "members" be changed to "four-teen," and in the remainder of the paragraph wherever the figure "2" comes before the word "senator" that it be changed to "1."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940984] Mr. Cassidy: Mr. Chairman, I move an amendment. As the proposition now stands it gives the larger counties only two senators and the smaller counties one senator. It gives the smaller counties a much larger proportionate representation than it does the larger counties. Now, it is proposed to make this inequality a great deal greater than it now is. I am utterly opposed to this amendment.

[Speech by Osborn of Maricopa not in journals. Arizona Republican, November 24, 1910 reported: "Mr. Osborn replied that the senate was not supposed to be representative of a certain number of people. Such representation was to be found in the house."]

Mr. Lynch: Mr. Chairman, the remarks of the gentleman from Maricopa are not only theoretically correct but they are correct from a political standpoint. So far as the theory of a dual house and senate is concerned, it has been conceded that it should be based upon the unit of representation. We have a legislative committee working on the most delicate and intricate proposition that we have to contend with, that of apportionment. They have brought in this report, and so far as I can see from every point of view it is as fair as can be made. There is no absolute scale which can be made with absolute fairness to all counties. Therefore, I believe in standing by the report as presented, and will urge that the committee's report, which is the fruit of their work for days, be accepted without amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 572)

[e940988] Mr. Chairman: Gentlemen, you have heard the amendment of the gentleman from Maricopa, Mr. Osborn, whereby he proposes to insert "14" instead of "19" in the second line, and that wherever the figure "2" occurs

before "senator" it be changed to "1". Those in favor of the amendment will answer "aye" as their names are called; those opposed will answer "no."

Roll call showed 18 "ayes" and 29 "nays".

Mr. Chairman: The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 573)

[e941016] Mr. Cobb: I move an amendment to section 1, that "19" be stricken out, and "17" be substituted therefore, and that "1" be placed before every county except Cochise, Maricopa and Pima, and "2" be placed before those counties.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 573)

[e941020] Mr. Winsor: I would like to ask the gentleman what he bases that on?

Mr. Cobb: I am basing it upon population, the same as every state in the union which is represented in Congress. Now, the reason that I suggest that two senators be given to these counties is on account of the large break in population in Yuma county with 15,996 and Pima with 28,108, Cochise with 34,591 and Maricopa with 34,488; the next Yavapai with 15,977, the next Gila with 16,780 and Greenlee with 14,818. There is only about 1,000 difference between Greenlee and Yavapai, and yet according to the report of the legislative committee Greenlee gets one senator and Yavapai two and Gila two.

Mr. Weinberger: Mr. Chairman, may I ask the gentleman a question? How many voters have you in Greenlee county?

Mr. Cobb: It doesn't make any difference. I would like to tell the gentleman that for years the Republican party has been striving to strike down representation in the south because they did not have the voters in the south, and the Democratic party has always fought it.

Mr. Cunniff: Mr. Chairman, I would like to call attention to the scheme already adopted in an effort to arrive at some sound basis of accurate figures. In discussing this matter we found that Apache had about 10,000 population and about 600 voters, and there seemed to be a gross disproportion there. We have no means of knowing how that disproportion exists in other places.

(The Records of the Arizona Constitutional Convention of 1910, Page 573)

[e941021] Mr. Feeney: Mr. Chairman, is an amendment in order. I move that section 1 stand approved as read, as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 573)

[e941023] Mr. Coker: Mr. Chairman, I ask for a division of the question on representation and senators.

(The Records of the Arizona Constitutional Convention of 1910, Page 573)

[e941025] Mr. Chairman: Division is asked for and the chair is in doubt as to the possibility of extricating the vote on representatives and the vote on senators but rules that [it] should be fair to consider them separately.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
573-574)

[e941030] Mr. Goldwater: I desire to point out that while this minority report is only signed by one member of the committee, still it is of considerable size and should have considerable weight. (applause)

Mr. Webb: Mr. Chairman, I desire to say that as the minority report recommends nothing, no action can be taken on it. It simply does not concur.

Mr. Chairman: The chair will hold that it is fair to have a division of this question and will vote first on representatives if the gentlemen desires.

Mr. Weinberger: How are you going to divide this question? A division usually you divide one portion of a paragraph from another. How are you going to divide this question?

Mr. Chairman: if you leave it to the chair, the chair will hold that in the vote for senators these figures touching senators, if the majority report is approved, they will stand as they are.

Mr. Winsor: Mr. Chairman, I would suggest that that very question has already been voted upon; and amendment touching upon senators has been proposed and defeated. I do not see how you can have any further vote.

Mr. Webb: I have not the slightest objection to any sort of a division that a fair expression of this committee may be had, and I would suggest that the question be divided as the chair has ruled it should be, and on the motion of the gentlemen from Cochise, Mr. Feeney, the first question will be, "shall the committee when it arises recommend the adoption of that part of section 1, which provides they will be apportioned as apportioned in section 1." Those who vote "aye" will vote for sustaining the number and apportionment of senators as proposed here.

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941035] [Editor's Note: A working version of section 1 with blanks for the numbers of senators and representatives has been proposed onto the document in order to model the questions of representation and senators separately.]

(Editorial)

[e941036] Mr. Chairman: The question before you will be the question of senators—adopting the report of the committee as it stands now for senators in the first part of this section. The question is asked for and roll is demanded. Those who favor the report of the majority committee as it now stands giving a senate of nineteen members apportioned among the counties as the report shows—section 1, second paragraph shows,—will make it known by saying "aye" when their names are called. Those opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941037] Mr. Jones (Maricopa): Mr. Chairman, I want to explain my vote. I am not in favor of any senate or senators. I vote "aye" on this however to get it out of the way.

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941039] Roll call showed 35 "ayes" and 14 "nays."

Mr. Chairman: The "ayes" have prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941041] Mr. Coker: I would like to make an amendment.

[Editor's Note: As a point of order was raised before Coker could describe his proposed amendment, the amendment has not been modelled onto the document text.]

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941046] Mr. Webb: Until both parts of the question have been put, nothing is in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 574)

[e941049] Mr. Coker: I beg to call your attention that the division on this question took away with it the first motion of Mr. Cobb, therefore an amendment is now in order, an amendment to the question now pending.

Mr. Webb: My point of order is, that with a motion pending and no debate is in order and the vote is partly taken on this.

Mr. Coker: Mr. Chairman, a different condition now exists than existed when the other vote was taken. I insist that we [are] entitled to an amendment at this time.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
574-575)

[e941050] Mr. Chairman: The chair will rule that the amendment is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941057] [Editor's Note: The second half of the question, relating to representatives, came up for discussion.]

(Editorial)

[e941063] Mr. Coker: Mr. Chairman, I make a motion that this motion now be laid upon the table.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941064] Mr. Webb: Mr. Chairman, no motion is in order with a question partly settled. Until that is finished, nothing is in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941066] Mr. Chairman: The chair will so rule.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941068] Mr. Osborn: I think it is manifestly unfair to cut off debate on this proposition of these representatives. That part of the question was not debated at all. If you want to bring in a question here to work the "gag rule" on us, all right, but I do not think that is democratic. I would like to say that I see something here that is unfair. Cochise with only 103 more people than Maricopa gets one more representative.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941070] Mr. Cobb: Mr. Chairman, you have cut off amendments on this by your first decision, and I appeal from the decision of the chair.

[...]

Mr. Cunniff: There has been no second to the appeal from the decision of the chair.

Mr. Osborn: I seconded it long ago.

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941072] Mr. Chairman: The decision of the chair is appealed from.

Mr. Webb: I ask which decision. He cannot appeal from the decision of the chair after the vote has been taken.

Mr. Chairman: I will not entertain an appeal from this first decision.

Mr. Cobb: The last one, I said.

Mr. Chairman: The chair has decided that no amendment is in order upon the division. The chair has not held, no debate is in order, but no amendment is in order, and the Gentleman from Graham, Mr. Cobb, appeals.

Mr. Cunniff: There has been no second to the appeal from the decision of the chair.

Mr. Osborn: I seconded it long ago.

(Editorial)

[e941073] Mr. Chairman: I will ask Mr. Keegan to take the chair.

[Editor's Note: The chairman entertained Cobb's motion for an appeal, asking Mr. Keegan to be temporary chair.]

(The Records of the Arizona Constitutional Convention of 1910, Page 575)

[e941078] Temporary Chairman: You have heard the motion on appeal. All in favor of the chair being sustained, will stand up, those opposed stand up.

Rising vote showed 35 "ayes" and 6 "nays."

Mr. Chairman: The chair is sustained.

(Editorial)

[e941086] Mr. Chairman: The chair is sustained. What is your pleasure?

[Speech by Osborn of Maricopa not found.]

Mr. Cunniff: Mr. Chairman, I would like to say, we tried to be fair but we had to get some kind of a basis to work on and the only sound figures we had to work on was that Cochise had something like 700 more votes than Maricopa County.

Mr. Osborn: Mr. Chairman, that is possibly true, but it seems to me we are getting away from the sound basis when we take the votes cast. We have been

trying to follow the constitution of the United States, and I think the majority of the members have been trying to follow the provisions of the constitution of the United States, but when it comes to apportionment, they have taken other bases. It seems to me that this was made in the interest of two or three counties in this territory.

Mr. Weinberger: I will say that Maricopa county had a representative in that legislative committee, and that committee worked faithfully for a considerable time in getting a fair basis for every county, and if you are going to chop this thing in two, we will be here for two months because every county will take exception and I believe the committee's report ought to be sustained. Every county was represented and every one had a voice before this report was recommended.

Mr. Sims: Mr. Chairman, I would like to ask the gentleman from Yavapai, Mr. Cunniff, in the spirit of fairness, if he thinks his county with 15,996 population is entitled to the same representation as Cochise with 33,459.

Mr. Cunniff: Mr. President, I would like to say that the gentleman from Yavapai does not agree that the population is that. The population of Yavapai is considerably more than that, I should say in this report Yavapai does not get the same representation that Cochise county has.

Mr. Sims: In the Senate?

Mr. Cunniff: That has already been settled.

Mr. Sims: If my figures are correct, under the conditions of this bill we have fifty-four officers, which will cost this territory \$500 a day, which would be \$30,000 for the sixty days session.

Mr. Coker: Mr. Chairman, in answer to the statements of some members of this committee that all counties were fairly represented, and that they tried to arrive at a fair apportionment, I will state all counties were represented except Greenlee and Graham county, which had two representatives, and I assume that when this committee was made up that all the persons thought that Greenlee had not been segregated at that time.

Mr. Cobb: Greenlee was misrepresented.

Mr. Coker: Mr. Chairman, but the smaller counties could not get a fair deal in this committee. Our county has 9,000 population. Yavapai has 15,000. Yavapai has three times the representation that Pinal has. Yuma has 7,000 in population, and has one more representative than Pinal has. Cochise county has 34,000 and yet has seven times the representation that Pinal has, and only four times the population. Where is your equality and fairness? I insist, Mr. Chairman, that this apportionment is manifestly unfair.

[Speech by Winsor of Yuma not in records. The Arizona Gazette, November 23, 1910 reported: "Winsor said one reason for the injustice was that the committee had tried to base its apportionment on the census figures when, as everybody knew, those figures, in many instances were notoriously incorrect. Mr. Winsor said that in his own neighborhood he knew of a dozen farmers who had not been counted by the enumerators, and he believed that his country really has double the population shown by the census figures."]

Mr. Coker: Mr. Chairman, on the same line argument I beg to point out to the convention that the number of votes might be accounted for on account of the railroad construction going on in Yuma.

Mr. Colter: I would like to impress upon Mr. Winsor's mind that we do not vote Indians in Apache county.

Mr. Winsor: It is very evident you do not, Mr. Colter.

Mr. Jones (Maricopa): I simply want to say I agree with the gentleman from Cochise, Mr. Sims, that we are running headlong into a proposition here of increasing our legislature from 36 to 59 after we have made provision for the people of the territory to enact laws, and the whole thing looks to me to be absurd. I am very much in favor of eliminating the senate. It appears to me that almost all the states in the union are trying to get rid of their senates, and we ought not try and create one. When the time comes I shall move, and ask for roll call, on the elimination of the senate, making the body a house of representatives consisting of thirty-five members apportioned as they are apportioned here, and I think this convention could not do a better work this morning than to do that very thing. It will eliminate lots of unsatisfactory legislation and the shifting from one house to the other of responsibilities.

Mr. Cobb: Mr. Chairman, I think probably I can explain the difference in the vote in Yuma county and in Pinal. They have to work harder for their election over there and need more votes in Yuma than in Pinal. I want to call attention again to the fact that Greenlee had no representation, and the population of Greenlee is almost the same as Gila and Yavapai, and yet Gila and Yavapai get double the representation in the Assembly.

Mr. Sims: Mr. Chairman, I would like to state further that it seems to me, at the rate that we are creating offices here it would be well to check up our list of offices against our population. We will have more offices than we have voters.

Mr. Lynch: Mr. Chairman, I cannot see how the objection to creating offices can be valid, because every one of these gentlemen who are speaking against this measure wanted more representation for their counties.

Mr. Colter: Mr. Chairman, I will say that if the larger counties will reduce their representation the smaller counties will not object. They are in favor of smaller representation, but as long as the larger counties insist on the unfair representation the smaller counties shall certainly object.

Mr. Cunniff: Mr. Chairman, I would like to say that the last act of the committee in making up this apportionment was to cut off one representative in the lower house from every one of the counties.

Mr. Sims: Mr. Chairman, I would like to state that I voted to cute these down.

Mr. Osborn: Mr. Chairman, I might say to Mr. Lynch that I tried to cut my own county down. I think I tried to dispel that idea that Maricopa was trying to "hog" everything in sight.

Mr. Cobb: Mr. Chairman, I want to answer Mr. Lynch too. If I had been permitted to offer an amendment I meant to offer one calling for 29 instead of 35.

Mr. Webb: Mr. Chairman, I want to say that there are members of that committee who are not supporting this proposition, who fought for weeks to work that down, and we did work it down from 60 to what it is, and if it had been reported in 60 I question whether it would have carried.

Mr. Coker: Mr. Chairman, I would say that the representatives of the larger counties tried to reduce the percentage by taking it from the smaller counties and leaving the larger counties are they are.

Mr. Orme: Mr. Chairman, I would beg the gentleman's pardon, but I tried to cut all these down, and if it is in order, I would like to move that we take the same representation that we have in the territory today.

Mr. Chairman: The chair will rule the motion is not in order.

Mr. Sims: I would like to ask the gentleman from Graham a question.

Mr. Webb: With pleasure, sir.

Mr. Sims: Do you think that we could cut all these down without doing an injustice to any county in the territory, and get the same result? Do you not think it would be fair if each county was cut down in proportion?

Mr. Webb: I will say that I personally fought for smaller membership in the legislative bodies from beginning to end but out of all the innumerable propositions that were presented we finally agreed to this, thinking it was the best we could get.

(The Records of the Arizona Constitutional Convention of 1910, Page 575-578)

[e941088] Mr. Chairman: The question is called for, gentlemen. Those in favor of the majority report on representatives, leaving it stand as it is now, will vote "aye" as their names are called, those opposed will vote "no."

Roll call showed 35 "ayes" and 14 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 578)

[e941090] Mr. Coker: Mr. Chairman, I now make a motion to reconsider the motion just voted upon. I wish to state that I do this for the purpose of making an amendment to reduce the number of representatives. If these people from the larger counties are consistent in their statement as to an economical number of representatives, based upon population, this will give them an opportunity to vote upon it.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 578)

[e941091] Mr. Chairman: Are you ready for the question? Those in favor of reconsidering the action just taken will make it known by rising. Those opposed will rise.

Rising vote showed 12 in favor and 26 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 578)

[e941092] Mr. Osborn: I would like to ask if there is any hypnotist on this committee.

Mr. Webb: In answer I would say there was a member of the committee that we have heard called a hypnotist.

Mr. Coker: It seems to me the spirit of Madison and the spirit of Jefferson work in harmony this morning.

Mr. Jones (Maricopa): I note with some surprise that we have more representatives and senators than we have members in this convention, and of course that is unnecessary. Fifty-two is all we ought to have to take care of everybody here. I move you, Mr. Chairman, that all reference in section 1 to senators—

(The Records of the Arizona Constitutional Convention of 1910, Pages 578-579)

[e941094] Mr. Webb: Mr. Chairman, I rise to a point of order. It takes a reconsideration to bring that before us again.

(The Records of the Arizona Constitutional Convention of 1910, Page 579)

[e941095] Mr. Jones (Maricopa): That is a new motion.

Mr. Chairman: The chair will give Mr. Webb the floor to state his point of order.

Mr. Webb: I think the gentleman from Maricopa must have forgotten what the proposition was. It was that when this committee arise it report back to the convention that it has examined section 1 of Proposition Number 6 and recommend that it do pass. The motion was made, and I appeal to the records.

Mr. Chairman: The record upon Mr. Feeney's motion is asked for.

Mr. Osborn: I think Mr. Feeney made a motion; at least he started to make one. But the gentleman from Graham made it for him.

Mr. Jones (Maricopa): My motion is an entirely new matter. I maintain that the point of order is not well taken if even the record should show—

(The Records of the Arizona Constitutional Convention of 1910, Page 579)

[e941096] Mr. Chairman: The records show the motion was made to adopt section 1 and the convention has sustained the motion and refuses to reconsider. The chair rules that any other motion is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 579)

[e941098] Mr. Jones (Maricopa): This convention has had no opportunity to vote on a question that I believe a great many are in favor of. That objection has been eliminated. If the motion was made I failed to catch the motion. I understood [we] were voting on the number of representatives. The question was to be divided, and we were to vote on the number of representatives and then senators, and if that is true it was done in a very small tone of voice. I maintain that this convention has a right to change this entire system, and that this thing should not be forced through in this way. I think every man in this convention will go home ashamed of this representation we have put here.

Mr. Cunningham: Mr. Chairman, I would like to ask what question is before the house. The chair holds that there is no amendment possible to section 1 at this time, and section 2 is before you.

Mr. Coker: I would like to be heard, Mr. Chairman.

Mr. Chairman: Has the gentleman from Pinal a motion to make?

Mr. Webb: If I am called upon to speak any further, I can simply say I am still opposed to pushing this motion any farther and if it were voted upon a thousand times I believe it would still bring a similar result. It has had two or three votes now and with the same result.

Mr. Chairman: If there are no objectives the chair will suggest that the gentleman from Pinal be given an opportunity to make the motion.

Mr. Jones (Maricopa): I move now that the house of representatives and senate be limited—

Mr. Weinberger: Mr. Chairman, a proposition has been introduced by Mr. Cassidy relative to the senate.

Mr. Cassidy: While I introduced a proposition that did not provide for a senate, I am in favor of having one house and having that of a small number

of membership. I think it is absolutely impossible to do any better than this. We have thrashed this over and over in the committee for three weeks, and this is the best that it ever arrived at, and it will have the desired effect. I am in favor of supporting the report by the committee and it is the best proposition we can obtain. In reading other constitutions I find that in Wyoming there is provided for in the senate 16 members and 35 representatives. North Dakota has 30 senators and 60 representatives. I have not investigated the western states but I presume they would compare along these lines. In providing for 54 members of the legislature we will have as small number as has been provided for in any state in the union and yet it is amply large to take care of the work of that branch of government.

Mr. Coker: Will the gentleman state the population of these states when they were admitted into the Union?

Mr. Cassidy: I have no figures on that question.

Mr. Jones (Maricopa): With the initiative and referendum I would be in favor of this.

Mr. Parsons: I beg to call your attention to the state of Nebraska. When it was admitted into the Union it was a great American desert. The house of representatives consisted of 108 members and senate 84. We want no such body as that.

Mr. Coker: Is there an amendment to section 2? If not, I ask unanimous consent to offer an amendment to section 1. Is there an amendment before the house?

Mr. Chairman: I think that the gentleman from Maricopa desires to re-state his amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 579-580)

[*e941102*] Mr. Jones (Maricopa): I move to amend that all references to senators be stricken out and that the words "The senate shall consist," in line 1, section 1, "of 10 members" and in line 2, section 1, and the words, "which senators and representatives."

Mr. Cassidy: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 580)

[*e941103*] Mr. Chairman: All those in favor of the amendment offered by the gentleman from Maricopa, Mr. Jones, will answer "aye;" those opposed "nay."

Mr. Osborn: Mr. Chairman, I cannot see the reason for this. I do not like to see this old system thrown out, the system by which area is represented and leaving the population representation alone in the legislative body.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[*e941104*] Mr. Chairman: The secretary will call the roll.

Roll call showed 10 "ayes" and 39 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941106] Mr. Winsor: I am an adherent of the single house idea but I cannot see how we can provide for that now.

Mr. Hunt: I am very much in favor of having a single house and I think it will be only a matter of time until we do have one and for this reason I voted no.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941114] Mr. Coker: In the interest of economy and in the interest of the people I voted "aye," but I would further state that in the same interests I move that this matter of senatorship be limited and I desire to change the number "9" in line 2, section 1, to "14," and I further move that the apportionment of the representatives be at the ration of one for each 10,000 population or a majority fraction thereof.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941119] Mr. Chairman: Those in favor of the motion of the gentleman from Pinal, Mr. Coker, will answer "aye;" those opposed "no," as the roll is called.

Roll call showed 18 "ayes" and 31 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941124] Mr. Coker: I move the figure "1" in line 12 after the first word "senator" be changed to "2" and the figures "35" in line 2, section 1, before members be changed to "36."

[...]

Mr. Parsons: I second the motion of the gentleman from Pinal.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941128] Mr. Weinberger: Is this in the interest of economy?

Mr. Coker: This is the same kind of economy that the members of this committee have voted for tonight.

Mr. Parsons: I second the motion of the gentleman from Pinal.

Mr. Webb: I certainly oppose the method of apportionment, as I think that there was no discriminating in the apportionment for Pinal county. I think the method used is a good one and cannot be bettered by the proposed amendment.

Mr. Chairman: Those in favor of the motion will rise. Those opposed now rise.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941131] Rising vote showed 7 in favor and 27 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941133] Section 1 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 264)

[e941139] Mr. Chairman: Are there no corrections or amendment to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941143] Mr. Parsons: I move that the word "state" in line 18, page 1, be changed to read "Arizona."

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941145] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 581)

[e941148] Mr. Ingraham: I move the words "twenty-two" in line 17 be changed to "twenty-one."

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941154] Mr. Hunt: I move to amend and make it twenty-five as I do not think any boy of twenty-one should come to the legislature and make laws.

Mr. Keegan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941157] Mr. Chairman: The question before the committee is to change the words "twenty-two" to "twenty-one" amended by Mr. Hunt to change the words "twenty-two" to "twenty-five." Those in favor of the motion will please rise; those opposed the same, arise.

[Editor's Note: The Chairman implies here that Hunt's motion to amend was accepted and that the vote was taken on Ingraham's Sims' motion as amended by Hunt's.]

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941158] Mr. Chairman: The question before the committee is to change the words "twenty-two" to "twenty-one" amended by Mr. Hunt to change the words "twenty-two" to "twenty-five." Those in favor of the motion will please rise; those opposed the same, arise.

Rising vote showed 29 in favor and 12 against.

Mr. Chairman: The motion has carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941161] Mr. Standage moved, seconded by Mr. Baker, to insert a provision that only native sons of Arizona are eligible to the legislature; lost by rising vote of 8 to 16.

[Editor's Note: It is not clear where this amendment was made or its exact wording, so the editors have made an approximation.]

(The Minutes of the Arizona Constitutional Convention, Page 264)

[e941164] Mr. Standage moved, seconded by Mr. Baker, to insert a provision that only native sons of Arizona are eligible to the legislature; lost by rising vote of 8 to 16.

(The Minutes of the Arizona Constitutional Convention, Page 264)

[e941167] Mr. Winsor: I move to amend by striking out the word "five" in line 18 and inserting the word "three," for the reason that some of our most useful citizens, for instance Mr. Cunniff, whom I know we would all very much like to see in the first state legislature, are barred by this provision. Therefore, I offer the amendment.

Mr. Orme: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941169] Mr. Cunniff: I would just say not for my own benefit, but for the reason that I believe that most of the state[s] place the number of years at three rather than five or higher because it invites a good and higher class of citizens to come into the state, and is a very good law, or it has proven so according to the record of other states, if this can be any guide to us.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941170] Mr. Chairman: It has been moved and seconded that the word "five" in line 12 be stricken out and the word "three" be inserted. Those in favor of the motion will say "aye;" those opposed "nay" as the roll is called.

Roll call showed 29 "ayes" and 17 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941172] Mr. Chairman: The motion prevails. Are there any other corrections to this section? Hearing none we will pass on to the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941173] Mr. Chairman: [...] Any amendments or corrections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941174] Mr. Chairman: [...] Are there no corrections or amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941176] Mr. Chairman: [...] Are there no corrections or amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941177] Mr. Chairman: [...] What is your pleasure with section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941178] Mr. Chairman: [...] What is your pleasure with section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941180] Mr. Parsons: I suggest that in line 2 the word “under” be changed to “within.”

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941181] The motion failed to pass by rising vote of 8 to 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941182] Section 5 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941184] Mr. Chairman: Any objections to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941185] Mr. Winsor moved, seconded by Mr. Parsons, to amend line 24, page 3 by striking out the semicolon after the word ”peace” and inserting the word ”and”...

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941186] Mr. Winsor moved, seconded by Mr. Parsons, to amend line 24, page 3 by striking out the semicolon after the word ”peace” and inserting the word ”and”; carried.

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941189] Section 6 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941192] Mr. Chairman: Any objections to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941193] Mr. Cunniff: I move the word “whatever” be stricken out.

Mr. Goldwater: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941197] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 582)

[e941199] Section 7 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941200] Mr. Chairman: Are there no objections to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941203] Mr. Chairman: [...] If there are none, we will pass to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941206] Mr. Chairman: [...] If there are none, we will pass to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941207] Mr. Weinberger: I move that we strike out the word "meet" in line 8, section 9.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941208] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941209] Section 9 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 265)

[e941211] Mr. Chairman: Any objections to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941212] Mr. Chairman: [...] If there are no objections we will pass on to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941214] Mr. Chairman: [...] If there are no objections we will pass on to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941216] Mr. Chairman: [...] What will you do with section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941217] Mr. Chairman: [...] What will you do with section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941219] Mr. Cunningham: I would like to know why this is filed with the governor and not with the secretary of state.

Mr. Winsor: Inasmuch as it is the governor who passes upon measures after the legislature has passed them, it is necessary to file them with the governor.

Mr. Franklin: I do not understand that to be the purpose of this when the bill is filed with the governor. After a measure is passed by the legislature and signed by the governor, it is filed with the office of the secretary.

Mr. Webb: I desire to call the attention of the gentlemen to the fact that a bill after final passage is submitted to the governor for his approval or disapproval and if he does approve, it is signed by him and filed in the office of the secretary.

Mr. Franklin: If the gentleman will pardon me I will call his attention to the fact that when you send a bill after passage to the governor you do not file it but submit it.

Mr. Webb: I contradict the gentleman's statement. After final passage it is filed with the governor, and it is never returned and he files it with the secretary of state.

Mr. Winsor: I would say that the procedure is that after a bill is finally passed by the legislature it is filed with the governor for his action. If he approves he signifies that fact in a message to the legislature, or if he does not approve it he may keep the bill ten days and then return it to the legislature with his disapproval.

Mr. Franklin: I do not agree with the gentleman. When the bill is passed by the legislature, it is submitted to the governor who may or may not approve of it and if he does he returns it with his signature to that effect, but if not he may keep it ten days and return it or return it before that time, but, however, it is then filed in the office of the secretary of state if it becomes a law by the signature of the governor or by his pocketing the bill, but there is never any filing marks upon it after the governor has passed upon it.

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941222] Mr. Cunningham: I think the gentleman misunderstands the word file in this matter. I simply suggested that it should be filed with the secretary of state after it becomes a law and not with the governor. After it is filed in the office of the secretary it is recorded and made a law of the state. I move that this change be made in this section.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 583)

[e941224] Mr. Short: Mr. Chairman, I move to amend the amendment, and call attention to Substitute Proposition Number 33 which has been adopted. I move that the words in line 24 and 25 be stricken out and the words in the Substitute Proposition 33, section 7, be adopted instead.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941226] Mr. Cunniff: If my recollection is correct that bill is on the calendar this morning.

Mr. Webb: I would just like to state that the purpose of this section is to provide a means of tracing the bill from the time it is introduced until it is signed by the governor and becomes a law.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941227] Mr. Chairman: The motion is to strike out the entire section. Those in favor of the motion will answer "aye;" those opposed "nay." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941229] Mr. Cassidy: I wish to amend the motion of the gentleman from Cochise by inserting the words “and approved by the governor” before the words “shall be filed in the office of the secretary.”

Mr. Cooper: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941231] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941233] Mr. Chairman: The question comes upon the motion of the gentleman from Cochise.

Mr. Cunningham: I will re-state my motion to say or to use the word “sent” to the office of governor.

Mr. Webb: I will second that motion. That will cover the whole matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941237] Mr. Chairman: Those in favor of the motion will answer “aye;” those not in favor will say “nay.” The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941245] [Editor’s Note: Cunningham’s first amendment to the section was not mentioned again.]

(Editorial)

[e941246] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e941248] Mr. Osborn: I move that the committee do now arise and ask leave to sit again.

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e941249] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

### **32.34 Wednesday, 23 November 1910, at 13:30 (s16173)**

[e941278] Mr. President: The convention will come to order. There is a quorum present. If there is no objection, the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941280] Mr. President: The convention will come to order. There is a quorum present. If there is no objection, the convention will resolve itself into a committee of the whole, with the gentleman from Maricopa, Mr. Crutchfield, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941282] Mr. Ellinwood: I move to substitute the following for section 12: "Every bill shall be read in full on three different days, in each house, and no bill shall be passed or become law unless it shall have been printed, and upon the desk of the members, at least three calendar legislative days prior to its final passage, two thirds of all the members elected thereto by vote of yeas and nays dispenses with this provision. Every measure when finally passed shall be sent to the Governor.

No special or local law shall be considered by the Legislature until notice of the intended introduction of such bill or bills, shall first have been published for ten consecutive days in some newspaper published, or of general circulation, in the city or county effected by such law, stating in substance the contents thereof, and verified proof of such publication filed with the Secretary of State."

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 585)

[e941283] Mr. Ellinwood: I have taken this provision from the constitution of New York of 1894, from the constitution of Oklahoma, and from the recent constitution of Michigan of 1908. I am one of those who believe that if there is any cure for our legislation on the subject of corporations, etc., it is a question of publicity. If there is anything that [can] cure the defect, it is publicity. That has been the history in this territory and in other states that measures proposed are never published, and on some day convenient to the proposers are put on final passage, and the people affected know nothing about the matter until the matter is concluded. It seems to me a legislative body should have the laws printed, so [they] may be on the desks, and better considered by the members. When you are sitting in this convention and a complicated law is being passed on, you are unwilling to pass upon it until you know what the proposed law is, and until you have a copy on your desk. How much more so is the case with public at large to know what is going on in the legislature? When it comes to special legislation alone affecting some particular town, such as Bisbee or Yuma, it could be proposed and passed and the people know nothing of it until the matter is at an end.

Mr. Short: I do not see any occasion for this amendment. We have provided a cure for ills of that kind in the initiative and referendum, and the people will have the opportunity to persue them, and if desired to report on them. I think it is an unnecessary piece of legislation, which has no place in the constitution, and provides for a routine that makes it very difficulty to persons to advertise in a paper before you present a bill for passage by the legislature. I do not see any necessity for it when we have the initiative and referendum.

Mr. Cunniff: It seems to me you are so handicapping the legislature, that it can do nothing during its sixty days session.

Mr. Ellinwood: There is nothing in this proposal to prevent the legislature from passing laws, except that on the last three days no new bills could be introduced. Everyone who knows about bills for the last ten days. This simply provides that it be on the gentlemen's desks three days before final action. I would say in answer to the gentleman from Yuma, that the referendum does not cover the case. If a measure is passed by the legislature clandestinely, the people can resort to the referendum at an expense of \$50,000 for a special election. If they do not call a special election at that expense, they would have to wait for the next session, and then the new legislature might do the same thing.

Mr. Winsor: Mr. Ellinwood evidently has not studied the referendum proposition. In the event of the people exercising the powers of the referendum and securing of a petition that a certain measure be referred to the people, that measure shall not become law until passed upon and approved by the people. In no event shall it become a law for ninety days, to allow the people time in which to file a referendum petition.

Mr. Ellinwood: The gentleman is eminently correct, but your petition must be gathered from all over the territory in order to put this law into operation. But I am surprised that the gentleman from Yuma should stand in this convention and oppose the giving of light and information to the people, and let them know what is going on.

Mr. Winsor: I am equally surprised that the gentleman has gained the idea that I oppose light. I cannot see that any particular light is afforded by this provision. It is nothing more or less than preventing the passage of bills by the legislature during the last three days. At the present time, the legislature provides that bills shall not be introduced during the closing days of the session, and future legislatures will provide likewise. I say that bills with jokers in them should be amended at any time, and this provision would prevent any amendment during the last three days.

Mr. Cunniff: After giving some examination to this measure I should say it is not only unnecessary constitutional matter it is not even legislative matter, but it is a matter that should be placed in the rules of the legislature, and such rules should have at least such elasticity as the rules of this body. We have provided in this body that no matters shall be considered until they have been at least one day in printed form on the desks of the members, but we can change that rule, as we did last evening. It seems to me in many cases this measure would prevent the passage of necessary legislation. It puts clogs and chains on the passage of matters that should be taken up by the legislature. I would say further that the legislative department considered this matter carefully and in detail, and came to the conclusion and it is my opinion now, that this matter in the legislative bill covers all the details it is necessary to cover.

Mr. Ellinwood: It is a new thought to me that this convention refuses to amend the rules or govern the functions of the legislature. The other day I was said to be the only one voting against a bill permitting no person not a member on the floor of the legislature. If the President of the United States or some state governor should visit this town, and the legislature should wish to honor him by giving the privilege of the floor, they could not do so. The constitutions of the most recent drawings have this provision, and this convention can do no better than follow their precedents.

Mr. Cunniff: In correction of the gentleman, I would say that it was not my statement that no restrictions should be made on the legislature. I said all

necessary restrictions were made in section 12.

Mr. Cobb: Can a distinct line be drawn between special or local, and general legislation?

Mr. Ellinwood: It can. I will read to you from the debates of Michigan in the constitutional convention of 1908. (He reads.)

Mr. Cunniff: I should like to say I sat in that gallery during one legislature and heard a motion passed to postpone consideration of a certain bill over Sunday, and in the afternoon of that same day a motion was made here to reconsider because, as was said on the floor of the legislature, and I have no doubt it was true, and that immediately upon that motion being carried to postpone consideration, a telegram was sent out to the legislative agent or attorney or every large corporation in this territory interested in that bill, and the reason reconsideration was asked for and the measure immediately passed was, as urged by those who favored the bill, they did not want that Sunday to intervene in order that the attorneys of the corporations should put in the time in soliciting members to vote against the bill. Though I do not urge that was a sound or proper bill, I think a proposition of that kind cuts both ways, and I am opposed to it.

Mr. Winsor: I wish to add another word. In the case mentioned, if some special legislation were proposed, three days' publicity would not be sufficient to ascertain the wishes of the people in the community affected by this matter. For instance, I as a representative from Yuma county would not have any more idea of the desires of my constituents in three days than I would have at the time of the proposal.

(The Records of the Arizona Constitutional Convention of 1910, Page 585-587)

[e941289] Mr. Chairman: Those desiring to substitute will answer "aye;" opposed "nay," when their names are called.

Roll call showed 23 "ayes" and 17 "nays."

Mr. Chairman: The motion prevails, and the amendment offered by Mr. Ellinwood for section 12 is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 587)

[e941292] Mr. Franklin moved that when the Committee arise that it recommend that the Convention adjourn until 9:30 a.m., November 25, 1910.

Seconded by Mr. Webb.

(The Minutes of the Arizona Constitutional Convention, Page 267)

[e941294] Mr. Winsor moved to amend that when the Committee arise it ask leave to sit again tonight, tomorrow morning and tomorrow evening.

(The Minutes of the Arizona Constitutional Convention, Page 267)

[e941299] Amendment carried by rising vote of 26 to 17.

(The Minutes of the Arizona Constitutional Convention, Page 267)

[e941302] Mr. Jones (Yavapai): I want to make an amendment to section 12. After the words "aye and nay" insert "on roll call."

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 588)

[e941303] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 588)

[e941305] Mr. Baker: I would like to know what you mean in this by "to be sent to the governor."

Mr. Ellinwood: I would say for the information of the gentleman from Maricopa that this was discussed this morning for over an hour, although I took no part in it, the committee decided to adopt this language.

Mr. Hunt: This provides that it shall be "publishes for ten consecutive days." Does the gentleman from Cochise want to have a newspaper trust? Who is going to pay for that?

Mr. Short: I would like to further ask the gentleman from Cochise if there is no daily paper how is he going to publish it for ten consecutive days.

(The Records of the Arizona Constitutional Convention of 1910, Page 588)

[e941307] Mr. Cunniff: I move paragraph 2 of section 12 be stricken out.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 588)

[e941309] Mr. Ellinwood: If the gentleman from Gila will look at the substitute proposition he will find it does not require a daily paper; it requires to be published in some paper of general circulation. That is taken verbatim from the Oklahoma statute, and Michigan and New York have similar provisions.

Mr. Cobb: I rise to a point of order. No business has intervened, since this was disposed of, and a motion to reconsider would be the proper proceeding.

Mr. Chairman: The chair would rule that section 12 of the report has been supplemented by the amendment offered by Mr. Ellinwood, and that amendment is subjected to amendment. One amendment has already been made, and the chair entertains a second amendment that one paragraph be stricken out.

Mr. Osborn: Has the gentleman from Cochise any idea of the cost during one session of the legislature?

Mr. Ellinwood: As a minimum it would be 75 cents or \$1.50 for each measure. Anybody asking for a law affecting a community and in which a community is interested, could bear a small cost of 75 cents or \$1.50 so the people could have the information.

Mr. Franklin: I do not quite understand this. If we publish the things for "ten consecutive days." I do not know of any decisions that say that you can publish it once a week. Now I understand "four consecutive weeks" would be covered by putting it in a weekly paper for four issues. If the status provides "twenty-eight consecutive days" the publication in a weekly paper would not cover that. I do not want any such provision.

Mr. Winsor: I would ask Mr. Ellinwood how he would publish anything for "ten consecutive days," even in a daily paper that gets out six issues a week. It would not be published on Sunday, as most of our papers do not issue on that day.

Mr. Ellinwood: As I said before, it has been decided time and time again that as to service of summons, the time from the first publication to the last publication is the time in the contemplation of law.

Mr. Franklin: Does our statute provide we shall publish summons for twenty consecutive days? When you serve summons by publication, you serve it by publishing once a week for four consecutive weeks.

Mr. Ellinwood: If the gentleman are acting in good faith, and this I do not doubt, (laughter) they would offer an amendment here to make it two consecutive weeks. That would relieve the situation entirely. I do not object to such an amendment.

Mr. Cunniff: As no provision is made who is to pay for this matter, it looks to me as though with a provision like this the legislators who came from the ranges and from the towns would be running around in circles trying to find what to do. If a legislator intended to introduce a bill, he would have to have it published before he could introduce it.

Mr. Ellinwood: Just as at present, he would have to take it to a stenographer and have it written out, and it would amount to little more than street-car fare.

Mr. Cunniff: It seems to me that this is so involved we should leave it to the legislature and let them work it out in detail. As to the expense, I do not believe in putting them to any such expense.

Mr. Ingraham: As to this whole proposition, I came in late, but it looks like an attempt to fix in the constitution the rules of the legislature, and we have clipped the wings of the legislature enough already.

(The Records of the Arizona Constitutional Convention of 1910, Pages 588-589)

[e941317] Mr. Chairman: Those in favor of striking out the second section will answer "aye" to their names as the roll is called; opposed "no."

Roll call showed 24 "ayes" and 20 "nays."

Mr. Chairman: The motion to strike out has prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 589)

[e941319] Mr. Cobb: I move you that section 12 be substituted for this amendment. The whole purport was changed when it was amended.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 589)

[e941321] Mr. Chairman: The question is upon the substitution of the original section 12 as printed in the committee report with the amendment, for the amendment made by Mr. Ellinwood, from which you have stricken out section 2.

Mr. Ellinwood: I wish to call attention to the fact that the only amendment to the printed copy of section 12 was to cut out the last two words in line 24 and the first three words in line 25, and insert "sent to," in their stead. I ask for a roll call.

Mr. Chairman: Those in favor of this motion make it known by saying "aye" as their names are called; opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Pages  
589-590)

[e941438] Mr. Goldwater: I desire to be excused from voting. In the first place you struck out section 12 and now you are trying to put it back in. I do not think you can do it parliamentarily. If I have to vote I vote one-half for one and one-half for the other.

(Editorial)

[e941440] Mr. Winsor: Let him be excused.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941444] Roll call showed 22 "ayes" and 23 "nays."

Mr. Chairman: The motion does not prevail.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941452] Mr. Cunniff: I move that section 12 as it now stands be amended as follows: after the word "provision" (the last word in the next to the last sentence) insert this sentence "The reading of the bill by sections on its final passage shall in no case be dispensed with, and the vote on its final passage shall be taken by ayes and nays on roll call," being the matter in the substitute proposition from line 21 to line 24. In Mr. Ellinwood's substitute that matter was left out.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941455] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941458] Mr. Cunniff: I move a further amendment in the first line, insert the words "by sections" after the word "read," to make it read "Every bill shall be read by section."

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941462] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941469] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 6.]

(Editorial)

[e941473] Mr. Franklin: I have a motion, which would take precedence. I move you that section 12 of Substitute Number 6 be re-referred to the Committee on Legislative Department, Distribution of Powers and Apportionment, with instructions to report within two days.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941476] Mr. Cunniff: It does not seem to me any good would come of referring it to this committee. I do not know what the committee can do further with it.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941487] Mr. Chairman: All those in favor of the motion will answer "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941489] Mr. Chairman: [...] Any objections to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941492] Mr. Chairman: [...] Any objections to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 590)

[e941500] Mr. Ingraham: If that provision goes into the constitution it will be the most dangerous two lines in the constitution. There will be more laws declared unconstitutional because of these two lines than any other two lines in the constitution. Take a long and complicated act, and if there is any subject in that act that is not expressed in the title your law is unconstitutional. I cannot see any good purpose to be gained by it; it leaves a handle or a string upon every law by which the court can declare it unconstitutional. You cannot draw a long act like a primary act for instance, and put a title on it so the supreme court cannot take hold of that string and explode your law. You cannot make the title perfect; you cannot make it court-proof. It seems to me with referendum we have sufficient check upon the legislature without this. Section 13 proposes an absolute impossibility. I make a motion that section 13 be stricken out.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 590-591)

[e941503] Mr. Cunniff: I would suggest that Congress has worried alone for a long time under a rule like this.

Mr. Ingraham: That chamber is full of the best lawyers in the United States and we cannot expect to have such lawyers. As to this question, I remember an instance in the State of Michigan. After a long and expensive campaign the prohibitionists carried the election and put upon the statute books a law entitled "A law to regulate the manufacture and sale of intoxicating liquors," or something to that effect, and on a case being carried to the supreme court, the law was held unconstitutional because the subject of the act was not expressed to the courts' taste in the title. The court decided that prohibition was not regulation. This is a specific example of the evils of a clause like this. You will find you cannot draw an act that is not open to some objections when the supreme court want to object.

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941508] Mr. Cobb: I move an amendment that this section be stricken out, and the following substituted: "Every act shall embrace but one subject and matters properly connected therewith, such subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be embraced in the title." This is taken from the Idaho constitution.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941510] Mr. Chairman: The question is upon the amendment of the gentleman from Greenlee, Mr. Cobb. Those in favor answer "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941511] [Editor's Note: Ingraham's amendment as amended by Cobb was considered adopted with the adoption of Cobb's amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941512] Mr. Chairman: [...] What will you do with section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941515] Mr. Chairman: [...] What will you do with section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941516] Mr. Webb: I am a member of the committee that reported this proposition, but I did not notice this. I cannot see any reason why this should be left in, and I move to strike it out.

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941524] Mr. Franklin: I think the object is to prevent riders from being placed, for instance, on appropriation bills. The least days of a session a rider is placed upon the appropriation bill changing its meaning completely. I am heartily in favor of this provision.

Mr. Webb: For this information of the gentleman from Maricopa, I would say that it is a safe-guard.

Mr. Cunniff: If the gentleman from Graham cannot imagine why, I commend him to a recollection of the event of today and yesterday, for of all occasions on which amendments were offered I never heard in all my life before such a collection of amendments as we have had yesterday and today.

Mr. Chairman: The question is on Mr. Webb's motion. All in favor will make it known by rising; opposed will make it known by rising.

(The Records of the Arizona Constitutional Convention of 1910, Page 591)

[e941530] Mr. Parsons: As the gentleman Graham seems to have had good success by using Idaho, I desire to strike out section 14, and substitute in place thereof the following: "No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length."

(The Records of the Arizona Constitutional Convention of 1910, Pages 591-592)

[e941538] Mr. Baker: I want to say before you vote on this, it has nothing to do with the section you have stricken out. It is not germane to that subject; it has nothing to do with it.

Mr. Parsons: I move it as a substitute to take the place of the section that was stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941539] Mr. Chairman: Are you ready to vote? Those in favor will answer "aye;" opposed "no." The motion has prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941540] [Editor's Note: Webb's amendment as amended by Parsons was considered adopted with the adoption of Parsons' amendment.]

(Editorial)

[e941541] Mr. Chairman: [...] Any objections to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941542] Mr. Chairman: [...] Any objections to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941544] Mr. Winsor: I move to strike out the letter "s" in the word "officers" and make it "presiding officer."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941546] Mr. Chairman: Without objection it will be done.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941547] Mr. Chairman: [...] Any objection to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941549] Mr. Chairman: [...] Any objection to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941552] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941555] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941556] Mr. Chairman: [...] Any to section 18?

(Editorial)

[e941557] Mr. Chairman: [...] Any to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941558] Mr. Chairman: [...] Any to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941560] Mr. Chairman: [...] Any to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941562] Mr. Chairman: [...] Any to section 19? If not, they stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941565] Mr. Chairman: [...] Any objections to section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941570] Mr. Goldwater: I move to amend line 22, paragraph 2, by adding the words "or county boundaries."

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941571] Mr. Weinberger: I will submit that the county boundaries are defined by the constitution and you will have to have a constitutional amendment for changing the boundaries, so this is unnecessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941572] Mr. Goldwater: I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941574] Mr. Chairman: Section 20 is approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941576] Mr. Chairman: [...] Any objections to section 21?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941582] Mr. Chairman: [...] Any objections to section 22?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941583] Mr. Chairman: [...] Any objections to section 22?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941585] Mr. Chairman: [...] Any objections to section 22? If not they are approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941588] Mr. Chairman: [...] What will you do with section 23?

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941590] Mr. Feeney: Mr. Chairman, I move that in section 23, line 6, the word "seven" be changed to "ten."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941605] Mr. Jones (Maricopa): I offer an amendment changing it to "five."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941611] Mr. Chairman: The first amendment is to change the word "seven" in line 6, to "ten," amended further that it be changed to "five."

Mr. Feeney: Mr. Chairman, in making that \ \$5.00 a day, the legislature in the past has always been held very cheaply. The reason I want it \ \$10.00 is if the supreme court judges are worth \ \$6,000 a year, certainly the legislator that comes down here for sixty days is worth \ \$10.00 and mileage. The legislator who comes down here in the future will come here untainted by the conditions under which they have come here in the past, and they ought to be reimbursed enough to pay their living expenses.

Mr. Parsons: Mr. Chairman, I want to support the amendment offered by my colleague, and my reason is this: take, for example, such men as the gentleman who has just addressed you, a man who earns his living by the sweat of his own brow rather than off the sweat of the other fellow's brow, a man who is qualified by nature and attainments to represent a class of men of whom he considers himself a proud unit. Such a man under the circumstances that usually exist, where a small salary fixed for a member of the legislature, find that it will not pay his actual living expenses to say nothing about saving him from the loss that he sustains in giving up his labor when he leaves home. I say to you that in order that men of just the class of this man may be chosen to come to the legislature of Arizona and represent every class and those men with whom he works. Ten dollars is as little as we ought to fix, and I support the amendment.

Mr. Short: Mr. Chairman, I want to support the motion of the gentleman from Cochise to make the per diem of legislators \ \$10.00. I want to say to you that the State of Arizona should be in a position to pay its legislators at the rate of \ \$3650 per year if the supreme judges who interpret the laws the legislators make are worth \ \$6,000 a year. I submit to you that a legislator is worth at the rate of \ \$3650, and I would like to see them well enough paid that it will not be necessary for the corporations to pay them anything in order to get them here to make the laws; so that any poor man who has the ability may come here and raise his voice in making laws for the government of the people of the state of Arizona. I submit that to pay them \ \$5.00 per day is a meager compensation, and I hope the members of this convention will never submit to it. I think \ \$10.00 is little enough.

Mr. Wills: Mr. Chairman, I do not want to support either one of these amendments. I think \ \$5.00 is too small and \ \$10.00 is too large. I think \ \$7.00 as fixed by the committee is just right.

Mr. Webb: Mr. Chairman, I desire to pay that one of the conditions upon which I consented to the apportionment being made as high as it was—and I want to state the committee were not all present—that one of the conditions upon which I finally consented that the number of legislators should be so high was that the pay be fixed at \ \$7.00. We comprised on \ \$7.00, and it was one of the inducements that led me to support the first section of this bill.

Mr. Osborn: Mr. Chairman, I am glad to learn what inducement caused the gentleman from Graham to support that first section. I think it would be a great deal better to pay the legislators \ \$10.00 and cut the number down. Out of that fifty-four members you will probably find thirty-four who will come here and do what somebody tells them.

Mr. Connelly: Mr. Chairman, I am in favor of \ \$10.00 a day first, last and all the time. My reason for that is that I do not believe any man can come down here and live for any less. The least any state officer will have is to receive \ \$3000.00 a year, which is over \ \$250.00 a month, and other state officers are getting from \ \$8.50 to \ \$18.00 or \ \$19.00 a day. Now, you want to place the legislators below anybody else. If you have too many men in the legislature cut the number down. I do not believe in starving anybody to give somebody else a good job. These men are coming here and they are under extra expense, just as we are. Why should they work for \ \$2.00 or \ \$3.00 a day less than men who are stationed here?

Mr. Bolan: Mr. Chairman, I would like to speak a few words in favor of the motion made by Mr. Feeney. I will speak for myself in this matter, and I think the rest of the delegation will bear me out in these few remarks that I shall make. When the delegates from our portion of the country were looking around to see who they could nominate to run on the Democratic ticket to represent them as delegations to this convention, they found that very few people would consent to run on this ticket on account of the salary, and I myself did not feel at that time, when I was first approached, that I could afford to leave my position and come up here for the small salary that was paid to these delegates, but under their earnest solicitation I accepted, and every man with whom I talked, including businessmen, working men, and everybody alike, said they should receive at least ten dollars a day—the legislators should. I do not think that is any too much. I think it will give the men a chance to not lose money during the time the legislature is in session.

Mr. Cobb: Mr. Chairman, I wish to say that I heartily agree with my friends. I think it ought to be \ \$10.00 and no less.

Mr. Standage: Mr. Chairman, I also agree with my friends from Cochise. I think they should be paid enough to justify them to come here. If we are going to cut down salaries we should have begun a long time ago and cut some of these offices we have been making. Give the legislators \ \$10.00. I am heartily in favor of it.

Mr. Feeney: Mr. Chairman, I have been an advocate here of high salaries. I believe if the corporation can pay their high class employees high salaries, we people ought to do the same. The crying evil of our legislature is “jack pots,” and small pay causes the very conditions that make men take money that taints their conscience. That is why I advocate \ \$10.00 a day, and that is little enough. (applause)

Mr. Roberts: Mr. Chairman, I submit that if we raise the pay \ \$2.00 per day we have done pretty well, and if the people want the salary higher they can

get it under the initiative.

(The Records of the Arizona Constitutional Convention of 1910, Page 592)

[e941612] Mr. Chairman: The question is on the amendment of section 23, line 6. The last amendment offered is substituting the word "five" for the word "seven," making it read "Until otherwise provided by law, members of the legislature shall receive a per diem of \ \$5.00 per day. Those in favor will make it known by rising. Those opposed same sign. The motion is lost by a vote of 3 to 40.

(The Records of the Arizona Constitutional Convention of 1910, Page 594)

[e941600] Mr. Chairman: [...] The question now upon the amendment offered by the other gentleman to amend the same line and the same word by substituting the word "ten." Those in favor of substituting the word "ten" for the word "seven" will make it known by saying "aye" when their names are called; those opposed no.

Mr. Coker: Mr. Chairman, in explanation of this vote, if it needs any explanation, I wish to state that the proposition of economy could more profitably be arrived at by the number of members, which was turned down this morning, and therefore I must vote "aye," at this time.

(The Records of the Arizona Constitutional Convention of 1910, Pages 594-595)

[e941604] Roll call showed 19 "ayes" an 27 "nays."

Mr. Chairman: The motion is lost.

[Editor's Note: The Minutes lists the vote count as 18 to 28.]

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941616] Mr. Ellinwood: Mr. Chairman, I move an amendment in line 6, section 23, that the word "seven" be stricken out and the word "eight" be inserted.

Mr. Cobb: I second the motion.

Mr. Chairman: Gentlemen, you have heard the motion. Those in favor will make it known by saying "aye" as their names are called; opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941618] Mr. Roberts: Is an amendment in order?

Mr. Chairman: No, I think not, when the vote is being taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941620] Roll call showed 19 "ayes" and 27 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941622] Mr. Curtis: I move section 23 be adopted as reported.

Mr. Cooper: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941625] Mr. Connelly: Mr. Chairman, I move that in line 8 where it says "sixty days" we add the words "excepting the first session." I believe it will take more than sixty days. We have been here almost sixty days and we have not started.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941626] Mr. Chairman: Is there a second? There being no second to the amendment, the question will be upon the motion of the gentleman from Santa Cruz that section 23 be adopted as reported by the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941628] Mr. Cobb: I move to amend by adding the words: "Provided that the salaries of the members of the legislature herein enumerated shall be paid by the counties which they represent."

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941629] Mr. Chairman: You have heard the amendment that there be added the words: "Provided that the salaries of the members of the legislature herein enumerated shall be paid by the counties which they represent." Those in favor will answer "aye."

Mr. Colter: I would like to ask if a legislator is a county officer of a territorial officer.

Mr. Cobb: He is here to represent his constituents.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941631] Mr. Chairman: Those in favor of the amendment will make it known by answering "aye" as their names are called. Those opposed "no." The secretary will call the roll.

Roll call showed 10 "ayes" and 36 "nays."

Mr. Chairman: The motion is lost.

(The Minutes of the Arizona Constitutional Convention, Page 595)

[e941633] Mr. Chairman: [...] The question recurs upon the motion of the gentleman from Santa Cruz, Mr. Curtis, that section 23 be adopted as reported by the committee. Those in favor will make it known by saying "aye;" opposed "no." It is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941637] Mr. Chairman: [...] Any amendments to section 24?

(The Records of the Arizona Constitutional Convention of 1910, Page 595)

[e941641] Mr. Tuthill: Mr. Chairman, I would like to introduce an amendment to read as follows: "other than the officers or men of the National Guard traveling under order." There is a statue that they travel for 2 cents a mile.

[...]

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 595-596)

[e941642] Mr. Chairman: It says "holding public office in this state."

Mr. Tuthill: It is a question whether a National Guard officer is a public officer or not.

Mr. Curtis: I second the motion.

Mr. Weinberger: I do not believe a member of the National Guard is a public officer. I think that is not necessary.

Mr. Feeney: Mr. Chairman, I introduced a measure here and my object was to lift the militia and public defense of the government out of the taint that it has been in before, and I feel that an exemption of the state militia is one of those efforts that today has tended toward having the state militia held in contempt in the territory.

Mr. Winsor: I rise for information. I would like to ask if under the laws of Arizona officers and members of the territorial militia have their expenses paid when they are acting under orders.

Mr. Tuthill: The expenses of officers, so far as traveling is concerned, are paid. Their personal expenses are not paid.

Mr. Winsor: This does not refer to personal expenses.

Mr. Tuthill: This refers to transportation. We have had a great deal of trouble over transportation. The railroads have tried to hold us up, and have partially succeeded, and I believe that unless it is the sense of the legal talent of this convention, that we will not in any way interfere with the statutes now on the books providing for two cents a mile for the National Guard when traveling under orders, that this should be inserted.

Mr. Jones (Maricopa): I want to call the attention of the gentleman to the fact that this won't prevent the railroad companies giving free transportation. As it reads it says that no person shall accept or use a pass of purchase transportation from any railroad, etc. There is nothing there to prevent an officer from purchasing transportation and getting a refund, and I want to tell you that that is the favorite way of giving officers transportation. I want to say further that this can safely be eliminated. If you refer to committee substitute Number 113 you will find that every one is prohibited from accepting or using, and railroads are prohibited from giving transportation to anyone except as may be in accordance with the interstate commerce commission, which exempts employees of railroads. I think this should be stricken out entirely, and we should rest upon the provisions that are in Substitute Number 113.

Mr. Cunniff: Mr. Chairman, I would like to say that in one the state holds the railroad by one hand and in the other the state holds the public officer by the other hand.

(The Records of the Arizona Constitutional Convention of 1910, Page 596)

[e941644] Mr. Chairman: The question comes up on the amendment of the gentleman from Graham, Dr. Tuthill. Those in favor of the amendment make it known by rising. Those opposed the same sign. The amendment prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 596)

[e941646] Mr. Feeney moved, seconded by Mr. Roberts that section 24 be stricken out.

(The Minutes of the Arizona Constitutional Convention, Page 270)

[e941649] Motion withdrawn.

(The Minutes of the Arizona Constitutional Convention, Page 270)

[e941651] [Editor's Note: Section 24 as amended was considered adopted.]

(Editorial)

[e941654] Mr. Hunt: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition Number 6 do pass as amended.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 596-597)

[e941658] The motion prevailed.

Mr. Chairman: The secretary will proceed with the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941662] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941664] [Editor's Note: Substitute Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941666] [Editor's Note: Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941669] [Editor's Note: Substitute Proposition Number 6 as Amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941673] [Editor's Note: The Report from the Committee on Legislative Department on Proposition Number 6 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941679] [Editor's Note: Proposition Number 131 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e941684] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 131.]

(Editorial)

[e941686] Mr. Bolan: Mr. Chairman, I move that that be indefinitely postponed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941689] Mr. Chairman: It is so ordered. The secretary will proceed with the next number on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941690] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941691] [Editor's Note: Proposition Number 131 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941693] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, on Proposition Number 115, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941694] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 115.]

(Editorial)

[e941697] Mr. Goldwater: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that Proposition Number 115 be indefinitely postponed.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941698] The motion prevailed.

(Editorial)

[e941703] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941700] [Editor's Note: Proposition Number 115 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941707] Mr. Chairman: The secretary will read the next number on the calendar.

Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, on Proposition Number 55, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941708] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 55.]

(Editorial)

[e941716] Mr. Ellinwood: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that Proposition Number 55 be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941718] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941720] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941721] [Editor's Note: Proposition Number 55 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941725] Mr. Chairman: The next item on the calendar.

Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment, on Proposition Number 102, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941727] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 102.]

(Editorial)

[e941730] Mr. Jones (Yavapai): Mr. Chairman, I move that when the committee arises it report back to the convention and I recommend that Proposition Number 102 be indefinitely postponed.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941732] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941734] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941736] [Editor's Note: Proposition Number 102 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941949] [Editor's Note: The Report from the Committee on Legislative Department on Proposition Numbers 20, 35, 43, 45, 55, 39, 93, 96, 97, 102, 115, 131, 133, and 146 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e941749] Mr. Chairman: Read the report on Number 22.

Secretary (reading): Report of Committee on Private Corporations and Banks on Proposition Number 22, recommending that the substitute submitted be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941744] [Editor's Note: Proposition Number 22 was referred to the Committee of the Whole alongside Substitute Proposition Number 22.]

(Editorial)

[e941751] The Convention then proceeded to consider Sub. proposition No. 22; section by section.

[Editor's note: The editors have created a blank version of Substitute Proposition Number 22 in order to replicate the process of the Committee of the Whole considering the proposition section by section.]

(The Minutes of the Arizona Constitutional Convention, Page 270)

[e941758] Mr. Chairman: If there is no objection to section 1, we will pass to consideration of section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941760] Mr. Chairman: If there is no objection to section 1, we will pass to consideration of section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941761] Mr. Chairman: If there is no objection to section 1, we will pass to consideration of section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 597)

[e941766] Mr. Parsons: Mr. Chairman, in line 7 of section 2 I find the words "except for municipal purposes." Yesterday we recommended the adoption of a provision that said no municipal corporation should be formed by special law.

(The Records of the Arizona Constitutional Convention of 1910, Pages 597-598)

[e941768] Mr. Short: Mr. Chairman, I move you that in line 9 in section 2, the words "at any time" be stricken out. The legislature cannot pass a law when they are not in session. I do not see any occasion to use these three words.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 598)

[e941782] Mr. Chairman: The chair does not understand what Mr. Parsons made as a motion.

Mr. Parsons: I only called attention to the fact that there is a conflict between the terms of this section and one that we recommended for adoption yesterday. When in speaking of laws that should not be passed or corporations that should not be formed it said that no municipal corporation should be formed by special act of the legislature. This says corporations may be formed under general law but shall not be created except for municipal purposes. That means that municipal corporations may be organized by special act of the legislature. The reason I mention this is because I thought perhaps there was some explanation on the part of the members of the committee.

Mr. Roberts: We had not passed that yesterday when we prepared this report.

Mr. Parsons: I move to strike it out.

Mr. Jones (Yavapai): I second the motion.

(Editorial)

[e941783] Mr. Curtis: Mr. Chairman, it seems to me that the committee on style and revision can rectify that.

Mr. Parsons: It might be possible that the Committee on Style, Revision and Compilation might correct it, but how would they know what the will of the committee is. It seems to me it requires action by this convention to direct the committee on style, revision and compilation which one to put in.

Mr. Cassidy: Mr. Chairman, the words excepted to by the gentlemen from Cochise in line 7 are also in conflict with line 16 on page 6 of the proposition we have just been considering, in which it says: "No special law shall be passed regarding incorporation of cities, towns or villages or amending their charter."

Mr. Weinberger: Mr. Chairman, I presume Mr. Parsons is going to call attention to the same thing in section 1 which provides "that municipal corporation shall not be created by special laws but the legislature by general laws shall provide for incorporation and organization of cities," etc.

(The Records of the Arizona Constitutional Convention of 1910, Page 598)

[e941784] Mr. Chairman: The question is upon the amendment of Mr. Parsons of Cochise to strike out in line 7 beginning at the word “act” the words “except for municipal purposes.” Those in favor will say “aye;” opposed “no.” They are stricken out. The question now recurs upon the motion of Mr. Short of Yuma that in line 9 the words “at any time” be stricken out after the word “legislature.”

(The Records of the Arizona Constitutional Convention of 1910, Page 598)

[e941785] Mr. Baker: Mr. Chairman, I hope that motion will not prevail, because I can see some danger in that. It might be possible that a corporation could exercise a charter so long that the legislature in acting against them, the corporation possible could stand up and plead the statute of limitations; or it had exercised it so long—had accumulated so many rights under it, or privileges, or things had grown up in connection with this that to change or alter it at a late date would seriously affect certain parties. I think they might plead the statute of limitation; whereas this term will allow the legislature at any time to alter or change.

Mr. Short: Mr. Chairman, I fail to see wherein the legislature would be prohibited from making this change at any time they were in session. Those words absolutely lend no force to the matter. The legislature cannot do this at any time because they are not in session at all times.

Mr. Baker: Mr. Chairman, this section was taken from the constitution of Washington, and I have compared it carefully with a number of similar constitutions and all of them have those exact words.

(The Records of the Arizona Constitutional Convention of 1910, Pages 598-599)

[e941786] Mr. Chairman: Those in favor of the amendment as offered by the gentleman from Yuma, Mr. Short, make it known by saying “aye;” opposed “no.” It does not prevail.

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941788] Mr. Chairman: [...] What will you do with section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941789] Mr. Chairman: [...] What will you do with section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 559)

[e941791] Mr. Cassidy: Mr. Chairman, it seems to me that there is uncertainty in that provision—that word “approval.” Approval by the people or by Congress or by the President? It does not say.

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941792] Mr. Chairman: If there is no amendment the section will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941793] Mr. Chairman: [...] Any amendments to section 4? Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941795] Mr. Baker: Mr. Chairman, I would like to inquire about this. This section is in the substitute proposition. I do not know where it came from; it sounds strange to me. Whether it was in Mr. Ellinwood's bill or whether it was substituted in the committee of the whole, I do not know. Can some member of the Committee on Corporations tell me where he got section 4? I do not care anything about the question "the legislature shall not remit the forfeiture of the charter of any corporation now existing," but to say "or amend the same" looks to me dangerous. I do not know where the section comes from.

Mr. Chairman: Can any gentleman of the committee give the gentleman the information he desires?

Mr. Winsor: Mr. Chairman, if my memory serves me correctly, this section was taken from the proposition [of] the committee on corporations, submitted by Judge Wells. That is my recollection.

Mr. Chairman: If there is no further objection to it it will pass for the present.

(Editorial)

[e941796] Mr. Franklin: Mr. Chairman, before we pass from section 4, it seems to me we ought to do it unadvisably. It seems to me that it is pregnant with a great deal of meaning. I move you, Mr. Chairman, reverting to section 4, that we amend that section by striking out all of the section beginning on line 17, after the word "existing," so that the section as amended will read: "The legislature shall not remit the forfeiture of the charter of any corporation now existing."

(The Records of the Arizona Constitutional Convention of 1910, Page 599)

[e941798] Mr. Ellinwood: I would state that the statute to which Judge Baker referred was taken from Article 12 of Alabama, 1901, verbatim.

Mr. Franklin: What has been the construction of that provision?

Mr. Ellinwood: I do not know, sir. That is where it came from.

Mr. Franklin: I am very much opposed to putting in the constitution of Arizona things that we have simply gathered from other constitutions. As I suggested before, that is a very doubtful interpretation, and the extent of the power to do things in this manner is such that we ought not to get it in the dark.

Mr. Cassidy: Mr. Chairman, I see in referring to the constitution of North Dakota that it has a section verbatim with section 4.

Mr. Franklin: What is the purpose of it?

Mr. Cassidy: I do not know.

Mr. Jones (Maricopa): Mr. Chairman, it looks to me as though the purpose of it might be wholesale. It puts a check on the legislature amending or altering a charter of a corporation, which I think it a wholesome thing. A corporation might make application, if this were not in here, to the legislature to change

some feature of their corporation. It might be a bad thing for the state. Unless someone can point to come objection to it I shall vote in favor of retaining it.

Mr. Wells: Mr. Chairman, in Proposition Number 105, section 3, it says: "The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state." Other propositions were referred to the committee, and from all that were referred to the committee, and from all that were introduced they produced section 4 as placed in the substitute. It was done after consideration, and we thought it would cover any objection that was made by the members of the committee; just to what point the objection is made I do not know.

Mr. Webb: Mr. Chairman, I desire to say I do not know the purpose of it, and every gentleman to whom the question has been put has confessed that they do not know, and I am going to vote against it.

Mr. Roberts: Mr. Chairman, it seems to me if we read on down to the last two lines "except on condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution," one can readily see why it was done. The corporations that are in existence are not subject to the provisions of this constitution, and if they want to make any change it just requires them to become subject to this constitution.

(The Records of the Arizona Constitutional Convention of 1910, Pages 599-600)

[e941800] Mr. Chairman: The question recurs upon the motion of Mr. Franklin to strike out all of section 4 after the word "existing" in line 17. Those in favor make it known by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 600)

[e941802] Mr. Chairman: [...] Any objection to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 600)

[e941805] Mr. Chairman: [...] Any objection to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 600)

[e941807] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 600)

[e941810] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 600)

[e941813] Mr. Baker: Mr. Chairman, I ask the gentleman from Cochise, Mr. Ellinwood, if he is the author of the peculiar language here. I am inclined to vote for it, but I would like to understand the necessity of a provision of this kind, why it arose.

Mr. Ellinwood: I would state, Mr. Chairman, that in Nevada, and probably several other states, who are seeking to have corporations incorporated under their laws for the benefit of the fees, have laws by which they provide that

an incorporation [sic, corporation] may incorporated in that state, provided, however, they never can do business in the state of their creation. I will read you from the laws of Nevada of 1903, – and there is one corporation in the territory of Arizona now doing busines under this charter. “Any number of persons, not less than three, may associate to establish a corporation for the transaction of any lawful business, or to promote or to conduct any legitimate object or purpose under the provisions of and subject to the requirements of this Act as hereinafter provided; except to carry on within this state, an insurance business or that of surety company or that of a railroad company, other than a street railroad... Notwithstanding the exceptions in the preceding section of this Act, a corporation may be incorporated under this Act to transact the business of an insurance company, life, fire, marine or accident or other form of an insurance or of a surety company or of a railroad company, or for other cognate or other like purposes, to operate wholly without this state.”

Mr. Baker: Then is it a question of reprisal on our part.

Mr. Ellinwood: Not let them do business here if they cannot do business at home.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
600-601)

[e941815] Mr. Chairman: Any objection to number 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 601)

[e941816] Mr. Chairman: Any objection to number 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 601)

[e941818] Mr. Cunningham: Mr. Chairman, do I understand this correctly? Beginning with the words “The stock and indebtedness of corporations shall not be increased except in pursuance of general law nor without the consent of the persons holding the larger amount in value of the stock, at a meeting to be held after sixty days’ notice given in pursuance of law.” It is possible that is the meaning of this section? If it is, all the corporations will have to go out of business, if you have to give sixty days’ notice before you can increase your indebtedness. You could not work labor day after day, because that would certainly increase your indebtedness.

(The Records of the Arizona Constitutional Convention of 1910, Page 601)

[e941821] Mr. Roberts moved, seconded by Mr. Feeney, to strike out in line 11, page 3, after the word ”stop” the words ”an indebtedness of”; lost.

(The Minutes of the Arizona Constitutional Convention, Page 270)

[e941824] Mr. Curtis: Mr. Chairman, I wish to amend by leaving the words in before “indebtedness” on page 11 and between “and” and “indebtedness” put “bonded.”

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 601)

[e941826] Mr. Roberts: I withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 601)

[e941829] Mr. Baker: I offer, then, an amendment to the motion of the gentleman from Santa Cruz. I offer section 6 in the original Proposition Number 22 that was introduced by myself, as a substitute for section 7 in the present bill. The language of this amendment is as follows: "Corporations shall not issue stock, except to bona fide subscribers therefore, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void." I believe that section will be more effective.

Mr. Cassidy: I second the motion of the gentleman from Maricopa.

(The Records of the Arizona Constitutional Convention of 1910, Pages 601-602)

[e941831] Mr. Ellinwood: Mr. Chairman, I would state that the paragraph just read by Mr. Baker is taken verbatim from the Utah constitution.

Mr. Baker: Also Washington.

Mr. Winsor: Mr. Chairman, I would like, as a matter of information, to have the gentleman from Maricopa a point out in what respect his amendment differs from the section as it now stands in the proposition, except in this one particular, that in section 7 sixty days' notice is required before the stock or bonded indebtedness may be increased, whereas in the amendment proposed merely consent of a majority of the stock is required.

Mr. Parsons: Mr. Chairman, I would call the attention of the gentleman from Yuma to the fact that section 7 as proposed to be amended covers bonded indebtedness; that is not provided for in section 6.

Mr. Winsor: Bonded indebtedness is provided for in the section as it now appears.

Mr. Parsons: Yes, but not in Judge Baker's proposition.

Mr. Chairman: The question is upon the substitution of section 6 for section 7.

Mr. Curtis: Mr. Chairman, I would say that section 7 in Substitute Proposition Number 22 is a verbatim copy of the South Dakota provision.

(The Records of the Arizona Constitutional Convention of 1910, Page 602)

[e941832] Mr. Chairman: Those in favor of Judge Baker's amendment will rise; those opposed, the same sign.

Rising vote showed 22 in favor and 17 against.

Mr. Chairman: The amendment is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 602)

[e941836] Mr. Cunniff: Mr. Chairman, I move that this section now incorporated as section 7 be amended as follows. In line 5, the phrase “bona fide subscribers therefore,” that “labor done or property actually received therefore” be inserted in lieu thereof. That is taking the phrasing from the committee’s substitute report in regard to that particular matter.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 602)

[e941839] Mr. Parsons: Mr. Chairman, I would like to call the attention of the gentleman from Yavapai to the fact that the language in substance follows in the next two lines.

Mr. Cunniff: It occurs there as only covering bonds.

Mr. Parsons: That will leave it so that will be repeated.

Mr. Cunniff: The phrase is used on the stock and used again on the bonds, but it has been pointed out that it is necessary, so the words stricken out would be beginning with the word “to” on line 3 and including the word “assignees” on line 6.

(The Records of the Arizona Constitutional Convention of 1910, Pages 602-603)

[e941843] Mr. Chairman: You have heard the assignment. All those in favor will stand to their feet. Opposed same sign. The amendment is lost. Are there any further amendments to section 6 of Proposition Number 22? We will pass to section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941845] Mr. Cunniff: Mr. Chairman, I move that on line 14 before the word “indebtedness” the word “bonded” be added.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941847] Mr. Baker: Mr. Chairman, of course I am not opposed to anything that will restrict those corporations all we possibly can, but I do not want to vote for an amendment that will let them loose instead of tying them down. With this amendment they could increase their indebtedness other than bonded indebtedness. Don’t you see? You only limit them to fictitious increase of bonded indebtedness. We had better let that general language stay.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941849] Mr. Cunniff: I agree. I will withdraw that.

Mr. Chairman: The amendment is withdrawn and the motion stands.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941850] Section 7 adopted as substituted.

(The Minutes of the Arizona Constitutional Convention, Page 271)

[e941851] Mr. Chairman: [...] Any amendments to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941852] Mr. Chairman: [...] Any amendments to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941855] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941857] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941858] Mr. Short: As a matter of information I would like to inquire if the present statutes do not require that articles of incorporation be filed with the secretary of state.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941861] Mr. Cassidy: This says without having first filed their articles. Under the present statute the articles are filed with the county recorder and a certified copy filed with the territorial auditor. I move that after the word "incorporation" we insert the words "or a certified copy thereof," on line 23.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941864] Mr. Chairman: Those in favor of the amendment will signify by saying "aye;" opposed "no." It is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941866] Mr. Chairman: [...] Any objections to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941870] Mr. Chairman: [...] Any objections to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941873] Mr. Chairman: [...] Any to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941876] Mr. Chairman: [...] Any to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941879] Mr. Weinberger: Mr. Chairman, I do not believe that this accumulative system of voting ought to be in the constitution. I think it should up to the corporation whether it sees fit to adopt this system or not, and I therefore move to strike out section 11.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 603)

[e941881] Mr. Cunniff: This seems to me to be an obvious protection of the minority stockholders.

Mr. Weinberger: The corporation itself can adopt this system of voting if they see fit.

Mr. Cunniff: As a protection to stockholders I think we should say whether the corporations want it or not.

Mr. Parsons: Mr. Chairman, the argument of the gentleman from Gila would apply to any other regulation we are seeking to impose on corporations. We should protect the stockholders to the extent of saying how they shall elect their directors.

Mr. Ellinwood: Mr. Chairman, this provision in one form or the other is in effect in California, Illinois, Idaho, Missouri, Montana, South Dakota, Pennsylvania, North Dakota, West Virginia, and it seems to me it is very essential. It gives the minority stockholder a look-in. While he cannot control the corporation, he can have a member on the board so he knows what is going on, and I think if this system is adopted the minority stockholders will be protected.

(The Records of the Arizona Constitutional Convention of 1910, Pages 603-604)

[e941884] Mr. Chairman: Those in favor of the motion of the gentleman from Gila, Mr. Weinberger, to strike out section 11, make it known by saying "aye;" opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941885] Mr. Chairman: [...] Any objections to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941888] Mr. Chairman: [...] Any objections to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941889] Mr. Baker: Mr. Chairman, I am interested in this subject. While I am not prepared to offer an amendment, I would like to understand the section if I possibly can. Can the committee, or any member of the committee, indicate to me where they obtained this section—from what constitution, or what statute?

Mr. Roberts: I think it was from North Dakota.

Mr. Winsor: As I understand it, this is what is known as the double liability clause, which appears in the national banking law. It was under that apprehension that it was included in this proposition, with the exception of the last paragraph. By the addition of the last paragraph the liability of a stockholder or shareholder is extended one year after the sale or transfer of stock, the idea of that being to prevent the sale of stock when the owner of it knew that the concern was about to go under.

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941893] Mr. Cunniff: I have given considerable thought to that matter, and it seems to me those remedies which aim to cure the disease, are worse than the disease. It is true it would prevent anybody from stepping from under when a corporation has reached a bad condition, but it is also true that if a person sell[s] control in a corporation under these conditions, that the person to whom the corporation was sold might direct the corporation during that year and then the seller of the stock or control in that corporation should be held responsible. After seeing the advantages offered from one side, and considering the disadvantages on the other side, I think the disadvantage outweigh the advantages. I move to strike out all that part of the section after the word "stock" on line 20.

Mr. Curtis: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941900] Mr. Roberts: When considering this the committee took into consideration the people who do business with such companies. And I would say that in a case like this, where a man, whom the people respect and trust as an honorable and honest man and when they have the utmost confidence in him, opens a bank and secures the custom and some other party comes along and purchases the bank, the second party being a stranger to the people and unknown generally, I think that people's interest should be protected from such a transfer of property. I think this man should be held responsible for this transaction and that the people should at all times have protection from such possible transfers, where their own interests are so much at stake.

Mr. Curtis: If the deposits are made with the bank before such transfer is effected and entered into the people should be apprised of the deal and I would say also that the people are protected as they have a right to withdraw their deposits at any time.

Mr. Weinberger: Does this not mean that all stockholders are recorded and all stock can be had in cash when such transfer is made?

Mr. Curtis: The transfer of stock provides a certificate of transfer and to be complete must be certified on the back to that effect by the company.

Mr. Ellinwood: This is a statute law.

(The Records of the Arizona Constitutional Convention of 1910, Page 604)

[e941902] Mr. Chairman: The amendment of Mr. Cunniff is that the words after the word "stock" in line 20 and all the rest of the section from there be stricken out. Those in favor of the motion say "aye;" those opposed "nay." The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941904] Mr. Chairman: [...] Any objection to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941906] Mr. Chairman: [...] Any objection to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941908] Mr. Chairman: [...] Any to section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941909] Mr. Chairman: [...] Any to section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941911] Mr. Baker: This section, of course, abolishes the fellow servant law doctrine. We have passed a provision for a liability law, and I suggest that the Committee on Style, Revision and Compilation substitute this section for that when they come to compile the constitution.

Mr. Cunniff: I agree with the gentleman from Maricopa upon that.

Mr. Feeney: I would like to ask the gentleman if the common law doctrine is abolishes to cover every form of labor?

Mr. Baker: It covers everything and is not [sic, now]

Mr. Feeney: I would like to have it cover every form of labor and every firm and corporation and even apply to the machinists.

Mr. Baker: It will cover everything; in fact, I cannot conceive of anything it does not cover, and if it not broad enough I am not opposed to make it broader, but can see nothing omitted.

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941914] Mr. Winsor: Mr. Chairman, I move to insert after the word "master" in section 14, line 6, page 5, the words "is forever abrogated," and to strike out the rest of the section.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941917] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 605)

[e941920] Mr. Cunniff: I move that the word "master" be stricken out and the word "servant" too, and that where the word "master" appears the word "employer" be inserted. I do not like the use of the words master and servant.

[...]

Mr. Jones (Yavapai): I second the motion of the gentleman from Yavapai.

(The Records of the Arizona Constitutional Convention of 1910, Pages 605-606)

[e941922] Mr. Webb: Those are common terms I think and of long standing and well understood and interpreted by the law.

Mr. Baker: They have been used for hundreds of years and the court understands the interpretation of them, and there is no stigma upon the words in the law.

Mr. Jones (Yavapai): I second the motion of the gentleman from Yavapai.

Mr. Ellinwood: I think I understand the motive of the gentleman from Yavapai in desiring to change the wording here, but I would suggest that the present wording is legal and right and is interpreted by law much quicker than the suggested terms would be.

Mr. Cunniff: I do not believe the gentleman from Cochise is right.

(The Records of the Arizona Constitutional Convention of 1910, Pages 605-606)

[e941924] Mr. Chairman: The question comes up on the motion of the gentleman from Yavapai, Mr. Cunniff; those in favor of this amendment will say "aye;" those opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941925] Mr. Chairman: [...] Any other amendments? Any objections to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941926] Mr. Chairman: [...] Any other amendments? Any objections to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941927] Mr. Chairman: [...] Any to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941929] Mr. Chairman: [...] Any to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941931] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941934] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941936] Section 17 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 272)

[e941939] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 22.]

(Editorial)

[e941941] Mr. Winsor: I move that when the committee arises, that it recommend that Substitute Proposition Number 22 as amended be adopted.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941942] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941945] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941950] [Editor's Note: Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941952] [Editor's Note: Substitute Proposition Number 22 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941955] [Editor's Note: Substitute Proposition Number 22 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941961] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e941962] Mr. Jones (Yavapai): I move that the committee now arise and report progress.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

[e941963] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 606)

### **32.35 Wednesday, 23 November 1910, at 19:30 (s16178)**

[e941723] Mr. Chairman: The committee of the whole will come to order. Mr. Secretary, what is the first proposition we have for this evening? Read the report of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941726] Mr. Chairman: The committee of the whole will come to order. Mr. Secretary, what is the first proposition we have for this evening? Read the report of the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941728] Secretary (reading): "Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 105, and respectfully recommends that said Proposition Number 105 be indefinitely postponed, in as much as the substance contained in Proposition Number 105 is contained in committee Substitute Number 22."

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941731] [Editor's Note: Proposition Number 105 was referred to the Committee of the Whole alongside the Committee's report.]

(Editorial)

[e941801] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 105.]

(Editorial)

[e941803] Mr. Cobb: I move that when the committee arises it report that it has examined Proposition Number 105, and recommend it be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941804] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941808] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941809] [Editor's Note: Proposition Number 105 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941811] Mr. Chairman: Read the report on Proposition Number 37.

Secretary (reading): "Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 37, and respectfully recommends that said proposition be indefinitely postponed, inasmuch as committee Substitute Proposition Number 22 embraces the substance of that contained in said Proposition Number 37."

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941814] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 37.]

(Editorial)

[e941817] Mr. Jones (Yavapai): I move that when the committee arises it recommend to the convention that said Proposition Number 37 be indefinitely postponed.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941819] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 608)

[e941823] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941825] [Editor's Note: Proposition Number 37 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941827] Secretary (reading): "Your committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 67, and respectfully recommends that said proposition be indefinitely postponed, inasmuch as the substance thereof is contained in committee Substitute Number 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941830] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 67.]

(Editorial)

[e941833] Mr. Keegan: I move that when the committee arises it recommend that said Proposition Number 67 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941834] The motion prevailed.

(The Minutes of the Arizona Constitutional Convention, Page 609)

[e941837] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941838] [Editor's Note: Proposition Number 67 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941840] Mr. Chairman: Read the report on Proposition Number 101.

Secretary (reading): "Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 101, and respectfully recommends that said Proposition Number 101 be indefinitely postponed, inasmuch as the substance thereof is contained in committee Substitute Proposition Number 22."

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941841] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 101.]

(Editorial)

[e941842] Mr. Cunniff: I move that when the committee arises it report a recommendation that this proposition be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941844] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941846] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941848] [Editor's Note: Proposition Number 101 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941854] Mr. Chairman: Read the report of Number 53.

Secretary (reading): "Your Committee on Private Corporations and Banks begs leave to report it has examined Proposition Number 53, and respectfully recommends that said Proposition Number 53 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941856] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 53.]

(Editorial)

[e941859] Mr. Cunniff: I move when the committee arises, it report a recommendation that Proposition Number 53 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941860] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 609)

[e941862] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941863] [Editor's Note: Proposition Number 53 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941865] Mr. Chairman: Read the report on Proposition Number 118.

Secretary (reading): "Your Committee in Private Corporations and Banks begs leave to report it has examined Proposition Number 118, and respectfully recommends that said Proposition be indefinitely postponed, inasmuch as committee Substitute Proposition Number 27 covers the substance embraced in said Proposition Number 118."

(The Records of the Arizona Constitutional Convention of 1910, Pages 609-610)

[e941868] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 118.]

(Editorial)

[e941871] Mr. Jones (Yavapai): I move that when the committee arises it recommend that said Proposition Number 118 be indefinitely postponed.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941874] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941877] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941880] [Editor's Note: Proposition Number 118 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e941882] Mr. Chairman: Read report on Number 29.

Secretary (reading): "Your Committee on Private Corporations and banks begs leave to report it has examined Proposition Number 29, and respectfully recommends that said Proposition Number 29 be indefinitely postponed, inasmuch as the substance thereof is contained in Substitute Number 22."

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941883] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 29.]

(Editorial)

[e941886] Mr. Ellinwood: I move you that sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 be stricken out, leaving only section 11, and that the proposition as amended do pass.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941887] Mr. Cunniff: I am utterly opposed to this motion, and if there is no discussion, I suggest the chairman put the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 620)

[e941890] Mr. Roberts: I would like to amend the motion by striking out the words "and unpaid" in line 21, page 3.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941892] Mr. Wills: I rise to a point of information. I want to know what they are going to do with this section if the rest are knocked out?

Mr. Ellinwood: It will go to the revision committee, and go into the constitution like any other proposition.

Mr. Weinberger: It seems to me absolutely unjust to require every stockholder to be liable for the par value of his stock. I think the proposition as it originally reads is correct.

Mr. Ellinwood: I agree that the amendment striking out "and unpaid" would make it too drastic. This simply makes him liable for the amount he has subscribed for and not paid for.

Mr. Roberts: I submit a large corporation has its stock paid in, and a small corporation of necessity has not its stock paid in full, and this would work a hardship on the small corporation stockholders, and leave the stockholders of large corporations not liable. I hope this will be amended.

Mr. Connelly: I just want to say this proposition would ruin the industrial prosperity of Arizona and should be killed.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941894] Mr. Chairman: All in favor of this motion will make it known by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941896] Mr. Weinberger: I move to amend this section by striking out line 21 beginning with the word "and," line 22, and line 23. I think that would be unjust likewise.

(The Records of the Arizona Constitutional Convention of 1910, Page 610)

[e941897] [Editor's Note: Weinberger's amendment was not mentioned again and was presumably dropped for lack of a second.]

(Editorial)

[e941899] Mr. Winsor: If there were any good in the proposition, that would be the best part of it.

Mr. Cobb: I would like to inquire of the committee, which reported this back of they had any provisions in their bill covering this subject?

Mr. Ellinwood: I would state we have none. I was on this committee, and there is no such proposition.

Mr. Short: I am very glad to hear there is no other provision covering this. I want to say if you pass this section 11 you will put every small corporation in Arizona out of business. You cannot sell a dollar's worth of stock because they would be buying a "white elephant." If they paid twenty cents on the dollar in promoting some scheme, whether legitimate or otherwise, they could be held responsible for whatever the par value is. The stockholders in a large corporation whose stock has gone up from \\$.100 to \\$.50.00 has absolutely nothing to fear from a provision of this kind, but the smaller corporations would be ruined in a great many cases. They could not sell enough stock to do their assessment work, and the large corporations along side would be able to gobble up their claims.

Mr. Ellinwood: I exercise no originality in drafting this paragraph in Proposition Number 29. I took it bodily from Oregon and Michigan. This is not as drastic as many laws. It has not driven the smaller corporations, or any corporations, out of the state of Oregon or Michigan. On the contrary, our neighbor state of California, which has done very well in the last few years, has this provision, that the stockholder is liable for all the debts of the corporation in the proposition [sic, proposition] that the amount of stock or shares owned by him bears to the total amount of shares.

Mr. Short: I will submit the provision in the California law is very good; I do not see any harm in that, but I still submit there must be very few if any small corporations in Michigan. It is absolutely in the hands of the large corporations.

Mr. Crutchfield: While I do not intend [sic, pretend] to be an expert, the study I have made of so-called "wild cat" corporations, and those of a more solid and permanent form shows that the trouble lies in just the point that is sought to be remedied here. The ease with which professional gamblers induce the people to take stock in a proposition where they stand a chance of making ten to one, and are not subject to any claim, is the string by which most promoters get hold of the people; and if you make the stockholders personally liable for their part of the expense, all kinds of joint-stock companies will become an investment rather than merely gambling concerns, and the more solid development of this country will result. I am not in favor of large companies against small companies; on the other hand I am in favor of development by small companies. Therefore, I am in favor of this so far as I see its meaning.

Mr. Lynch: May I ask the gentleman a question? The average stock that is sold is sold way below par; that is it is sold at 15 cents. That is the actual cash

market price at the time. The man that buys the stock pays every cent that it is worth at the time. It is the understanding that he must, in case of debts, pay the difference between the actual cash value at the time he bought it, and the par value?

Mr. Ellinwood: I understand so. The effect will be that when a corporation incorporates in place of having a capitalization of one million dollars, they will the proper capital, \ \$100,000, or \ \$200,000.

Mr. Cunniff: I want to say first that my mining interest is a close corporation, that has no stock to sell. From my experience, I believe this would be absolutely ruin the mining industry except for the large companies and large corporations. I am astounded that any such proposition should be brought into this body.

(The Records of the Arizona Constitutional Convention of 1910, Page 610-612)

[e941901] Mr. Chairman: The question is on the motion of Mr. Ellinwood. All in favor of this motion answer "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e941905] Mr. Jones (Yavapai): I move to indefinitely postpone the whole proposition.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e941907] Mr. Ellinwood: I insist on a roll call.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e941916] Mr. Jones of Yavapai moved, seconded by Mr. Webb, to indefinitely postpone Proposition No. 29. Carried by the following vote:

Ayes—Bradner, Bolan, Cassidy, Cooper, Cunniff, Feeney, Goldwater, Hutchinson, Jacome, Jones, A. M., Jones, F. A., Keegna, Kingan, Kinnet, Langdon, Lovin, Lynch, Moore, Orme, Osborn, Pusch, Roberts, Scott, Short, Simms, Mit, Webb, Weinberger, White, Wells, Wills, Winsor, Wood, Mr. President. Total 33.

Nays—Cobb, Coker, Colter, Connelly, Crutchfield, Cunningham, Ellinwood, Morgan, Parsons, Tuthill. Total 10.

Absent—Baker, Curtis, Franklin, Ingraham, Sims, R. B., Standage.

Excused—Doe, Moeur, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Pages 274-275)

[e941918] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e941919] [Editor's Note: Proposition Number 29 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942072] Mr. Chairman: The proposition is indefinitely postponed. Read the report of the committee on Proposition Number 113.

Secretary (reading): "Mr. President: Your Committee on Railroads, and your Committee on Public Service Corporations Other than Railroads, jointly begs leave to report it has examined committee Substitute Proposition Number 113, and respectfully recommend that the same be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942074] Mr. Chairman: The proposition is indefinitely postponed. Read the report of the committee on Proposition Number 113.

Secretary (reading): "Mr. President: Your Committee on Railroads, and your Committee on Public Service Corporations Other than Railroads, jointly begs leave to report it has examined committee Substitute Proposition Number 113, and respectfully recommend that the same be adopted."

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942103] [Editor's Note: Proposition Number 113 was referred to the Committee of the Whole alongside the Committee on Railroads' report.]

(Editorial)

[e942105] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 113.]

(Editorial)

[e942109] Mr. Winsor: I would like to ask the chairman of the railroad committee if the committee recommends that this be substituted for Number 113?

Mr. Jones (Maricopa): Yes

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942121] Mr. Winsor: I ask that the chairman be permitted to amend this report so as to incorporate that.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942124] [Editor's Note: As Winsor's request was not mentioned again, the editors have represented it as dropped.]

(Editorial)

[e942127] Mr. Webb: I ask that it be considered section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942129] [Editor's Note: The Committee of the Whole proceeded to consider Substitute Proposition Number 113 section by section.]

(Editorial)

[e942131] [Editor's note: The editors have created a blank version of Substitute Proposition Number 113 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e942134] Mr. Chairman: Are there any objections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942139] Mr. Goldwater: I move that on line 8 the words "and reside" be stricken out.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942143] Mr. Short: I think if the gentleman from Yavapai were familiar with the entire proposition clear through, he would not make that motion.

Mr. Goldwater: I know you will pay him \$3,000, but that would not justify his living in Phoenix.

Mr. Short: He will have his expenses when he is away from home. We want something on which to base his charges.

(The Records of the Arizona Constitutional Convention of 1910, Page 612)

[e942150] Lost by the following vote:

Ayes—Bolan, Cobb, Cunniff, Cunningham, Goldwater, Hutchison, Jones, A. M., Keegan, Langdon, Lovin, Moore, Roberts, Simms, Mit, Tuthill, Webb, Weinberger, Wells, Wood. Total 18.

Nays—Bradner, Cassidy, Coker, Colter, Connelly, Cooper, Crutchfield, Ellinwood, Feeney, Jacome, Jones, F. A., Kingan, Kinney, Lynch, Morgan, Orme, Osborn, Parsons, Pusch, Scott, Short, White, Wills, Winsor, Mr. President. Total 25.

Absent—Baker, Curtis, Franklin, Ingraham, Sims, R. B., Standage.

Excused—Doe, Moeur, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 275)

[e942154] Mr. Chairman: The motion is lost. Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 613)

[e942158] Mr. Chairman: The motion is lost. Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 613)

[e942163] Mr. Ellinwood: I move to strike out the word "private" and insert the words "public service."

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 613)

[e942169] Mr. Winsor: I know it is the sense of a great many members of this convention—it should be the sense of all—that there should be some supervision of all corporations in general, and it seems to me the last gentleman who should oppose such a proposition is the one who submitted Proposition Number 29. That proposition, if aimed ostensibly to reach the “wild cats,” would if embodied in our constitution, put 99 percent of all corporations out of business. We want reasonable restriction, however, and the purpose of this is to place reasonable restrictions upon all corporations in the state. I hope the amendment will not be adopted.

Mr. Lynch: The proposition as it refers to public service corporations is all right. If you stop to think, there are hundreds of little corporations, some doing a mercantile business or cattle companies or fire associations, formed to avoid having to go into partnership and to facilitate business. They are engaged in private pursuits. For example, if you went into a partnership, what would you say when a state board came to investigate your partnership concern, that is, your particular private business. That is exactly what they could do under this proposition, and I do not believe the members really mean that this proposition, and I do not believe the members really mean that this corporation commission shall have charge of private corporations. The intent certainly must be these public service corporations in which the public is interested. I should [not] like to see this amendment adopted; I do not believe it has a place in any constitution.

Mr. Weinberger: If you give this power, you are giving dangerous power to any set of people or officers. If you want to control corporations, control them by general law, and not arbitrarily.

Mr. Winsor: This corporation commission has no powers as to private corporations except such as may be conferred upon it by law.

Mr. Webb: If this provision remain[s], I shall certainly move to include private concerns for it is exactly the same thing.

Mr. Jones (Maricopa): In preparing this proposition the form was changed somewhat, and there were several copies. the copy that should have gone to the printer did not go, and I notice that in the original copy the words “private corporations” does not appear in either line 1 or line 7. These words should be stricken out here. That will change the sense quite materially.

Mr. Cunniff: One distinction of the state of Texas is that that state, so far as I have been able to observe in my travels, is the only one that controls corporations, and in almost every other state I know the corporations have altogether too much influence in the direction and control of the state. This is a provision that will permit the State of Arizona to have the same reason for pride that the state of Texas has, and I am in favor of allowing that paragraph to remain exactly as it is. It does not empower this corporation commission to look into or poke its nose into the business of every corporation in the state, and this constitution, if that paragraph prevails, establishes in this state a body which will be in a position to enforce any general law of the legislature, or the people will do it through the initiative and referendum.

Mr. Lynch: I still want to insist that the business of a private corporation is not a matter of public concern. Texas controls its quasi-public corporations, those in which the public is interested. There is not a member of this floor, but has some little private business concern in which he is interested and which he is working for his own advancement. As the public, you have nothing to do with those things; it is none of your business. I want to impress upon you again that

this is not a public matter on which we should spend public funds. Why would we expend money as the public to investigate private affairs? Let us vote this down.

Mr. Cunniff: We need to have supervision over banks, and supervision over insurance companies, and supervision over mining companies, and while I believe in the intelligence and integrity of legislatures, there is nothing more valuable than this establishment of machinery to do these things.

(The Records of the Arizona Constitutional Convention of 1910, Pages 613-614)

[e942175] Mr. Cobb: I would like to ask Mr. Jones if he knows of any other mistakes in this copy. We have not the report of the committee before us. I have great respect for that committee, but as I do not know whether this is the report of the committee, I move that this be re-referred to the Committees on Railroads and Public Service Corporations Other Than Railroads. Otherwise, I cannot vote for it.

(The Records of the Arizona Constitutional Convention of 1910, Page 614)

[e942179] Mr. Jones (Maricopa): If anybody is looking for a change to vote against this, he is perfectly welcome.

Mr. Colter: I have sincere interest in the welfare of this new State of Arizona, and Mr. Lynch of Graham County, has expressed my sentiments exactly.

Mr. Roberts: He has not expressed mine by a good deal. It seems to me God Almighty did not create any corporations, and they have no power the state did not grant them, and the fact would necessarily mean that the state has the right to exercise jurisdiction over the powers it has given to these corporations. I am in favor of this proposition.

[Remarks by Cassidy of Maricopa not found.]

[Remarks by Lynch of Graham not found.]

Mr. Ellinwood: I want to call to your attention the fact that the committee on private corporations has not given its approval of this proposition. That is the creature of the joint committee of the railroad committee and the committee on public service corporations. If this is a private corporation matter, as it seems to be, it ought to have the approval of the committee on private corporations.

[Remarks by Cunniff of Yavapai not found.]

Mr. Lynch: Just one parting word. The gentleman from Yavapai hears, or seems to think he hears, in his wild dreams, the voices of Aldrich, Crane and Hale and gentlemen of that class. I was listening to those same voices, and it sounded more like the voice of Sockless Jerry Simpson, and while he may have the idea it is the voice of Jefferson or Jeffersonian democracy I think it is the voice of this illustrious patriot I have just named.

Mr. Winsor: I am not very long on voices, but I want to say in reference to the gentleman from Cochise, that while this provision did not have the formal authorization of the Committee on Private Corporations, in a way it did have the authorization of that committee. A proposition was submitted by, I think, Mr. Roberts, for the creation of a banking commission, which was discussed to some extent in the Committee on Private Corporations. That committee expressed itself unanimously in favor of such a commission, but it was informally decided by the members that it would be just as well to act on the proposition,

since it was understood that the joint Committee on Railroads and Public Service Corporations Other Than Railroads would provide for a commission with authority to investigate and supervise other corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 614)

[e942183] Mr. Chairman: The question comes up now on the amendment of Mr. Cobb to re-refer this. All in favor answer "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942188] Mr. Ellinwood moved, seconded by Mr. Cunningham to amend line 23, page 2 by striking out the word "private" and inserting the words "public service"; carried by the following vote:

Ayes—Cassidy, Cobb, Colter, Cooper, Cunningham, Curtis, Ellinwood, Goldwater, Hutchinson, Jacome, Keegan, Kingan, Langdon, Lovin, Lynch, Pusch, Scott, Simms, Mit, Tuthill, Webb, Weinberger, White, Wells, Wills. Total 24.

Nays—Bolan, Bradner, Coker, Connelly, Crutchfield, Cunniff, Feeney, Jones, A. M., Jones. F. A., Kinney, Moore, Morgan, Orme, Osborn, Parsons, Roberts, Short, Winsor, Wood, Mr. President. Total 20.

Absent—Baker, Franklin, Ingraham, Sims, R. B., Standage.

Excused—Doe, Moeur, Tovrea.

(The Minutes of the Arizona Constitutional Convention, Page 275)

[e942193] Mr. Short: I desire to say that section 2 provided what authority the public service corporation should have over private corporations. If you make section 2 applicable to public service corporations, then the balance of this proposition I submit is absolutely worthless.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942195] Mr. Winsor: Inasmuch as the value of this section has been absolutely destroyed, I move you to amend by striking out section 2.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942198] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942202] [Editor's Note: Section 2 as amended—i.e. stricken—was agreed.]

(Editorial)

[e942203] Mr. Chairman: Any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942204] Mr. Webb: I move you that the word "private" where it occurs in the first line and where it occurs in line 7 be stricken out.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942206] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942209] Mr. Goldwater: Mr. Chairman, in line 3 of Substitute Proposition 113, I would insert after the word "gas" the word "oil."

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942214] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942215] Mr. Chairman: Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942218] Mr. Chairman: Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942221] Mr. Chairman: Any objections to section 4? Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942227] Mr. Chairman: Any objections to section 4? Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 615)

[e942234] Mr. Webb: Mr. Chairman, I move that in line 7 after the word "any" the words "public service" be inserted.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 615-616)

[e942820] Mr. Chairman: Those in favor of the motion of the gentleman from Graham to insert in line 7 after the word "any" the words "public service," will say "aye;" those opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942823] Mr. Cunniff: I would ask for permission to refer back to section 3. There was a final amendment made in a hurry that the word "oil" be placed after the word "gas." Now this has taken in more scope than it was intended.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942824] [Editor's Note: The Committee of the Whole referred back to Section 3.]

(Editorial)

[e942826] Mr. Goldwater: I did not intend to convey that power, but you have investigated and find that possible the amendment does not mean what I had in mind.

Mr. Ellinwood: I think that word is not essential.

Mr. Crutchfield: I was the only one who voted against "oil" and I did so because I could not see how that could apply.

Mr. Cunniff: I would like to have this take in the Standard Oil corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942839] Mr. Ellinwood: I move the word "oil" be stricken out.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942845] Mr. Chairman: Those in favor of the motion to strike out the word "oil" in line 2, section 3, will rise. Those opposed now rise.

Rising vote showed 13 in favor and 20 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942849] Mr. Chairman: [...] If there are no objections we will now take up section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942852] Mr. Chairman: [...] Any objections to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942855] Mr. Chairman: [...] Any objections to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942856] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942859] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942860] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942864] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942866] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942868] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942869] Mr. Chairman: [...] Any to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942870] Mr. Chairman: [...] Any to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942871] Mr. Goldwater: Does this include Pullman cars?

Mr. Parsons: I think it does.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942872] Mr. Cunniff: Mr. Chairman, I move that in line 6, page 6, the word "oil" be inserted.

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942873] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942874] Mr. Chairman: Any objections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942875] Mr. Chairman: Any objections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942876] Mr. Chairman: [...] Any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942877] Mr. Chairman: [...] Any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942878] Mr. Chairman: [...] Any to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942879] Mr. Chairman: [...] Any to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942880] Mr. Cunniff: May I ask for an explanation? Does this include the officers of the interstate commerce?

Mr. Jones (Maricopa): They are. There are reductions for transportation officials, employees, charitable institutions, preachers, etc.

Mr. Short: This interstate commerce act includes Arizona at the present time and just as they stand now.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942881] Mr. Chairman: If there are no corrections we will pass on to section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942882] Mr. Chairman: If there are no corrections we will pass on to section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 616)

[e942883] Mr. Ellinwood: I move that we strike out, in line 7, after the word "commission" the rest of the section. It seems to me that this is an unjust provision. If the railroads were forced to give full value it would make them lose the whole of their tariff. I understand from your assessor here that the people of this country are assessed only one-fourth. Under this provision they would be compelled to enter this property at full value and if so would be paying two-thirds of their tariff.

(The Records of the Arizona Constitutional Convention of 1910, Pages 616-617)

[e942884] Mr. Winsor: I would like to say that while this may be true I would just state that the railroads in this territory have never been taxed their full value, in fact, we have never been able to get more than one-third or one-fourth. They will state for the purpose of assessment that their property is worth \$7,000 per mile and then they will another time swear that the same property is worth \$42,000 in order to justify high rates.

Mr. Webb: Mr. Chairman, the position taken by the gentleman from Cochise is well taken. If a full cash value were to be taken of the property it would force them to undervalue their property, but if you make the proposition at a lower rate then they possible pay more if they were forced to state the full value.

Mr. Short: I hope this amendment will not prevail, for it gives them the discretion of saying how much their property shall be taxed for. Anyone does not mind them lying a little but when you fix a thing so they will lie seven-fold then it is going too far, as I know the lines here have done.

Mr. Ellinwood: I am not here to apologize for the Maricopa and Phoenix Railroad but I know that the statements made by some of them have through unjust assessments.

Mr. Parsons: I do not believe in making a law that will cause men or corporations to lie, but I believe in fixing the rate and the law so that all property shall be taxed at its full cash value, and then make it a felony for anyone to swear it is less than it is worth.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942886] Mr. Chairman: Was there any second to this motion?

Mr. Webb: No.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942890] Mr. Chairman: We will pass on to section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942892] Mr. Chairman: We will pass on to section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942893] Mr. Chairman: [...] Any objections to this section? Hearing none we will pass on to section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942895] Mr. Chairman: [...] Hearing none we will pass on to section 16. Are there any alterations or amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942898] Mr. Ellinwood: I think that section 16 is absolutely in conflict with the statutes of the United States, defining a crime and punishing it, and I do not think this is right.

Mr. Parsons: That is taken verbatim from the constitution of the state of Louisiana.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942899] Mr. Chairman: If there are not amendments we will consider section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942902] Mr. Chairman: If there are not amendments we will consider section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942905] Mr. Chairman: If there are not amendments we will consider section 17. Are there no objections? Any to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942906] Mr. Chairman: [...] Any to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942909] Mr. Coker: In line 17, I move you that section 18 be amended by striking out the words "away from home," and inserting the words "while traveling."

(The Records of the Arizona Constitutional Convention of 1910, Page 617)

[e942911] [Editor's Note: Coker's amendment was not mentioned again, presumably because it did not receive a second.]

(Editorial)

[e942917] Mr. Osborn: Are any other amendments in order? I move to amend line 16 by striking out the figures \ \$3,000 and inserting \ \$500. I think this entirely too much to allow those officers when you compare their salary with other officers, for instance the superintendent of public instruction and others. We have been trying to equalize salaries and to make them somewhat within the bounds of reason, but we have or will depart from this good democratic rule if we permit this to remain as it now stands.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 617-618)

[e942919] Mr. Ellinwood: I did not know that any one else had an idea of amending this section but myself, however, I shall move to amend the amendment by asking that the figures be changed to read \ \$5,000 in lieu of \ \$3,000, as I think we can secure better service at that rate than at the lower rate of salary.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942921] Mr. Osborn: I do not think that the labors of this commission will demand such a salary any more than some other offices we have created here and I am not in favor of paying such extreme salaries to some officers and making the others so extremely low.

Mr. Ellinwood: I would say that if the salary is put at a low figure no expert man or body of men would undertake the work at such a salary, but if you offer them a sum sufficient to demand their good and efficient labors you will get more for the \ \$5,000 than for the \ \$3,000 or \ \$500.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942923] Mr. Chairman: Those in favor of the amendment offered to the amendment of Mr. Osborn, will answer "aye," those opposed "nay." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942925] Mr. Chairman: [...] The question now comes up on the original motion of Mr. Osborn to strike out the figures \ \$3,000 and insert \ \$500, those in favor of the motion will answer "aye;" those opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942926] Mr. Weinberger: I move to amend section 18 by striking out the words and figures \ \$3,000 and inserting the words, at the beginning of the paragraph, "until otherwise provided by law."

Mr. Osborn: I second that motion.

[Editor's Note: The Minutes, page 276, indicate that "until otherwise provided by law" was added to the beginning of the paragraph, but nothing was stricken out. As the Minutes' account is the way the section appears in the final Constitution, the editors have followed this version.]

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942928] Mr. Chairman: It has been moved and seconded that section 18 be amended by striking out \"\$3,000 and inserting at the beginning of the paragraph the words “until otherwise provided by law.” Those in favor of this motion will say “aye;” those opposed “nay.” The “ayes” have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942929] Section 18 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 276)

[e942931] [Editor’s Note: There is no account in the Records or the Minutes of the Committee taking up Section 19. The editors have inferred, given the Committee’s typical procedure, that the Committee raised no objections to Section 19, and thus, the section was adopted.]

(Editorial)

[e942932] [Editor’s Note: There is no account in the Records or the Minutes of the Committee taking up Section 19. The editors have inferred, given the Committee’s typical procedure, that the Committee raised no objections to Section 19, and thus, the section was adopted.]

(Editorial)

[e942934] Mr. Cunniff: Mr. Chairman, I move that when the committee arises that it recommend that Substitute Proposition Number 113 be adopted as amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942938] Mr. Winsor: I desire to amend the motion to the effect that when the committee arises it recommend that Substitute Proposition 113 as amended be substituted for Proposition Number 113, and that as amended Substitute Proposition 113 do pass.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942942] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942953] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942947] [Editor’s Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942958] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e942962] Mr. Webb: I move that the committee now arise and report progress.  
Mr. Coker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

[e942963] The motion prevailed.  
The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 618)

### **32.36 Thursday, 24 November 1910, at 09:30 (s16192)**

[e942281] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942282] Mr. Chairman: The committee of the whole will come to order.

(Editorial)

[e942284] Mr. Chairman: [...] We have for consideration Proposition Number 34. The secretary will read the report.

Secretary (reading): "Your Committee on Railroads begs to leave to report it has examined Proposition Number 34, and respectfully recommends that it be indefinitely postponed, as the same is substantially incorporated in committee Substitute Proposition Number 113."

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942286] [Editor's Note: Proposition Number 34 was referred to the Committee of the Whole alongside the report from the Committee on Railroads.]

(Editorial)

[e942288] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 34.]

(Editorial)

[e942291] Mr. Winsor: Mr. Chairman, I move that when the committee arises it report back to the convention and recommend that Proposition Number 34 be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942293] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942295] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942301] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 34 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e942298] [Editor's Note: Proposition Number 34 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942303] Secretary (reading): "Report of Committee on Railroads on Proposition Number 142, recommending that it be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942305] [Editor's Note: Proposition Number 34 was referred to the Committee of the Whole alongside the report from the Committee on Railroads.]

(Editorial)

[e942307] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 142.]

(Editorial)

[e942309] Mr. Webb: Mr. Chairman, I move that when the committee arises that it report back to the convention and recommend that Proposition Number 142 be indefinitely postponed."

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942310] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942312] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942313] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 142 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e942316] [Editor's Note: Proposition Number 142 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942836] Secretary (reading): "Report of Committee on Railroads on Proposition Number 25, recommending that it do not pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942830] [Editor's Note: Proposition Number 25 was referred to the Committee of the Whole alongside the report from the Committee on Railroads.]

(Editorial)

[e942842] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 25.]

(Editorial)

[e942848] Mr. Cunniff: Mr. Chairman, I move that inasmuch as the first part of the proposition has been incorporated in one of the propositions already adopted, and the second part in another article, that the committee recommend to the convention that Proposition Number 25 be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942851] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942853] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942861] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 25 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e942865] [Editor's Note: Proposition Number 25 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942894] Mr. Webb: Mr. Chairman, I move that when the committee do arise that it report back to the convention and recommend that Proposition Number 81 be indefinitely postponed without reading to the committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942897] [Editor's Note: Proposition Number 81 was referred to the Committee of the Whole alongside the report from the Committee on Railroads.]

(Editorial)

[e942900] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 81.]

(Editorial)

[e942901] Mr. Webb: Mr. Chairman, I move that when the committee do arise that it report back to the convention and recommend that Proposition Number 81 be indefinitely postponed without reading to the committee.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942904] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942907] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942908] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 81 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e942915] [Editor's Note: Proposition Number 81 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942936] Secretary (reading): Report of committee on Proposition Number 109, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942940] [Editor's Note: Proposition Number 81 was referred to the Committee of the Whole alongside the report from the Committee on Railroads.]

(Editorial)

[e942943] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 109.]

(Editorial)

[e942946] Mr. Parsons: Mr. Chairman, I move that when the committee arises it report back to the convention and recommend that Proposition Number 109 be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942948] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 621)

[e942950] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942951] [Editor's Note: The Report from the Committee on Railroads on Proposition Number 109 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e942954] [Editor's Note: Proposition Number 109 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942968] Secretary (reading): Report of Committee on Public Service Corporations Other than Railroads on Proposition Number 36, recommending that said proposition be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Pages 621-622)

[e942972] [Editor's Note: Proposition Number 36 was referred to the Committee of the Whole alongside the report from the Committee on Public Service Corporations on Proposition Numbers 36 and 38.]

(Editorial)

[e942983] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 36.]

(Editorial)

[e942985] Mr. Simms: Mr. Chairman, I move you that when the committee arises, it report back to the convention and recommend that Proposition Number 36 be indefinitely postponed.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e942989] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e942990] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942992] [Editor's Note: Proposition Number 36 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942997] Secretary (reading): Report of Committee on Public Service Corporations Other than Railroads on Proposition Number 38, recommending that it be amended by inserting the word "ratably" after the word "liable" and before the word "for" and that as amended said proposition do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943004] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 38.]

(Editorial)

[e943010] Mr. Cunniff: Mr. Chairman, I move you that when the committee arises it report back to the convention and recommend that this proposition be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943017] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943019] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943033] [Editor's Note: Proposition Number 38 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943021] [Editor's Note: The Report from the Committee on Public Service Corporations on Proposition Number 36 and 38 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e943039] Secretary (reading): Report of Committee on Militia and Public Defense on Proposition Number 49, Number 77, Number 107, and the resolution from the Common Council of the City of Phoenix, recommending that the resolution be referred to Committee Number 1; that Proposition Number 77 be indefinitely postponed and that committee Substitute Proposition Number 107 be substitute therefore.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943051] [Editor's Note: Proposition Number 49 was referred to the Committee of the Whole alongside the report from the Committee on Militia.]

(Editorial)

[e943054] [Editor's Note: Proposition Number 77 was referred to the Committee of the Whole alongside the report from the Committee on Militia.]

(Editorial)

[e943056] [Editor's Note: Proposition Number 107 was referred to the Committee of the Whole alongside the report from the Committee on Militia.]

(Editorial)

[e943058] [Editor's Note: Substitute Proposition Number 107 was referred to the Committee of the Whole alongside the report from the Committee on Militia.]

(Editorial)

[e943062] [Editor's Note: The Communication from the Common Council of the City of Phoenix was referred to the Committee of the Whole alongside the report from the Committee on Militia.]

(Editorial)

[e943072] Mr. Winsor: Mr. Chairman, I move the substitute be taken up section by section.

(Editorial)

[e943077] Mr. Chairman: If there is no objection it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943083] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 107 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e943093] Mr. Chairman: [...] You have heard section 1. Is there any amendment?

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943095] Section 1 of Substitute Proposition No. 107 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943101] Mr. Chairman: [...] Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943104] Mr. Cunniff: It is incorrect to use "this territory," but the committee on style, revision and compilation will take care of that.

Mr. Tuthill: I will state that that was put in on advice of certain of the legal fraternity.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943106] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, to amend line 3 of section 2 by striking out the word "this" and inserting the word "the" and after the word "territory" inserting the words "of Arizona"...

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943109] Mr. Cunniff moved, seconded by Mr. Jones of Yavapai, to amend line 3 of section 2 by striking out the word "this" and inserting the word "the" and after the word "territory" inserting the words "of Arizona"; carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943118] Mr. Cunniff: Mr. Chairman, the way that reads is this: "The militia shall consist of all organized bodies." Should not that read "military" before the word "bodies?" I move that the word "military" be placed before the word "bodies."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943120] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943121] Mr. Chairman: Any amendment to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943123] Mr. Chairman: [...] Any amendment to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 622)

[e943126] Section 3 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943138] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 107, 49, 77, and Substitute Proposition Number 107.]

(Editorial)

[e943143] Mr. Cunniff: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that the report of the Committee on Militia and Public Defense on this substitute proposition be adopted as amended and that all others be indefinitely postponed.

Mr. Tuthill: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 622-623)

[e943148] Mr. Winsor: I would ask that that be made completez—that Substitute Proposition Number 107 be adopted as a substitute to Proposition Number 107.

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[e943150] Mr. Chairman: All in favor of that motion signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[e943154] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943163] [Editor's Note: The Report from the Committee on Militia and Public Defense on Proposition Number 49, 77, and 107 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e943167] [Editor's Note: Proposition Number 49 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943166] [Editor's Note: Proposition Number 77 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943173] [Editor's Note: Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943172] [Editor's Note: Substitute Proposition Number 107 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943182] [Editor's Note: Substitute Proposition Number 107 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943168] [Editor's Note: The communication from the Common Council of Phoenix was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943188] Secretary (reading): Report of Committee on Suffrage and Election on Proposition Number 42, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[e943190] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 42.]

(Editorial)

[e943206] Mr. Jones of Yavapai moved, seconded by Mr. Parsons, that when the Committee arise it recommend that Proposition No. 42 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943227] Mr. Jones of Yavapai moved, seconded by Mr. Parsons, that when the Committee arise it recommend that Proposition No. 42 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943238] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943248] [Editor's Note: Proposition Number 42 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943193] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 46.]

(Editorial)

[e943210] Mr. Jones of Yavapai, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 46 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943229] Mr. Jones of Yavapai, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 46 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943239] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943250] [Editor's Note: Proposition Number 46 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943195] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 128.]

(Editorial)

[e943211] Mr. Winsor moved, seconded by Mr. Tuthill, that when the Committee arise it recommend that Proposition No. 128 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943232] Mr. Winsor moved, seconded by Mr. Tuthill, that when the Committee arise it recommend that Proposition No. 128 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943240] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943251] [Editor's Note: Proposition Number 128 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943196] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 30.]

(Editorial)

[e943213] Mr. Jones of Yavapai moved, seconded by Mr. Feeney, that when the Committee arise it recommend that Proposition No. 30 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943233] Mr. Jones of Yavapai moved, seconded by Mr. Feeney, that when the Committee arise it recommend that Proposition No. 30 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 279)

[e943241] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943252] [Editor's Note: Proposition Number 30 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943198] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 111.]

(Editorial)

[e943215] Mr. Short moved, seconded by Mr. Feeney, that when the Committee arise it recommend that Proposition No. 111 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943235] Mr. Short moved, seconded by Mr. Feeney, that when the Committee arise it recommend that Proposition No. 111 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943242] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943254] [Editor's Note: Proposition Number 111 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943200] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 51.]

(Editorial)

[e943220] Mr. Cunniff moved, seconded by Mr. Parsons, that when the Committee arise it recommend that Proposition No. 51 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943236] Mr. Cunniff moved, seconded by Mr. Parsons, that when the Committee arise it recommend that Proposition No. 51 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943244] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943256] [Editor's Note: Proposition Number 51 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943202] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering recommendations relating to Proposition Number 117.]

(Editorial)

[e943223] Mr. Parsons moved, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 117 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943237] Mr. Parsons moved, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 117 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943245] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943261] [Editor's Note: Proposition Number 117 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943264] [Editor's Note: The Report from the Committee on Suffrage on Proposition Number 42, 46, 128, 30, 111, 51, 117, and 108 was referred to the Convention alongside the report from the Committee of the Whole.]

(Editorial)

[e943532] [Editor's Note: The Report from the Committee on Legislative Department, Distribution of Powers and Appointment was referred to the Committee of the Whole.]

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[e943533] Secretary (reading): Report of committee on Legislative Department, Distribution of Powers and Apportionment on section 7 of Proposition Number 33, recommending that said section be amended in accordance with the attached amendment and as amended be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[*e943534*] [Editor's Note: Section 7 of Substitute Proposition Number 33 was referred to the Committee alongside the report from the Committee on Legislative Department.]

(Editorial)

[*e943536*] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Section 7 of Substitute Proposition Number 33.]

(Editorial)

[*e943537*] Mr. Weinberger: Mr. Chairman, I want to say that this was the section that was omitted from the Substitute Number 33 on executive. It was referred to the legislative committee and the legislative committee has worked it out and it reported it back.

(The Records of the Arizona Constitutional Convention of 1910, Page 623)

[*e943538*] Mr. Short: Mr. Chairman, I move that when the committee arises it recommend the adoption of this section as read.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 623-624)

[*e943540*] Mr. Chairman: It has been moved and seconded that when the committee arise it recommend the adoption of section 7 of Substitute Proposition Number 33. Those in favor will answer "aye;" opposed "no," as their names are called.

Roll call showed 36 "ayes" and 7 "nays."

Mr. Chairman: The motion is carried. Section 7 of Substitute Proposition Number 33.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[*e943541*] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[*e943542*] [Editor's Note: Substitute Section 7 of Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[*e943543*] [Editor's Note: Section 7 of Substitute Proposition Number 33 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943550] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 140, recommending that the accompanying proposition be substituted for Proposition Number 140, and that the substitute be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[e943552] [Editor's Note: Proposition Number 140 was referred to the Committee alongside the report from the Committee on Legislative Department.]

(Editorial)

[e943557] Mr. Cunniff: Mr. Chairman, I beg to state that Substitute Proposition Number 140 was typewritten and typewritten copies put on the desk of every member day before yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[e943561] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 140.]

(Editorial)

[e943563] Mr. Keegan: Mr. Chairman, I move that when the committee arise it report back to the convention and recommend that Substitute Proposition Number 140 do pass.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[e943565] Mr. Wood: That is not necessary. Under the rules you have been following, if you do not disapprove it you approve it.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[e943570] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 140 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e943574] [The committee considered Substitute Proposition Number 140.]

(Editorial)

[e943600] [The committee considered Substitute Proposition Number 140.]

(Editorial)

[e943577] Mr. Ellinwood: Mr. Chairman, I move to amend the word "18" in the fourth line to read "16."

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910)

[e943592] Mr. Crutchfield: Mr. Chairman, I hope that amendment will not prevail. The period of life especially during which most crime is committed is that period of adolescence from about 14 years and in some cases up to 19 and 20 years. Eighteen years is the age at which a safe limit may be placed. Practically every state allows the juvenile court proceedings to control up to 18 years, and I trust that the amendment will not prevail, but that it will stand as has been reported by the committee. There are some instances in which justice would not prevail by allowing a boy under 16 [18] to be tried in the regular court, and I hope that the amendment will not prevail.

Mr. Ingraham: Mr. Chairman, the convention will notice that it is not necessary that criminal prosecution be checked by this. It is entirely within the discretion of the judge, and it seems to me that that discretion of the judge ought to extend up to 18 years instead of 16 years, as it now is in the territorial statute. There are many cases that occur about the age of 16 or 17, which should not be excluded from the law where the judge should have discretion and be allowed to temper the law with mercy.

Mr. Cunniff: Mr. Chairman, I agree with the gentleman from Maricopa and the gentleman from Yuma on the ground that all psychologists practically agree that the age of adolescence runs up to 18 years.

(The Records of the Arizona Constitutional Convention of 1910, Pages 624-625)

[e943596] Mr. Chairman: It has been moved and seconded that in line 4 the word "eighteen" be stricken out and the word "sixteen" be substituted. All in favor will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943599] [Editor's Note: With the rejection of Ellinwood's Proposition, the committee's consideration of Substitute Proposition Number 140 section by section was effectively dropped.]

(Editorial)

[e943598] Mr. Chairman: [...] It has been moved and seconded that when the committee arise it report to the convention and recommend that Proposition Number 140 do pass. All in favor signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943601] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943602] [Editor's Note: Substitute Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943603] [Editor's Note: Proposition Number 140 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943604] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 84, recommending it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943605] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 84.]

(Editorial)

[e943606] Mr. Sims: Mr. Chairman, I move you that when this committee arises it report back to the convention and recommend that Proposition Number 84 be indefinitely postponed.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943607] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943608] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943609] [Editor's Note: Proposition Number 84 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943610] Secretary (reading): Report of the Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 32, recommends that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943611] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 32.]

(Editorial)

[e943612] Mr. Cunniff: I move that when the committee arises it report back to the convention and recommend that Proposition Number 32 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943614] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943615] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943616] [Editor's Note: Proposition Number 32 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943617] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 87, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943618] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 87.]

(Editorial)

[e943619] Mr. Cunningham: Mr. Chairman, I move you that when the committee arises it report back to the convention, and recommend the indefinite postponement of Proposition Number 87.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943620] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943621] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943622] [Editor's Note: Proposition Number 87 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943623] [Editor's Note: The Committee of the Whole proceeded to consider Proposition Number 85.]

(Editorial)

[e943624] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 85.]

(Editorial)

[e943625] Mr. Cunningham moved, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 85 be indefinitely postponed

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943626] Mr. Cunningham moved, seconded by Mr. Cunniff, that when the Committee arise it recommend that Proposition No. 85 be indefinitely postponed; carried.

(The Minutes of the Arizona Constitutional Convention, Page 280)

[e943627] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943629] [Editor's Note: Proposition Number 85 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943631] Secretary (reading): Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 103, recommending that the accompanying proposition be substituted for Proposition Number 103, and that the said Substitute Proposition be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943632] [Editor's Note: Proposition Number 103 was referred to the Committee alongside the report from the Committee on Legislative Department.]

(Editorial)

[e943635] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 103.]

(Editorial)

[e943637] Mr. Cassidy: Mr. Chairman, I move that when the committee arises it recommend that Substitute Proposition Number 103 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 625)

[e943646] Mr. Hunt: Mr. Chairman, I would like to ask the gentlemen why should they put the president of the senate in there?

Mr. Cassidy: Mr. Chairman, the president of the senate is connected with the legislature, and I suppose he may be regarded as the highest official in the legislative department, and I think it would only be right and proper that the legislative department be represented in the governing body, controlling the legislative body.

Mr. Hunt: Then I should include the speaker of the house of representatives.

Mr. Cassidy: I have no objection to putting in also the speaker of the house of representatives.

Mr. Winsor: Mr. Chairman, I do not believe that would be a good idea. You would have an advisory board then, consisting of an even number of members, and it appears to me that the president of the upper house of the legislative body is all sufficient in that direction. The attorney general is the chief of the law construing power, and the governor the head of the executive department.

Mr. Cunningham: Mr. Chairman, it strikes me the clerk of the supreme court ought to be a member of that board, as well as the judges, so that they could work out something from all the departments.

Mr. Osborn: It strikes me, Mr. Chairman, that this is a question that could be left to the legislature. We have created a great many offices of late—I believe too many—and it strikes me again we are creating an office to do what the legislature comes here to do, and if we are going to create an officer, who shall create those laws, and gather them together, we had better get the legislators here.

Mr. Bolan: It is my understanding that we have at the present time a territorial librarian, and we also have a governor and an attorney general, and will have a president of the senate. This just simply provides the librarian shall be the legislative secretary, and the only thing provided for here is that he shall be appointed by the governor.

Mr. Feeney: Mr. Chairman, the history of the bureau of legislative research will show it was established first, I believe, in Wisconsin. I think there are a number of members of this convention, who received information on the subject of political economy from them. It was brought out by the action of the legislators in trying to write laws while not having the proper data there, and inquiring at the University at Madison, as to where they would get it. Through that became established the department of legislative research, which has been most of valuable assistance to the legislature of the state of Wisconsin. As long as this does not establish a new office, I believe it would be a very valuable acquisition to our next legislature.

Mr. Cunningham: Mr. Chairman, I do not believe that some of us understand exactly the intention of this. It strikes me that this is organizing a correspondence school, in a measure.

Mr. Lynch: Mr. Chairman, I can see no particular objection to the establishment of a bureau of legislative research. There are some provisions in here that do not seem to me ought to be in. For instance, it gives that bureau the right to employ all necessary clerks of the legislature under a merit system. Are we going to say to our legislature that “you can come here, and do the work, but we shall employ the clerks for you because you cannot do it?”

Mr. Chairman: I believe that would be a good scheme.

(The Records of the Arizona Constitutional Convention of 1910, Pages 625-627)

[e944034] [Editor’s Note: The editors have created a blank version of Substitute Proposition Number — in order to replicate the process of the Committee of the Whole considering the Proposition line by line.]

(Editorial)

[e944040] [Editor's Note: The Committee of the Whole considered Substitute Proposition Number 103 Paragraphs 1 and 2 together.]

(Editorial)

[e944042] [Editor's Note: The Committee of the Whole considered Substitute Proposition Number 103 Sections 1 and 2 together.]

(Editorial)

[e944045] Mr. Lynch: I do not think so, Mr. Chairman. We did not have the governor, or the secretary of the territory employing our clerks, and why should we say to a legislature "You can come here, but you do not have enough sense to employ your own clerks." If, for instance, this bureau happens to be of one political party, and the legislature of another, I can readily see that the bureau will be able to find sufficient merit in their party to get every clerk out of the membership of their party. I move to strike out the words in the second paragraph "employ all necessary clerks for the legislature under a merit system."

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 627)

[e944048] Mr. Cunniff: I move an amendment to the motion that after the word system in the last line, add the words "as provided by law," that the method of selection shall be a method as prescribed by law. Then this bureau will not have the power to do what the gentleman objects to.

(The Records of the Arizona Constitutional Convention of 1910, Page 627)

[e944065] Mr. Lynch: I would support the motion if it meant anything. How can you provide by law that the legislature can appoint its own clerks, and at the same time provide in the constitution that the bureau of legislative research can employ these clerks?

Mr. Parsons: Mr. Chairman, in addition to what the gentleman from Graham has said as criticism of this, and in support of the amendment he offers to strike out this provision, I want to call attention to this fact, if these clerks are to be appointed on the merit system, that, of course, will mean that every job will require a competitive examination. I know of no way they can arrive at the merits otherwise, and if it is to be a merit system it will mean a competitive examination and you might just as well add to it that no one can be employed unless he lives in Phoenix or Maricopa County, because no clerk would come here from any other county with the prospect of getting a four dollar a day job for sixty days, and if you are going to do this you might just as well add that the name of the new state be Maricopa.

Mr. Winsor: Mr. Chairman, it seems to me the attempt to strike out has a great number of good features. No disgrace has ever been brought upon an Arizona legislature and many disgraces have been brought greater than that of the riot employing attaches. In legislature after legislature there has been a mad scramble for places, for political fruits, without regard to their merit or their ability to perform the duties expected of them, and it has been embarrassing alike to the parties sending the representatives here and to the representatives themselves. If I were ever a member of the legislature I certainly would wish

nothing more than to have taken from me the power to appoint clerks so that I might be able to say to the scores of those who ask for assistance that it is not in my power to render it. Certainly the legislature and the people who send the members of the legislature here have a right to have the work performed properly and I know of no other way to get it done properly except to place the appointing power in the hands of some officer whose duty it is to look out for their qualifications. The territory will save a great deal of money and a great deal of disgrace.

Mr. Cunniff: Mr. Chairman, I should like to say that the report of the Committee on Printing and Clerks the other morning was a sufficient answer to most of the arguments made.

Mr. Kingan: Mr. Chairman, I would like to ask also the originators of this proposal if one of the chief duties of this clerk will be to gather data on the initiative, referendum and recall.

Mr. Winsor: I think so, but the data on that subject is so one-sided that the people won't need any more information.

Mr. Webb: Mr. Chairman, we have been told that this creates no new office. If it does not do that it creates a lot of new work. I say we are creating too many offices. Let the people of Arizona, through the initiative and referendum and the legislator, whom they elect to enact their laws, provide for these things as we see we need them. Our needs and our conditions here are different from those old states where this officer has accomplished some good. We have responsibility enough on our shoulders to take care of those things. We are bound to take care of them without assuming the responsibility of legislating for Arizona for all time to come.

(The Records of the Arizona Constitutional Convention of 1910, Pages 627-628)

[e944103] Mr. Ellinwood: Mr. Chairman, I think this does create a new office and I am very glad that it does. It creates the office of legislative secretary. It abolishes the office of state librarian and puts the duties of the state librarian on the legislative secretary. I know of no office that could be created within the confines of Arizona that would be as beneficial to the new state as the one proposed. If the members will stop to think of the research they have been compelled to make on this convention during this session, they can see that half probably of their labors would have been dispensed with had they had a bureau of this kind to which they could have gone for information. As has been said by Mr. Feeney, it has been in operation in Wisconsin for a great many years and the pamphlets from Wisconsin are sent into every state in the Union. The American Federation of Labor has established their headquarters in Madison and sent out their monthly bulletins. It seems to me no more beneficial help could be given than that which is proposed by this measure and if an amendment is in order I wish to move a further amendment in the first paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 628)

[e944083] Mr. Cunniff: Mr. Chairman, I arise to a point of order. This is really not an amendment that Mr. Ellinwood is offering to the amendment already before us. If he would withhold his amendment until those two have been acted upon, we will make more headway.

(Editorial, Page 628)

[e944111] [Editor's Note: The debate continued and Mr. Ellinwood re-proposed his amendment to paragraph 1 after the committee acted upon the two amendments already before them so we have represented Cunniff's Point of Order as being accepted.]

(Editorial)

[e944134] Mr. Jones (Maricopa): Mr. Chairman, it seems to me that when we all look at this thing carefully we must agree that this is one of the best things that this convention could do, and I think it would be particularly beneficial under the system of the initiative and referendum. If we expect the people of the territory to investigate as would be necessary the constitutionality of measures they simply could not do it. This provides that this bureau do that, and I should like to see it passed as it now reads without the permission of employing the attaches. I believe if we can eliminate politics from the unseemly scramble for little political jobs here, we will do a good thing.

Mr. Parsons: I want to—

Mr. Chairman: Mr. Cunniff has the floor.

Mr. Cunniff: This as a constitutional matter gives very sweeping power without applying any system, and as Mr. Parsons point out there will be competitive examinations. This does not say so. It provides no form of merit system and the reason this is not explained more fully is that it is purely legislative matter to provide the machinery for competitive examinations. These examinations might be held in Prescott, Tucson and Yuma as well as Phoenix.

Mr. Cassidy: Mr. Chairman, I think this proposition is one of the most important that has come before this convention. There are now seven or eight states that have a bureau of legislative research. The principal one is in Madison. I have here on my desk copies of about two hundred letters that are answers to letters sent out by Mr. Norman H. White of Boston, Massachusetts, who was the chairman of the educational committee in the Massachusetts legislature. Mr. White sent these letters out for the purpose of obtaining the views of the people who had had experience along this line. The legislature of Massachusetts was contemplating establishing the same thing. I have read a great many of these letters and invariably they speak of the Bureau of Legislative Research as something of great assistance in matters of legislation. (Mr. Cassidy reads various extracts.) Now, gentlemen, there are two hundred other letters along the same line. Something has been said of economy. I feel that this bureau will save the people of Arizona ten times what it will cost. The other day we provided for a state examiner, and I believe that was a good office because it will save far more than it will cost. This is just as important and it will save the people of Arizona far more than it will cost. Furthermore, the way the bill is drawn, it does away with the office of state librarian. Now, we would have to have, if we did not have this, a state librarian and would have to pay him perhaps almost as much as we would have to pay a competent man along the lines of legislative research. Why not add just a little more to the salary and have a first class man who would be able to assist the legislature of Arizona? Now, I do not believe that we can do anything in this convention that will be more along the lines of true and genuine progressing government than to adopt

this proposition. If we sent the constitution back to Congress with a proposition of this kind in it, I believe they will feel that we are up to date in this matter of modern legislature and methods of modern legislature and that they will think the people of Arizona are wide awake and know that they are doing and intend to do the right thing in matters of legislation. (applause)

[Remarks by Webb of Graham not found.]

Mr. Parsons: Mr. Chairman. I want to add just a word with reference to the proposition suggested by the gentleman from Graham. Not only does this proposition allow this commission to select by the merit system the employees of the legislature, but gentleman, just consider a moment, who is going to determine how many clerks the legislature needs? I submit to you that if it is an insult to the intelligence of the legislature to say that they do not know enough to employ their clerks, what in God Almighty's name will you call it not to give them the power to say how many clerks they shall have? You are taking away from the men in the legislature a portion of the right granted to them by a provision granting to them that they shall make their own rules. The gentleman in answer to my proposition said that there would be nobody but Maricopa applicants; said there probably would be examinations held in Douglas and in Prescott. I think every county would be entitled to one, and if that be true and you would have to send a member of the board to Apache County, one to Yuma county, and so on all over the state, the expense of your preliminary examination would amount to half as much as your entire legislature. I want to ask Mr. Jones if he thinks this were adopted there would be a single employee in the legislature so long as this law remained in force that was not a resident of Maricopa County, and would it be fair for us to impose upon the coming legislators the absolute necessity of employing them all from there? I think we ought to give them the right of selection.

Mr. Cunniff: Mr. Chairman, these examinations could all be held in high schools, under people who could be trusted, and it need not cost anything.

Mr. Winsor: Mr. Chairman, it seems to me that the gentlemen are assuming that it is more important that the legislature have a few jobs to give out than that they should have employees who are competent to do the work. I do not believe a member of this convention who has ever been a member of an Arizona legislature, not excluding the gentleman from Graham, Mr. Webb, will deny that not in nine times out of ten, but in ten times out of ten, that three-fourths of the employees of the legislature are absolutely incompetent to do the work assigned to them, and I want to say that in the few legislatures with which I have been connected, in the mad scramble for office, out of an average of ten stenographers, so called stenographers, there would not be to exceed two who were actual stenographers, and I know of more than one time when the absolute limit of real stenographers was one in either house, while ten were being paid. I insist, Mr. Chairman, that the giving out of a little political patronage is of absolutely no importance to the people of Arizona whatsoever, and if the legislatures in the past have acted in a manner to bring this insult upon them, I say the insult is called for and I do not call it an insult.

Mr. Crutchfield: Mr. Chairman, I want to call attention to the fact that there is aside from this matter that is causing a great deal of discussion here, a very important movement, one that is probably—against which there cannot be said one single word in opposition, and which has helped to place Arizona in the very front rank, an endeavor to establish a bureau of legislative inquiry

that will enable legislators and the people at large to get a more perfect understanding of the needs of their territory; laws that are being passed in other states; and that the matter of the employment of clerks—I am not making any criticism to the gentlemen who have offered this amendment—but really I am in favor of amending it. By combing these two things together there [is] one very important principle embodied here. And then there is the matter of the policy of employing clerks, which is entirely superfluous, which does not belong with this proposition, and might very well be taken away from it and affect the germ and the force of this movement. Remember that here is a bureau that is absolutely necessary,—that will pay for itself ten times over and over again—that is a valuable adjunct to legislation, and without which, under our present system we can hardly approach at all or pass or purpose any good or effective laws—an absolute necessity. That is one proposition; this other is of secondary consideration—a matter of policy—has nothing to do with the heart of this proposition as suggested.

Mr. Osborn: Mr. Chairman, I know less about this proposition now than I did before we had all this oratory, and I trust we can have a vote.

Mr. Ingraham: Mr. Chairman, one reason why we people down in Yuma are not worrying about the appointing power of the legislature, is that since a provision excluding all Mexicans voting has been passed we do not expect Yuma will elect any Democrat members to anything, and therefore, I am not interested in this matter.

(The Records of the Arizona Constitutional Convention of 1910, Pages 268-231)

[e944137] Mr. Chairman: The first amendment is that of Mr. Cunniff of Yavapai. In next to the last line he adds the words “as provided by law” after the word “system.” All those in favor of that motion signify by saying “aye;” contrary minded “no.” It is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 631)

[e944141] Mr. Chairman: [...] The next motion is by Mr. Lynch, to strike out in line 4, ending in line 5 with the word “system” after the word “laws” in line 4 “to employ all necessary clerks for the legislature under the merit system as provided by law.” Call the roll.

Roll call showed 11 “ayes” and 32 “nays.”

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 631)

[e944143] Mr. Wells: I move to strike out the whole section.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 631)

[e944144] Mr. Ellinwood: Mr. Chairman, I move an amendment that after “governor” the last word in the first paragraph, that the following be inserted: “and until otherwise provided by law he shall receive an annual salary of \$2,500.”

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 631)

[e944145] Mr. Chairman: The chair rules that Mr. Wells' motion is in order. It has been moved and seconded that the entire section 2 be stricken out. All those in favor of striking out paragraph two will rise. Contrary minded same sign. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 631-632)

[e944146] Mr. Ellinwood: Now is my motion in order?

Mr. Chairman: It has been moved and seconded that after the last line following the word "governor" the words be added: "and until otherwise provided by law he shall receive a salary of \$2,500 per year." All those in favor signify by saying "aye;" opposed "no." The ayes have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944156] Mr. Winsor: Mr. Chairman, I move that Substitute Proposition Number 103 be adopted as amended.

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944161] Mr. Chairman: It was been moved and seconded that Substitute Proposition Number 103 be adopted as amended. The secretary will call the roll.

Roll call showed 23 "ayes" and 18 "nays."

Mr. Chairman: Substitute Proposition Number 103 is adopted as amended.

(Editorial)

[e944173] [Editor's Note: Adopting the updated version of Cassidy's recommendation made the original motion irrelevant.]

(Editorial)

[e944175] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944179] [Editor's Note: Substitute Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944177] [Editor's Note: Proposition Number 103 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944183] [Editor's Note: Substitute Proposition Number 103 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944186] [Editor's Note: The report from the Committee on Suffrage was referred to the Convention alongside the Committee of the Whole's report.]

(Editorial)

[e944192] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944196] Mr. Lynch: Mr. Chairman, I note upon roll call that there are eleven members absent. I also recall that this is a legal holiday, recognized throughout the United States and throughout the civilized world, and even Mexico, and I therefore move that the committee arise and report progress.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

[e944198] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 632)

## **32.37 Friday, 25 November 1910, at 09:30 (s16191)**

[e942269] Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on Proposition Number 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942270] Mr. Chairman: The committee of the whole will come to order. The secretary will read the report on Proposition Number 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942272] Secretary (reading): "Your Committee on Schedule, Mode of Amending and Miscellaneous begs leave to report it has examined Proposition Number 23, and respectfully recommends that said proposition shall be indefinitely postponed, as it is provided for in the ordinance."

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942274] [Editor's Note: Proposition Number 23 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e942275] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 23.]

(Editorial)

[e942277] Mr. Cunniff: I move you that when the committee arises, it recommend that Proposition Number 23 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942278] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 284)

[e942279] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942280] [Editor's Note: Proposition Number 23 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942832] Secretary (reading): "A minority of your Committee on Schedule, Mode of Amending and Miscellaneous, begs leave to report it has examined Proposition Number 60, and respectfully recommends that said proposition be substituted as herein submitted, and respectfully recommends that Proposition Number 60 do pass: "The legislature shall never pass any law discriminating against any school of medicine or method of healing."

(The Records of the Arizona Constitutional Convention of 1910, Page 634)

[e942833] [Editor's Note: Substitute Proposition Number 60 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e942835] [Editor's Note: Proposition Number 60 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e942837] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 60.]

(Editorial)

[e942841] Mr. Webb: I desire to say I introduced original Proposition Number 60. The substitute changes it quite materially from the original. However, I have no objection to the substitute if it meets with the approval of the majority of this convention, and will be perfectly satisfied if it pass. The purpose was simply this: to restrict and forbid (which seems to me to be a perfectly constitutional power) the legislature from discriminating against any school of medicine. It does not prevent the legislature from placing all proper restrictions on the practice of medicine in Arizona, but such restrictions shall fall equally upon every school of medicine, and if one particular school be required to pass stringent examination, and nothing more.

(The Records of the Arizona Constitutional Convention of 1910, Page 635)

[e942844] Description Mr. Cunniff: I think this is one of the most dangerous propositions introduced in this convention. I move when the committee arises, it recommend that this proposition be indefinitely postponed.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 635)

[e942846] Mr. Cunniff: The dangerous features lie in the fact that this may be interpreted as forbidding the legislature to pass any law forbidding any method of healing. Throughout the whole history of medicine you will find schools of healing leaving trails of corpses in their wake through some mania or fanaticism. Under this provision schools of that kind will spring up like mushrooms. The State of Arizona, if this pass, would offer a fertile field for cranks. I think that this is dangerous to the health and safety of every man, woman and child in the state. It says that the law should not discriminate against any method of healing. Heaven only knows what is a method of healing. I have seen, for example, as many as five hundred people with the marks of every known organic disease known to medicine, gathered in a building to go through all sorts of extravagant emotional performances, and the thing was one of the most pathetic and horrible sights I ever saw. I believe the legislature should be empowered to pass laws against such things as this.

Mr. Webb: I desire to say the objectionable part of this bill to which the gentleman from Yavapai has devoted his entire criticism is the material change made by the committee substitute from my original proposition. I have no particular interest in that part of it, but since the committee reported out that substitute I will vote for it; but were it not for the consideration I owe them I would move to strike that off. In answer to the argument of the gentleman from Yavapai: As I understand this (and I have consulted attorneys and doctors on it) it does not say the legislature shall not require the most rigid examinations before allowing anyone to practice medicine but it simply says to give every man an equal opportunity. Do you want them to legislate for some school and against another? The action of the gentlemen of this convention has been that there should be no special privileges or special opportunities. I care not how stringent the examination may be, but I do ask for every school of medicine the same opportunity to pass.

Mr. Feeney: May I ask the gentleman from Graham a question? I have received several letters from, and I have some very good friends and staunch supporters who are, Christian Scientists. Is this going to discriminate against them?

Mr. Webb: This last clause added by the substitute is intended to protect Christian Scientists. If you want to give them a show, you should support the substitute.

Mr. Feeney: I was personally acquainted with that famous and miraculous healer, Dowie, and saw some of his works of flim-flam, and I know there are some methods of healing that should be prohibited, but I do not want such a movement as that instituted by Dr. Worcester in the East.

Mr. Lynch: I move we strike out these objectionable words "or other method of healing."

Mr. Cunniff: I do not think this is so much a question as to what the gentlemen interpret this as meaning, as what it says, and if it carries the intent set forth by the gentleman from Graham, that the examining board shall have such standards as it may desire, the proposition as introduced by Mr. Webb is of absolutely no value, and there is no point in placing it in the constitution.

Mr. Webb: I desire to say the whole cause of the introduction is that we have a medical board in this territory on which some schools are represented, and others not, and we claim for all an equal opportunity to pass, and no special privileges to any.

(The Records of the Arizona Constitutional Convention of 1910, Pages 635-636)

[e942850] Mr. Cunningham: I offer an amendment, that when this committee arises it report that Substitute Proposition Number 60 be adopted by adding the word "recognized" before the word "method," and as amended, be adopted by the committee.

Mr. Webb: I second the motion; I see no objection to that.

(The Records of the Arizona Constitutional Convention of 1910, Page 636)

[e942857] Mr. Short: I fail to understand why we should support a proposition of this kind. Why should we not fill up our constitution with propositions declaring that dry good merchants shall not be discriminated against, or the grocery man, or like propositions. It seems to me that we are filling, or intending to fill, our constitution with useless provisions that do not mean anything. I do not see why we should single out a school of medicine, and say it shall not be discriminated against.

Mr. Webb: I do not think the critics intend to be unfair. Arizona is one of the six or seven out of 49 states and territories that does discriminate in her laws. Forty do not discriminate and declare against it; six or seven do, and Arizona is one of them. That is why this is necessary. Arizona does not discriminate as to dry goods merchants. There are gentlemen on the medical examining board who frankly confessed to me they cannot give a fair and impartial examination to any but brothers in the same school of medicine.

Mr. Jones (Maricopa): Is it the purpose of the gentleman to have every individual school of medicine represented upon this examining board in the territory? We should have an examining board that would take in almost all the doctors in the territory.

Mr. Chairman: The question comes up on the amendment of Mr. Cunningham.

Mr. Weinberger: I would like to ask the gentleman from Cochise, Mr. Cunningham, a question. What does a "recognized method of healing" mean?

Mr. Cunningham: Mr. President, I would be glad to inform the gentleman from Gila if I thought I could do so in any reasonable time. I think he understands the meaning of the word "recognized," and I do not think the gentleman is hardly sincere when he desires me to give the definition.

Mr. Weinberger: I asked because I do not know. I want to vote intelligently.

Mr. Morgan: The gentleman from Graham has talked more sense than any gentleman. I think he is right and I propose to stay with him.

Mr. Tuthill: I did not intend to take part in this discussion, because it might be thought I had some personal motive. We have at present a good medical law; every man who attempts to practice medicine must take the examination. I had to take it, although I had been admitted to practice in California. Now in this examination, treatment of disease has a value of one tenth; there is no examination in therapeutics. You are examined in the fundamentals: anatomy, physiology, etc. the laws on which medicine is based, and there is no reason why the osteopath if he is competent cannot pass this examination and be admitted to practice. You would not call a watchmaker to fix a locomotive, for the reason that he would have no idea of the construction of that locomotive. He might be ever so fine an artisan, and at the same time he does not know the normal condition of what he is trying to fix; and therefore in our examination we question as to the anatomy and pathology, and the matter of treatment is merely detail. That is the smallest part of medicine and no one, I care not what school of medicine he belongs to, if he cannot take a thorough examination in physiology, pathology and anatomy is absolutely unfit to practice medicine or anything else along these lines.

Mr. Webb: I regret very much that there is a division in the Graham delegation, but it seems unavoidable. I will say frankly that the purpose of this bill was to make it possible for osteopaths to practice in Arizona. They are admitted to practice on equal footing in more than forty states; in Arizona we claim they should have the right. They simply ask for fair play; they have a four years' course, and I have here a pamphlet showing the branches taught in their colleges.

Mr. Morgan: I have known of hundreds of cases where the osteopaths and allopaths have failed to cure a man, and the physical culturalists came in and worked a cure. Now, this proposition would not prevent the physical culturalists from practicing in Arizona, or the Mormon elder. If I was sick and had more faith in the administrations [sic] of the Mormon elder, if I choose to have him work on me, would he be any more responsible if I died than the ordinary doctors, Dr. Tuthill, for instance?

Mr. Webb: I see I was mistaken about the length of the course of the osteopaths. They have three terms of nine months.

Mr. Tuthill: In reference to this, I will say that this requires only three years' course. There is no recognized college of first class reputation at the present time outside of osteopaths, which recognize less than a four years' course. Some have longer. I am absolutely fair; I believe the practice of medicine should be made more difficult to us who are practicing. I think we should do like the medical officers of the army, who are required to be examined every five years, to see whether they are studying or traveling the "cocktail route." This may seem foolish and idle, but literature with new discoveries in the line of medicine is accumulating very rapidly, and it requires an enormous amount of time to keep up with the latest researches on the subject.

Mr. Cooper: I wish to say a word in reference to this. I want first to make a statement which will rebuke any charge that I might be prejudiced against the medical fraternity. On the contrary, I have the utmost respect for practitioners of medicine, and there were four physicians in my family, all recognized as able men, and two lecturers in the medical college of the State of Ohio. I want to give two instances, however, which have put me in a position where I want to be left in cases of sickness in my family to employ whomsoever I choose. I have

not lost confidence in medical practitioners. When my oldest child was two years old, he was infected with a peculiar sickness of the stomach; I called in two of the best physicians in Tucson, but during two months' attendance he grew constantly worse, and at last they informed me he was going to die, and that there was no hope for him. After the doctors' departure, a neighbor called and recommended that we call to treat the child a Mexican woman who lived in Tucson. As a last resort she was called, and in three days the child began to improve, and was soon well. Less than five years ago the same thing occurred to another child at the same age. The doctors advised that it be taken to a cooler atmosphere, and in less than forty-eight hours a courier came to me saying that the child was dying, and wanted to come back to town. I brought the child back and was told the child would not live 48 hours, I again appealed to the Mexican woman who had saved the other child, and the child began to improve, and is now health[y] and is attending school. Without any reflection on the medical fraternity at all, I simply say the ailment, whatever it might be, was unknown to the physicians, and known to the Mexican; and if ever my children are sick I want to be able to hunt up this Mexican to save their lives after they have been given up by the regular practitioners.

(The Records of the Arizona Constitutional Convention of 1910, Pages 636-638)

[e942862] Mr. Cunningham: I rise for the purpose, with the consent of my second, of withdrawing that part of my motion to insert the word "recognized."

(The Records of the Arizona Constitutional Convention of 1910, Page 638)

[e942863] Mr. Webb: The second consents.

(The Records of the Arizona Constitutional Convention of 1910, Page 638)

[e942867] Mr. Wells: Then the question comes up on the original question. If you strike that out, it leaves nothing but the four recognized schools of medicine. These cannot be discriminated against. In other words, legislation in the future cannot touch them, and it will be establishing them upon an immovable foundation. In 1903 there were only three recognized schools, the regulars, the homeopaths, and the eclectics; the board of examination created by the state was composed of three regulars and one of each of the other two schools, but the public opinion has now changed to include the osteopath. I have the highest regard, both personally and professionally, for the physicians, but when one says: "Within my profession, within my clinic, is the only correct method of healing, to restore health and vigor to suffering humanity," I say "no."

Mr. Tuthill: I am sorry I have to take up the time of this convention. Mr. Cooper has a Mexican woman whom he wants for a doctor; that is all right. I can mention to Mr. Cooper any number of cases where if a dottering old woman had not been fired and I been called, the child would have died. And Judge Wells has mentioned instances; I could also mention specific instances to him where a woman was treated by an allopath and died, when I am willing to go on oath with a simple operation in three months I could have saved her life. Progressive physicians in Arizona do not deny to Christian Scientists and osteopaths. I have referred [very carefully selected] cases to the Christian Scientists with good

results. A German has said that no matter how crazy a German was he could get a following of crazier people who thought they understood him; [the same applies in the United States.] A man could go out and take water from the Salt River, muddy as it is, color it, and go around in a carriage with a negro to play the banjo, and make \ \$100,000 selling it as medicine.

(The Records of the Arizona Constitutional Convention of 1910, Page 639)

[e942885] Mr. Lynch: I want to renew the motion I made a few moments ago, to strike out the words "or other method of healing." Now, I cannot see any objections to the bill without those words, but I am free to confess that these words in it open the door to question. If you strike out these words, the clause cannot be objectionable to any recognized school of medicine, either the regulars, allopaths or osteopaths.

Mr. Keegan: I second the motion.

(Editorial)

[e942887] Mr. Wells: The motion is that the substitute do pass. On that question I would like to say this. As announced by Mr. Cooper, there have been physicians in my family, among them two brothers, one of the regulars and the other of the eclectics. One of these brothers was my boyhood chum, and I always wished him to succeed until a condition happened which changed my idea and conviction in that direction. Mrs. Wells, my wife, was an invalid, and the law of death was pronounced on her, she being under the charge of, among other physicians, my brother. She was gradually declining, until she tried another method of healing, by which she was restored to health, and she has been healthy for fifteen years and is now a youth, you might say. I know of another case (I am not intending to turn this into a testimonial meeting), I want to state facts to show how I understand there are other methods than materia medica. This patient was taken to the ... [balance of remarks not found.]

Mr. Parsons: Mr. Chairman, I have been keeping as close track of this discussion this morning with reference to Proposition Number 60. I was impressed when I first read it with the fact that we had made some progress in Arizona; that we had got along to where we were going to have four recognized schools of medicine, which, as the gentleman from Yavapai has intimated, up to 1903 was only three. And I thought of others that are excluded, and I thought of a case of which I read, and Dr. Tuthill could doubtless give me the name of the physician from Europe that was brought over to Philadelphia to treat the child of a millionaire there, and he was not either an allopath nor a homeopath, nor an osteopath, but he save the life of that child and cured the deformity, and went home with a million dollars in his pocket. And I say if there is a school of medicine not recognized here that can perform a cure that all the skilled surgeons and physicians that a man rated [sic,worth] 125 million could get in the United States,- who could with his bare hand save this child's life, we had better include that in it. I could stand here from now until the sun goes down telling of instances I have seen myself where electricity applied to diseases has wrought what was considered miracles; when physicians of both the old schools gave them up—where they were restored to health by an old farmer that has a battery and had taken some few lessons, and with that battery could perform miracles and cure people when they were just ready to be put into the grave.

The best thing we can do here is to trust our democratic doctrine. Let us have an equal chance and special privileges to none. The admission that the Doctor has made here is one of the strongest arguments I know of against adopting the minority report. He says that he, with all his education and with his study, has found it advisable to recommend some of his patients to go to he Christian Scientists. What a comment is that, gentlemen of this convention, that he, with all his skill, and with the result of all his study, has found it necessary to advise some of his patients to go to a Christian Scientist? Isn't it better, instead of covering one's mistakes with six feet of sod, to turn it over to the mental healer? Now if a physician will admit—that some of you might say it never happened, but even the gentleman from Graham admits this is true. Now I want to say this, if we are going to amend this law,- if you want to do anything with this question of regulating the practice of medicine, then let us follow the Chinese system,- let us put in here a provision that no physician shall be allowed to charge for his services except when his patients are well. (applause)

Mr. Tuthill: Will you put in a provision that will force the patients to pay the doctor?

Mr. Parsons: I would like to have it that the family physician draws pay for each member of the family while that member is well, and when he is sick the doctor gets no pay. It seems to me that here is the proposition. We are going to fix it so our legislators' hands will be tied and there will be only these four schools of medicine. I say that it is not right. We see there is progress even in the recognized system. First it was the allopath; then the homeopath; now the osteopaths have come. I say let us put ourselves on record as not being in favor of granting special favors to any of this class.

Mr. Tuthill: Mr. Chairman, they seem to have misunderstood my stand. My stand is not against the Christian Scientists. My stand is against the so-called branches of the regular schools, which are used largely in the United States to cover pure quackery. Take up an El Paso paper and you will see two pages of absolute lies. They will cure anything from ingrown toe nails to anything else, all by the same method. If you are going to put this in, make it wide open in the method of healing.

Mr. Kingan: Mr. Chairman, I simply want to call the attention of the committee to the fact that it is now fifteen minutes of eleven o'clock.

Mr. Webb: Mr. Chairman, just one word in answer to the last remarks of the gentleman from Graham. He has said some unfair things, but I hold no resentment for the reason that I know it is a misapprehension. I know the osteopaths have just as high a standard of ethics as any school of medicine I know of. In the gentleman's own school you will find quacks and it is not good professional ethics in any school of medicine to advertise, but the gentleman won't deny that there are members of his own school that are quacks.

Mr. Morgan: Mr. Chairman, before I vote on this question, I would like to tell of something that happened right here in Phoenix. I attended the justice court one morning and I found a doctor was being tried who did not belong to any of the regular schools, and knowing that the trial was coming on, he had the whole justice court full of his patients. There was [sic] also ten or fifteen Phoenix doctors there giving the justice of the peace pointers on how to go to work. "He cured me, he cured me," came from men and women, dozens of them, but the decision of the justice of the peace was, "One hundred dollars and costs," you don't belong to the regular schools.

Mr. Chairman: You have heard the motion. It is on the adoption of the amendment offered by Mr. Lynch. Those in favor say "aye;" those opposed "no."

Mr. Kingan: Mr. Chairman, I wish to say a word in explanation of my vote. I am not opposed to Christian Science, not opposed to osteopathy, but it seems to me the words there are entirely too broad and open the door to all sorts of trickery, and therefore I vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Pages 639-641)

[e942889] Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 641)

[e942896] Mr. Short: Just one moment. I would like to ask someone who might happen to know, if this will repeal the present laws on the statute book. If it does not, does this mean anything and had better be left out of the constitution?

Mr. Chairman: You have heard the motion. All those in favor of the adoption of the report will signify by saying "aye;" opposed "nay." Call the roll.

Mr. Short: I would like to explain my vote. If this meant anything I would vote for it. Under the present form I will have to vote no.

(The Records of the Arizona Constitutional Convention of 1910, Pages 641-642)

[e942903] Roll call showed 24 "ayes" and 24 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942910] Mr. Chairman: [...] A motion to indefinitely postpone is in order. The question comes up on the motion of Mr. Cunniff to indefinitely postpone. All in favor signify by saying "aye;" opposed "no." The "ayes" have it and it is so ordered.

Mr. Webb: Mr. Chairman, I want a roll call please.

Mr. Chairman: The clerk will call the roll.

Roll call showed 27 "ayes" and 17 "nays."

Mr. Chairman: The motion is carried, and so ordered. The secretary will read the next proposition on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942912] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942913] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942914] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942916] [Editor's Note: The Report from the Committee on Schedule on Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942918] Secretary (reading): "Report of Committee of Schedule, Mode of Amending, and Miscellaneous on Proposition Number 14, recommending that it be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 624)

[e942920] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 14.]

(Editorial)

[e942922] Mr. Cunniff: Mr. Chairman, I would suggest that we get the committee's substitute on constitutional amendments before we pass any motion to postpone. On hearing the committee's report the other day it is a much better scheme of constitutional amendment and briefer and follows a better model than the one reported by the committee. I would like to hear what the committee has to say before we postpone this one. I move that the consideration of Proposition Number 14 be postponed until such time as the committee's substitute report proposing the form of constitutional amendment [Substitute Proposition Number 54] is before the committee of the whole.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942924] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942927] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942933] Secretary (reading): "Majority report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 132, recommending that substitute proposition submitted be substituted for Proposition Number 132 and that Substitute Proposition Number 132 do pass."

(Editorial)

[e942935] Secretary (reading): [...] "Minority report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 132, recommending that it be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942937] [Editor's Note: Substitute Proposition Number 132 was referred to the Committee of the Whole alongside the reports from the Committee on Schedule.]

(Editorial)

[e942939] [Editor's Note: Proposition Number 132 was referred to the Committee of the Whole alongside the reports from the Committee on Schedule.]

(Editorial)

[e942941] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 132.]

(Editorial)

[e942945] Mr. Parsons: Mr. Chairman, I move the adoption of the minority report.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 642)

[e942949] Mr. Cunniff: [...] Mr. Chairman, I would suggest that an amendment be made to that motion. I do not think that we ought to pass a motion here to the effect that this be indefinitely postponed for the reason that Mr. Kingan opposes the creation of any more state offices. I would suggest that Mr. Parsons change the form of his motion if he is willing to do so. Otherwise I would withdraw my second to that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 642-643)

[e942952] Mr. Parsons: Mr. Kingan gives that as his reason, and I will move that it be indefinitely postponed without modification.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 643)

[e942955] Mr. Chairman: It is moved and seconded that Proposition Number 132 be indefinitely postponed.

Mr. Tuthill: I merely want to put myself on record as opposing the motion. I realize that there are a great many offices created by this convention, and I realize that Mr. Kingan's reason is a good one, but as a physician—a man who has the health of his country greatly at heart—I could not vote for that.

Mr. Weinberger: Mr. Chairman, I will say that the legislature will still have the authority to establish any other board or set of officers it sees fit, and for that reason I will vote to sustain the motion.

Mr. Colter: It is true that the legislature can establish any office that it sees fit, but that is no reason we cannot in this constitution establish such offices as we see fit, and I think we have established offices that are not, in my opinion,

as important as this one. It is an office that instead of being an expense to the taxpayers will be of profit to them, because by having this state sanitary inspector it will keep away a great many epidemics we are now having. We have to pay our health officers whenever these epidemics come \ \$10 a day and expenses. A few dollars spent in preventing this, which an experienced sanitary inspector could do, would mean a great deal. From an economical standpoint, and for the welfare of the people, I certainly insist we should establish an office of this kind.

Mr. Crutchfield: Mr. Chairman, I would like to say just a word. I believe there is in this proposition the germ of a most excellent provision, that if attended to now will save a great great deal of trouble in years to come. I believe that if the gentlemen on the real not creating any more state offices prohibits this proposition from carrying, they will do so on the ground that it is not well taken. The creation of state officers is absolutely necessary. The enabling act provides for it.

Mr. Kingan: Will the gentleman give way for a question?

Mr. Crutchfield: Certainly, sir.

Mr. Kingan: How much taxes have you paid this year?

Mr. Crutchfield: I have not figured my taxes; probably on \ \$7,500, if the gentleman has a right to ask. Mr. Kingan, will you also tell us how much taxes you are to pay?

Mr. Kingan: I have to pay more than that.

Mr. Chairman: The gentlemen will confine themselves to the question.

Mr. Crutchfield: In respect to the matter of laughing away a proposition of this kind, I believe that the gentlemen are providing for an abundance of state officers in many respects, but here I can see would be a serious omission. I believe in holding the medical fraternity responsible for the general health of the public, just as I believe in holding the conference responsible for the preachers they send out, and while I am not a stickler for any profession, I would hold the legal profession responsible for the lawyers they give to us, and I believe in holding the medical fraternity responsible for the public health. But unless we give them the power to control the evils and epidemics that are likely to hold sway over the people at some periods of the year, we cannot hold them responsible, so I should like to see a proper state board of health or sanitary inspector of some form or other established whereby, for instances, when the matter is before us of the introduction of diseased people into this state, that proper regulations for their isolation could be taken. Another instance: when the water supply of the city is apt to be contaminated from the public, some provision that will obviate the necessity of sitting in their homes and waiting for some disease to sweep down upon them. Somebody ought to be to blame when the water supply of a city is contaminated, and I see no other means than some such proposition that is here embodied, providing for the public health and safety. The lack of proper attention in the nick of time will sometimes cause an epidemic to spread through an entire school district. With a proper board this might be obviated, and I see no reason why, on the slight pretext of opposing the creation of another office, that the minority report should be adopted and this very important part of our state government should be done away with.

Mr. Colter: Mr. Chairman, I want to say that it takes a man well educated, one who gives his whole time and his whole life to be experienced in sanitation.

Very few of our doctors are informed on sanitation to the extent that it is necessary, and that is the reason why I insist that we should have a sanitary inspector, a man who is well educated along those lines. I want to say in reply to Mr. Kingan that I am a tax payer, and I have no interest in this matter any more than my interest in the welfare of the people, and that is the reason why I insist on it, from an economical standpoint and the future welfare of this new state.

(The Records of the Arizona Constitutional Convention of 1910, Pages 643-644)

[e942956] Mr. Chairman: You have heard the motion. All in favor of indefinitely postponing will signify by saying "aye;" those opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 644)

[e942957] Mr. Hunt: I want the secretary to record the fact that I voted no on this proposition.

Mr. Chairman: The secretary will call the roll.

Mr. Winsor: Mr. Chairman, I believe I can vote for this proposition without being accused of attempting to prepare an office for myself, therefore, I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 644)

[e942959] Roll call showed 33 "ayes" and 15 "nays."

The motion prevailed.

Mr. Chairman: The motion is carried and so ordered. The secretary will take up the next proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 644)

[e942960] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942961] [Editor's Note: Substitute Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942964] [Editor's Note: Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942965] [Editor's Note: The Minority Report from the Committee on Schedule on Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942966] [Editor's Note: The Majority Report from the Committee on Schedule on Proposition Number 132 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942967] Secretary (reading): "Report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 145, recommending that it do pass."

(The Records of the Arizona Constitutional Convention of 1910)

[e942969] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 145.]

(Editorial)

[e942971] Mr. Jones (Yavapai): I move that when the committee arises it report to the convention and recommend that Proposition Number 145 be adopted.

Mr. Weinberger: I second the motion.

(Editorial)

[e942974] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e942977] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e942978] [Editor's Note: Proposition Number 145 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e942984] Secretary (reading): "Report of Committee on Labor on Proposition Number 137, recommending that it do not pass, and that committee Substitute Proposition Number 137 do pass."

(Editorial)

[e943001] Secretary (reading): "Report of Committee on Labor on Proposition Number 137, recommending that it do not pass, and that committee Substitute Proposition Number 137 do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943003] [Editor's Note: Proposition Number 137 was referred to the Committee of the Whole alongside the report from the Committee on Labor.]

(Editorial)

[e943005] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 137.]

(Editorial)

[e943008] Mr. Cunniff: I move that the report of the committee be adopted, and that when the committee arises it report to the convention and recommend the adoption of Substitute Proposition Number 137.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943011] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943012] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943013] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943014] [Editor's Note: Substitute Proposition Number 137 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943016] Secretary (reading): "Report of Committee on Labor on Proposition Number 110, recommending that it do pass"

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943018] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 110.]

(Editorial)

[e943022] Mr. Cunniff: I move that when the committee arises it report to the convention and recommend that Proposition Number 110 do not pass.

Mr. Winsor: I second the motion.

[Editor's Note: There is some confusion in the source material over the contents of the Committee on Labor Report on Proposition Number 110. At this moment in the proceedings, both the Records and Minutes attest that adopting the Committee on Labor report would adopt the proposition. However, the Committee on Labor report on Proposition Number 110 as reported on page 607 of the Records and page 273 of the Minutes was to not pass the proposition. Perhaps, what Cunniff intended by his motion was to depart from the Committee on Labor recommendation (to drop the proposition) in order to recommend the adoption of the proposition. In any case, the Committee voted to recommend that proposition's adoption.]

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943024] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943026] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943027] [Editor's Note: Proposition Number 110 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943028] Secretary (reading): "Report of Committee on Labor on Proposition Number 141, recommending that Substitute Proposition Number 141 do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943029] [Editor's Note: Proposition Number 141 was referred to the Committee of the Whole alongside the report from the Committee on Labor.]

(Editorial)

[e943030] Mr. Feeney: That was the substitute, if you will remember, in the discussion of the child labor law, which was referred back to the Committee on Labor. We went over the features that were objectionable, and finding that the sentiment of the convention was for the abolition of labor, we tried to write a substitute that would meet what was wanted. We eliminated those objectionable features,—such as the boys selling newspapers, night messenger boys, etc. This is the printed copy of that substitute.

Mr. Bolan: The main objection seems to be that of manufacturing plants; consequently this was referred to us in order that we should eliminate the objectionable points.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943031] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 141.]

(Editorial)

[e943032] Mr. Webb: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition Number 141 be adopted.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 645)

[e943035] Mr. Chairman: The question is upon the adoption of the committee's report.

Mr. Cunniff: I offer an amendment as follows: "No child under fourteen years of age shall be employed in any gainful occupation at any time during which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals, or hazardous to life or limb; nor in any occupation at night, or for more than eight hours in any one day."

Mr. Chairman, my reasons for offering this amendment are because I had the pleasure last evening of talking with a member of the National Labor Association and he informed me that they were endeavoring to bring this measure into effect for years. They have worked very carefully and have secured the provision in some states. I think that Arizona would be taking one of the wisest steps in adopting this measure. I do not think it has any evil or bad effect upon children or boys to work at certain kinds of work outside of school hours. I did it myself and was very much aided in so doing, yet I think this provision should be made to protect those children who might be subject to duties and labors that are injurious to them. It seems to me that this is a very thoughtful and carefully worked up measure that should be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
645-646)

[e943036] Mr. Feeney: The amendment offered by Mr. Cunniff is just what we needed and the Committee on Labor desired to make such a provision, but did not know just how to draw it up. For this reason we are glad now to have the amendment offered. It meets my idea exactly and I think I can speak for the other members of the committee.

Mr. Ellinwood: I heartily agree with the amendment offered but I want to know if the word "occupation" will be interpreted correctly.

Mr. Cunniff: In regard to this I do not think there will be any trouble in interpreting this clause. Hazardous occupations in the states of Massachusetts and New York, which have been carefully examined, are very similar to ours, and "gainful occupation" means an occupation for which wages are paid. This would also mean during the time of school hours. I think the compulsory law will take care of the rest of the day during the school term.

Mr. Webb: I think the gentleman from Yavapai is right in a general way, but I am like Mr. Ellinwood, I think there can be a wrong interpretation placed upon the clause. Does the word "session" mean months or hours?

Mr. Ellinwood: I have come to the conclusion that it means hours.

Mr. Webb: I am in sympathy with this provision and the subject, but what will you do about those people who live so far away from school that it is impossible for them to send their children to school, but have taught them at home. Would this be interpreted as a violation of the law? If not, I believe it is good.

Mr. Feeney: I think there will never be any question of this kind in the country, or on ranches. However, this is principally for the city boy. There will never be any question upon that.

Mr. Standage: I cannot see why it will not apply to ranches and farmers, as many children are kept out of school to work upon farms.

Mr. Cunniff: The compulsory school law should take care of that.

Mr. Webb: I simply say that where parents do not send their children to school they should be allowed to work on farms when they cannot do otherwise.

(The Records of the Arizona Constitutional Convention of 1910, Pages 646-647)

[e943038] Mr. Winsor: I move we adopt the amendment, and when the committee arises recommend it to the convention.

Mr. Parsons: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943040] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943041] Mr. Chairman: The question now comes up on the adoption of the Substitute Proposition Number 141. Those in favor of recommending the adoption say "aye;" opposed "nay." The motion is carried. The proposition is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943043] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943044] [Editor's Note: Substitute Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943046] [Editor's Note: Proposition Number 141 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943047] [Editor's Note: Proposition Number 86 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943050] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 86.]

(Editorial)

[e943053] Mr. Cunningham moved, seconded by Mr. Webb, that when the Committee arise it recommend that Proposition No. 86 be indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 286)

[e943055] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 286)

[e943057] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943059] [Editor's Note: Proposition Number 86 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943065] Secretary (reading): "Recommendation of Committee on Labor that Proposition Number 136 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943067] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 136.]

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943069] Mr. Cunniff: I move the recommendation of 136 be adopted.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943070] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943073] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943075] [Editor's Note: Proposition Number 136 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943079] Secretary (reading): "Recommendation of Committee on Labor that Proposition Number 12 be indefinitely postponed."

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943081] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 12.]

(Editorial)

[e943084] Mr. Webb: Mr. Chairman, I move that when the committee do arise that it recommend that Proposition Number 12 be indefinitely postponed.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943085] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943086] [Editor's Note: When the Committee makes a final decision on their recommendation the report is implicitly adopted.]

(Editorial)

[e943087] [Editor's Note: Proposition Number 12 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943089] Secretary (reading): "Recommendation of Committee on Labor that Substitute Proposition Number 76 do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943088] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943090] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 76.]

(Editorial)

[e943092] Mr. Bolan: In regard to this matter, I would say that the Committee on Labor drafted a new measure providing for a mining inspector and left it to be decided as to what that office should be, but thought that one of the commission might serve in that office and we have left it in the shape.

[Editor's Note: In the text of the Records that follows, a series of motions to adopt, re-refer, and indefinitely postpone Substitute Proposition Number 76 are repeated with slight variations in the proposers for each of the motions. The editors have assumed this is an error. Not only is it unlikely that two identical sets of votes would taken with the same outcome, but voting twice without a motion to reconsider would have been out of order. The editors have used the second version of the motions from the Records in the main descriptions, as these align with the Minutes. The first account of these motions has been used in additional descriptions, apart any additional debates. For this reason, the following sequence of events jumps back and forth between pages 647 and 648 of the Records.]

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943094] Mr. Cunniff: I move that when the committee arises that it recommend that Substitute Proposition Number 76 do pass.

Mr. Connelly: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943097] Mr. Ellinwood: I noticed that there is no provision for salary.

Mr. Webb: They do not need it.

Mr. Jones (Yavapai): No provision for the selection of officers was made, and I move that we leave this open with power to fix the salaries.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943100] Mr. Ingraham: I move to amend, that Substitute Proposition Number 76 be referred to the Committee on Labor and that typewritten copies be made and placed upon the desks.

Mr. Cassidy: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 647)

[e943102] Mr. Cobb: I further move that when the committee arises that it recommend to the convention that Substitute Proposition Number 76 be indefinitely postponed.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943105] Mr. Winsor: I will call your attention to the rules, which require that propositions must be considered section by section.

Mr. Webb: In answer to the gentleman from Yuma I will say that it is in order to move indefinite postponement of a question at any time before it is adopted.

Mr. Chairman: The question comes up on the motion to postpone indefinitely Proposition Number 76. Call the roll.

Mr. Connelly: I wish to make this explanation, that the question of creating the office of boiler inspector and mining inspector was under discussion and while we provided for one it was also our intention to provide for the other as well.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
647-648)

[e943110] Mr. Chairman: Call the roll.

Roll call showed 22 "ayes" and 24 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943112] Mr. Chairman: The question now comes up on the motion of the gentleman from Yuma, Mr. Ingraham, to refer this proposition to the committee on labor. Those in favor of the motion will say "aye;" those opposed "nay." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943114] [Editor's Note: With the adoption of Ingraham's motion that Substitute Proposition Number 76 be referred to the Committee and Labor, Cunniff's motion that the proposition pass was made obsolete.]

(Editorial)

[e943115] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943116] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943117] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943119] [Editor's Note: The report from the Committee on Labor on Propositions Number 110, 141, 86, 136, 12, 76, and 137 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e943122] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943124] Mr. Tuthill: I move that the committee do now arise and report progress.

Mr. Wills: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

[e943125] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 648)

### **32.38 Friday, 25 November 1910, at 13:30 (s16217)**

[e943357] Mr. Chairman: The committee of the whole will come to order. The secretary will read the first proposition on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943358] Mr. Chairman: The committee of the whole will come to order. The secretary will read the first proposition on the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943476] Secretary (reading): “Report of Committee on Legislative Department, Distribution of Powers and Apportionment on Proposition Number 94, recommending that said proposition be referred to the committee on preamble and declaration of rights. Report of committee on preamble and declaration of rights on Proposition Number 94, recommending that Substitute Proposition Number 94 be adopted.”

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943487] Report of committee on preamble and declaration of rights on Proposition Number 94, recommending that Substitute Proposition Number 94 be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 658)

[e943490] [Editor’s Note: Proposition Number 94 was considered in the Committee of the Whole alongside the report from the Committee on Legislative Department.]

(Editorial)

[e943497] [Editor’s Note: Substitute Proposition Number 94 was considered in the Committee of the Whole alongside the report from the Committee on Legislative Department.]

(Editorial)

[e943508] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 94.]

(Editorial)

[e943517] Mr. Crutchfield: Mr. Chairman, a few words might be of assistance to the committee of the whole in the consideration of Substitute Proposition Number 94. Proposition Number 94 was taken entirely from the Constitution of the State of Washington, with two or three small omissions. The committee examined the bill of rights of the State of Washington, and decided to recommend the entire bill of rights from the constitution of the State of Washington, with the addition of four or five propositions, and in the consideration of Substitute Proposition Number 94 you will have the entire bill of rights from the State of Washington with one or two small amendments and four or five sections added. The only amendment of importance, I believe, that is to be noted to the bill of rights of Washington is that there should be no imprisonment for debt, Section 17. The committee recommended, instead of the language of Washington, “except in case of absconding debtors,” the words “except in cases of fraud,” and one or two verbal amendments, with the substitution of bill for doing away with the grand jury system, as already adopted by this committee of the whole in place of the verbiage which they have.

(The Records of the Arizona Constitutional Convention of 1910, Pages 658-659)

[e943519] Mr. Chairman: Gentlemen, you have heard the report of the committee on Substitute Proposition Number 94. What is your pleasure?

Mr. Parsons: Mr. Chairman, I move that it be considered by sections.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943521] [Editor's Note: The Committee of the Whole proceeded to consider Substitute Proposition Number 94 by sections.]

(Editorial)

[e943523] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 94 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e943976] Mr. Chairman: If there is no objection to section 1, it will be considered adopted

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943980] Mr. Ingraham: Mr. Chairman, I move an amendment that the words "and social" be inserted before the word "rights." Do I hear a second?

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943981] Mr. Chairman: Are there any remarks on the amendment? If not, as many as are in favor of the amendment will vote "aye" when their names are called; contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943984] Mr. Chairman: [...] If there are no further amendments to section 1, it will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943988] Mr. Chairman: [...] If there are no amendments to section 2, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943991] Mr. Ingraham: I move that that be stricken out as it is absolutely unnecessary.

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943994] Mr. Chairman: The chair will entertain the motion, although it comes late. The gentleman from Yuma, Mr. Ingraham, moves that section 2 be stricken out. As many as favor the motion will signify by saying "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943996] Mr. Chairman: [...] Section 2 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943998] Mr. Chairman: [...] If there are no amendments Section 3 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e943999] Mr. Chairman: [...] If there are no amendments section 3 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944002] Mr. Chairman: [...] Are there any amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944003] Mr. Parsons: Mr. Chairman, in order to make this consistent with section 1, as adopted, I move that we strike out the word "common" and insert the word "individual."

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944005] Mr. Chairman: As many as favor the motion will signify by saying "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944008] Mr. Chairman [...] Are there any further amendments to section 4? If not, it will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944009] Mr. Chairman: [...] Any amendments to section 5? If not, it stands approved and is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944010] Mr. Chairman: [...] Any amendments to section 5? If not, it stands approved and is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944012] Mr. Chairman: [...] Are there any objections or amendments to section 6? If not it will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944013] Mr. Chairman: [...] Are there any objections or amendments to section 6? If not it will be considered passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944015] If there are no objections to section 7 it will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944016] Mr. Chairman: [...] If there are no objections to section 7 it will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944019] Mr. Chairman [...] If there are no objections to section 8 it will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944020] Mr. Chairman [...] If there are no objections to section 8 it will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944022] Mr. Chairman [...] If there are no amendments section 9 will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 659)

[e944025] Mr. Cunniff: Mr. Chairman, may I request that this job be done a little more slowly. I have an idea about section 8...

Mr. Chairman: The chair will entertain a motion on section 8 if the gentleman wishes.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944028] Mr. Chairman: The chair will entertain a motion on section 8 if the gentleman wishes. If there are no objections section 9 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944031] Mr. Chairman: [...] Are there any amendments to section 10? If not, section 10 will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944033] Mr. Chairman: [...] Are there any amendments to section 10? If not, section 10 will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944035] Mr. Cunniff: Mr. Chairman, may I ask consent to revert to section 8 and move that the words "by the legislature" be cut out?

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944036] Mr. Chairman: The chair will entertain the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944037] Mr. Cunniff: Mr. Chairman, may I ask consent to revert to section 8 and move that the words "by the legislature" be cut out?

Mr. Wood: I second the motion.

Mr. Chairman: The chair will entertain the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944038] Mr. Chairman: The chair will entertain the motion. All who are in favor of the amendment signify by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944046] Mr. Kingan: Mr. Chairman, I would like to ask a question. Section 8 as it stood before the amendment limited the legislature. It now limits the people. Is the gentleman afraid that the people of Arizona, by the exercise of the lawmaking power in their own hands, can ever so err as to ever irrevocably grant any privilege, franchise or immunity?

Mr. Cunniff: No.

Mr. Cunningham: Then I ask why strike it out?

Mr. Chairman: The motion has been put and carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944047] Mr. Short: Mr. Chairman, I move you that we further amend this section by striking out the word "passed" and inserting the word "enacted."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944049] Mr. Chairman: As many as favor the motion will signify by saying "aye;" contrary "no." The motion prevails and is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944050] Mr. Chairman: [...] If there are no further objections or amendments the section will be approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944055] Mr. Chairman: [...] We will proceed to section 11. That is all from the constitution of Washington with the exception of the brackets in line 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944057] Mr. Chairman: [...] If there are no amendments section 11 will be considered adopted as read and is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944062] Mr. Chairman: [...] Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944069] Mr. Short: Mr. Chairman, I move the same amendment in regard to this line 13 that the word "enacted" be inserted in place of the word "passed."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944072] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944075] Section 12 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 292)

[e944078] Mr. Chairman: If there are no objections section 13 will be adopted as read and is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944081] Mr. Chairman: If there are no objections section 13 will be adopted as read and is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944085] Mr. Chairman: If there are no objections section 13 will be adopted as read and is adopted. Section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944087] Mr. Ingraham: Mr. Chairman, I would like to ask what became of the word "unusual" before "punishment," which I believe is included in the customary phrase.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944089] Mr. Cunningham: Mr. Chairman, I move to insert after the word "cruel" in line 20 the words "or unusual."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 660)

[e944091] Mr. Ingraham: Mr. Chairman, the gentleman from Maricopa, the chairman of the committee on bill of rights, says that the words "or unusual" do not occur in the Washington bill of rights. I would say, Mr. Chairman, that the law in the state of New York, concerning execution of criminals by electricity, was attacked on the ground that it conflicted with the provision against unusual punishments. Probably a law to provide for the execution of criminals by that method would even now be held unconstitutional by most courts because it is an unusual punishment. I do not think the custom of electrocution has been sufficiently used so that a court would say that it was not an unusual punishment.

Mr. Cunniff: I would suggest that it was unusual when it was introduced in New York but it is no longer unusual.

(The Records of the Arizona Constitutional Convention of 1910, Pages 660-661)

[e944093] Mr. Franklin: Mr. Chairman, I would suggest that in this section we use the phrase "and in the constitution of the United States," and I therefore move an amendment to the motion of the gentleman from Cochise, Mr. Cunningham, by inserting the word "and" for the word "or." It will read "cruel and unusual."

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944094] Mr. Cunningham: I accept the amendment, with the consent of my second. I think it is the better and more proper word.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944096] Mr. Chairman: The question is now upon the insertion of the words "and unusual" after the word "cruel" in line 20. As many as favor the motion will answer "aye;" contrary "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944097] Mr. Chairman: [...] If there are no further amendments section 14 will be considered adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944102] Mr. Chairman: [...] If there are no further amendments section 15 will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944108] Mr. Chairman: [...] If there are no further amendments section 15 will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944112] Mr. Chairman: [...] Section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944115] Mr. Cunniff: Mr. Chairman, I move that the word “the” before the word “fourth” in line 6 be stricken out on page 6 [sic. page 4].

Mr. Wood: I second the motion.

[Editor’s Note: The word ”fourth” does not appear in Section 16. However, the Minutes state that ”Mr. Cunniff moved, seconded by Mr. Short, to amend line 6, page 4 by striking out the word ’the’ where it first appears.” The editors have made the amendment in this manner.]

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944117] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944121] Mr. Franklin: Mr. Chairman, in reading this section I notice the words “and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor has been made in money, etc.” Do I understand the framers of this provision to mean that where a municipal corporation takes a man’s property for a street purpose or for an alley purpose, and has a right of way through his property, the property owner shall not be paid any compensation therefore? If this is the intention it seems to me that it is an absolute hardship. There are in this city private residences and under this provision the municipal authorities take that property and do not pay a single cent for it.

Mr. Parsons: Read the first four lines on that page.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944124] Mr. Franklin: I move you, Mr. Chairman, that the words on line 4 in section 1 “other than municipal” be stricken out.

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 661)

[e944151] Mr. Chairman: The motion is made that the word “other than municipal” on line 4 be stricken out.

Mr. Parsons: Mr. Chairman, it seems to me that the gentleman from Maricopa misunderstands the meaning of the provision. It reads as follows: “No private property shall be taken or damaged for private or public use without just compensation having been first made or paid into court for the owner.” I take it that the meaning of this provision is that if a municipal corporation desire to open a street that it need not wait to do that until after a hearing would be required to be had in court and condemnation proceedings had, but that they might go ahead and open up the street, but that the question of compensation, so far as it referred to municipal corporations, would be determined afterward, and that the municipal corporation could not be interfered with in its work in laying out a street or highway until after those proceedings were had, but with reference to any other corporations. Before a railroad corporation could take possession and open it up they must first comply with the law, and either pay the compensation agreed upon or deposit the amount in court subject to the order of the court. It seems to me it is simply giving them the right for the time being, but it does not deprive the owner of his right to recover the damages.

Mr. Franklin: Mr. Chairman, I have two objections to this proposition. One is that a municipal corporation can take a man's property, under the theory of the gentleman from Cochise, and afterwards judge what the damages are and pay him for it irrespective of the benefits to be derived. I object to municipal corporations taking a man's property the same as I do any private corporation. I am very familiar with the rule that is recognized in this territory, and it was brought up in a case from Cochise County, where Mr. Perry, as an attorney for a man in Cochise County, had the judgment of the supreme court that you could not take a man's property and afterwards pay him for it, but you must first have the damages and give him due and just compensation before you could take it. After that decision was rendered a statute was enacted in this territory giving corporations, private and municipal, the authority to take the property and afterwards give the damage. I object to that, but I further object to the phraseology in this paragraph, for the reason that I do not believe it means what the gentleman from Cochise says. The phraseology is: "No private property shall be taken or damaged for public or private use without just compensation having been first made, and no right of way shall be appropriate to the use of any corporation other than municipal until full compensation therefore be made in money." As I understand the law about this matter, it is this: We have a general proposition that no private property can be taken or damaged without just compensation—an exception in favor of municipal corporations who may take it and may damage it without just compensation and without regard to the benefits of its use. I therefore think it would be a very serious thing for the property owners in cities and municipalities to have this paragraph enacted.

Mr. Ingraham: Mr. Chairman, there is another feature of the matter that I wish to say just a word about. This clause covers not only the taking of property, but it covers the damaging of property. For instance, in the construction in the city of an elevated railroad down a certain street. The courts in a great many places have held that that was not the taking of property, but it is damaging of property, and you can see the difference between these two terms—the mere taking of property and the damaging of property. This section, were the amendment adopted, might prevent the City of Phoenix from putting a double track railway down some street, if the city were to do it herself, because that might be a damage to the property. It would not be a taking of the property along that street, but it might be a damage to the property and the city could be forbidden from doing that, making that improvement, until all these questions of damage to the property have been settled. In other words you could make that improvement about twenty five years from now[.]

Mr. Chairman: As many as favor the motion to strike out the words "other than municipal" after the word "corporation" on line 4, will signify by saying "aye;" opposed "no." The secretary will call the roll.

Mr. Ingraham: The amendment offered reverts in some particulars to the present rule of the statute. The present rule of the statute is that in cases of municipal improvement, property shall not be damaged without just compensation, but the improvement may be made and the compensation paid afterward. This rule is followed in estimating the damage. The damage is found by taking from the total damage and benefit that the improvement may be to the property. For instance, it is possible to think of a large lot. The city opens a street through the lot. Now the opening of the street is a damage to the lot because it takes a portion of it, but the opening of that street may cause a business

district in that vicinity and this the street would be a great improvement to the remainder of the lot. The rule is in that case that the benefits that have resulted to the property may be deducted from the total loss that would otherwise come. It seems to me that this expression "other than municipal" is put here for the purpose of protecting that peculiar feature of the law and making an exception with municipal corporations.

(The Records of the Arizona Constitutional Convention of 1910, Pages 661-663)

[e944158] Mr. Chairman: The secretary will call the roll.

Roll call showed 20 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 663)

[e944160] Mr. Webb: Mr. Chairman, I ask your indulgence, please, to refer back to section 11. You passed it hurriedly.

(The Records of the Arizona Constitutional Convention of 1910, Page 663)

[e944167] Mr. Chairman: If the gentleman from Graham will wait until we have completed section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 663)

[e944170] Mr. Chairman: If the gentleman from Graham will wait until we have completed section 16. Are there any further amendments to section 16? If not, the section will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 663)

[e944172] Mr. Chairman: [...] We will refer back to section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 663)

[e944174] Mr. Webb: I believe that it is the desire of every member of this convention that the constitution should be brief, concise and to the point, and that there should be as few repetitions as possible, and I will ask the members to kindly refer to Proposition 119 from which I will now read: "Perfect toleration of religious sentiment shall be secured to every inhabitant of this state, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship." Now that is covered again, a repetition almost of the identical language in section 11 of this proposition. I therefore move to strike out section 11 from the beginning down to and including "but" where the same occurs in line 3, striking out "hereby" in line 3, inserting after the word "secured" in line 4 "by the provisions of this constitution." It would then strike out "absolute freedom of conscience in all matters of religious sentiment, belief and worship shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion or lack of same, but --"

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 663-664)

[e944191] Mr. Chairman: You have heard the motion. All those in favor signify by saying "aye;" opposed "no." The secretary will call the roll.

Roll call showed 36 "ayes" and 10 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944193] Mr. Jones (Yavapai): Mr. Chairman, I move that in line 6 the words "no public property or money shall be appropriated, etc." down in line 8 to the words "no" be stricken out. That appears in Proposition Number 100.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944194] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944195] Mr. Chairman: Are there any further amendments? If not, we will pass to section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944201] Mr. Chairman: Are there any further amendments? If not, we will pass to section 17

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944205] Mr. Kingan: Mr. Chairman, what is the meaning of that sentence: "there shall be no imprisonment for debt except in cases of fraud." I move you that these words "except in cases of fraud" be stricken out.

Mr. Cooper: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 664)

[e944209] Mr. Tovrea: Mr. Chairman, that is the only way a man can be imprisoned for debt now. It prevents his getting out of the country and taking all his property with him. I object to having that taken out of here.

Mr. Connelly: I believe under the present law they have it that if a man beats out his board bill he cannot leave town. That was put in there so that if a man beats his board bill he cannot leave town and take his property with him.

Mr. Weinberger: Mr. Chairman, I agree with the gentleman from Pima that the words ought to be stricken out. If a man skips without paying his board bill he is punished for the crime and not guilty of a certain crime. There are certain crimes for certain kinds of debts and he is punished under the criminal law and not under the civil law. So I am in favor of excluding those words.

Mr. Colter: Mr. Chairman, I would like to ask for information. How could Mr. Weinberger consider it a crime if he skipped out without paying his debts? I do not see how you could term that a crime without you called [sic] it a fraud under the statutes. Would he not have to misinterpret [sic, misrepresent]?

Mr. Weinberger: I would refer the gentleman to the statutes. That defines what certain crimes are, and that would give better explanation than I could.

Mr. Colter: As I understand, you have to misrepresent. It is not simply the act of a man leaving town; he would have to misrepresent something.

Mr. Short: Mr. Chairman, I would also like to ask the gentleman from Gila where he would draw the line in defining this as a crime, whether it was because the man owed the debt or because he left town owing to the debt. I can see no good reason for having this stricken out. If it is a case of fraud and a man is trying fraudulently to beat his creditors I think he should be put in jail, and I believe it would be a very fine point to define the criminal law as to whether it was the act of leaving town, or being in debt.

Mr. Kingan: Mr. Chairman, the construction which the gentleman has given this section it seems to me would never be given to it by a court of law. "There shall be no imprisonment for debt except in cases of fraud." That must relate to the debt. The fact of a man getting out of the country cannot relate to the matter of debts. If he gets out of the country after he has created the debt he commits no offense.

(The Records of the Arizona Constitutional Convention of 1910, Pages 664-665)

[e944213] Mr. Cunniff: Mr. Chairman, I move an amendment to the motion to place in lieu of the words "except in case of fraud," "except in cases of absconding debtors."

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 665)

[e944217] Mr. Franklin: Mr. Chairman, when you put this question I would like to object to having this in the constitution for this reason: I think Section 17 is very intelligible. Anybody can extend credit if they see fit. If a merchant in this town, or a hotel keeper, or anybody else wants to extend credit he has a perfect right to do so, but as a condition of giving the man the right to board and lodging this man tells them that he has the money to pay for it and that he will settle for it, and on that basis they extend the credit. If he goes away without paying it he is guilty of fraud. This provision is designed to protect those people in such instances as that, and I think the provision is a very wise one. If a man obtains credit for board and lodging and violates his obligation he ought to be punished criminally. Under the statute I think it has proven a very wise one, and I think this convention will be doing wrong to change it.

Mr. Weinberger: I wish to ask Mr. Franklin, is it not a fact that a person may be convicted for the commission of a crime and not for contracting the debt?

Mr. Franklin: Not at all; if you go into a hotel and you expect board and lodging, under the statute now with regard to innkeepers, and you go away and do not pay, you are guilty of a fraud. If you go into the hotel and the keeper says "I cannot give you board and lodging. I do not know whether you will pay, you say, "If you will give me board and lodging, I will pay you at a certain time." If he extends you the privilege and you leave without paying you are guilty of a fraud and this is designated [sic, designed] to protect that very thing.

Mr. Weinberger: Mr. Chairman, doesn't the statute designate such a transaction a crime?

Mr. Franklin: It absolutely does.

Mr. Weinberger: That is my point exactly.

Mr. Crutchfield: I will say that this was the only instance I believe in which the committee changed the meaning of the Washington constitution. We followed with the words "except in cases of absconding debtors" when covering one part of fraud. There could be a fraud in connection with the creation of a debt as well as the effort to get out of paying it so we chose these words. They are not new words, they are old words, used a long time ago by various constitutions, and are well known, I understand, in their meaning. We took it that these words were the proper words for they covered every possible phase of fraud that a man could be guilty of in connection with either the creating or the refusing to pay a debt.

Mr. Webb: Mr. Chairman, I would like to ask the gentleman from Yavapai, who introduced the amendment, if it would not make immune those who incur debts under false pretenses.

Mr. Cunniff: I beg to reply that the imprisonment would be then for fraud and not for the debt. This is the only case where imprisonment could be for debt. The other is imprisonment for the crime.

Mr. Webb: Mr. Chairman, I take it that in neither instance is it logical to say that the imprisonment is for the debt since I do not think you can imprison a man for debt in out country, but you can imprison him for absconding under certain conditions if the statute so provides, and if the method in which he may incur the indebtedness is criminal. For the indebtedness itself imprisonment is impossible.

Mr. Cassidy: Mr. Chairman, this provision is word for word with the declaration of rights in the Wyoming Constitution, Section 5, which reads: "No person shall be imprisoned for debt except in case of fraud." In Oregon the wording is this way: "There shall be no imprisonment for debt in cases of fraud of absconding debtor." In North Dakota: "No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his credit in such manner as shall be prescribed by law or in cases of tort, or where there is strong presumption of fraud." I think these words "in cases of fraud" should stay.

Mr. Chairman: The question is upon the amendment of the gentleman from Yavapai, Mr. Cunniff, striking out the words "except in cases of fraud" in lines 14 and 15 on page 4, and inserting the words "except in cases of absconding debtors." This is an amendment to the motion of Mr. Kingan, striking out the words "except in cases of fraud." The vote will be upon the amendment of Mr. Cunniff.

Mr. Tovrea: I wish to withdraw my second.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 665-667)

[e944222] Mr. Chairman: As many as favor the amendment will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944226] Mr. Chairman: As many as favor the amendment will signify by saying "aye;" opposed "no." The "nays" have it. The motion will come up on the original amendment by the gentleman from Pima County, Mr. Kingan, to strike out the words "except in cases of fraud." As many as favor the amendment will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944230] Mr. Hunt: Mr. Chairman, I offer an amendment that the words "absconding debtors" be inserted after the word "fraud" in line 15.

Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944237] Mr. Franklin: Mr. Chairman, now I wish to say to the convention what I believe this section will mean if it is amended as Mr. Hunt says. If you go in good faith to a merchant in this town and get credit there, that merchant has the right to extend credit or not. If he gives you credit and afterwards you are in such condition that you cannot pay for it, and you want to leave this territory, and you do it without paying that bill, you are an absconding debtor. You can be put in prison for not paying a debt of ten dollars or fifteen dollars. I do not think it is the spirit of this convention to have any such thing in the constitution of this state. Where a man contracts a debt under false pretense he should suffer for it, but if in good faith the merchant extends credit, the mere fact that a man cannot pay it, and wants to go elsewhere to better his condition, he [sic] should not cause him to be brought back here prosecuted.

Mr. Webb: Mr. Chairman, I regret very much to differ from my friends in Maricopa, but I do not think imprisonment under these circumstances would be possible under the provision of this section, as undoubtedly it would require law to make that operative. With that inserted it would make it possible for the legislators (if they may be trusted) to pass laws governing these questions and providing for imprisonment for absconding debtors under certain circumstances and conditions, and certainly that appeals to me as being fair. The whole question is as to whether or not we may trust a legislator in Arizona to do the fair thing.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944243] Mr. Chairman: The question will come up on the amendment of the gentleman from Gila, Mr. Hunt, inserting the words "and absconding debtors" in line 15. As many as favor the amendment will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944249] Mr. Ingraham: Mr. Chairman, I wish to revert again to section 11. Words were stricken out of that section under the statement that similar matter occurred in another proposition, I believe Number 106. I fail to find any reference in Number 106 to that topic.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944252] Mr. Ingraham: Mr. Chairman, I wish to revert again to section 11. Words were stricken out of that section under the statement that similar matter occurred in another proposition, I believe Number 106. I fail to find any reference in Number 106 to that topic.

Mr. Winsor: Number 119.

(The Records of the Arizona Constitutional Convention of 1910, Page 667)

[e944255] Mr. Ingraham: Let it pass for the present.

(The Records of the Arizona Constitutional Convention of 1910, Page 668)

[e944256] Mr. Chairman: If there are no further objections to section 17 it will be considered adopted as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 668)

[e944263] Mr. Chairman: [...] Are there any amendments to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 668)

[e944265] Mr. Parsons: Mr. Chairman, I think we will all, if we punch up our memories a little bit, remember a few months ago about the "immunity baths," that were given certain officials who had been discovered as participating in some of the principal grafting schemes in some of the eastern states. As I remember it, a difficulty similar to this was the constituent element of that "immunity bath," and that when certain individuals were found, or their friends discovered that they had been found, they hurriedly and in some instances by a most disgraceful prostitution of the powers of the courts were subpoenaed as witnesses, and by virtue of being subpoenaed as witnesses they were granted immunity, and there is today a large [number] of those who have been put through that "immunity bath," and if Arizona wants to put in her constitution similar language, and put themselves in a position where if they do get caught, or if the evidence is found and furnished against them, all they will have to do will be to have a subpoena issued, adopt this proposition. If you don't want this kind of a system, strike it out, and I therefore move to strike it out.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 668)

[e944266] Mr. Chairman: The motion is that this section be stricken out.

Mr. Cunniff: Just to cite a case. Johnson, indicted for murder, is being tried. Jones is subpoenaed as a witness in the case. Jones is subpoenaed as a witness in the case. Jones testified "I committed the murder." Johnson goes free and Jones is granted immunity thereby.

Mr. Ingraham: Mr. Chairman, it seems that whenever one of us wants to make an argument that suits our side in the case, we are willing to attack the courts, and on the other hand whenever our side of the argument puts us in that position we plead the immaculateness of the courts. I am surprised to see an attack on the judges coming from the gentleman from Cochise. There are two sides to this question. I suppose that some persons have avoided prosecution under this provision who perhaps ought to be prosecuted. I am willing to admit

that, but this is a wise proposition nevertheless. To make a specific illustration: Suppose bribery is committed. Now it is just as wrong to take a bribe as to offer a bribe. Both parties to the transaction are equally guilty, culpable, but so long as the rule of law is as it is, that a man cannot be compelled to give evidence against himself, you will never succeed in proving a case of bribery, except by third parties, and these instances are extremely rare. However, if you have this provision on the statute books or in your constitution, and the district attorney gets a case of this kind and gets one of the parties scared, one of them might be willing to talk and give evidence under an arrangement with the district attorney that he [several words missing] further than this. If the district attorney brought the man and put him on the stand,—one of the parties to the bribery,—he could compel him to testify by offering him immunity. Another very similar case is that of illegal rebating. Nearly always the legislature will make the taking of a rebate just as great an offense as giving a rebate, in the case of railroad freights and fares. Now if the party who takes a rebate— that is, the shipper— is allowed to go in and testify and not be prosecuted you can reach the officials of the railroad. If you have not this provision in the constitution you cannot compel testimony because both of the parties can stand back upon their constitutional rights and say “I cannot be compelled to testify because I have committed an offense.” Now it seems to me a wise provision to put the control of the situation in the hands of the district attorney and the court, in these difficult cases, where it is hard to get evidence, to allow those officers to grant immunity to one of the parties in a crime in order that they may convict the other.

Mr. Cunningham: Mr. Chairman, I would like to state the two cases cited as an example by the gentleman from Yuma were bribery and rebate of freights. We can now see who in cases of bribery would be the man that would take the “immunity bath,” it would be the man that offered the bribe, for no one has ever heard of a man seeking to be bribed, so that the man was the least to blame. Now another proposition would be the man who would get the punishment and the man who offered the bribe would be the man who was washed with the whitewash brush. In a case of rebating do you gentlemen believe that a railroad company to see itself punished would wait for the shipper to come and be summoned as a witness against them? They would be summoned and the poor devil who took advantage of the rebate would be the man to be punished.

Mr. Weinberger: I would like to ask the gentleman from Cochise a question, I would like to ask if he ever heard of a man who offered a bribe turning state’s evidence?

Mr. Cunningham: I am not a historian and I cannot answer the question.

Mr. Weinberger: He would have to have a great knowledge of ancient history if he could cite such cases. We have heard of a great many instances in which those who have received bribes have turned state’s evidence.

Mr. Jones (Yavapai): I do not think we have to go back very far in ancient history to find where the man who gave the rebate turned state’s evidence.

Mr. Parsons: Mr. Chairman, in reply to the remarks of the gentleman from Yuma, Mr. Ingraham, I want to call attention to the fact that right now the district attorney can do those things he is talking about, but by the adoption of this section you are going to give the other fellow a chance to jump right in and get a subpoena served on himself, and he will be where the district attorney cannot prosecute him. The district attorneys know right well that the law in

any state permits a district attorney and a trial court to make an arrangement with a person who is charged with a crime jointly with others by his turning evidence and helping to convict the [words missing] the real party goes in this fix-up by an agreement. He is arrested, and says "I know the facts about this. I can furnish you the evidence. He is the real guilty party," and they both go free. To answer the gentleman from Yuma, Mr. Winsor, who says that a man must be a student of ancient history, I want to tell him within Pittsburgh there were thirty-eight givers of bribes who offered to plead guilty. In Philadelphia twenty-seven more givers of bribes did this. The Associated Press and the magazines of this country have been publishing about them, and many of them are occupying a colony over in Canada. I want to say to you that you put this law in our constitution to accomplish what the chief advocate of the measure has said he wants in there, and I believe you just furnish a loophole for the big fish to get out every time they want to.

(The Records of the Arizona Constitutional Convention of 1910, Pages 668-670)

[e944268] Mr. Chairman: The question comes up on the motion of the gentleman from Cochise, Mr. Parsons, to strike out section 18, seconded by Mr. Cunniff. Those in favor of the motion say "aye;" opposed "nay." The chair is in doubt. Those in favor of the motion to strike out please rise. Those opposed now rise.

Rising vote showed 17 in favor and 20 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944274] Mr. Cassidy: I move to amend by striking out the words "and offense against the laws of the state," and insert the words "bribery or illegal rebating."

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944275] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944277] Mr. Chairman: Any objections to section 18? Hearing none we will pass to the next.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944279] Mr. Chairman: Any objections to section 18? Hearing none we will pass to the next.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944284] Mr. Ingraham: I would just like to point out an error made in amending section 11. I move to reconsider the vote wherein the sentence in lines 6, 7, and 8, page 3, was stricken out. There is no provision for this at any time.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944289] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944295] Mr. Chairman: Now the question comes up on the original motion to strike out the sentence in lines 6, 7, and 8, on page 3. Those in favor of the motion to strike out this sentence of section 11 will say "aye;" those opposed "nay." The "nays" have it and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944297] Mr. Cassidy: I move to strike out section 19.

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944300] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944308] Mr. Chairman: Any objection or correction to section 20?

[Editor's Note: As the Committee of the Whole moved on to consider section 20, the editors have assumed that section 19 was implicitly passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944314] Mr. Chairman: Any objection or correction to section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944319] Mr. Chairman: [...] Any to section 21?

[Editor's Note: As the Committee of the Whole moved on to consider section 21, the editors have assumed that section 20 was implicitly passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944337] Mr. Chairman: [...] Any to section 21?

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944341] Mr. Chairman: [...] Any to section 22?

[Editor's Note: As the Committee of the Whole moved on to consider section 22, the editors have assumed that section 21 was implicitly passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944343] Mr. Chairman: [...] Any to section 22?

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944344] Mr. Cunningham: I move to amend by striking out the words "or criminal" in line 10, page 5.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944345] Mr. Crutchfield: I am opposed to striking out those words. I would like to cite you a personal letter from Judge Slaugh of California, who believed strong in such a measure. He thinks that it is sufficient evidence to convict or free a man if nine out of twelve jurors render their decision in harmony without the concurrence of all.

Mr. Weinberger: I would like to ask the gentleman a question if he will yield.

Mr. Crutchfield: I yield.

Mr. Weinberger: Do you know whether that is constitutional or not?

Mr. Crutchfield: I cannot say, but I think some of the constitutional lawyers can tell you.

Mr. Weinberger: You are speaking on this measure.

Mr. Crutchfield: I give you the quotations from Judge Slaugh, one of the best lawyers and judges in the west.

Mr. Weinberger: I believe it is unconstitutional.

(The Records of the Arizona Constitutional Convention of 1910, Page 670)

[e944346] Mr. Chairman: The question comes up on the motion of Mr. Cunningham. Those in favor of the motion will say "aye;" those opposed "nay." The "ayes" have it.

(The Arizona Republican, Page 671)

[e944347] Mr. Osborn: In line 8, page 5, I move to amend by striking out the words "the legislature may provide" and insert in lieu therefore the words "provision may be made by law."

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944348] The motion prevailed.

(The Arizona Republican, Page 671)

[e944351] Section 22 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 293)

[e944354] Mr. Jones (Yavapai): I move to amend section 20, if you will grant permission to turn back to section 20. I move to amend section 20, line 3, page 5 by adding to the end thereof, the words "by those entitled to such right."

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944356] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944360] Mr. Jones (Yavapai): I move to amend section 20, if you will grant permission to turn back to section 20. I move to amend section 20, line 3, page 5 by adding to the end thereof, the words "by those entitled to such right."

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944362] Mr. Jones of Yavapai moved, seconded by Mr. Wood, to amend Section 20, line 3, page 5 by adding the words at the end thereof "by those entitled to such right"; lost.

[Editor's note: The Records state that this amendment was adopted. In light of the fact that the version of this section adopted into the final Constitution does not include the inserted text, the editors have decided to represent Jones' amendment as rejected, following the Minutes' account.]

(The Minutes of the Arizona Constitutional Convention, Page 293)

[e944364] [Editor's note: As Jones' amendment was rejected, Section 20 was implicitly agreed as is.]

(Editorial)

[e944370] Mr. Chairman: If there are no objections to section 23 it will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944374] Mr. Cunningham: I would like to know what is meant by final judgment.

Mr. Wood: Supreme Court.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944381] Mr. Parsons: I move to strike out the words "before final judgment," in line 20, page 5.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944387] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944392] Mr. Chairman: Any amendments to section 24?

[Editor's Note: As the Committee of the Whole moved on to consider section 23, the editors have assumed that section 24 was implicitly passed.]

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944394] Mr. Chairman: Any amendments to section 24?

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944398] Mr. Weinberger: I move to amend by striking out section 24.

Mr. Jones (Yavapai): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944399] Mr. Chairman: Those in favor of the motion of the gentleman from Gila to strike out section 24 will say “aye;” those opposed “no.” The secretary will call the roll.

Roll call showed 27 “ayes” and 13 “nays.”

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944402] [Editor’s Note: Section 24 as amended—i.e. stricken—was adopted.]

(Editorial)

[e944435] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e944441] Mr. Franklin: I move that the committee do now arise and report progress.

(The Records of the Arizona Constitutional Convention of 1910, Page 671)

[e944444] Mr. Orme moved, seconded by Mr. Osborn that when the Committee arise it recommend that Propositions Nos. 78 and 66 be made a special order for Committee of the Whole at 2 p. m., November 26, 1910.

[Editor’s note: The account of Orme’s motion in the Records notes Weinberger as the seconder, and does not mention Proposition Number 66.]

(The Minutes of the Arizona Constitutional Convention, Page 294)

[e944450] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

[e944453] Mr. Chairman: We will now vote on the motion of the gentleman from Maricopa County that the committee now arise and report progress. Those in favor of the motion will answer “aye;” those opposed “nay.” The “ayes” have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 672)

### **32.39 Friday, 25 November 1910, at 19:30 (s16210)**

[e943225] Mr. Chairman: The committee of the whole will come to order. The first matter for consideration is section 25 of Substitute Proposition Number 94.

(The Records of the Arizona Constitutional Convention of 1910, Pages 672-673)

[e943226] The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Pages 672-673)

[e944548] Mr. Chairman: The committee of the whole will come to order. The first matter for consideration is section 25 of Substitute Proposition Number 94.

(The Records of the Arizona Constitutional Convention of 1910, Pages 672-673)

[e944549] Mr. Crutchfield: The committee in recommending this section is conscious of the fact that it has used a word that can hardly be understood or defined. In the third line of the sixth page the word "third degree" is used. Though there has come to be quite a clear understanding as to something of what that means, it seems proper that as this is the expression of the fundamental principles connected with the rights and liberties of the human race, it is appropriate to have something such as this. We have had some very striking illustrations of rank injustice that has resulted from the practice the police sometimes follow in extorting confessions from prisoners under the influence of mental anguish, and while the word "third degree" may mean one thing in Phoenix and another in Los Angeles and another in Denver, it means the worst that each bunch of police and detectives can do to extort confession. This endeavors to strike at that, and if the words are offensive we will be glad to have it amended, but we hope you will embody the idea.

(The Records of the Arizona Constitutional Convention of 1910, Page 673)

[e944550] Mr. Cunniff: I move that this be adopted as amended.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 673)

[e944551] Mr. Baker: Do you intend to array this constitutional convention on the side of criminals; do you intend to put the state of Arizona in the position of protecting criminals? Is it possible that this constitutional convention is going to write a decree of this kind, that it will not try to protect the people? I am astounded that these gentlemen have run absolutely wild and crazy about a proposition of this kind.

Mr. Chairman: It has been regularly moved and seconded that section 25 be adopted as read.

Mr. Cunningham: It seems to me the language used in this section is entirely too broad. "The right of persons accused of crime is to be inviolate in person,"—what does that mean? "Shall not be denied or abridged." Does this mean that a man who has stolen goods on his person cannot have them taken away? I ask for information.

Mr. Crutchfield: I believe I had rather leave it to one of those lawyers.

Mr. Baker: I had rather leave it to a preacher.

(The Records of the Arizona Constitutional Convention of 1910, Page 673)

[e944552] Mr. Jones (Maricopa): I move that section 25 be stricken out.

Mr. Keegan: I second the motion. I think this is a mischievous thing to go into a constitution. I understand it was designed to meet a condition that should be corrected, but this is not the place to take care of the proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 673)

[e944556] Mr. Chairman: You have heard the motion of the gentleman from Maricopa to strike out section 25 from this proposition. All who are in favor will say "aye" as their names are called; opposed will say "no."

Roll call showed 27 "ayes" and 12 "nays."

Mr. Chairman: Section 25 is stricken from this proposition.

(The Records of the Arizona Constitutional Convention of 1910, Page 673)

[e944559] [Editor's Note: With the adoption of Jones' motion to strike out Cunniff's motion to adopt the section was made obsolete.]

(Editorial)

[e944561] Mr. Chairman: Section 25 is stricken from this proposition. What will you do with section 26?

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944563] Mr. Chairman: [...] What will you do with section 26?

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944567] Mr. Cunningham: I move you that section 26 be stricken out.

Mr. Baker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944569] Mr. Crutchfield: I will just say that section 26 has already been adopted by this house, and if I am not mistaken has passed the roll call and been ordered engrossed. We just copied it in its place.

Mr. Cunningham: Mr. Chairman, it is wrong to put this in the bill of rights. There ought to be some method of getting a fair jury in the court, and simply to summon a jury in the open will give you the same men on the jury as long as the constitution stays in force. Therefore, you ought not to have it in the constitution unless it provides that a fair jury be drawn, which this does not provide.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944570] Mr. Chairman: All in favor will answer "aye;" contrary "no." The "ayes" have it and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944572] Mr. Chairman: All in favor will answer "aye;" contrary "no." The "ayes" have it and it is so ordered. Any amendments to section 27?

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944574] Mr. Chairman: [...] Any amendments to section 27?

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944575] Mr. Baker: I move an amendment to strike out the words “as shall be provided by law” on lines 11 and 12.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944576] Mr. Jones (Yavapai): I move an amendment by striking out the whole of section 27.

Mr. Cunniff: I second the motion. It has already been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944577] Mr. Cunningham: I think this has been adopted in another place, and the revision committee will necessarily find it if it has carried. I do not know whether the other provision is exactly like this or not.

Mr. Cunniff: This provision has already been before the committee, and has been adopted and referred to the Committee on Style, Revision and Compilation.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944578] Mr. Chairman: Gentlemen, you have heard the motion to strike out part of line 11, which motion was amended to strike out the entire section. The question is now on the striking out of the whole section. All in favor will say “aye;” contrary “no.” The “ayes” have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944580] [Editor’s Note: With the adoption of Jones’ motion to strike out Baker’s motion to amend the section was made obsolete.]

(Editorial)

[e944582] [Editor’s Note: Section 27 as amended—i.e. stricken—was agreed]

(Editorial)

[e944583] Mr. Chairman: [...] Any objections to section 28?

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944584] Mr. Feeney: I would like to know what this means anyway. I move that this be stricken from the bill of rights.

Mr. Kingan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944586] Mr. Crutchfield: It seems to me there is nothing wrong with that section. It provides that no privilege or right shall be granted, the exercise of which right or privilege or right shall be granted, the exercise of which right or privilege shall endanger the lives, safety or moral welfare of the citizens of the state. In case a man suffers an injury the corporation can claim it had the right to engage in the business engaged in, and therefore the injury coming naturally

is not a part of their responsibility; that they are not guilty of negligence, etc. I do not see anything that might be objected to.

Mr. Cunniff: There is a law that permits the incorporation a mining company, and the mining company after it is incorporated has certain rights and privileges, and in exercising those rights and privileges under the articles of incorporation [it] endangers the lives of miners. Suppose a miner was killed. With such a provision as this, the law giving him right to damages would be unconstitutional.

Mr. Feeney: The other day when we abrogated the fellow-servant doctrine, I thought we gave to all the people the opportunity of getting the assistance of the courts whenever they were in danger. If this was written by the newspaper men to fill space, I would consider it a good proposition, but I cannot see where it can apply after we have written an employers' liability act, and wiped out forever the doctrine of fellow-servant.

Mr. Kingan: We have heard considerable about "jokers" during this convention, but this contains the biggest joker so far. "As would endanger the peace, safety or moral welfare." The State of Arizona licenses the sale of liquor, and this law in the eyes of a great many persons would prohibit such sale, as endangering the moral welfare of the State of Arizona.

Mr. Feeney: This is a joker from the dry side of the question; I could not savvy it.

Mr. Webb: I do not know what you are considering, as I have just stepped into the convention chamber. I have heard but the last two speeches, but it appeals to me as the proper thing. (laughter) I ask the gentleman from Cochise, my friend Mr. Feeney, if he thinks the law should permit any firm, corporation or person to exercise any right or privilege which would endanger the liberty, the peace, and the happiness of the boys and girls, the citizens of Arizona.

Mr. Feeney: I would state in granting licenses or rights we have shown no special privileges to any, and we came down here advocating "special privileges to none and equal rights to all." I did not know when I ran into this that this was one of the so-called "jokers," as Mr. Kingan says.

(The Records of the Arizona Constitutional Convention of 1910, Pages 674-675)

[e944588] Mr. Chairman: You have heard the motion to strike out section 28. All in favor will answer "aye;" contrary "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 675)

[e944589] [Editor's Note: Section 28 as amended—i.e. stricken—was agreed.]

(Editorial)

[e944591] Mr. Chairman: [...] Any amendments to section 29?

(The Records of the Arizona Constitutional Convention of 1910, Page 675)

[e944594] Mr. Baker: Mr. Chairman, I move that section 29 be stricken from the bill.

Mr. Webb: I want to second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 675)

[e944597] Mr. Feeney: I move to amend that motion by striking out all following the word "then" on line 20, to the end of the section.

(The Records of the Arizona Constitutional Convention of 1910, Page 675)

[e944599] Mr. Connelly: Is another amendment in order?

Mr. Chairman: An amendment is out of order. A motion to strike out an entire section has precedence over an amendment to strike out part.

Mr. Winsor: A ruling of that kind would be manifestly unfair, as a section might be amended so it would be favorable to the majority, and by putting the motion to strike out the entire section at a time when it is in a form not favorable to the majority would defeat the true expression of the members.

Mr. Webb: If the chair has ruled, I have nothing to say. If it has not ruled, I desire to say that one gentleman proposed an amendment to this proposition that the entire section be stricken out. Now, an amendment is susceptible of one amendment, and the gentleman from Cochise moved to amend that amendment, and certainly no more amendments are in order.

(The Records of the Arizona Constitutional Convention of 1910, Pages 675-676)

[e944600] Mr. Chairman: The chair so rules. The question is now on the amendment of Mr. Feeney. All who are in favor of the amendment will say "aye;" contrary "no." The secretary will call the roll.

Roll call showed 24 "ayes" and 17 "nays."

Mr. Chairman: The motion passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 676)

[e944657] Mr. Connelly: I would like to make an amendment to Judge Baker's motion. I move that section 29 be adopted as amended.

Mr. Roberts: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 676)

[e944658] Mr. Baker: I want to call attention to the fact that you should not put in your constitution a provision of this kind. It is absolutely unnecessary and uncalled for. The people at all times have the right to organize into unions for the advancement of their interests and refrain from any work for any purpose.

Mr. Chairman: The question is on the amendment to strike out section 29.

Mr. Cassidy: Under the Enabling Act we must provide in this constitution that no law impairing the obligation of contracts shall ever be passed. Now it seems to me that if we pass this section as has been amended, we will come very nearly passing a law impairing the obligation of contracts. "The people individually shall have the right for any reason deemed sufficient to them to quit work." That is, any person who makes a contract for a certain length of time has the right to break that contract any time he sees fit. If it does not mean that, I do not know what it does mean. Is not that impairing the obligation of contracts to say any man making a contract has the right to break it for

any reason he sees fit? It seems to me if we put that provision in here we are violating that section of the constitution.

Mr. Baker: Why do you not take away all the power of the government to issue injunctions? Why do you not strip it of all power? Do not trust anybody with power. Do not trust any law. Take all law away. Why do you not do it? You must have trust somewhere or other. I do not care whether you like legislatures or not. You have got to trust somebody to exercise your power. The best way for you to do is to vote to have no constitution at all, no law.

Mr. Sims: I would like to know what law this was taken from. Is it copied from some other constitution?

Mr. Crutchfield: I am not certain, but I believe it was taken from Proposition Number 104 which was referred to us.

Mr. Baker: It was never taken from any constitution of any state in the union that was ever a state. I'll bet you that.

Mr. Cunniff: That looks very much like the language of Judge Alton B. Parker, chief justice, in deciding the case of Enterprise Association vs. the Steam Fitter. It is now the law of New York state by the decision of that Court of Appeals.

(The Records of the Arizona Constitutional Convention of 1910, Pages 676-677)

[e944659] Mr. Chairman: The question is on the motion to strike out section 29. All in favor of that motion will answer "aye;" all opposed "no." The secretary will call the roll.

Roll call showed 29 "ayes" and 13 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944661] Mr. Chairman: [...] The next is section 30.

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944662] Mr. Baker: I move to strike out that section.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944663] Mr. Feeney: That is taken from the Constitution of Oklahoma, it is constitutional law, and I see no reason for striking it out. I believe it is a valuable proposition.

Mr. Ingraham: As has been stated, that comes verbatim from the constitution of Oklahoma, and I want to say just a word in favor of the proposition. Our constitutions are full of checks upon the legislature and checks upon the executive, and here is an attempt in the constitution of Oklahoma to put a slight restraint upon the injunction power of the courts. I want to call the attention of the gentlemen of the convention to the peculiarities of the injunction procedure. A judge in the injunction proceeding decides what the law is. He applies the law as he decides it to the facts in hand. He makes an order, a restraining order, saying that the defendant shall not do certain things. If the defendant does some act that is claimed by the plaintiff to be a breach of the injunction, the defendant is brought into the court, and the judge, having made

the injunction order, having determined what the law is, having applied the law to the facts in the case, now tries the accused for having violated the law as he has determined it to be and says to the defendant: "I find you guilty; I punish you thus and so." This comes the nearest to despotism of anything known to our law. It seems to me that that this proposition, to provide that where a contempt is committed outside of the court, outside of the presence or hearing of the judge, is no more than a reasonable measure. It merely provides that the judge shall act under the same principle of jury trial which has been a right of English men and women for hundreds of years.

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944664] Mr. Chairman: Gentlemen, you have heard the motion of the gentleman from Maricopa, seconded by the gentleman from Graham, to strike out all of section 30. Those in favor of the motion will say "aye;" those opposed "nay," as their names are called.

Roll call showed 30 "ayes" and 13 "nays."

Mr. Chairman: The motion is carried and section 30 is stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944665] [Editor's Note: Section 30 as amended—i.e. stricken—was agreed.]

(Editorial)

[e944666] Mr. Chairman: [...] Any objections to section 31?

(The Records of the Arizona Constitutional Convention of 1910, Page 677)

[e944667] Mr. Baker: I move to strike out all of section 31 as it is useless and worthless because the United States provides for that in exact terms.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 677-678)

[e944668] Mr. Osborn: Mr. Chairman, if we strike out section 31 I think that we might as well strike out the whole thing.

Mr. Jones (Maricopa): I would like to know what an "ex-post facto" law is so that I can vote.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944669] Mr. Chairman: The question is on the motion of Mr. Baker to strike out section 31. Those in favor of the motion will answer "aye;" those opposed "no." The "nays" have it and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944670] Mr. Chairman: [...] Section 31 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944671] Mr. Chairman: [...] Are there any objections or corrections to section 32?

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944672] Mr. Baker: Mr. Chairman, I move to strike out all of section 32. I never in all my life found it necessary to carry a six shooter and I have passed through nearly all the scenes and experiences of this wild and unsettled country. Carrying arms is dangerous. It is a very dangerous thing to oneself and to one's associates and should not be permitted under any circumstances. I have seen lives lost and innocent blood spilled just through the carrying of arms, concealed weapons, under one's coat or shirt. It is most dangerous and vile, a practice that should never be permitted except in times of war and never in time of peace. Think of it: carrying a six shooter or a knife or some other terrible arm or defense, and then in a moment of heated passion using that weapon. I do not believe in it, and I move to strike out that section.

Mr. Webb: I second the motion for I agree with the gentleman from Maricopa that it is a pernicious thing and should not be included in this bill. I, too, in all my experiences have never seen the time when it was necessary to carry concealed weapons except in times of Indian troubles, and I have had many and varied experiences, in cow camps. I have been in many places where some might deem it necessary to come armed but I did not, nor do I believe it necessary to do so now. We are no longer a frontier country, and if we did not need arms in the early days of pioneering in this country we do not now, and I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944673] Mr. Crutchfield: I move to amend by inserting after the word "impaired" in line 9, page 7, the following words: "But the legislature shall have the right to regulate the wearing of weapons to prevent crime."

Mr. Baker: That is all right and I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944674] Mr. Parsons: Mr. Chairman, I move to amend by striking out all of section 32 and substituting the following in lieu thereof: "The people shall have the right to bear arms for their safety and defense, but the legislature shall regulate the exercise of this right by law."

Mr. Feeney: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944675] Mr. Chairman: The question comes up on the amendment offered by the gentleman from Cochise, Mr. Parsons, to strike out section 32, and insert in lieu thereof his amendment. Those in favor of this motion answer "aye;" opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944676] Mr. Baker's motion to strike out Section 32 lost by the following vote:

Ayes—Baker, Cassidy, Cobb, Cunningham, Curtis, Ellinwood, Franklin, Hutchinson, Jones, F. A., Keegan, Kinney, Langdon, Lovin, Moore, Orme, Pusch, Scott, Short, Simms, Mit., Standage, Tovrea, Webb. Total 22.

Nays—Bolan, Bradner, Coker, Colter, Connelly, Cooper, Crutchfield, Cunniff, Feeney, Ingraham, Jacome, Jones, A. M., Kingan, Osborn, Parsons, Roberts, Sims, R. B., Weinberger, White, Wells, Winsor, Wood, Mr. President. Total 23.

Absent—Goldwater, Lynch, Morgan, Tuthill, Wills.

Excused—Doe, Moeur.

(The Minutes of the Arizona Constitutional Convention, Page 297)

[e944677] Mr. Chairman: [...] The question now comes up on the amendment offered by Mr. Crutchfield to insert after the word “impaired” in line 9, page 7, the following words: “But the legislature shall have the right to regulate the wearing of weapons to prevent crime.” Those in favor of the amendment say “aye;” those opposed “nay.” The secretary will call the roll.

Roll call showed 22 “ayes” and 23 “nays.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 678-679)

[e944678] Mr. Chairman: The motion is lost, and section 32 will stand approved as read unless there are other amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944679] Mr. Chairman: [...] Are there any objections to section 33?

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944680] Mr. Chairman: [...] Are there any objections to section 33? If not we will take up the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944681] Mr. Chairman: [...] Any objections to section 34?

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944682] Mr. Webb: I move to strike out section 34.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 679)

[e944683] Mr. Cassidy: This is in all constitutions and I think it should be in Arizona's.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944684] Mr. Chairman: All those in favor of the amendment of the gentleman from Graham will answer “aye;” those opposed “nay.” The chair is in doubt. Those in favor of the amendment will rise; those opposed will rise.

Rising vote showed 18 in favor and 23 against.

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944685] Section 34 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 297)

[e944686] Mr. Chairman: [...] If there are no objections to section 35 we will pass to section 36.

(The Records of the Arizona Constitutional Convention of 1910, Page 674)

[e944687] Mr. Chairman: [...] If there are no objections to section 35 we will pass to section 36.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944688] Mr. Chairman: [...] If there are no objections to section 36 we will pass to section 37.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944689] Mr. Chairman: [...] If there are no objections to section 36 we will pass to section 37.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944690] Mr. Chairman: [...] If there are no objections to section 36 we will pass to section 37.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944691] Mr. Cunningham: Mr. Chairman, I move to strike it out as it is absolutely the situation without stating it.

Mr. Curtis: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944692] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944694] Mr. Chairman: If there are no objections we will pass to section 38.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944695] Mr. Chairman: If there are no objections we will pass to section 38.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944696] Section 38 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 297)

[e944697] Mr. Sims: I ask consent to revert to section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944698] Mr. Chairman: If there are no objections we will revert to section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944699] Mr. Sims: Mr. Chairman, I move that in line 5 where it says "for murder or treason" be stricken out, and put in "capital crimes." We have capital crimes between murder and treason.

Mr. Bradner: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944700] Mr. Chairman: You have heard the motion to strike out the words "murder or treason" in line 5, and insert the words "capital crimes." Are you ready for the question? All in favor say "aye;" opposed "nay." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944701] Mr. Connelly: Is there not some other capital crime besides murder and treason?

Mr. Ingraham: The crime of rape in many cases is made capital, and I cannot see any reason why this should not be included in this same list.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944702] [Editor's Note: With the rejection of Sims' amendment, Section 21 was adopted.]

(Editorial)

[e944703] Mr. Feeney: Mr. Chairman, I will make a motion and somebody can make a motion to reconsider. I would like to refer back to section 16, page 4, line 4, to strike out three words "other than municipal."

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 679)

[e944704] Mr. Chairman: Is your motion to reconsider section 16?

Mr. Baker: I would like to understand where this matter is.

Mr. Chairman: Just a moment, I wish to hear the motion.

Mr. Feeney: I made a motion to refer back to section 16, line 2. I want to amend by striking out the words "other than municipal."

Mr. Baker: Section 21 is an important section.

Mr. Chairman: If there are no objections we will refer back to section 16. You have heard the motion to strike out the words "other than municipal."

Mr. Connelly: Mr. Chairman, that has been voted on once.

Mr. Cunniff: Mr. Chairman, I understand the motion of the gentleman from Cochise, Mr. Feeney, is a motion to reconsider. I would like to ask if he voted "aye" to strike out.

Mr. Feeney: I voted "aye" to strike out, sure.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944706] [Editor's Note: The Committee does not seem to have referred back to the section.]

(Editorial)

[e944707] Mr. Jones (Yavapai): I move the committee do now arise and report to the convention and recommend the adoption of Proposition Number 94 as amended.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944714] Mr. Jones (Yavapai): I move the committee do now arise and report to the convention and recommend the adoption of Proposition Number 94 as amended.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944715] Mr. Baker: Will the gentleman yield? I am interested in section 21. If it has been amended properly I have no objection. It says: "All persons charged with crime shall be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great." That is a foolish expression. It is absolutely wrong. It ought to be amended, "all persons charged with crime shall be bailable except for capital offenses, when the proof is evident and the presumption great."

Mr. Chairman: You have heard the motion that when the committee arises it report to the convention and recommend that Proposition Number 94 be adopted as recommended.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944709] Mr. Osborn: Mr. Chairman, I would like to amend the motion of the gentleman from Yavapai that when the committee arise the recommend that they have examined Proposition Number 94 and that it be indefinitely postponed.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944712] Mr. Chairman: You have heard the motion of the gentleman from Maricopa. All in favor of the motion will say "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944716] Mr. Chairman: [...] The question is now on the motion of the gentleman from Yavapai, Mr. Jones. Are you ready for the question? All those in favor will say "aye;" contrary minded "no."

Mr. Baker: I would like to vote no for this same reason. I warn the convention right here, now, that you are doing a crime yourselves without knowing what you are doing under section 21, and that is the reason I vote no.

Mr. Chairman: The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 680)

[e944717] Mr. Connelly: Mr. Chairman, I want to be put on record as voting “no.”

Mr. Chairman: I heard no demand for roll call.

Mr. Webb: The senior member from Maricopa demanded the right to go on record against it.

Mr. Cunniff: I understand the committee has arisen. Mr. President, I would suggest to the gentleman from Cochise, that he can vote no.

(The Records of the Arizona Constitutional Convention of 1910, Pages 680-681)

[e944718] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

[e944719] [Editor’s Note: The Committee’s report was referred to the Convention.]

(Editorial)

### **32.40 Saturday, 26 November 1910, at 09:30 (s16214)**

[e943368] Mr. Chairman: The committee will come to order and the secretary will read the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943370] Mr. Chairman: The committee will come to order and the secretary will read the calendar.

(The Records of the Arizona Constitutional Convention of 1910, Page 683)

[e943578] Secretary (reading): Report of the Committee on Preamble on Proposition Number 116, recommending that it do not pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943579] [Editor’s Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 116.]

(Editorial)

[e943580] Mr. Cunniff: I move that when the committee arises it recommend that Proposition Number 116 be indefinitely postponed.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943581] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943582] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943583] [Editor's Note: Proposition Number 116 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943584] Secretary (reading): Report of the Committee on Preamble on Proposition Number 104, recommending that it do not pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943585] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 104.]

(Editorial)

[e943586] Mr. Webb: Mr. Chairman, I move that when the committee arises that it recommend that Proposition Number 104 be indefinitely postponed.

Mr. Wills: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943587] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943588] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943589] [Editor's Note: Proposition Number 104 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943590] Secretary (reading): Report of the Committee on Preamble on Proposition Number 98, recommending that it do not pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943591] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 98.]

(Editorial)

[e943593] Mr. Crutchfield: Mr. Chairman, I move that when the committee arises it recommend the indefinite postponement of Proposition Number 98.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943594] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943595] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943597] [Editor's Note: Proposition Number 98 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943613] Mr. Webb: Mr. Chairman. I see that Proposition Number 66 is next on the calendar and I move that the committee recommend the postponement of Proposition Number 66 and 78 as there are many farmers and others who are interested in these propositions and would like to hear the discussion of them. There are also several members, who are not here, who are also very much interested.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943628] [Editor's Note: Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943966] [Editor's Note: Substitute Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943722] Mr. Webb: Mr. Chairman. I see that Proposition Number 66 is next on the calendar and I move that the committee recommend the postponement of Proposition Number 66 and 78 as there are many farmers and others who are interested in these propositions and would like to hear the discussion of them. There are also several members, who are not here, who are also very much interested.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943724] [Editor's Note: Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943726] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Numbers 66 and 78.]

(Editorial)

[e943727] Mr. Webb: Mr. Chairman. I see that Proposition Number 66 is next on the calendar and I move that the committee recommend the postponement of Proposition Number 66 and 78 as there are many farmers and others who are interested in these propositions and would like to hear the discussion of them. There are also several members, who are not here, who are also very much interested.

Mr. Ingraham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943728] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943734] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943967] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943731] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943735] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943732] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943736] Mr. Webb: Mr. Chairman, I move that Proposition Number 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943738] Mr. Webb: Mr. Chairman, I move that Proposition Number 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943739] Mr. Webb: Mr. Chairman, I move that Proposition Number 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943740] Mr. Webb: Mr. Chairman, I move that Proposition Number 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943741] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Numbers 127, 28, 13, 16, 129 and Memorial Number 1.]

(Editorial)

[e943742] Mr. Webb: Mr. Chairman, I move that Proposition Number 127, 28, 1, 13, 16 and 128 take the same course as they are all relating to the same matter.

Mr. Coker: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 584)

[e943743] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943744] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e944352] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943746] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943747] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943748] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943749] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943751] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943758] Secretary (reading): Report of the Committee on Schedule on Proposition Number 54, recommending that it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943759] [Editor's Note: Minority Substitute Proposition Number 54 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e943761] [Editor's Note: Proposition Number 54 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e943763] [Editor's Note: Substitute Proposition Number 54 was referred to the Committee of the Whole alongside the report from the Committee on Schedule.]

(Editorial)

[e943767] Mr. Cunniff: I move that the rules be suspended and that Proposition Number 76 be taken up.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943768] Mr. Chairman: If there are no objections Proposition Number 76 will be taken up.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943773] Mr. Chairman: If there are no objections Proposition Number 76 will be taken up.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943775] [Editor's Note: Substitute Proposition Number 76 was referred to the Committee alongside Proposition Number 76.]

(Editorial)

[e943777] [Editor's Note: The Report from the Committee on Labor on Substitute Proposition Number 76 was referred to the Committee alongside Proposition Number 76.]

(Editorial)

[e943780] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 76 in order to replicate the process of the Committee of the Whole considering the Proposition section by section. However, because the text of the Substitute Proposition is missing, only the procedure (and not the content of the amendments) is represented here.]

(Editorial)

[e943781] Mr. Chairman: [...] Are there any objections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943782] Mr. Cunniff: Mr. Chairman, I move you that section 1 be stricken out.

Mr. Bradner: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943783] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943784] [Editor's Note: Section 1 as amended—i.e. stricken—was adopted.]

(Editorial)

[e943785] Mr. Chairman: Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943786] Mr. Sims: I move we strike out all of section 2.

Mr. Wills: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 684)

[e943787] Mr. Bradner: I move to amend that after the word "created" the word "and" be inserted and after the word "duty" the words "salary and compensation."

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 684-685)

[e943788] Mr. Ellinwood: I move a further amendment as follows: "That the duties and compensation be prescribed by law."

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943789] Mr. Hunt: I do not know what the duties of this office are. Does it mean a gas engine inspector?

Mr. Feeney: A gas engine does not have a boiler. I would say that it is one of the greatest cries of thousands of laboring men that they have the protection of a boiler inspector. The locomotive firemen and the men who work in shops where boilers are in operation are very much in favor of the office of boiler inspector.

Mr. Webb: I do not think that this office is a necessity; in fact I agree with others who have stated that it is not needed and as to protection I believe there are other means of protection such as insurance. I think that there are companies who do insure machinery and that is what should be done in this case.

Mr. Crutchfield: I am in favor of creating this office as there are about 75 percent of the people in Arizona who are working around such machinery.

I believe that they should in all cases be protected, and the only way to be protected is to have an inspector who understands well his business and will attend to those duties. Thus he may avert many an accident or explosion by knowing when and where repairing is needed.

Mr. Curtis: I trust that this section will not pass as it is purely legislative and too, I shall state as did Mr. Webb, that there are insurance companies, which insure machinery, and this insurance is compulsory, thus protecting the laboring man for the shop owners and companies have to inspect their machinery.

Mr. Ellinwood: I am in favor of this measure and think that it should pass by all means. I think that all mining and railroad companies will favor it because it will save them and the expense of an inspector for if such an office is created it will be paid for by the state. (laughter and applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943790] Mr. Chairman: The question is on the amendment by Mr. Bradner which includes the amendment of Mr. Ellinwood. Are you ready for the question? Those in favor of the motion will say "aye;" those opposed "nay." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943791] Mr. Chairman: The question is on the amendment by Mr. Bradner which includes the amendment of Mr. Ellinwood. Are you ready for the question? Those in favor of the motion will say "aye;" those opposed "nay." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943792] Mr. Webb: The original motion was to strike out the whole section.

Mr. Chairman: The question comes up on the original motion to strike out section 2. Those in favor of the motion will answer "aye;" those opposed "nay." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943793] Mr. Chairman: [...] Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943794] Mr. Chairman: [...] Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943795] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 76.]

(Editorial)

[e943797] Mr. Cunniff: Mr. Chairman, I move that when the committee arises, that it recommend indefinite postponement of the whole proposition.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943799] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 685)

[e943800] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943802] [Editor's Note: In recommending that the Convention indefinitely postpone Substitute Proposition Number 76, the Committee dropped its working version of the Substitute Proposition.]

(Editorial)

[e943803] [Editor's Note: In recommending that the Convention indefinitely postpone Substitute Proposition Number 76, the Committee dropped its working version of the Substitute Proposition.]

(Editorial)

[e943805] [Editor's Note: The Report from the Committee on Labor on Substitute Proposition Number 76 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e943806] [Editor's Note: Substitute Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943808] [Editor's Note: Proposition Number 76 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943810] Mr. Chairman: The next proposition is Number 54.

Secretary (reading): Minority and majority reports of Committee on Schedule.

Mr. Chairman: What will you do with the report?

(The Arizona Republican, Page 686)

[e943811] Mr. Cunniff: I move that we proceed to consider the majority report section by section.

Mr. Winsor: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943812] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943813] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 54 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e943814] Mr. Colter: There is a mistake as my name should be on the minority report and I ask to have it stricken from the other report.

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943815] Mr. Chairman: Gentlemen of the convention, we will now proceed with Substitute Proposition Number 54.

[Editor's Note: The Committee of the Whole took up Section 1.]

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943823] Mr. Chairman: Gentlemen of the convention, we will now proceed with Substitute Proposition Number 54.

Mr. Connelly: I move to amend in line 3 by striking out the words: "Three-fifths" and inserting and word "majority."

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943816] Mr. Kingan: I move to amend section 1 of the report of the committee by substituting therefore section 1 of the report of the minority.

[Editor's Note: The text of the Minority Report is missing.]

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943821] Mr. Cunniff: The motion of the gentleman from Cochise was the original motion and I move an amendment that we strike out the section of Substitute Proposition Number 54 and insert section 1 of Proposition Number 14.

Mr. Webb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 686)

[e943822] Mr. Cunniff: Mr. Chairman, I should like to point out the relation of Proposition Number 14. Proposition Number 14 as drawn up conforms to our initiative and referendum proposition and conforms in its structure and method and policy to our initiative and referendum bill. It follows that of South Dakota. In examining the mode of amendments in the various constitutions, the South Dakota form seemed to those of us who worked on this proposition to be as carefully drawn up and as unmistakably a presentation of the idea that our constitution wished to convey as we could find. Into that the initiative method of proposing an amendment to the constitution was inserted, in the same manner (and following the same plan) by which an amendment to the constitution was worked out in our initiative and referendum article covering the method of initiating laws. In that way it conforms to measures that we have already adopted. It has further, this merit, which I should like to point out in comparing this with the majority report. In the majority report the plan followed [was] that followed in the older constitutions—I do not recall just which

on this comes from—and then the initiative idea permitting the people to propose amendments is taken up in section 3 in this vague way: “This article shall nor impair the right of the people to amend this Constitution” etc. This merely says that the article shall not impair the right. There is no place where that right is very specifically set forth. Now this Proposition Number 14 is drawn up in such a way as to make the machinery for amendment of the constitution operative immediately upon the adoption of the constitution, just as we have made our initiative and referendum operative as soon as the constitution is adopted. Further, following out the plan and policy of preparing a form of amendment which seems to me to be the plan, or the idea, that is demanded by practically all the people in Arizona. (I think that all the various political parties in Arizona demand a method of amending the constitution which shall be easy.) Here the method of amendment [is] practically as easy as the method of merely making a law, except that the percentage has been raised so that it will require a larger percentage to sign a petition for an amendment to the constitution than is required for the initiating of a law. The majority report requires a three-fifths vote of all the members of all the members elected to each of the two houses to prepare an amendment. I find the same thing in the minority report. The minority report, of course, comes from the other side of the chamber, and does not present any method whereby the people may propose an amendment. Now mark this, in line 10, the majority report, “If a majority of all electors voting at such election shall vote in favor of an amendment thereto, it shall thereby become part of the Constitution.” As I recollect, that is the provision in the Oklahoma constitution; now we find in constitutions of the eastern states a provision requiring a two-thirds vote of the people to pass an amendment to the constitution. We have in the majority report a demand that in an election which an amendment to the constitution is voted for there shall be required to pass an amendment a majority of the electors voting in such election. It is a matter of well known fact that the voters will cast the full strength of their vote for the higher offices on the ballot, going down the ballot, the vote will get smaller and smaller. Matters of legislation and amendments to the constitution practically always have a smaller vote than the vote for the head of a ticket. So a provision of this kind, requiring a majority of all the votes cast at an election, is practically a demand for a two-thirds vote of all those who vote upon the amendment at that election. Now Proposition Number 14 provides a method of amendment whereby a majority of the legislature or twenty percent of the electors can propose an amendment; and it further follows the amendment through, and states the specific duty of the secretary of state. It places the duty on the secretary of state, just as we do in our initiative and referendum measure, to put the amendment on the ballot, and it provides that a majority of all the voters voting thereon shall pass the amendment. It seems to me that this proposition is in accord with the recent constitutions which have made amendment easy, and the only question to my mind in regard to the possible acceptance of this by [words missing]

Mr. Colter: Mr. Chairman, I want to say that this proposition is a copy of the constitution of Oklahoma. In reply to Mr. Cunniff in regard to section 3, that was not set out in any other part of the constitution, I want to say that it is very clearly set out in that part where the initiative and referendum is taken care of in detail, and there is only a blank space left for the per cent. In regard to the per cent, 60 percent I find is a much easier way of amending

the constitution than 85 percent of the rest of our constitutions. I see some of them are 75 percent and a great many of them are 66 23 percent, and not only two-thirds of one house, but it has got to go through both houses at two different sessions. It seems to me that this is a very easy way of amendment. We have been over this proposition carefully and slowly, and I think it will answer the purpose very well.

Mr. Winsor: Mr. Chairman, I agree with the gentleman from Yavapai, Mr. Cunniff, that in his Proposition Number 14, he has provided a very much more comprehensive system of amendment to the constitution than is provided for in the majority or the minority reports. I would ask him if in submitting this substitute proposition he would be willing to leave the percentum blank in order that we may determine in the manner in which the percentages were determined in our initiative and referendum bill.

Mr. Cunniff: That is perfectly satisfactory to me.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 686-687)

[e943826] Mr. Chairman: The motion is upon the amendment of the gentleman from Cochise as amended, which was to strike out the words three-fifths on the third line of section 1 of the majority report, amended by the gentleman from Pima to insert section 1 of the minority report for section 1 of the majority report that is before the committee.

Mr. Cunniff: Amended by the gentleman from Yavapai to substitute Proposition Number 14 for section 1 of the majority report; that "20" be left out in the places where it appears.

Mr. Chairman: Those in favor will answer "aye" as their names are called; those opposed will answer "no."

Roll call showed 35 "ayes" and 11 "nays."

Mr. Chairman: The amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943839] [Editor's Note: The passage of Cunniff's amendment made Kingan's obsolete.]

(Editorial)

[e943841] [Editor's Note: The passage of Cunniff's amendment made Connolly's obsolete.]

(Editorial)

[e943842] Mr. Connolly: I move that line 4 on page 1 and in line 2 the blank space—in the blank space the word "ten" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943843] Mr. Ingraham: I move that the blank space be filled up by the word "fifteen."

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943845] Mr. Cunniff: I move that the blank space be filled up by the word "twenty."

Mr. Simms: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943847] Mr. Colter: I move that the blank space be filled with the word "eighteen."

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943848] Mr. Winsor: Mr. Chairman, I move that consideration of all these blanks be postponed until Monday morning.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943849] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 688)

[e943851] Mr. Chairman: The motion now comes up on the filling of the blanks, taking the lowest number. All in favor of filling this blank with the word "ten" signify by saying "aye," when their names are called; opposed will answer "no."

Roll call showed 13 "ayes" and 34 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 688-689)

[e943853] Mr. Chairman: The motion is lost. All in favor of inserting the word "fifteen" in the blank signify by saying "aye" as their names are called; contrary minded "no."

Roll call showed 24 "ayes" and 23 "nays." (applause)

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 689)

[e943854] [Editor's Note: When the Convention adopted Ingraham's amendment, the the competing proposals were dropped in tandem.]

(Editorial)

[e943855] [Editor's Note: When the Convention adopted Ingraham's amendment, the the competing proposals were dropped in tandem.]

(Editorial)

[e943856] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 54.]

(Editorial)

[e943859] Mr. Kingan: Mr. Chairman, I move to amend Proposition Number 54 by substituting therefore the entire minority report.

(The Records of the Arizona Constitutional Convention of 1910, Page 689)

[e943860] Mr. Parsons: Mr. Chairman, I desire to offer an amendment to Substitute Proposition Number 54 which has been substituted in lieu of section 1 in line 4 after the word "by" to strike out the words "not less than" and insert in their place "a number equal to" for the reason that if we leave it as it is "not less than" subsequent legislatures might be elected that were not in sympathy with the easy amendment of our constitution as suggested and recommended to us by our ex-President Colonel Roosevelt, and they might put it at any percent above that. It would leave it then subject to change by the legislative body. If we put in the words "a number equal to" when the fifteen percent has been received they cannot change it.

Mr. Pusch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 689)

[e943862] Mr. Short: Will the gentleman from Cochise yield to a question?

Mr. Parsons: Certainly.

Mr. Short: Can you tell us any method whereby the legislature can change the constitution?

Mr. Parsons: If you put in this "not less than," if the legislature has anything to do with making any provision that might affect this law,—the initiative of our constitution,—they might increase that percentage and still claim they were within the provisions of the constitution because they were not less than 20 percent.

Mr. Cunniff: I agree with the gentleman from Cochise.

Mr. Short: Then I would suggest to the gentleman from Cochise that he change this to conform to the wording in another proposition we have and change the words "less than" to "more." That was the word used in the other proposition.

Mr. Parsons: If it will have the same effect I do not care.

Mr. Ellinwood: If you say "not more" the same legislature could reduce the amount to seven percent or one percent.

Mr. Weinberger: Mr. Chairman, I can offer a suggestion that it be changed to this: "signed by fifteen percent but not more." That will fix that figure permanently.

Mr. Parsons: Mr. Chairman, I would say to the gentleman you might run against the same objection that you find in our present primary law. You get fifteen percent and happen to have two votes over and it might be held to be an improper petition.

Mr. Weinberger: Then I would say the words could be used "signed by a number equal to fifteen percent, but no more."

Mr. Franklin: Mr. Chairman, as I understand the language by the gentleman from Gila, Mr. Weinberger, is the language used in the Oregon constitution for initiative and referendum matters. It is signed by twenty percent but no more.

Mr. Feeney: Mr. Chairman, in getting up an initiative petition there are always a great many names stricken out, and I am afraid if we say "not more"

it might be construed to have the absolute number, and I believe Mr. Parsons' amendment fits the case nicely.

Mr. Chairman: Are there further remarks? The question then presents itself upon the amendment offered by the gentleman from Pima, Mr. Kingan, the original amendment to insert in place of the substitute for Proposition Number 54 the whole of the minority report, which was amended by the gentleman from Cochise, Mr. Parsons, to amend line 4 after the word "by," by striking out the words "less than" and inserting "a number equal to" in place of "not less than."

Mr. Winsor: Inasmuch as the amendment proposed by the gentleman from Cochise, Mr. Parsons, is not at all germane to the original motion, I would suggest that he withdraw his motion until we have first disposed of the motion of the gentleman from Pima. Would that be agreeable?

(The Records of the Arizona Constitutional Convention of 1910, Pages 689-690)

[e943863] Mr. Parsons: I did not know it was not germane, but I will withdraw it.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943864] Mr. Chairman: The question is upon the amendment of the gentleman from Pima, Mr. Kingan, to adopt the whole of the minority report for that of the majority report. I believe that is the question.

Mr. Kingan: In place of Proposition Number 54 as amended.

Mr. Chairman: All in favor answer "aye;" contrary "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943866] Mr. Chairman: [...] Now it comes up on the amendment of the gentleman from Cochise, Mr. Parsons, by striking out on the fourth line after the word "by" the words "not less than" and inserting "a number equal to" in lieu thereof. All in favor will answer "aye;" contrary "no." The "ayes" have it.

Mr. Chairman: All in favor answer "aye;" contrary "no." The motion is lost. Now it comes up on the amendment of the gentleman from Cochise, Mr. Parsons, by striking out on the fourth line after the word "by" the words "not less than" and inserting "a number equal to" in lieu thereof. All in favor will answer "aye;" contrary "no." The "ayes" have it.

[Editor's Note: Despite the fact that Parsons had withdrawn his amendment, the Chair put the question on it.]

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943869] Mr. Cunniff: I move at the end of line 5 and the beginning of line 6 the words "The highest office" be stricken out, and the word "governor" be inserted.

Mr. Keegan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943872] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943874] Mr. Winsor: I move to amend lines 8 and 9 by striking out the last three words on line 8 and the first word on line 9, "by any member thereof." I cannot conceive that an amendment can be introduced in the legislature by any other than a member.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943875] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 690)

[e943877] Mr. Winsor: I want to offer another amendment on page 2, line 15, after the word "that" to insert the words "until a method of publicity shall be otherwise provided by law."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943879] Mr. Winsor: I want to explain the object of this amendment. In our initiative and referendum proposition we have provided that proposed laws shall be given publicity in the manner of giving publicity to constitutional amendments. I think we will all acknowledge that the plan here proposed for giving publicity to proposed constitutional amendments is not ideal, and that the plan set out in the initiative and referendum proposition offered by myself, of sending out publicity pamphlets by the secretary of state is superior. If the system laid down in this proposition were adopted, it would prohibit the adoption by the legislature of any other and better method. This I take it is merely a temporary provision, and the matter should be left open so that superior methods may be provided by law.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943880] Mr. Chairman: You have heard the motion. All in favor will make it known by saying "aye;" contrary "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943882] Mr. Parsons: In line 2 on the second page I offer the same amendment I offered with reference to line 4 on page 1. After the word "by" strike out the words "not less than" and substitute in lieu thereof the words "a number equal to."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943884] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943887] Mr. Short: I would like to move an amendment on page 2, lines 3 and 4, changing that to conform with the change on the preceding page, striking out the words "highest office voted for," and substitute in lieu thereof the word "governor."

Mr. Winsor: I second the motion.

(Statutes at Large, Volume 36, Page 691)

[e943889] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943892] Mr. Winsor: I want to offer an amendment to line 9 on page 11, strike out the words “agree to” and insert “approved.” Also in line 13 make the same change.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943893] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943895] Mr. Chairman: What will you do with section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943897] Mr. Chairman: What will you do with section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943898] Mr. Ellinwood: In the minority report they left out the proviso for a convention at least once in twenty years. I move that such an amendment as this is absolutely a Jeffersonian doctrine, laid down by Thomas Jefferson.

Mr. Cunniff: In answer to the gentleman, it will be perfectly simple for the people twenty years from now to call a convention without any provision by us.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943899] Mr. Chairman: Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943900] Mr. Chairman: Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943901] Mr. Winsor: I move you that section 3 be stricken out.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943902] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 691)

[e943903] [Editor’s Note: Section 3 as amended—i.e. stricken—was agreed.]

(Editorial)

[e943904] Mr. Winsor: I move that when the committee arises it recommend that Substitute Proposition Number 54 as amended do pass.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 691-692)

[e943905] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943906] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943907] [Editor's Note: Substitute Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943908] [Editor's Note: Substitute Proposition Number 54 as amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943909] [Editor's Note: Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943910] [Editor's Note: Minority Substitute Proposition Number 54 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943911] [Editor's Note: The Report from the Committee on Schedule on Proposition Number 54 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e943913] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e943914] Mr. Cunniff: I move that the committee now arise and report progress.

Mr. Sims: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943915] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

**32.41 Saturday, 26 November 1910, at 13:30 (s16216)**

[e943301] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943304] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943381] Mr. Chairman: The committee will come to order. The first thing on the program this afternoon is committee Substitute Proposition Number 66. Read the report.

Secretary (reading): Mr. President, your Committee on Agriculture, Irrigation and Water Rights begs leave to report it has examined Proposition Number 66, and respectfully recommends that the proposition herewith submitted be substituted for said Proposition Number 66, and that said Substitute Number 66 be adopted.

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 66.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 692-693)

[e943308] Mr. Orme: Mr. Chairman, I move you that we adopt this proposition paragraph by paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 692)

[e943309] Mr. Winsor: This is the procedure under the rules. We do not need a motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 693)

[e943311] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 66 in order to replicate the process of the Committee of the Whole considering the Proposition paragraph by paragraph.]

(Editorial)

[e943312] Mr. Chairman: Any objection to the first paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 693)

[e943314] Mr. Feeney: Will someone tell me what is meant by the "common law doctrine of riparian rights?"

Mr. Orme: That water had rather flow down the stream and not be appropriated and used from the stream.

(The Records of the Arizona Constitutional Convention of 1910, Page 693)

[e943320] Mr. Short: My understanding of a riparian right is the right which accrues to land adjoining the water. A man has no right to water that adjoins or flows through his land, and in this first paragraph the words "having never heretofore obtained within the territory included with the State" seems to me superfluous. I move that all after the word "rights" in line 1 to and including the word "state" be stricken out.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 693)

[e943326] Mr. Cunniff: According to my recollection this is the form used in other states covering the ground. It is a statement of policy and information to the people, and I think it ought to remain in.

Mr. Crutchfield: Also it strengthens it by stating unquestionably that this has never been used in this state, and I think it ought to stay.

Mr. Parsons: Then there is the same reason for putting in a lengthy argument about this. I move the argument of the gentleman from Maricopa be added to it. I do not see any reason why we should put this clause in the constitution. It is purely argumentative.

Mr. Franklin: As I remember, the language is identically that used by Chief Justice Kent in settling this matter as a judicial question, and therefore I think it is proper to leave in the phraseology.

Mr. Parsons: I desire to say the language of the court in rendering his decision and his reasons would be very different from what we want in the constitution. He may give the reasons to satisfy counsel for the plaintiff and counsel for the defendant. We are not in that position. We are simply a proposition; we are stating what is the fact. I think the argument should be omitted.

Mr. Jones (Maricopa): The objection to me is that it would make it read by inference that heretofore riparian rights had prevailed, and that we were changing the system. If we strike out anything, I would favor striking out "hereafter."

(The Records of the Arizona Constitutional Convention of 1910, Page 693)

[e943332] Mr. Parsons: I move an amendment to strike out the word "hereafter" in addition to the other.

Mr. Short: I accept the amendment. That will make it read "the common law doctrine of riparian rights shall not obtain or be of any force and effect in this state."

(The Records of the Arizona Constitutional Convention of 1910)

[e943333] Mr. Short: I accept the amendment. That will make it read "the common law doctrine of riparian rights shall not obtain or be of any force and effect in this state."

(The Records of the Arizona Constitutional Convention of 1910, Pages 693-694)

[e943335] Mr. Chairman: The question before the House is to amend the first paragraph. All in favor will make it known by saying "aye;" opposed "no." The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943337] Mr. Chairman: [...] Gentlemen, are there any other amendments to that paragraph? If not, it will stand approved as amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943339] Mr. Chairman: [...] What will you do with the next paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943343] Mr. Cunniff: I move an amendment to insert in line 9 between the words “mining” and “manufacturing” the words “milling, ore reduction.”

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943346] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943348] Mr. Chairman: Any amendments to the third paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943350] Mr. Chairman: Any amendments to the third paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943355] Mr. Coker: Mr. Chairman, in line 10, second paragraph, I move that all from the beginning of that line down to and including the word “purposes” in line 16 be stricken out, and this be inserted in lieu thereof: “Priority of appropriation shall always give the better right, but when the waters of any natural stream are not sufficient for the service of all appropriators thereof, having equal priorities, desiring to use the same, those using the water for strictly domestic purposes and stock raising shall have the preference over those claiming the same for other purposes, and those using the same for agricultural purposes shall have preference over those using the water for mining, milling, ore reduction and manufacturing and power purposes, but such preference shall obtain and be recognized only in times of extreme scarcity due to drought or other natural causes, and, except in such times of extreme scarcity, no appropriator of such water shall ever be deprived of his rights in the use of proportionate part thereof by any other appropriator or any purpose without due compensation.”

Mr. Colter: I second that motion.

[Editor’s Note: While here Coker’s amendment is recorded as pertaining to paragraph 2, his amendment corresponds much more closely to paragraph 3.]

(The Records of the Arizona Constitutional Convention of 1910, Page 694)

[e943359] Mr. Roberts: I hope this amendment will not pass. It seems if these men have appropriated this water, and under the constitution their appropriation is guaranteed them, and they have acquired this prior right, I do not see anything right in saying that any other man in time of great need would have

the right to deprive him. It seems to me it would be the cause of needless litigation. In Colorado when this came up, it was a peculiar question. Here is a man five miles from the stream who has no domestic water. Some man prior to his coming had gone to work and appropriated this water. He had a good home, and he had taken nothing from anyone. He would be guaranteed that right under the constitution, and he would naturally expect that the laws would still work. It seems to me this question is a dangerous one, and I hope it will be killed.

Mr. Coker: Paragraph 3 of the committee substitute raises that very proposition, and it was to overcome some of the dangerous features raised by paragraph 3 that I submitted this amendment. Now under paragraph 3 a man who was 160 acres of land is irrigating the same from any particular stream, and if you or any one should come along and build a large hospital or sanitarium or some building that would use a lot of water, then in time of scarcity we could take all the water that this man was using, and it is to overcome that very idea that I submitted this amendment.

Mr. Orme: In drawing this bill I went to the legal lights of the territory, the men who have passed upon all the cases of water rights in the territory, Judge Kent for one, and other judges. They drew these articles as you see them, according to every decision that has been rendered in this territory. We have never had any statutes covering the water appropriations in this territory, and it is those decisions that we wish to protect and forever bar such litigation as that with which we have been burdened for years and years. To break up the general judicial decisions concerning water rights would be one of the greatest injustices that could be perpetrated, and I am opposed to any amendment to that section.

Mr. Winsor: I would like the gentleman from Pinal, Mr. Coker, to explain the difference between his amendment and the paragraph as it now reads. I cannot tell the difference from a mere reading.

Mr. Coker: I will be willing to have some typewritten copies stricken off, for the use of the members. There is only a few words difference but those few words make a great difference in meaning.

Mr. Crutchfield: I would call the attention of the gentleman to an important feature that is included in the committee report and omitted in the amendment of Mr. Coker. You will find in line 13 that it says water for domestic purposes, but qualifies that by saying "to the extent of their actual needs" which is necessary.

Mr. Roberts: I would like to ask a question, whether or not the courts of Arizona have ever defined what "water for domestic purposes" is? They say in Colorado that domestic water included only water you dip up, or allow your cattle to drink from the stream, or you could haul it away, but you cannot take it out in a ditch and use it 20 miles away.

(The Records of the Arizona Constitutional Convention of 1910, Pages 694-695)

[e943361] Mr. Winsor: I move this amendment of Mr. Coker's be typewritten, and that the matter be temporarily passed while copies are being made for the use of the members.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 695)

[e943362] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 695)

[e943363] [Editor's Note: The Committee of the Whole proceed to consider paragraph 4 and 5 together.]

(Editorial)

[e943365] Mr. Cunniff: I move that on line 23 after the word "courts" the words "of Arizona" be inserted, and after the word "existing" the word "in Arizona" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 695)

[e943367] Mr. Weinberger: I would like to know what those existing rights are. I believe that ought to be set forth here if there are recognized rights. I do not know of any decision to that effect.

Mr. Lynch: I oppose that amendment. In the first place, I do not see its good. In the second place, it will involve the case in considerable confusion. The customs out of which have grown our irrigation systems have varied in different localities. For instance, in my locality (Graham County) we have certain methods of appropriating water, which is now distributed under court decree, while in Maricopa you have an entirely different system. In other words you had two distinct irrigation systems, one applicable to the people there, and one applicable to the people here, with a considerable degree of success in both places. Now then custom heretofore existing in Arizona would exclude them both, for the simple reason that the custom did not in either instance exist throughout the state of Arizona. Irrigation law is like mining law, it has grown out of customs—the local custom if you will please. To pass to the other part of that, "the courts of Arizona," that goes without saying. The decisions of the [words missing].

Mr. Orme: May I ask the gentleman a question? Was there ever a case in court but what it was tested on the application of the water to the land?

Mr. Lynch: That is not at issue. I will discuss it when the time comes.

Mr. Cunniff: Mr. Chairman, I beg to point out the first part of the argument, the amendment did not say "throughout Arizona." It said "existing in Arizona."

(The Records of the Arizona Constitutional Convention of 1910, Pages 695-696)

[e943371] Mr. Chairman: Are you ready for the question? The question is on the motion of Mr. Cunniff, seconded by Mr. Wood, to insert on line 23 after the word "courts" the words "of Arizona," and after "existing" on this line "in Arizona." All those in favor of this motion will make it known by saying "aye;" opposed "no." The motion is carried, gentlemen.

(The Records of the Arizona Constitutional Convention of 1910, Page 696)

[e943374] Mr. Coker: Mr. Chairman, in line 20 I move the word "particular" be stricken out.

Mr. Connelly: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 696)

[e943376] Mr. Colter: Mr. Chairman, I very seriously object to having that word stricken out because, as I understand, most of the decisions of the courts of Arizona, California, Colorado or any other irrigatable region—their decisions have been on the application of the water to the land—to that particular spot of land, and I think it would be very material to this subject, and will cause a lot of lawsuits and confusion in the ownership of water. Water rights are conflicting enough the very best we can make them.

Mr. Webb: Mr. Chairman, there are conditions in Arizona where an injustice might unquestionably be worked with that reading as a few years ago hundreds of acres of the most valuable land in the valley were washed away entirely. Men who had devoted twenty or thirty years of their lives to building up a home lost the entire thing. They had nothing left except and solely their water right. Under this with "particular" left in, could they have held the water rights? In a few instances the water right was worth thousands of dollars. Would they have lost it with this word "particular" in? I believe they would, but under the court decisions they have not. The custom permits them to transfer that water to other lands which they purchased or took up and entered from the government. In addition to that, in the lowlands of Gila Valley are many acres that is [sic] being ruined by alkali rises. The only thing they can take of value is their water right, which will enable them to build another home. That is the object in desiring that this word "particular" be stricken out, but we do hold that water can only be had by one who owns or has possession of land and applies it for beneficial purposes to that land, but there are cases where it works a hardship to insist that it must be a specific piece of land on which to use the water.

Mr. Orme: Mr. Chairman, when a man puts the water upon the land the first time right then and there he acquires a right to the water upon that individual land. He can take his water stock and put it upon a dozen other pieces of land, but if he continues to irrigate that piece the water is inalienable from that piece of land. The appropriation commences from the day the water is first applied to the land, and it is the only appropriation that a man can appropriate for irrigation. A man can move his stock on a half dozen pieces of land, but if they do they divide the water stock and put half of it down on new lands. They do not lose the right from the old lands by any means, but they acquire other rights. This does not prohibit a man from taking his stock and putting it on other new lands, but if you wipe out that word "particular" you wipe out the basis of all water appropriation for the appropriation can only be made for the particular land that has been irrigated.

Mr. Lynch: Mr. Chairman, now I cannot see that there is one particle of difference in opinion between the gentleman from Graham County and the gentleman from Maricopa County. It would leave that identically the same thing. When you put in that word "particular" and make that water pertinent to that land we claim that that water can be used on that land and no other land, and that if that land becomes waste by flood or seepage that the right

to that water is gone and that it goes back into the common store of water and goes to other people. Now then the gentleman says that the application of water to a particular tract of land is the basis which has been recognized in all states as the basis of appropriation. That is not true. The fundamental principle of the irrigation law, as I understand it, is that before you acquire water stock you must own or possess irrigatable land. Not any particular tract of land, but you must possess land upon which the water can be applied. A case in Idaho: A man had his land washed away and so wanted to take his water out of another place not in the river but in the canal and compel the canal company to deliver him water. They opposed it and refused to do it. He brought suit. It went to the supreme court and the decision was that when by calamity or by any other reason land was destroyed upon which the water was appropriated the water could be taken to another tract of land and the canal company would be compelled to distribute to him water at that point or at any point along the line of the canal where he wanted. We say that if our land is destroyed we should be able to take our water two or three tracts of land, but we say that if you insert the words "particular" tractor land and make the water appurtenant to that particular tract that you cannot say take that water to another tract of land but the water will go back to the common store of water and the first person in right of appropriation next to you will get your water if your land is destroyed. Furthermore, since the land to which the water is to be applied is an integral part of the appropriation, it follows that when the water is taken away from the land for which it is diverted, the right of appropriation of such water for such land ceases. It does not follow that when your land is destroyed your water appropriation is destroyed. It means that your water appropriation for that particular tract of land is destroyed. I say that this committee substitute as it now stands, inserting the words "particular" and the words "shall be appurtenant to such land" raises a serious doubt in our minds as to what will be the decisions of the court upon the question, and we say that without these words, if you will simply use the words "appropriation of water for the purposes of irrigation shall apply to land which the appropriator owns or possesses," that you have stated the very basis of the irrigation law, and you do not need to state anything further. This protects our rights, and cannot affect the rights of the people of Maricopa County.

Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Graham a question. Is it not true that when an appropriator of water is required to state that he owns the land, he must describe that land by metes and bounds.

Mr. Lynch: Yes sir.

Mr. Parsons: If he gets a right to that particular land I want you to explain to me why that right should be applied to any other land.

Mr. Lynch: Let me answer that. I think you answered it yourself. Why should he not have a right to apply that water to another tract of land. Suppose for some reason the tract he first applied it to has become valueless, he should not be compelled to lose all of his rights. We say that when a man gives the amount of money and labor necessary to get that water upon land, that he had a right to that water, and if he has other land he should be allowed to divert that water to the other tract of land.

Mr. Parsons: Now I want to ask the gentleman from Graham: Would it not be true, if your contention is to be adopted by this convention, that if you are holding appropriation Number 1 for 160 acres of land, I hope appropriation

Number 2, and your 160 acres uses three-fourths of the entire water and it took all of that to apply to yours, now if your land should be washed away by a flood, then if you are allowed to take this same water right and put it somewhere else and put it on land that was not susceptible to an appropriation, would not I as the second appropriator be wronged by your being allowed to apply your water to land that was not in a position to claim an appropriation until after mine?

Mr. Lynch: I want to say that I am not taking anything away from you, only your right to that water which was confined to the land described when you made the appropriation. If you happen to be so unfortunate as to have a piece of land washed away that is your misfortune and the legislature should not be provide a law by which the balance of the people should be taxed to reimburse you.

Mr. Orme: In answer to Mr. Lynch, let me say he mixes the shares of stock in a canal with the water right. Water right is only obtained by applying that water to a particular piece of land. If the land should be washed away, the man's water right is stopped but his appropriation on that other land should date from the date he applied the water upon that appropriation of water is the direct application of water to the land.

Mr. Colter: Mr. Chairman, I would just like to make an illustration here of the way I understand that. I have in Apache County land that has the first water right. I have some land adjoining it that also has a later water right. Some of the first water right land got so swampy that I could not use my water on that, and it was my desire to take that water and put it on my other land. I tried it and there were protests against it. I then found out that most all of the courts had decided that the water belonged to the land therefore I did not put it on my land.

Mr. Ellinwood: Mr. Chairman, I have no interest in the matter of irrigation except the common good of the people. I know of conditions where entire farms have been washed away. If that condition can be remedied and at the same time the right of appropriation is made incident to the land I would be glad of it, and it impresses me this way, that if you permit the transfer of water to a piece of land because your land has been washed away in a given case, then you have opened a door by which the owner of the land may transfer that water to any other land we may buy thereafter. You say that in a certain specific instance one should have the right to transfer water because his land has been washed away. That is an unfortunate condition, but if in remedying that, you are going to destroy the entire rule of law that water shall be incident to the land, I do not see how I could support the proposition. It seems to me that because you say for instance that your land becomes alkali you will have the right to transfer the water, then you have opened the door for any appropriator of water to go and buy land at any time and transfer water upon it and sell it to anybody else.

Mr. Wood: Mr. Chairman, I ask what this language means? Does it mean that you cannot take it from the specific ground to which you first applied it?

Mr. Ellinwood: I think so.

Mr. Webb: The gentleman from Maricopa insists that it does not.

Mr. Orme: I said that a man could take his stock and apply that water that he had in the canal any place he saw fit, but he could not move this first appropriation of water from that land, but he could first take his stock and incorporate a new right any place he saw fit.

Mr. Webb: What is his stock?

Mr. Orme: His share in the canal. If your land is washed away have you any appropriation for it? If your home is burned have you any house? In all judicial decisions, the only basis is the date of the appropriation of water to that land.

Mr. Franklin: I did not intend to take any part in this discussion. We all know that in establishing water rights matters have been in a chaotic state. They have been in a constant state of discussion in this valley, and there has been bitterness and travail for very many, many years. It seems to me, as observed by the gentleman from Yuma, Mr. Ingraham, it is now a question as to whether this constitution shall definitely define the right to the use of water and the right to priority in the appropriation and in its use. As I understand the decisions of the courts in this Territory, the ultimate result is that the doctrine of priority obtains. As I understand it, the ultimate decision is this, that the water is appropriated by its beneficial application to the land, that that appropriation dates from that beneficial application, and in that sense it becomes appurtenant to that land. If the owner of the land who has applied it for the beneficial use wished to go elsewhere and apply the water for the beneficial or other or newer land [sic], when he does that the appropriation dates so far as that land is concerned from the actual application of the water to the land. It seems to me a question for this convention to decide [is] whether they will forever settle the controversy and preserve these existing rights. I think as to the future it should be settled that water is appropriated to land and dates from that actual appropriation, and in case it is applied to other or new land, as to other appropriators in cases of scarcity and drought that the new land should be subsequent to the old appropriators. I believe it would be wise policy for the convention to settle this, and I am in favor of the proposition as proposed.

Mr. Ellinwood: Does the gentleman understand this changes the law as to the future?

Mr. Franklin: I do not; it is merely settling the matter in accordance with the ultimate decisions, and not interfering with any existing rights.

Mr. Webb: I say with the gentleman from Maricopa it would be wise indeed for us to settle this matter, if we only know what right is, but many of us are in doubt as to what is fair and right, and if we decide when we feel we are not certain, I say it is not wise.

Mr. Parsons: Mr. Chairman, there are thirteen lawyers in this convention, and I do not believe you could get any three of them to agree absolutely as to whether this does or does not change the law. Every gentleman to whom Mr. Ellinwood has put the question, says "no." Let us have the law as it is. Let the members of the supreme court, to whom we will pay \$6,000 a year, settle it.

Mr. Franklin: Was that not dicta?

Mr. Kingan: That was the gist of the case, not dicta.

Mr. Standage: I think if the people had lived here and helped to pay the expenses of all those lawsuits, they would be willing to have something specific and know what they are doing. Vested rights would not be changed, but persons taking up new lands would know their rights, and it would prevent a great many law suits. This proposition seems to me a good one.

Mr. Ingraham: I want to say again that those rules we lay down here apply only from this date, and the system of water rights that has grown up under the old law we cannot change, because they are property rights, and under the Fourteenth Amendment we cannot interfere with them.

Mr. Ellinwood: I would ask the gentleman the same question. Will we have a different condition if we adopt this?

Mr. Ingraham: There seems to be debate on that very point, but I wish to say it cannot be so important what the rule is as it is that the rule should be defined and well determined in the future. That is, persons go upon the headwaters of these rivers and take up water rights, they should know exactly what they are getting.

Mr. Wells: I would like to ask the gentleman a question. The Act of Congress obtains now as it did in the past. The constitution we make here, would it be an infringement or in conflict with that? I am not informed.

Mr. Ingraham: I do not think the Act of Congress establishes this doctrine of water rights. This is established by the decisions and statutory law of the Territory of Arizona, and the system has grown up from many, many decisions in the courts and by customs of the people.

Mr. Wells: This would apply to state lands, to government lands?

Mr. Ingraham: It would apply to all lands, but only in the future.

Mr. Cooper: As I understand the discussion of the different gentlemen who have spoken on the question, this matter of priority rights and water appropriations are now clearly settled by decision of the supreme court of this Territory. Is that right? If these matters are clearly settled by the decision of the supreme court, that is the supreme law we have on the question. Why then might this not well be indefinitely postponed, and allow the clear settlement as it exists to rest upon the decisions of the supreme court of the territory. Then there can be no question as to priority right in the future or the past.

Mr. Franklin: Mr. Ellinwood asks a question of nearly every man who gets upon the floor, whether or not we intend to change the doctrine of water rights. Now the question is now [sic, not] to change the doctrine. We know the water rights of the Territory have been settled by judicial decree from the time of the so-called "Kibbey Decree" in the district court, to the last case that went to the supreme court of this Territory. There have been varying cases, and they have not been very clearly construed. One supreme court would take one view of this matter, and another, another view. The last expression of this was the case of P.T. Hurley vs. Abbot and others, decided by Chief Justice Kent in this Valley recently. Now it is a matter of importance, while those decisions may be as this bill provides, it is important for us to have it in the organic law so that when any new supreme court of this new state has a case before it, the rule will be fixed and they cannot depart from it.

Mr. Cunningham: Mr. Chairman, I do not pretend to know a very great deal about water rights and irrigation, but from the discussion I have heard on this floor, it seems to me to be a question as to whether this proposition if adopted would change the existing law. The gentlemen who are well informed upon the subject have differed in opinion. Now as I have been able to gather, the law as it heretofore and now exists, is that of prior appropriations. That strikes me as being just and right, and if this proposition changes that rule so that a person who has land destroyed or become worthless through accident of cause beyond his control cannot transfer his right to water to other land, it would do an injustice to the man and to the pioneers who first appropriated the water. It seems a dangerous proposition to make any effort to change the law. I do not say this does change; I am unable to say because as I before stated, I am not sufficiently posted upon these questions to say whether it does or does

not.

Mr. Ellinwood: This matter is perfectly clear to my mind now. As to this bill changing the present law, I have no intention of going into that. The gentleman from Maricopa says it does not change the law, as they made the decisions. The gentleman from Graham says there is some doubt as to what these cases decided. Therefore to foreclose all questions as to what the courts have said upon this question it is proposed that this bill be enacted into the constitution which will be interpretative of the law as they read it.

Mr. Orme: The national irrigation act requires the appropriation of water to be determined before they deliver water to any land, and in the Hurley vs. Abbott suit a great many of these litigants refuse to come in, and the United States government came in and intervened, and compelled every man to come in and prove his appropriation. It had to be determined so when the water was low the United States government could divide the water and put it on those lands that were entitled to it. The reclamation act requires that.

Mr. Kingan: This question was absolutely settled in the case of Biggs, 7th Arizona Reports, decided in March, 1901, the opinion being written by Judge Sloan.

Mr. Franklin: Chief Justice Kent has been on the bench nine or ten years, and has participated in nearly all the recent water decisions, and he is considered one of the ablest judges of water law in the southwest. He decided that the right to appropriate water belongs to the land owners. Water when appropriated belongs to the land to which it is beneficially applied, which is clearly shown by his decision in the Hurley vs. Abbot case.

(The Records of the Arizona Constitutional Convention of 1910, Pages 696-703)

[e943379] Mr. Webb moved, seconded by Mr. Lynch, to amend the motion so as to strike out beginning with line 10 all the rest of the Proposition.

(The Minutes of the Arizona Constitutional Convention, Page 305)

[e943382] Mr. Parsons: I want to call attention to the fact that Judge Kent's decision applies to an appropriation to the land. The decision cited by the gentleman from Pima was a case of a certificate in some water-carrying company or some canal company. That, I contend, accounts for the difference and the supreme court will not be mixed up, because they have written these opinions. I therefore insist upon the motion to indefinitely postpone this whole matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943383] Mr. Cunniff: I should like to say one word. I had an interesting conversation the other day with Judge Kent, in which he stated that it would be a wise action on the part of the convention, in view of the fact that the reported cases left the matter of water rights in Arizona in excellent situation, not to touch the matter; and it seems to me after this long discussion that he was quite right. It seems the best thing to do is to put in a line validating and confirming the present laws and customs concerning water rights.

Mr. Chairman: The question before the house is to indefinitely postpone Substitute Number 66. All in favor will make it known by saying "aye;" contrary "no." Call the roll.

Mr. Wells: I would like to give an explanation of my vote. I understood from Mr. Orme that the government in carrying out its system of water storage from these dams requires us to settle in some way so they can regulate its distribution. If that is correct, my vote is no.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943387] [C]arried by the following vote:

Ayes—Bolan, Cobb, Coker, Connelly, Cooper, Cunniff, Cunningham, Curtis, Feeney, Goldwater, Jones, A. M., Kingan, Kinney, Langdon, Lynch, oore, Parsons, Pusch, Roberts, Scott, Sims, R. B., Simms, Mit, Tovrea, Tuthill, Webb, Weinberger, White, Wood. Total 28.

Nays—Baker, Bradner, Cassidy, Colter, Crutchfield, Ellinwood, Franklin, Hutchinson, Ingraham, Jones, F. A., Keegan, Orme, Short, Standage, Wells, Winsor, Mr. President. Total 17.

Absent—Lovin, Morgan, Osborn, Wills.

Excused—Doe, Jacome, Moeur.

(The Minutes of the Arizona Constitutional Convention, Pages 305-306)

[e943395] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, the proposals to the proposition that were under consideration were implicitly dropped.]

(Editorial)

[e943396] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, the proposals to the proposition that were under consideration were implicitly dropped.]

(Editorial)

[e943398] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, the proposals to the proposition that were under consideration were implicitly dropped.]

(Editorial)

[e943401] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, the proposals to the proposition that were under consideration were implicitly dropped.]

(Editorial)

[e943402] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, the proposals to the proposition that were under consideration were implicitly dropped.]

(Editorial)

[e943403] [Editor's Note: As the Committee recommended that the proposition be indefinitely postponed, it did not refer its working version of the proposition to the Convention.]

(Editorial)

[e943441] Mr. Orme: I move to substitute these words: "All existing rights to the use of water in this state for beneficial purposes are hereby recognized and confirmed." I ask for unanimous consent.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943451] Mr. Ellinwood: It seems to me very much better for the Committee on Water Rights to bring in a new proposition. This third paragraph, it seems to me, ought to go in.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943447] Mr. Cunniff: I move we instruct the Committee on Agriculture and Water Rights to bring in a proposition validating all existing rights to the use of water.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943449] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 703)

[e943452] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e943969] [Editor's Note: Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e943968] [Editor's Note: Substitute Proposition Number 66 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944269] [Editor's Note: The Report from the Committee on Agriculture on Propositions Number 66 and 127 was referred to the Convention alongside the Committee of the Whole report.]

(Editorial)

[e943468] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 127.]

(Editorial)

[e943472] Mr. Coker moved, seconded by Mr. Parsons, that Proposition No. 127 be indefinitely postponed.

(The Minutes of the Arizona Constitutional Convention, Page 306)

[e943474] Mr. Coker moved, seconded by Mr. Parsons, that Proposition No. 127 be indefinitely postponed. Carried.

(The Minutes of the Arizona Constitutional Convention, Page 306)

[e943477] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944039] [Editor's Note: Proposition Number 127 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944043] Mr. Chairman: The next question before the committee is Proposition Number 78.

Mr. Secretary (reading): "Your committee on State and School Lands begs leave to report it has examined Proposition Number 78, and respectfully recommends that the proposition herewith be substituted for Proposition Number 78, and that the substitute proposition be adopted."

Mr. Cunningham: Mr. Chairman, I will suggest to the gentlemen of the convention that in the reading of this substitute if you will compare it with Section 28 of the Enabling Act, you will see from whence it comes.

(The Records of the Arizona Constitutional Convention of 1910, Pages 703-704)

[e944044] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 78 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e944051] Mr. Chairman: What is your pleasure with section 1?

(Editorial, Page 704)

[e944052] Mr. Chairman: What is your pleasure with section 1? If there are no objections it will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944053] Mr. Chairman: [...] If there are no objections section 2 will be passed.

(Editorial)

[e944054] Mr. Chairman: [...] If there are no objections section 2 will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944056] Mr. Chairman: [...] Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944058] Mr. Short: Mr. Chairman, I would like to ask the chairman of this committee if there is not a word left out in line 13, page 3?

Mr. Parsons: That is the language of the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944059] Mr. Chairman: If there are no objections it will be passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944060] Mr. Chairman: [...] Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944061] Mr. Chairman: [...] Any objections to section 4? Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944063] Mr. Chairman: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944064] Mr. Chairman: [...] Any to section 5? Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944066] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944067] Mr. Chairman: [...] Any to section 6? Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944068] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944070] Mr. Cunningham: There has been a misprint on line 23, "trust" bearing should be "interest" bearing, as will appear from the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944071] Mr. Chairman: If there is no objection, the secretary will be instructed to change that from "trust" to "interest."

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944073] Section No. 7 approved as amended.

(The Minutes of the Arizona Constitutional Convention, Page 306)

[e944074] Mr. Goldwater: I would like to know if these sections are considered adopted as they are passed? If so, I would ask you to turn back to section 5. On line 24 it seems to me there has evidently been a misprint.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944076] [Editor's Note: The Committee of the Whole proceeded to amend section 5.]

(Editorial)

[e944077] Mr. Winsor: I move that the situation be relieved by striking out the word "to" in line 2, page 4, and insert the word "shall."

Mr. Goldwater: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944079] The motion prevailed.

(Editorial)

[e944080] [Editor's Note: With the adoption of Winsor's amendment, section 5 was once again agreed.]

(Editorial)

[e944082] Mr. Chairman: If there are no objections, section 8 will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944084] Mr. Chairman: If there are no objections, section 8 will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944086] Mr. Chairman: [...] What will you do with section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944088] Mr. Ellinwood: I move to strike out all the section beginning after the word "aforesaid" in line 20.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944090] Mr. Webb: Mr. Chairman, I desire to amend the motion of the gentleman from Cochise. I move to strike out from and including the first word of section 9 down to and including the figures "1905" in line 12, said section 9, and insert in lieu thereof the following: "Section 9. All lands expressly transferred and confirmed to this state by the provisions of the Enabling Act approved June 30, 1910, including all lands granted to the state and all lands heretofore granted to the territory and all lands otherwise acquired by the state" and further to strike the portion mentioned by the gentleman from Cochise.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944092] Mr. Ellinwood: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 704)

[e944095] Mr. Jones (Yavapai): If this amendment prevails, all lands granted to this state by the United States will be subject to sale. We have seen—all of us who have lived in the West as they came into the Union and got possession of the land granted to them by the government—each and every one as they came in, except Colorado, have put the land on the market, and immediately bought and taken up by the corporations and individuals for the purposes of speculation. Each one of these states as time passed has regretted this very action we are about to take now. The State of Colorado which has held these lands has today the best public school system in the United States. All the parents of the children have to do is to furnish the children; the schools furnish everything else. If the child lives a distance from the school, they even furnish a vehicle to carry him to the school. In Wyoming the Union Pacific Railway at the time of admission owned the alternate sections along its right of way. When the state of Wyoming got possession of these lands and put them on the market, it allowed the Union Pacific to dispose of all their land, and allowed corporations and individuals to get this land in great bodies for the purpose of speculation. I am in hopes this amendment will not prevail.

Mr. Kingan: Mr. Chairman, the amendment offered by the gentleman from Maricopa county is particularly objectionable to the citizens of Yavapai county I should think, and certainly to the citizens of Pima county, and it ought to be also to the citizens of Maricopa and Coconino. No public lands, as I understand it, shall ever be sold. There is a million acres of land granted to the State of Arizona for the purpose of paying off the bonded railroad debts of Pima, Maricopa, Yavapai and Coconino counties. The county of Pima is now paying nearly twenty thousand dollars a year interest on these bonds, and as I understand the Enabling Act, this million acres of land is donated for that important purpose. It seems to me to say that no lands shall be sold for twenty-five years is putting on these counties a debt for the next twenty-five years.

Mr. Orme: Mr. Chairman, I am opposed to this amendment of the gentleman from Yavapai. The United States and Congress authorized the Territory of Arizona to lease the school lands. THE Territory of Arizona in 1896 leased these lands under certain conditions: that the lessees should be protected in all of their improvements in every way. These men have gone on and built homes. They are laboring men running from ten to fifteen acres. They have built houses for four and five thousand dollars. It is all they have. Under these conditions, if these lands are not to be sold, these people will be deprived of the water from Roosevelt Dam. The National Irrigation Acts prohibits any land from obtaining water unless it can be mortgaged for the repayment of service.

Mr. Cunniff: Mr. Chairman, does not the reclamation act say that nothing shall take away any of rights from any of that leased land?

Mr. Orme: No sir.

Mr. Cunniff: That is my reading of the reclamation act.

Mr. Orme: Those and those only who are owners of the land.

Mr. Cunniff: I would like to call the attention of the gentleman from Maricopa to section 8 of the reclamation act.

Mr. Orme: Mr. Chairman, now gentlemen, these people have put water rights upon these lands that cost thousands of dollars. A number of sections it cost ten thousand dollars to build a canal. They have made their homes there and have been there for five years. Now prohibit those men from obtaining water rights to get the water from the reservoir. This land cannot be sold for

less than twenty-five dollars an acre. If they are not allowed to buy this land and mortgage it to the government, what will they have? All of this land will go back to desert because it is impossible for them to obtain the water. Now if this amount of money—if these lands be sold for not less than twenty-five dollars or less than their appraised valuation, they would bring a large amount of money. It would also develop the country, for all of this land would be settled. You know the wealth of a commonwealth is her inhabitants. Hold this land up for twenty-five years and what will you get? The rental of it. We should have no one here to make a commonwealth. It is immigration progress of Arizona, tie these lands up for twenty-five years.

Mr. Webb: Mr. Chairman, for thirty years Arizona has been to me the land of promise. Here have centered all my hopes, ambitions and aspirations, and I will take my hat off to no man in my love and patriotism to Arizona, but with all that, Mr. Chairman, I am too modest to say that all the patriotism and all the loyalty of Arizona citizenship is centered in me, and much as I think of the individual members of this convention, I do not think all the trust-worthiness is centered in you, gentlemen, and I want to say further, that every word spoken here in fear and doubt of the future action that may be taken if the amendment proposed by myself be adopted and this matter be left in the hands of the legislature is spoken against the people of Arizona. For remember this, your legislature in the State of Arizona, if our constitution be adopted, will be the people. We only propose to do this. Leave it to the people to do with their own as they will, but I say, you are ready to assume a weightier responsibility than I am, if you dare say to them "Thou shalt not dispose of this as seems to you best." Mr. Ellinwood of Cochise said, if you followed it to the logical conclusion, what would be the result if you withdrew all the lands I tell you, you have reached now the logical conclusion, for when you stop to think of the amount of land in Arizona, not susceptible to purchase today, what is left? The Indian reservation, the military reservation and all this school land. There is nothing left I would not dare, gentlemen, to take the responsibility at this time without the people having spoken upon it, but if I had the decision I would deem that it would be better to give it away to bona fide settlers than to refuse to sell it. Better for Arizona, for her development, for her prosperity and for her children. (applause) Mr. Chairman, the gentlemen have immediately jumped to the conclusion that large tracts of land would be gobbled up by large interests. If they should it would be the people who permitted it. It does not necessarily follow that any amount of land will be immediately sold. It may be sold if in the judgment of the people it is to the best interest of the people to sell it. They can do just as they please in the matter. We have an amendment prepared for the next section which it is not proper to introduce at this time, which will provide for commission. I want to say to you that it is a very small percentage of the school lands of Arizona that will be sold in ten years or twenty years, for the minimum price is three dollars and it is not worth three cents. You could not lease it for three cents. I simply want to say this, this is one time I want to go on record as standing for the right of the people to do with the things that belong to them that which seemeth best, and not take upon my shoulders the responsibility of doing for them.

Mr. Jones (Yavapai): Mr. Chairman, the gentleman from Graham seems to think we are afraid to leave things to the people, but we are not. To put this clause in the constitution leaves it that the legislature shall refer their actions

to the people. I think the matter should be referred to the people.

Mr. Cunniff: Mr. Chairman, I would just like to answer the gentleman from Maricopa. I want to say that in the first place that I am in agreement with the gentleman from Maricopa in his fundamental idea, but I am also in agreement with the gentleman from Graham, that I would be glad to see the land given to original settlers. But I submit that Congress has not made specific provision in regard to leased Territorial lands in the Salt River Valley. It is one of those acts of omission which have been called to their attention, and I think the gentleman from Maricopa assisted in calling it to their attention. They have omitted to make provision for those leased lands, but the presumption is that if we adopted that proposition and continue this system of leases under which these people are holding the lands, that Congress will pass proper provisions.

Mr. Winsor: Mr. Chairman, I want to digress from the line of discussion long enough to get a little light. It has been stated, I believe, by the gentleman from Yavapai, Mr. Jones, that according to his reading of the Enabling Act, only the interest from the fund produced from the lease of land can be used for the objects mentioned in the Enabling Act. I would like to know where the gentleman gets that idea, except with reference to public school lands.

Mr. Parsons: If the motion prevails, then this section will read so as to permit the immediate sale of all of the lands granted to the new state regardless of the purpose for which they were granted. The state may sell these lands in any quantities. The question of the limit of land to be sold to one party has not been reached, but it will follow further down. If the gentlemen of the committee are in favor of making this amendment, I have no doubt but that they will favor striking out the provisions that limits the sale to any one person of a tract of land not exceeding 160 acres. It seems that the gentlemen are unduly anxious to dispose of the inheritance of the schools of the future. It seems that they are anxious to get the land upon the market at the earliest possible moment. If these lands are reduced to money and the money placed at interest there will of course be some income but the land you have sold will be doubling in value perhaps every ten years, and the return products of the land will equal the interest of the money received from the sale of the land, and you would then have the land left, and you can always sell the land for what you could sell it for at this time. I imagine the gentlemen who will take the other side of this question will say it will lead to an increase in the population; it will provide homes for new settlers. That is true, if new settlers have the opportunity to get these homes. They will say that the new settlers will also bring other properties that will be valuable to the state in the way of taxation. At the same time the new property brought into the state will not flow into your school fund, and I believe it is the best policy for the new state to hold her lands, for the time will come when public lands will be in demand far more than they are at this time. I should look forward to the future, and not squander the great inheritance this state has in these lands for a mere mess of pottage.

Mr. Webb: Mr. Chairman, I just want to call attention to one thing and that is that the school system of Colorado and the method followed by the people of the constitutional convention of Colorado in handling their school lands has been pointed to with pride. I am glad to learn that their act is almost identically the same as the amendment proposed here.

Mr. Wood: Mr. Chairman, in answer to Mr. Webb, that we want to leave this thing to the people, that is just what we are doing when we put this into

the constitution that they can never sell the land.

Mr. Chairman: Are you ready for the question, gentlemen?

(Editorial)

[e944098] Mr. Cunniff: I move as an amendment to substitute the proposition I sent in, in place of the amendment that was offered.

(The Records of the Arizona Constitutional Convention of 1910, Page 708)

[e944099] Amendment lost.

[Editor's Note: Though the Records describes the amendment as adopted, the text as it appears in the final Constitution suggests that the Committee adopted the wording of Webb's amendment instead.]

(The Minutes of the Arizona Constitutional Convention, Page 307)

[e944100] Mr. Franklin: Mr. Chairman, I move you that the committee do now arise and report progress and ask leave to sit again.

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 708)

[e944101] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 708)

[e944104] Mr. Chairman: All in favor of the amendment offered by Mr. Webb, signify by saying "aye;" contrary "no." The secretary will call the roll.

Roll call showed 33 "ayes" and 12 "nays."

[Editor's Note: Although the Committee is recorded as voting on Webb's amendment, it was actually voting and Ellinwood's amendment as amended by Webb.]

(The Records of the Arizona Constitutional Convention of 1910, Page 708)

[e944105] [Editor's Note: As the Committee took up the consideration of Section 10, Section 9 as amended was implicitly adopted.]

(Editorial)

[e944107] [Editor's Note: The Committee took up Section 10 for consideration.]

(Editorial)

[e944109] Mr. Winsor: Mr. Chairman, I move an amendment to section 10 as follows, line 1 on page 6, after the word "lease," insert the words "or sale" and after the word "land" in the same line, strike out the words "for terms not longer than five years," and insert the following: "Under the supervision of a commission to be created for that purpose."

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 708-709)

[e944110] Mr. Crutchfield: Mr. Chairman, before I vote there is one question in my mind, I should like to have answered and that is will that provide for the proper choosing of public land that has been donated by the United States to the State of Arizona?

Mr. Winsor: We won't cover that question at all. That should have been provided for in an act already. This particular provision has no bearing on that subject.

Mr. Coker: The Enabling Act provides for the selection.

Mr. Chairman: You have heard the question on the amendment on section 10, gentlemen.

Mr. Lynch: Mr. Chairman, it seems to me that that is superfluous. We provide that the legislature shall provide proper laws for the lease and sale of all state lands.

Mr. Orme: The Enabling Act provided for appraisalment.

Mr. Lynch: What is our commission for?

Mr. Winsor: The commission is simply to provide officers in authority to perform this duty under the rules and regulations of law.

Mr. Lynch: If the legislature is to provide the way in which it is to be sold, why should we say, they must provide a commission?

Mr. Roberts: Mr. Chairman, Mr. Webb has absolutely convinced me that he is right and I believe in letting the legislature take up these duties.

(The Records of the Arizona Constitutional Convention of 1910, Page 709)

[e944113] Mr. Parsons: Mr. Chairman, I move as an amendment offered by the gentleman from Yuma, strike out the words "for terms not longer than five years[.]"

Mr. Winsor: Inasmuch as I do not care for this office myself, I have no objection to the amendment at all.

Mr. Osborn: I second Mr. Parsons' motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 709)

[e944114] Mr. Coker: The balance of that paragraph is only a repetition of what was left remaining of paragraph nine. It might as well all be stricken out.

Mr. Webb: Mr. Chairman, there was left after the change was made in paragraph nine the following: "may be sold in the state in the manner and on the conditions and with the limitations prescribed by the Enabling Act, etc."

Mr. Parsons: The question is on the amendment of Mr. Parsons to strike out on page 6, the words on the first line "for terms not longer than five years."

Mr. Winsor: Mr. Chairman, upon first thought and after listening to the gentleman from Graham, and the gentleman from Cochise, it did not appear to me to make any difference whether that was left in or not, but I believe it would be much better to provide for that commission and I withdraw my acceptance of the amendment proposed by the gentleman from Cochise. I believe that that is the proper method by which it should be handled. It is necessary that some officer have the power to carry out instructions of the legislature.

(The Records of the Arizona Constitutional Convention of 1910, Pages 709-710)

[e944116] Mr. Chairman: You have heard the motion. All in favor of Mr. Parsons' amendment signify by saying "aye;" opposed "no." The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944118] Mr. Chairman: [...] We will now take up the original motion of Mr. Winsor, which reads on the first line of page 6, "leased or sold of all state lands under the supervision of a commission to be created for that purpose, and shall further provide, etc." All in favor of this amendment will say "aye;" opposed "no." Call the roll.

Roll call showed 23 "ayes" and 22 "nays."

Mr. Chairman: The motion of MR. Winsor is carried. Any other amendments?

(Editorial)

[e944119] Mr. Coker: Mr. Chairman, I move to strike out all that portion after the words "be created for that purpose" beginning with the word "and shall further provide."

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944120] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944122] Description Mr. Ellinwood: I move a reconsideration of the motion made by Mr. Winsor. I voted "no". This is a question of fair play.

Mr. Colter: I second the motion.

[Editor's Note: Page 307 of the Minutes indicates that Ellinwood voted "aye" on the amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944123] Mr. Chairman: All in favor of the reconsideration of the amendment of Mr. Winsor will make it known by rising. All opposed will rise. The vote will be reconsidered.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944125] Mr. Webb: The question is now on the Winsor amendment. Call the roll.

Mr. Chairman: All in favor of adopting the Winsor amendment will make it known by saying "aye;" opposed "no."

Roll call showed 19 "ayes" and 24 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944126] Mr. Webb: Mr. Chairman, I desire to move that section 10 in its entirety be stricken out.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944127] Mr. Ingraham: I made a motion just preceding the reconsideration, and left a copy on the secretary's desk. My amendment has priority.

Mr. Short: I seconded the amendment.

Mr. Webb: It certainly would have been put had it been entertained.

Mr. Chairman: Read the amendment, Mr. Secretary.

Secretary (reading): Amendment offered by Mr. Ingraham, to be added at end of the section: "Provided that the right and title to mineral deposits underlying any state lands shall forever be retained in the state, and that at least seven percent of all mineral deposits hereafter taken from such land must be paid to the state by any lessee thereof."

(The Records of the Arizona Constitutional Convention of 1910, Page 710)

[e944128] Mr. Ingraham: It is somewhat similar to Proposition Number 28.

Mr. Cunniff: That proposition won't do. That is all right in Minnesota, where you can diamond drill for iron deposits. It might do in coal beds. It might do in isolated cases of copper deposits, but not in lode mining in Arizona with its uncertainties. It would never fit in Arizona conditions. Seven percent would absolutely wipe out any profit. It does not fit Arizona mining conditions.

Mr. Ingraham: I fully believe that the reservation contained in that amendment would prove more valuable to the state in the future than the surface of these lands, Now, there is not any doubt that the large part of these state lands will in the future develop placer beds of gold, and deposits of silver, copper, lead, or other minerals; probably petroleum deposits will be found in this Territory, and possibly coal. Moreover, this reservation would not be confined to this generation, or the next generation, but would go on forever. Moreover, gentlemen, I do not believe it would make five cents difference in the price you would get for these lands, because these lands will be sold for agricultural or grazing purposes, in which the surface only is concerned, and the man who is purchasing those lands for purposes of grazing would not give one cent more for the mineral rights under these lands. It seems to me this amendment would preserve a valuable patrimony under these lands. It seems to me the future school funds of Arizona.

Mr. Crutchfield: In answer to the argument of Mr. Cunniff, I wish to say if the argument is made in good faith, he should not oppose the amendment, but amend the amendment by reducing the figure, if seven percent is counted too high. As the gentleman can well see, this is an amendment that has for its purposes the conserving of the resources for the school funds, and this might prove a boon to the school fund at a time it was very much needed.

Mr. Cunningham: I would like to call the gentleman's attention to section 24, line 6, of the Enabling Act in this connection.

Mr. Roberts: I move that we include farming produce, alfalfa and beets.

(The Records of the Arizona Constitutional Convention of 1910, Pages 710-711)

[e944129] Mr. Chairman: All in favor of adopting Mr. Ingraham's motion will answer "aye;" opposed "no." Call the roll.

Roll call showed 16 "ayes" and 26 "nays."

Mr. Chairman: Gentlemen, the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 711)

[e944130] Mr. Webb: I want to withdraw my motion to strike out all of section 10. I yield the floor to the gentleman from Yuma, and hope his amendment will prevail.

(The Records of the Arizona Constitutional Convention of 1910, Page 711)

[e944131] Mr. Winsor: I want to point out that we are confronting an inconsistency in this proposition as it has been amended. Since reconsideration of the vote by which the amendment was made to section 10, we have a rank inconsistency. I hope I will be pardoned for these preliminary remarks which explain the purpose of my amendment. In section 9 it is provided that the lands may be sold by the state. In section 10 it is provided that the legislature shall lease the lands. Now, they may sell but they shall lease, and I do not see how they can sell if they must lease. I move section 9 be amended by inserting in line 12 after the word "sold" the words "or leased." In line 14 after the word "constitution" insert the words "and as may be further prescribed by law," and in line 17 after the words "and reimbursement to the" insert the words "actual bona fide residents and" and make the word "lessee" plural.

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
711-712)

[e944132] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944133] Mr. Ingraham: It seems to me that this discriminates in favor of the resident and against the man who holds the land but does not reside thereon. It ought to read "lessee."

Mr. Winsor: I followed the wording used in section 10 that we have just been considering.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944135] Mr. Ellinwood: Is section 10 up for amendment? On line 4 I move to strike out the word "equitable." It ought to be a legal right, if anything.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944136] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944138] Mr. Ellinwood: I move to strike out the words "a reasonable price for said equitable" and insert the following "by the lessor the value of said improvements and" in lieu thereof.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944139] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 78.]

(Editorial)

[e944140] Mr. Jones (Yavapai): I move Proposition Number 78 be indefinitely postponed.

Mr. Connelly: I second the motion. I do not see anything in it except what was in the Enabling Act.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944142] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944176] Mr. Chairman: We will now vote on the amendment of Mr. Ellinwood. All in favor of this amendment will make it known by saying "aye;" contrary "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944149] Mr. Ellinwood: I desire to offer an amendment in section 11...

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944150] Mr. Ellinwood: I desire to offer an amendment in section 11, line 10, to insert the words "purchase or" so as to make it read "shall be allowed to purchase or lease."

Mr. Franklin: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 712)

[e944152] Mr. Ingraham: In regard to that amendment, I think it very bad for the interests of the State of Arizona. It restricts the market for school land very much. I do not see why if the Santa Fe or Southern Pacific or a big land company wants to come in and pay high for this land and the State of Arizona should not take advantage of it, and it seems to me that if we are to carry out the spirit of the Enabling Act, which is to the effect that we shall put this on the market to the highest bidder, we should not go ahead and fix unreasonable conditions. I move to strike out the entire section.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944153] Mr. Ellinwood: In answer to the gentleman from Yuma, Mr. Ingraham, the entire discussion centered around the point that the big corporations were going to gobble up this land. That was the opposition. The Territory of Arizona ought to conduct its affairs so as to benefit the bona fide settlers, and 160 acres of irrigatable land is enough, and if a man wants more he can buy from another.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
712-713)

[e944154] [Editor's Note: Ingraham's amendment was not discussed further.]

(Editorial)

[e944155] Mr. Chairman: All in favor of Mr. Ellinwood's amendment will make it known by saying "aye;" contrary "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944157] Mr. Winsor: I move to amend section 10, page 6, by inserting after the word "lease" the word "or sell."

Mr. Ellinwood: It seems to me the purpose is accomplished by inserting on line 25, the words "sell, or."

Mr. Winsor: I will change the form of the amendment as follows: Insert before the words "lease" the words "sell, or" and strike out the words "for terms not longer than five years."

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944159] Mr. Orme: That complies with the Enabling Act and with the present statutes of Arizona. Every five years these lands are released at a higher appraisal and it should be for not longer than five years so they can be re-appraised.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944162] Mr. Ellinwood: I move an amendment that the words "sale, or" be added to the last words on line 25.

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944163] Mr. Winsor: I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944164] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944165] [Editor's Note: With the adoption of Winsor's amendment, Section 10 was agreed.]

(Editorial)

[e944166] [Editor's Note: As the Committee proceeded to vote on its recommendation on the proposition, Section 11 as amended was clearly agreed.]

(Editorial)

[e944178] Mr. Webb: I move the committee do now arise and report they have examined Substitute Proposition Number 78, as amended, and recommend that as amended it do pass.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944180] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944181] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944182] [Editor's Note: Substitute Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944184] [Editor's Note: Substitute Proposition Number 78 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944185] [Editor's Note: Proposition Number 78 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944187] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944188] Mr. Webb: I move the committee do now arise and report they have examined Substitute Proposition Number 78, as amended, and recommend that as amended it do pass.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

[e944189] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 713)

### 32.42 Monday, 28 November 1910, at 09:30 (s16239)

[e944292] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 715)

[e944293] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944294] Secretary (reading): Proposition Number 28.

[Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Numbers 28, 16, 13, 129 and Memorial Number 1.]

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944296] Mr. Coker: Propositions Number 28, 115, 16, 13, 129 were disposed of. They relate to water rights and school lands. I move they be indefinitely postponed since the report of the committee will be substituted therefor.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944298] Mr. Crutchfield: I should like to have consideration of Number 28 so that we can amend the two percent clause for mineral lands. I am opposed to the postponement of this proposition.

Mr. Winsor: There is a committee report on all of the propositions in one report. These should be taken up one by one.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944299] Mr. Chairman: The reports will be taken up one by one. What will you do with Proposition Number 28?

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944301] Mr. Chairman: The reports will be taken up one by one. What will you do with Proposition Number 28?

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944302] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 28.]

(Editorial)

[e944303] Mr. Cunningham: I move you that when the committee arises it report that it recommend the indefinite postponement of Proposition Number 28.

Mr. Lynch: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944304] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944305] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944349] [Editor's Note: Proposition Number 28 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944307] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 13.]

(Editorial)

[e944309] Mr. Webb: I move that when the committee arises it recommend that Proposition Number 13 be adopted.

Mr. Cunningham: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944310] Mr. Coker: I amend the motion by saying that when the committee arises that it recommend indefinite postponement of Proposition Number 13.

Mr. Cunniff: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944311] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944312] [Editor's Note: With the adoption of the motion to indefinitely postpone, the competing proposals were dropped.]

(Editorial)

[e944313] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944315] [Editor's Note: Proposition Number 13 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944316] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 16.]

(Editorial)

[e944318] Mr. Parsons: Mr. Chairman, I move that when the committee arises it recommend the indefinite postponement of Proposition Number 16.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944320] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944322] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944323] [Editor's Note: Proposition Number 16 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944324] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 129.]

(Editorial)

[e944325] Mr. Webb: Mr. Chairman, I move that when the committee arises it adopt the report of the committee recommending postponement of Proposition Number 129.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944326] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944327] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944328] [Editor's Note: Proposition Number 129 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944329] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Memorial Number 1.]

(Editorial)

[e944330] Mr. Jones (Yavapai): Mr. Chairman, I move that when the committee arises it recommend that Memorial Number 1 be indefinitely postponed.

Mr. Sims: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944331] Mr. Webb: Mr. Chairman, this is a matter that should not be postponed as it is a provision that will protect the interest of the poor. Many good citizens have taken up school lands and have cultivated, improved and built homes thereon and are good honest industrious people, and they should be protected in these homes and on this land, therefore, I recommend the adoption of the memorial.

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 716-717)

[e944333] Mr. Jones (Yavapai): Mr. Chairman, we have already made provision for the protection of these people in section nine of Proposition Number 78, which has already been adopted, and this is entirely covered in that measure, which it is unnecessary to adopt the memorial.

Mr. Baker: I am in hopes the motion of the gentleman from Graham will prevail, for I think it should pass. For the benefit of many people, who are of the best class of citizens and who have established themselves upon this land and spent much labor and means to cultivate and improve it, they should have protection, I think that this is very timely, and it does not hurt anything at all and may accomplish good. In the Enabling Act there are provisions for these school lands, but they are not acceptable to all and do not protect the people who have spent their time, means and best efforts upon them. It is but right that they should have this protection.

Mr. Short: I agree with the gentleman from Yavapai that this has been amply provided for in the Enabling Act and that this memorial would have no effect upon Congress.

Mr. Ellinwood: I understand that this provision was not included in the original Enabling Act, but the attention of both the Senate and the House of Representatives was called to this fact that it would jeopardize the passage of the statehood bill if they amended it so, but that there was no objection to the amendment and would be none if it were taken up by the convention as we have it here presented. I think it would be well to adopt the memorial. I think that relief should be provided for by such a measure and this is the best method to take to secure that relief, therefore, I hope the measure will be adopted.

Mr. Franklin: It is very true that a bill was passed the other day something of the same nature of this memorial, but I do not think that it is sufficient and I think too that the only way to secure the right protection to the people who occupy these lands is through just such a measure. I believe that it was the sense of Congress that such a measure would be presented in a form of this kind and we may not fear anything but approval from Congress should this measure be adopted.

Mr. Cunniff: My objection to the memorial is not so much what it contains as it is to the language of the measure. The language is not of that nature or dignity that a dignified body like this should send to such a dignified body as

Congress. Neither do I think that our delegate should be expected to take up such a matter. I think that this was hastily drawn up, and it is so arranged that Congress will take cognizance of it only to disapprove of it. Therefore, I hope that the measure will not be adopted.

Mr. Orme: I do not think there is any need to fear the acceptance of the memorial as it is here presented, for I was assured that it would be considered as one of the measures that would be inserted in our constitution. It would have been placed in the original bill only through an error. The matter was to be taken up at a certain time, but Senator Reed Smoot had a matter that was given precedence by mistake and it was only an oversight on the part of Congress. We need not fear to include this in our constitution.

Mr. Webb: I did not draw it up myself, but it was drawn up and presented to some of the very best and most learned men of this convention, who approved of the phraseology. They returned it without a single correction, and I cannot see why it should be rejected by the gentleman from Yavapai on that point.

Mr. Cunniff: I do not believe that it is within the bounds of propriety to request our delegate or Congress to do these things. We have no such right, have we, to make such a request?

Mr. Baker: As I stated before, this measure is very timely and can do no harm.

(The Records of the Arizona Constitutional Convention of 1910, Pages 717-718)

[e944335] Mr. Chairman: Those in favor of adopting the Memorial Number 1 will say "aye;" those opposed "nay." Call the roll.

Roll call showed 41 "ayes" and 7 "nays."

Mr. Chairman: The motion is carried and Memorial Number 1 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944338] [Editor's Note: With the adoption of the recommendation to adopt Memorial Number 1, the competing recommendations were dropped.]

(Editorial)

[e944339] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944340] [Editor's Note: Memorial Number 1 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944342] Mr. Chairman: The motion is carried and Memorial Number 1 is adopted. The next business before the committee is Proposition Number 60. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 716)

[e944359] [Editor's Note: Proposition Number 60 was referred to the Convention alongside Substitute Proposition Number 60.]

(Editorial)

[e944353] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 60.]

(Editorial)

[e944361] Mr. Cunniff: I move that Proposition Number 60 be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944363] Mr. Webb: I move to amend that motion by moving that when the committee arises it recommend that Proposition Number 60 be adopted.

Mr. Simms: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944367] Mr. Chairman: Those in favor of adopting Substitute Proposition Number 60 will answer "aye;" those opposed "nay." Call the roll.

Roll call showed 30 "ayes" and 18 "nays."

Mr. Chairman: The motion is carried and the proposition is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944368] [Editor's Note: With the adoption of the recommendation to adopt Substitute Proposition Number 1, the competing recommendations were dropped.]

(Editorial)

[e944371] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944372] [Editor's Note: Substitute Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944373] [Editor's Note: Proposition Number 60 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944375] Mr. Chairman: [...] We will now consider Substitute Proposition Number 58 section by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944377] [Editor's Note: Proposition Number 58 was referred to the Convention alongside Substitute Proposition Number 58.]

(Editorial)

[e944380] [Editor's Note: The Report from the Committee on Public Service Corporations on Proposition Number 58 was referred to the Convention alongside Substitute Proposition Number 58.]

(Editorial)

[e944382] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 58 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e944385] Mr. Chairman: [...] Any objection to the first section?

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944386] Mr. Goldwater: I move you after the word "all" in line 1, the words "public service" be inserted.

Mr. Colter: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944389] Mr. Baker: I move that section 1 be stricken out, as I do not see any necessity for this at all. Now, it seems to me that this absolutely puts all the books and files of a corporation absolutely under the supervision and control of this corporation commission, and hence makes section 1 absolutely unnecessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 718)

[e944390] Mr. Short: Will the gentleman permit a question? I would like to ask if you have the amendment in your proposition that was adopted: After the word "any" insert "public service" in section 5, line 7. That would change the matter very materially.

(The Records of the Arizona Constitutional Convention of 1910, Pages 718-719)

[e944391] Mr. Baker: There is something in that; I did not have that amendment. I will withdraw my motion to amend.

(The Records of the Arizona Constitutional Convention of 1910, Page 719)

[e944393] Mr. Ingraham: This provision is necessary in order to make plain the law. We have a provision in the bill of rights that persons shall not be disturbed in their books, papers and records, and private affairs. Now corporations are persons, and the purpose of this clause was to make it plain that the state did have power to investigate corporations. In regard to the amendment confining the effect to public service corporations, I will say that it is narrowing the power of the state more than that of any other state I know of. You gentlemen are familiar with the Armstrong investigation in New York State by which the rotten methods of life insurance companies in regard to their funds were shown up. Now under this clause as amended neither the Armstrong investigation nor any similar investigation in Arizona would be possible, as the state would not

have the power. The purpose of this clause is to put under the supervision of the commission all corporations, not merely public service corporations, but insurance and bank corporations, building and loan associations, and all those like corporations which are not classed by the books as public or quasi public corporations but which fall below that border line. As to the objection which I understand was made the other evening, that this commission would go around sticking its nose into the affairs of clothing store corporations, and grocery corporations, there is nothing in that. The corporation commission we have established will have something to do, will have important affairs to take care of, and they will not have time to go around in useless investigation; and let me tell you if the corporation commission should go around investigating the affairs of small commercial companies, they will have some good reason for spending their time in this way.

Mr. Wells: I would like to ask what penalty is imposed if, for instance, I should refuse to allow an examination of a corporation in which I was interested?

Mr. Goldwater: The penalty is found in Number 113.

Mr. Wells: Then if there is a penalty I can see no necessity for applying it to all corporations. If it is applied to public service corporations it is proper enough.

Mr. Ingraham: Will the gentleman yield to a question? Do you not think that the investigatory powers of the state should extend to insurance and building and loan companies?

Mr. Wells: It should to insurance companies, but not to small mining companies in the hills, struggling for existence, or an industrial corporations struggling for existence. If this office is in the hands of hostile individuals, they can put that corporation out of business.

Mr. Winsor: It seems to me the gentleman from Yavapai, Mr. Wells, and some others, have confused this proposition with Number 113, which creates a corporation commission and defines the powers thereof. Substitute Number 58 has absolutely nothing to do with that. It simply gives the state inquisitorial powers but does not confer any powers on the corporation commission or any other. It seems to me that is absolutely necessary and will be found in almost, if not quite all, the constitutions of the various states.

Mr. Jones (Yavapai): It does not seem like this proposition would hurt anybody. It looks to me like any corporation that the truth would hurt ought not to exist in Arizona, or any private individual's business that the truth would hurt ought not to exist. Therefore, I hope this amendment will not carry.

Mr. Short: The gentleman from Yavapai, Mr. Goldwater, refers to section 16, in Proposition 113, and I would like to call his attention to the fact that the penalties therein provided are only to apply to public service corporations. As Number 113 was amended there is not one word there governing or concerning private corporations. Now if a little mining company or a building and loan association or other corporation created by the state deserves investigation, somebody ought to be empowered to investigate. It will not only protect the people at large but those who become creditors and stock holders not cognizant of the doings and inside workings of that corporation. I do not believe this will hurt anybody doing a straight legitimate business. I notice that the constitution of New Mexico, supposed to be safe and sane, has a very drastic section in regard to examining private corporations. They have absolute authority to investigate any corporations in the state.

Mr. Ellinwood: Mr. Ingraham says that an examination such as the Armstrong investigation could not have been had but for a paragraph of this kind in the constitution. This appears only in one state, in Oklahoma. I find that in Stimson on Corporations, the clause is exactly like this paragraph: "The records, books and files of all corporations shall be at all times liable and subject to the full visitatorial and inquisitorial powers of the state, notwithstanding the immunities and privileges in the bill of rights of this constitution secured to the persons, inhabitants and citizens of this state." Turning to the Oklahoma constitution we find a provision that appears in no other state constitution.

Mr. Curtis: Mr. Chairman. It does not seem to me proper to put the private corporation in the same class as the financial corporation. This says that the state may have the power, and there should be something in the law or constitution that some commission or controller should be obliged to investigate the financial institutions. I do not know what plan has been devised [balance of remarks missing].

Mr. Lynch: In reply to the gentleman from Santa Cruz, I would state, as we all know, corporations are creations of the law. Now the statute which creates a banking corporation creates the conditions and circumstances under which that corporation shall be established or created, and it provides for the government, regulation and examination of the banking corporations, and that is done under a separate statute in our territorial law, which statute is still in force, there being nothing in the constitution we have framed that conflicts with it; and the same is true of the insurance corporations: they are formed under a separate statute, which provides the manner and the powers of the investigation into their affairs. This clause goes further: The corporation being the creature of the law, and a person as far as the law is concerned, this takes away from it at one broad sweep the inalienable right every person has under the constitution of the United States. Now if the affairs are such that it requires an investigation under original procedure, the courts have absolute power to bring everything connected with the corporation into court and investigate, and that was what was done in the Armstrong case, and in the case of dozens of private corporations. They can be investigated without this proposition, and whether it is in or not.

Mr. Ellinwood: What the gentleman from Graham has said, as undoubtedly everyone knows, is true. Whenever there is an offense charged and a complaint filed or an indictment issued, every scrap of paper that is owned by the corporation can be brought into court. On several occasions I have [had] the gentleman from Yavapai, Judge Wells, in court and his cashier with the books and records and papers in court when someone was charged with a false check or something of that kind.

Mr. Ingraham: The fight that is being made on the floor today is the same fight that has been made for 25 years by the corporations throughout the United States to avoid investigation. Now this convention has already adopted the principle of investigation. You have applied this amendment so that this inquisitorial power of the state shall extend only to public service corporations, but I want to ask you gentlemen in all fairness why it is that the state should have the power to investigate public service corporations, their books and papers. Is not the financial success of the public service corporation just as important, or more important, than the financial success of some grocery or clothing concern, some purely private commercial business? If you investigate the affairs of a

great railroad, its books and papers, and throw them open to the view of the people, why not investigate the affairs of some small grocery corporation? If it is injurious to the interest of the state to investigate the private corporation, why is it not injurious to the interests of the state to investigate the public service corporation? It seems to me that to bring failure on this great corporation would be more injurious than on this small corporation. But we have adopted this principle now, and we have applied it to a certain class of corporations, and I am asking why that should not be extended to another class? This convention says the state may investigate the books, papers and private affairs of the railroad, and at the same time we say the state shall not investigate the private affairs, books and papers of a bank. On the one hand, we give the state power to investigate a gas company, but on the other hand, it has no power to investigate a building and loan association. Now what is the sense in that? The gentleman has said all states have the power to bring the books, papers and records of any corporation into court. Of course that is true, but it is only after some crime or offense has been committed; the purpose of the investigation is to prevent crime, fraud or injury to the public. I have been quoted as making the broad statement that this is in the constitution of many states. I did not intend to say that these exact words were in the constitutions of many states, but I still contend that in many state constitutions the broad provision in the bill of rights which protects persons in their private papers, books and affairs from investigation, is prevented from applying to corporations. That is true in Wyoming, in Virginia and in Louisiana, and it is no doubt true in many other states; I know as a fact it is. The inquisitory power is made to extend to all corporations notwithstanding that provision in the bill of rights. Corporations such as the Northern Securities Company and the Sugar Trust have been forced by the Interstate Commerce Commission to allow investigation of their affairs. The gentlemen have presented a very beautiful proposition that stockholders may always investigate the books and papers of the corporation. Now you know how that is carried into effect. Every corporation that wants to avoid it, does avoid it for months and months until the thing they want to carry out is carried out in spite of the minority stockholders. This is aimed at the one broad purpose to give the state the power to investigate in circumstances where corporations are committing fraud and wrongs against minority stockholders and the public and the purpose is to throw these things open to investigation.

Mr. Chairman: The question is upon the amendment to insert the words "public service" after the word "all" in line 1, section 1.

Mr. Lynch: Just one more word. I want to read the Wyoming provision, and ask you if it is the same thing: "All corporations doing business in this state may, as to such business be regulated, limited or restricted by law not in conflict with the constitution of the United States." Another gentleman quoted the constitution of the new state of New Mexico. It absolutely covers public service corporations and nothing else.

Mr. Goldwater: I did not suppose I was starting another of those things that have no end. It seems hardly worth while for the chairman of this committee to make such a defense of his proposition. I have no interest except my attention was called to it in this way: The Committee on Public Service Corporations recommends this bill, and then they immediately start in on all corporations. It seems to me the Committee on Public Service Corporations must have some good reason for inserting this in the public service corporation measure. The

convention took that matter up when it considered Proposition 113, and voted it down, and if they did not want it in there then I do not know why we want it now. This joint Railroad and Public Service committee should have included all the provisions they wanted to indicate; instead they left out some which they claim this morning ought to be investigated. If a life insurance company or loan association is not a quasi public service corporation, I do not know what they are.

Mr. Ingraham: They are not.

Mr. Goldwater: They are quasi public service; they are called public service corporations. I notice the other day President Taft instructed the Secretary of the Treasury that all corporations which put their stock on any market or any stock exchange should be open to public investigation. I have no particular interest in this thing, except I do not think it belongs here, or that the bill was drawn up properly.

Mr. Short: In answer to the gentleman from Yavapai as to why this provision was not included in the public service corporation measure, [I] beg to state it was. Section 2 of Substitute Number 113 provided that "The corporation commission shall have general supervision of all private corporations doing business in this state, to be exercised in such manner as may be provided by law." I believe the gentleman from Yavapai moved to insert the words "public service" instead of "private" corporations, which was carried, and then afterwards the entire section was stricken out, so I do not believe it is fair to charge that the committee did not endeavor to include this in the public service corporation commission proposition. They did. It was put in there with the intention of leaving the matter of details of supervision to the legislature, and when the public service corporations were inserted we had it stricken out because it entirely disturbed the balance of the proposition.

Mr. Baker: I desire to hear one good reason before the vote. Here is a grocery corporation; three men incorporated under a corporate name. Their books, files and papers are subject to public control and inquisitorial and visitorial investigation by the state. A private individual just across the street has a like and similar grocery store, does precisely the same business and sells to the same persons, and his books and private papers are not subject to inquisitorial or visitorial investigation. Why should that be so?

Mr. Short: Why should the three gentlemen incorporate? Why not go into business individually, and be liable for the business of the firm?

Mr. Lynch: I think the gentleman has struck the key-note. It will drive out all private corporations in the new state.

Mr. Jones (Maricopa): Section 2, eliminated from Proposition Number 113, placed under the public service corporation commission all private corporations, but only in such manner as might be provided by law, giving them no discretionary power. The effort was to give them power over private corporations such as ice companies, something that is necessary in this country. It was designed that the law might give this corporation commission such power to investigate their affairs as might be deemed wise. With that out I favor section 1. With section 2 placed in Proposition Number 113 this would be unnecessary.

[e944395] Mr. Roberts: We are using the words "public service corporations." I take it that means railroads, street car companies, water companies and the like. I would hardly suppose that banks, insurance companies, loan and trust companies would be in that class, and therefore I desire to make an amendment that after the words "public service corporations" the words "state banks, building and loan associations, trust, insurance and guarantee companies" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944396] Mr. Goldwater: I will accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944397] Mr. Ellinwood: I move an amendment we strike out all of section 1.  
Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944401] Mr. Chairman: Are you ready for the question? All in favor of striking out section 1 will signify by saying "aye" as their names are called; contrary "no."

Roll call showed 20 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944404] Mr. Chairman: [...] Now the vote will be on Mr. Goldwater's amendment, the original motion. All in favor of this will signify by saying "aye" as their names are called; contrary "no." Call the roll.

Roll call showed 37 "ayes" and 12 "nays."

Mr. Chairman: The motion is carried; the amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944406] Mr. Chairman: [...] If there are no further objections the section will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944408] [Editor's Note: The Committee took up Section 2.]

(Editorial)

[e944409] Mr. Winsor: Inasmuch as we are in the striking out business, I move that section 2 of Proposition Number 58, as it is word for word the same as section 8 of Substitute Proposition Number 22, which has already been adopted, be stricken out.

Mr. Webb: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944410] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944411] [Editor's Note: Section 2 as amended—i.e. stricken—was agreed.]

(Editorial)

[e944412] Mr. Chairman: Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944413] Mr. Goldwater: On line 18 I think the word "any" ought to be "an." I move to strike out the letter "y."

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944414] Mr. Chairman: If there is no objection that will be stricken out

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944415] Mr. Baker: I would like to inquire if that was taken from any state constitution, and if so, what?

Mr. Ingraham: Almost word for word from the constitution of Virginia.

(The Records of the Arizona Constitutional Convention of 1910, Page 724)

[e944416] Mr. Ellinwood: On line 19 I move to strike out "five dollars" and insert "twenty five dollars."

Mr. Cooper: I second the motion.

(Editorial)

[e944418] Mr. Ellinwood: A corporation that cannot pay a registration fee of that size ought to go out of business.

Mr. Ingraham: Now, Mr. Chairman, I shall oppose the amendment for the reason that I fear it would perhaps defeat the whole proposition before the convention. I would point out that this fee may be increased by the legislature. The proposition here is merely that the fee shall be not less than five dollars, the supposition being that the legislators will regulate it at such point as they think just and fair. I think the chief purpose of this registration fee is to enforce upon the attention of every corporations the fact that they must report. If they have an annual tax which comes due, we will say on January 20th of every year, why that will remind them of their duty to report. While this \$5 might not seem very large, I believe it will be a source of considerable revenue. If the fee should be made \$25 as suggested, I think the gentleman would be surprised at the enormous fund that would be brought into the treasury.

Mr. Ellinwood: I would be delighted to be surprised.

Mr. Cunniff: It may seem right to have an additional tax placed on the large corporations, but most of the corporations in the territory are small corporations to which every dollar counts. These corporations have just recently been examined but the United States government and a tax laid upon their income. As far as mining is concerned there is a bullion tax at the present time in the territory, and I shall strenuously oppose any increase. This might be as well left to the legislature or the people through the initiative or referendum.

Mr. Parsons: I desire to say a word with reference to this matter. I was a member of the sub-committee that has this under consideration. I suggested this very matter to the chairman, and while I did not like the name of the annual registration fee, still I do not know that it will make any difference. I agree with my colleague, Mr. Ellinwood, that we should put this as a minimum—that any corporation doing business in this state shall pay \ \$25 to be exclusive of any other tax. Of course, any class of corporations the legislature might think were paying enough when they pad this \ \$25 need not be assessed anything else in the way of a license tax. Of course the property would be subject to taxation. I think a corporation that gets the great name of the State of Arizona, under which to do business, that gets the privilege of hiding under a corporate name and gets out of the liability for corporate debts, ought to pay \ \$25 a year, and the corporation that cannot do that ought to go out of business. I am heartily in favor of that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 724-725)

[e944419] Mr. Chairman: All in favor will answer "aye;" contrary "no." Call the roll.

Roll call showed 13 "ayes" and 30 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 725)

[e944420] Mr. Ellinwood: Mr. Chairman, by section 1 of this proposition you have adopted a provision by which the books, records and files of all public service corporations, including state banks, building and loan associations, insurance companies and guaranty companies, shall be liable to the full inquisitorial powers of the state. Section 3 refers to all corporations: "Provision shall be made by law for payment of a fee to the state by every domestic corporation," etc. So I take it the provision refers to all corporations. I therefore move to strike out in line 22 after the word "property" the following words, "and for making by every such corporation at the time of payment such annual registration fee a report to the state corporation commission of the status, business or condition of such corporation as the legislature may prescribe."

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 725-726)

[e944421] Mr. Cunniff: Mr. Chairman, those are two widely separated propositions.

Mr. Ellinwood: Mr. Chairman, it goes right back to the proposition of the gentleman from Maricopa, Judge Baker, wherein he cited that a corporation organized for carrying on a grocery business by three men, under this inquisitorial power, would be subject to the inquisitorial powers of the state. This provision requires just such a corporation to thus make a report, stating their business and the condition of their business. If their business is in bad condition the first paragraph permits the state to ascertain for itself. If they have no control over the small corporations this report can serve no purpose whatever except

to expose the business condition of [sic, to] a competitor, who is not a private corporation.

Mr. Cunniff: Mr. Chairman, I think that the gentleman from Cochise has had sufficient experience and knowledge of the kind of reports that corporations furnish when requested or compelled to do so by laws of this kind to know that those corporations do not make reports of such a nature as to give the information that would be secured by an inquisitorial commission. And I further point out for the information of the gentleman from Cochise, that the last part of that sentence requires such reports in regard to the status, business and conditions of such corporations as the legislature may require, but we might amend by saying "as required by law."

Mr. Ellinwood: Mr. Chairman, I would like to ask the gentleman a question. If it does not mean anything it is absolutely useless.

Mr. Cunniff: I did not say that it meant nothing.

Mr. Ellinwood: The words used here—they must file a report of the status of the business and of the condition of such corporation. Now, if they do that faithfully they will tell their business condition. If they are relying upon a statement, which did not tell anything, it subserves no purpose, whatever.

Mr. Cunniff: Mr. Chairman, that phrase does not say they shall make a report to the state corporation commission of the status and business condition of such corporation. It says that they shall make such report as the legislature may prescribe.

Mr. Ingraham: Mr. Chairman, the provision is taken almost verbatim from the State of Virginia's constitution adopted in 1902, and I notice in going over these matters concerning public service corporations and corporations in general that the State of Virginia, which has always been noted for her eminent lawyers, has worked this proposition out more carefully than any other state in the Union, perhaps, and that is the reason we have taken this clause from the State of Virginia's constitution. It has been pointed out that the corporations will not be subjected to anything except what the legislature prescribed. There is nothing provided in the constitution. It is merely putting a power here that the legislature may use in due time. It seems to me that if a company is about to fail the community has a right to know.

(The Records of the Arizona Constitutional Convention of 1910, Pages 726-728)

[e944422] [L]ost by the following vote:

Ayes—Cassidy, Cobb, Colter, Cooper, Curtis, Ellinwood, Hurchinson, Jacome, Keegan, Kingan, Lynch, Pusch, Tovrea, Tuthill, Webb, White, Wells. Total 17.

Nays—Baker, Bolan, Bradner, Coker, Connelly, Crutchfield, Cunniff, Cunningham, Feeney, Franklin, Ingraham, Jones, A. M., Jones, F. A., Kinney, Langdon, Lovin, Moore, Morgan, Orme, Osborn, Parsons, Roberts, Scott, Short, Sims, R. B., Simms, Mit, Standage, Weinberger, Winsor, Wood, Mr. President. Total 31.

Absent—Goldwater, Wills.

Excused—Doe, Moeur.

(The Minutes of the Arizona Constitutional Convention, Page 315)

[e944423] Mr. Cunniff: I move to amend on page 3, line 2: Strike out the words "the legislature may prescribe" and insert the words, "may be prescribed by law."

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944424] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944425] Mr. Weinberger: Mr. Chairman, I wish to offer another amendment. On page 3, in line 7 after the word "fee" insert the following words, "or from the making of such reports by," and in line 8 after the word "charitable" insert the words "social, fraternal and benevolent."

Mr. Jones (Maricopa): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944426] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944427] Mr. Chairman: Any other amendments to section 3?

Mr. Ellinwood: Mr. Chairman, in line 2 on page 3, after the words "as may be prescribed by law" add the following, "and the legislative power may prescribe a penalty for the failure to file such a report." I move to insert that clause.

Mr. Morgan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944428] Mr. Ingraham: I think Mr. Chairman, the legislature would have the power to enforce that provision without our saying so in so many words.

Mr. Parsons: Mr. Chairman, I think there should be provision for a penalty and as there are two or three other acts required of corporations in the succeeding section, I think it would be better to put that after the last one.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944429] Mr. Ellinwood: I withdraw my amendment with that understanding.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944433] Mr. Short: Mr. Chairman, we have been trying all morning to do something that we were trying to evade heretofore; that is to put something in the constitution that has no place there. As an amendment I move you to strike out all of section 3, beginning with the word "no" down to the word "state" in line 5. That is the only negative proposition there is in this. There will be nothing in the constitution which prevents the legislature doing all these things if we remain silent. There is a sentence which says, "no foreign corporation shall have permission to do business in this state." I submit that that is the only thing in this section that means anything.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944434] Mr. Cobb: Mr. Chairman, I would like to make an announcement. I have today put on the desk of every member a statement giving the names of the county and the population as was announced in the newspapers some time ago; the representation as was adopted by the convention; and in the third column the representation as I will propose when this comes up again, and in the last column the names of the committeemen from the various counties of the legislative committee that reported that apportionment bill. In Apache I have made a mistake. Apache should have one and one instead of one and two.

(The Records of the Arizona Constitutional Convention of 1910, Page 727)

[e944437] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944439] Mr. Webb: I move the committee arise and report.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944440] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

### **32.43 Monday, 28 November 1910, at 13:30 (s16245)**

[e944469] Mr. Chairman: The committee of the whole will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944470] Mr. Chairman: The committee of the whole will please come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944475] Mr. Chairman: [...] Gentlemen, what is your pleasure in regard to section 3 of Proposition Number 58?

Mr. Ellinwood: I think there was a motion before the house to strike out all of section 3 down to the word "no" in line 2, page 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944476] Mr. Cunniff: I move that the committee rise and report progress.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944486] Mr. Chairman: All in favor of the motion say "aye;" contrary "no." Call the roll.

Roll call showed 20 "ayes" and 17 "nays."

Mr. Chairman: The motion is carried.

(The Records of the Arizona Constitutional Convention of 1910, Page 728)

[e944487] [Editor's Note: This portion of the records is modelled in the Convention.]

(Editorial)

[e944513] Mr. Chairman The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944516] Mr. Chairman The committee of the whole will come to order. The question before the committee is Mr. Short's amendment to section 3 of Proposition Number 58.

(The Records of the Arizona Constitutional Convention of 1910, Pages 729)

[e944517] Mr. Jones (Maricopa): It did not have any second.  
Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944518] Mr. Chairman: Are you ready for the question? All in favor of Mr. Short's amendment will signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944520] Mr. Chairman: [...] Section 3 is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944523] Mr. Chairman: [...] Any objections to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944525] Mr. Short: Mr. Chairman, that does not seem to be complete. I would move to insert the word "the" before the first word.

Mr. Ingraham: Mr. Chairman, I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944527] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944529] Mr. Weinberger: After the last word in this section insert these words "as may be prescribed by law."

Mr. Cobb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944530] Mr. Weinberger: I think this commission should be regulated by law, so that every corporation will have an equal chance.

Mr. Ingraham: Of course it is understood that this corporation commission, which in general had a great deal to do with corporations, the audit power that the auditor now has and that the secretary of state used to have, should look over the papers filed by the corporations to see if they comply with the law, and then issue the certificate which the law requires. With regard to foreign corporations, we have no such corporations now except a few life insurance corporations.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944532] Mr. Chairman: Are you ready for the question? All in favor of Mr. Weinberger's amendment will signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944535] [Editor's Note: Section 4 was adopted.]

(Editorial)

[e944545] Mr. Chairman: [...] What is your pleasure, gentlemen, as to section 6? If there are no objections it will stand approved as read.

[Editor's Note: The Chairman clearly intended to say Section 5 here, as there is no Section 6 in Substitute Proposition Number 58.]

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944554] Mr. Ingraham: Mr. Chairman, I see immediately a defect in it. It should read, "It shall be unlawful for any corporation doing business in this state to make contributions of money or anything of value," etc. I move that it be amended to that effect.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 729)

[e944555] Mr. Parsons: Mr. Chairman, I desire to ask the gentleman from Yuma a question. To what elections do you have reference? Elections within the corporation or state, county or municipal elections?

Mr. Ingraham: It must refer to public elections. Elections under the laws of the state.

(The Records of the Arizona Constitutional Convention of 1910, Pages 729-730)

[e944560] Mr. Franklin: Mr. Chairman, it does not seem to me that the amendment of the gentleman from Yuma gets at the root of this question. I think we should further add, "it shall be unlawful for any corporation doing business in the state to make contributions of money or anything of value" and after the word "corporations" add "or any officer thereof." I make that motion.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 730)

[e944562] Mr. Cunniff: Mr. Chairman, I do not like to see corporations governing elections, but I feel that a man who may be director of a mining company and may wish to contribute \\$.60 to a campaign fund, should not be compelled to point to the constitution and say: "I cannot contribute this \\$.60."

Mr. Tovrea: Mr. Chairman, I would hate to be deprived of the privilege of contributing to the campaign fund. I hope the measure will not pass.

Mr. Winsor: I would ask if the gentleman from Maricopa who proposes the amendment would not be willing to add the words "for such corporation" in order that an officer might not contribute for the corporation but could contribute individually.

Mr. Franklin: Mr. Chairman, as I understand the wording, it means that an officer contributing money would do it for the corporation.

Mr. Winsor: Why not say so in so many words?

Mr. Franklin: Of course, if you put it that way, Mr. Chairman, a man might contribute money really for the corporation and how could anybody say whether he did it for himself or for the corporation? It seems to me that this prohibits any member of a corporation from contributing money to a campaign fund. An officer of a corporation cannot shield himself.

Mr. Parsons: Mr. Chairman, as I understand now the object of the gentleman from Maricopa is that he wants the corporation to be precluded from contributing, but is willing that individual members or officers of the corporation may in their own individual capacity contribute. Then I think the section is properly stated as it is, for the corporation can only contribute by some of its officers, and if a corporation is denied the right to contribute then I think we have said all we can say with reference to them. Any officer may have the right to contribute in his own capacity. It seems to me that all we can do is to get down the principle and leave the details to be worked out by the legislature.

Mr. Franklin: Mr. Chairman, recurring to the business of corporations, of course we all very well understand that it is one of the ordinary privileges of a corporation to contribute money to campaign expenses. The object here is to prevent an officer from doing directly what the corporation could not do itself. It seems to me if it is the policy of this convention to preclude corporations from contributing this money we ought to so phrase this that the officers of the corporation would not do indirectly what the corporation would not do directly.

Mr. Parsons: Mr. Chairman, that was one of the very things that was contended for this morning with reference to the right of the state or its authorized agents to investigate with reference to corporations. We have a corporation commission now proposed here. We have attained some degree of progress in getting it included in our constitution. If we find that corporations are doing these things through some representative, then our corporation commission will have authority to investigate with reference to any charge that may be made, and put this man upon oath and find out if he has been doing it, and if he has we will subject him to the penalties that we make for the violation of this article.

Mr. Franklin: I will read section 5. "It shall be unlawful for any corporation, etc." After the word corporation insert "or any officer thereof."

(The Records of the Arizona Constitutional Convention of 1910, Page 730-731)

[e944564] Mr. Chairman: You have heard the first amendment. All in favor will signify by saying "aye" opposed "no." All in favor of this amendment will please rise; opposed will rise. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944566] Mr. Chairman: [...] You have heard the second amendment, gentlemen, all in favor signify by saying "aye;" opposed "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944568] Mr. Chairman: [...] If there are no further amendments section 5 will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944579] Mr. Parsons: Mr. Chairman, I now offer an amendment to make section 6 read as follows: "suitable penalty shall be provided by law for the violation of any of the provisions of this article."

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944581] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944585] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Substitute Proposition Number 58.]

(Editorial)

[e944587] Mr. Weinberger: Mr. Chairman, I move that when the committee arises it report to the convention and recommend that Substitute Proposition Number 58 be adopted as amended.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944590] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944592] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944596] [Editor's Note: Substitute Proposition Number 58 as Amended by the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944593] [Editor's Note: Substitute Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944595] [Editor's Note: Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944598] [Editor's Note: The Report from the Committee on Public Service Corporations on Substitute Proposition Number 58 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e944611] [The Report from the Committee on the State and School Lands was referred to the Convention alongside the committee's report.]

(Editorial)

[e944601] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944602] Mr. Hunt: I move the committee do now arise.  
Mr. Keegan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

[e944603] The motion prevailed.  
The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 731)

### **32.44 Tuesday, 29 November 1910, at 14:00 (s16253)**

[e944827] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944828] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944853] Mr. Chairman: [...] We have on the calendar consideration of Proposition Number 149. What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944833] Mr. Orme: I move to substitute this report for the report put in yesterday.

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944857] [Editor's Note: Proposition Number 66 was referred to the Committee alongside Proposition Number 149.]

(Editorial)

[e944837] [Editor's Note: The editors have created a version of Proposition Number 149 in order to represent the Committee's amendments to the proposition.]

(Editorial)

[e944860] Mr. Orme: I move to substitute this report for the report put in yesterday.

[Editor's Note: Though this motion is essentially a motion to reject Proposition Number 149 and proceed with consideration of the new report, the Committee was not authorized to reject reports outright. Rather, it could only provide recommendations.]

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944866] Mr. Kingan: I move to amend by substituting the following: "All existing rights to the use of any of the waters of this state for any useful or beneficial purposes are recognized and confirmed," for the whole of the substitute report of the committee.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 765)

[e944867] Mr. Baker: Mr. Chairman, I am in hopes that the gentleman's motion will not prevail. I would like to call his attention to the first clause: "The common law doctrine of riparian water right shall not obtain in this state." We do not want to leave that question open in our new state.

Mr. Kingan: I would like to ask the gentleman from Maricopa a question. What is the reason for inserting that in the constitution? It is the law of this territory and has been for forty or fifty years, and it seems to me it is a matter purely legislative.

Mr. Baker: The answer is that it is purely fundamental. If a future legislature should undertake to establish a common law doctrine of water rights in this territory, they could do so. I want it fixed so that no legislature can ever do that thing.

Mr. Chairman: The question comes up on the amendment offered by Mr. Kingan. You have heard the amendment. All in favor will answer "aye," opposed "no," as their names are called.

Mr. Orme: Mr. Chairman, this is a question that is vitally important to the irrigators of Arizona. This is merely a basic law. There is nothing in the whole proposition that any man can take exceptions to. It is all fundamental law pure and simple, and we ask, gentlemen, as irrigators throughout this territory, that you pass this bill. Think a little. Give us farmers a little chance. Let us know our rights, which water appropriations should apply. I am opposed to inserting

in the constitution anything but what is right, but as a farmer I ask you to pass this bill.

Mr. Parsons: I want to ask the gentleman what right he thinks the farmers of this state would be deprived of by the adoption of the amendment offered by Mr. Kingan.

Mr. Orme: That portion is in this bill but it does not go far enough. It does not define which appropriation of water should stand first.

Mr. Parsons: Is not that purely legislative?

Mr. Orme: The legislature has never passed a law on the subject. All the laws in this territory are purely judicial, and this ratifies and confirms all of the judicial rulings heretofore.

Mr. Baker: Mr. Chairman, I would like to ask a question. What objection can you have to declaring that the common law doctrine of riparian water rights shall not be obtained in this state? Is it possible that you want it to be left an open question that some rich individual can buy up a piece of land through which a stream runs and thereby prevent the appropriation of any of that water by hundreds of settlers that may live along the stream? What objection can you have to declaring that these streams shall be public property and that no private individual shall acquire them?

Mr. Parsons: Mr. Chairman, I desire to read the balance of the section which says: "The water of every river, creek or running stream in this State are hereby declared to be public property, subject, however, to the beneficial use of any person or persons, company or corporation under such reasonable restrictions and regulations as the legislative powers may prescribe." Does not that leave it purely in the hands of the legislature? Then why put it in our constitution? I say we have a right to believe it is the will of the people, and to put a stumbling block in the way of their exercising their will I do not think is good policy. I do not know what change may take place. We may at some time want to apply the principle of riparian rights, and I do not know that it would be to any advantage to us to put the question in such a form that we would have to amend the constitution in order to do it. As it is now it suits the people, and whenever the majority of the people want it changed I say it ought to be changed.

Mr. Colter: Mr. Chairman, I do not see why the gentleman from Cochise has not made these arguments before against other matters.

Mr. Lynch: Mr. Chairman, I would say that I see nothing seriously wrong with the proposition that has been brought in excepting that it is simply a repetition of things which we already have. Now replying to the gentleman from Maricopa, who says the statutes have never written anything upon the subject of priority of right in reference to difference classification of property let me read from our code. "The common law doctrine of riparian water rights shall not obtain or be of any force or effect in this territory. No inhabitant of this territory shall have the right to erect any dam, or build a mill, or place any machinery, or open any sluice, or make any dyke, except such as are used for mining purposes or the reduction of metals, as provided for in sections six and seven of this chapter, that may impede or obstruct the irrigation of any lands or fields, as the right to irrigate the fields and arable lands shall be preferable to all others." The common law doctrine of riparian rights did not ever obtain in this territory; therefore you need not put it in the constitution attempting to perpetuate a right that does not exist or attempting to cut out a right that

does not exist, and it seems to me that I can see no objection to the amendment of the gentleman from Pima.

(The Records of the Arizona Constitutional Convention of 1910, Pages 675-677)

[e944870] Mr. Chairman: Call the roll.

Roll call showed 21 "ayes" and 26 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944873] Mr. Winsor: I want to call attention to the fact that Mr. Orme's substitute has not yet been adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944874] Mr. Chairman: All in favor of substituting Proposition Number 149 for Number 66 signify by saying "aye;" opposed "no."

[Editor's Note: Though this motion is essentially a motion to reject Proposition Number 66 and proceed with consideration of Proposition Number 149, the Committee was not authorized to reject reports outright. Rather, it could only provide recommendations.]

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944876] Mr. Chairman: [...] The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944878] Mr. Baker: I move to amend by striking out the words "within this state" after the word "rights," and the word "hereafter" after the word "not" on the second line.

Mr. Jones (Maricopa): I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944880] Mr. Jones (Yavapai): The Committee on Irrigation and Water Rights was instructed to bring in a report Monday of which we have typewritten copies. This is supposed to be a substitute for Proposition Number 149.

Mr. Parsons: How do we know that this paper is what was changed to Number 149. This is not a substitute; it is a paper called "Water and Water Rights."

Mr. Jones (Yavapai): I never mentioned a paper called "Water and Water Rights."

Mr. Orme: According to instructions, the committee brought in this report and I move that it be substituted for Proposition Number 149.

Mr. Ingraham: May I ask the gentleman from Maricopa a question? Is this paper entitled "Water and Water Rights" the substitute for Proposition Number 149?

Mr. Orme: Yes, this is the new one.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944881] Mr. Lynch: I move that when the committee arises it recommend to the convention that a special committee be appointed by the president to bring in a report on water and water rights.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944883] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 767)

[e944890] Mr. Chairman: The chair will rule that the committee will take up the motion to substitute the paper entitled "Water and Water Rights" in place of Proposition Number 149. Those in favor of substituting say "aye;" those opposed "nay." Call the roll.

Roll call showed 19 "ayes" and 29 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 767-768)

[e944892] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 149.]

(Editorial)

[e944893] Mr. Cobb: I move when the committee arises it recommend the adoption of Proposition Number 149.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944898] Mr. Tuthill: I move to amend that we substitute section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944899] Mr. Winsor: Does the gentleman from Maricopa not wish to make a motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944904] Mr. Baker: I do if they are ready to hear it. I move to strike out the words "The common law doctrine shall not obtain or be in force in this state."

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, page 768)

[e944907] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944909] [Editor's Note: The adoption of Baker's second amendment also accomplished the proposed changes from his first amendment.]

(Editorial)

[e944911] Mr. Baker: I move that the word "any" in line 2, section 2, be stricken out and the word "all" be substituted.

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944914] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944917] Mr. Baker: I now move as an amendment to this proposition that another section be added known as section 3. "Section No. 3. The Waters of every river, creek or running stream in this State are hereby declared to be public property, subject, however, to the beneficial use of any person or persons, company or corporation under such reasonable restriction or regulation as the legislative power may prescribe."

(The Records of the Arizona Constitutional Convention of 1910, Page 678)

[e944919] Mr. Parsons: I wish to state that this is already statutory law and is entirely unnecessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944923] Mr. Coker: I rise to a point of order. This has already been disposed of.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944927] Mr. Chairman: The chair will rule the motion in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944930] Mr. Lynch: I cannot see any need of placing this in the constitution, but if it will satisfy the delegation from Maricopa County, why, I say include it.

Mr. Baker: It is for the satisfaction of the people and not for the pleasure of the delegation from Maricopa County. We believe that it will prove to be just what the people want.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944933] Mr. Chairman: Call the roll, Mr. Secretary.

Roll call showed 21 "ayes" and 28 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944936] Mr. Baker, moved, seconded by Mr. Standage, to insert the following to be known as Section No. 3.

"Section 3. The waters of every river, creek or running stream in this State are hereby declared to be public property."

(The Minutes of the Arizona Constitutional Convention, Page 326)

[e944939] Carried by the following vote:

Ayes—Baker, Bolan, Brader, Cassidy, Colter, Crutchfield, Cunniff, Cunningham, Ellinwood, Feeney, Franklin, Goldwater, Hutchinson, Ingraham, Jones, A.M., Jones, F.A., Keegan, Langdon, Lovin, Lynch, Moeur, Moore, Morgan, Orme, Osborn, Pusch, Roberts, Scott, Short, Sims, R.B., Simms, Mit., Standage, Tovrea, Tuthill, Webb, Weinberger, Wells, Winsor, Wood, Mr. President. Total 40.

Nays—Cobb, Coker, Connelly, Cooper, Curtis, Jacome, Kingan, White. Total 8.

Absent—Kinney, Parsons.

Excused—Doe, Wills.

(The Minutes of the Arizona Constitutional Convention, Page 326)

[e944941] Mr. Colter: I want to move an amendment to be section 4 as follows: "Beneficial use shall be the basis, the measure, and the limit of the right to the use of public waters, and priority of appropriation for such use shall give the better right except that in times of scarcity a preference shall be given to the following purposes in the order name, viz: domestic, stock water, agricultural mining and manufacturing purposes." This I think is the most important paragraph of all. It will stop more confusion and put agriculture on a more satisfactory basis. I see no reason why we should not have a fundamental law naming the industries in their order of preference.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944943] Mr. Cunniff: I cannot see any use in this amendment. We thrashed the whole matter backwards and forwards and sideways, and agreed to leave the matter as it is.

Mr. Ingraham: I second Mr. Colter's amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944946] Mr. Coker: I rise to a point of order. This has already been voted on.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944949] Mr. Chairman: The motion is in order. All in favor of the amendment will signify by saying "aye;" opposed "no."

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944954] Mr. Ingraham: Some of the gentlemen of the convention seem to have considerable objection to this paragraph, but I have heard no good reason given. Unless I am shown where I am wrong I shall vote in favor of it.

Mr. Feeney: Mr. Chairman, it is purely legislative.

Mr. Jones (Yavapai): I think this was thrashed out thoroughly on Saturday.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944957] Mr. Chairman: Call the roll, Mr. Secretary.

Roll call showed 28 "ayes" and 20 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944964] Mr. Baker: I move that the following be added as section 5: "Public waters shall be subject to beneficial use by any person or persons, company or corporation under such reasonable restrictions and regulations as the legislative power may prescribe."

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 768)

[e944968] Mr. Jones (Yavapai): I move an amendment that Proposition Number 149 be indefinitely postponed.

Mr. Parsons: I second that.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944971] Mr. Goldwater: I suggest that the secretary do not put that in as an amendment. It is not an amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944975] Mr. Chairman: Call the roll.

Roll call showed 26 "ayes" and 21 "nays."

Mr. Chairman: The motion prevails.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944978] [Editor's Note: With the adoption of Jones' motion to indefinitely postpone, the competing proposals were dropped.]

(Editorial)

[e944980] [Editor's Note: When the Committee made a final decision on its recommendation the report was implicitly adopted.]

(Editorial)

[e944982] [Editor's Note: With the decision to indefinitely postpone the proposition, the Committee's working version was dropped.]

(Editorial)

[e944984] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e944985] Mr. Hunt: If there is nothing to come before the committee of the whole, I move the committee do now arise.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

[e944987] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 769)

### 32.45 Wednesday, 30 November 1910, at 09:30 (s16256)

[e944900] Mr. Kingan: The committee of the whole will come to order and the secretary will read the report of the committee on Proposition Number 148.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944901] Mr. Kingan: The committee of the whole will come to order and the secretary will read the report of the committee on Proposition Number 148.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944913] Secretary (reading): Report of Special Committee on Ordinance on Proposition Number 148, recommending that it do pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e946360] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number 148 - Election Ordinance 2.]

(Editorial)

[e946365] Mr. Ingraham asked and obtained unanimous consent to amend line 14, page 11 by inserting after the word "candidates" the words "shall be elected. Reasonable notice."

(Editorial)

[e944920] Mr. Tuthill: I move that the committee take a recess until the gentleman corrects these errors.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944921] The motion prevailed.

Recess taken.

(Editorial, Page 774)

[e944924] Recess taken.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944925] Mr. Chairman: The committee will come to order and I will state the correction made by the gentleman.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944928] Mr. Chairman: The committee will come to order and I will state the correction made by the gentleman.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e946366] Mr. Chairman: The committee will come to order and I will state the correction made by the gentleman. In line 14, page 11, after the word “candidates” insert the words “elected and reasonable notice.”

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944931] Mr. Chairman: [...] What is your pleasure, gentlemen? If there are no objections we will proceed to take this up by section.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944947] Mr. Chairman: [...] Section 1, what is your pleasure, gentlemen?

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944951] Mr. Cunningham: Mr. Chairman, in line 13, page 1, I move to strike out the word “drawn” and insert the word “framed.” Such is the wording of the Enabling Act.

Mr. Feeney: I second that motion.

[Editor’s Note: The Minutes indicate Colter seconded the amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944953] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944956] Mr. Chairman: Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944959] Mr. Chairman: Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 774 )

[e944961] Mr. Cunningham: I move to strike out the word “shall” and insert the word “may” in line 12, page 2, section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 774)

[e944962] Mr. Ingraham: It seems to me that the meaning, as it is here, is more than “the people may.” The full meaning is that the people shall have the opportunity to express their choice.

Mr. Colter: I second the motion of the gentleman from Cochise.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e944963] The motion prevailed.

[Editor’s Note: The Minutes, on the contrary, say the motion was rejected. However, as Goldwater’s subsequent motion alters this clause, the editors have represented the recommendation as adopted.]

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e944966] Mr. Goldwater: I move that the word "also" be stricken out and that "the people shall," be inserted after the word "legislature."

Mr. Crutchfield: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 775 )

[e945775] Mr. Chairman: I would suggest that perhaps it is the intention to strike out the first words of the sentence.

Mr. Goldwater: That is it.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945776] Mr. Chairman: It has been moved and seconded to strike out the words "the people shall" in line 13, after the word "legislature." Those in favor of this motion say "aye;" those opposed "nay." The motion is carried. Any amendments to section 3

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945777] Mr. Chairman: [...] Any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945781] Mr. Chairman: [...] Any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945783] Mr. Winsor: In connection with the qualifications for electors there should be a provision made which will take into account a possible re-registration of voters. The Great Register as it now appears in the various counties is in bad shape and I think that there should be provision for a new Great Register, therefore I move to insert after the word "last" in line 2, page 3, the words "as hereinafter provided for by Congress."

Mr. Keegan: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945784] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945786] Mr. Chairman: What is your pleasure, gentlemen? If there are no objections section 4 will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945787] Mr. Chairman: What is your pleasure, gentlemen? If there are no objections section 4 will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945788] Mr. Chairman: What is your pleasure, gentlemen? If there are no objections section 4 will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945791] Mr. Chairman: Any objections to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945793] Mr. Parsons: I suggest that these subdivisions be considered one at a time that we can pass upon them more easily.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945795] [Editor's Note: The Committee then proceeded to consider the subdivisions individually.]

(Editorial)

[e945798] [Editor's Note: The Committee then proceeded to consider the subdivisions individually.]

(Editorial)

[e945799] Mr. Chairman: Any objection to subdivision A?

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945804] Mr. Jones (Yavapai): Mr. Chairman, it seems to me that that would give a good deal more time for a campaign for the primary election than before a general election. Therefore I move the word "fifth" be changed to "third."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 775)

[e945805] Mr. Ingraham: If the gentleman will follow the dates in this primary act, he will see that such a change would be impossible. The gentlemen will notice that we must first have the names of the officers to be voted upon, especially the state officers, certified down from the Secretary of the Territory to the county authorities. Now the official ballot for the primary must be prepared, and the persons who are expecting to stand for office upon the primary ballot and the various parties must have at least a brief time in which to correct any mistakes that may occur, and then this official ballot must be printed, and gotten to the various precincts. That takes five days anyway, and all of these two-day and five-day periods counted together take considerable time. Now in the next section we mention the fact that nomination papers must be filed with the authorities fifteen days prior to the primary. That gives only ten days for the candidates to circulate among the people and get their petitions signed, and where they have to visit three counties that seems little time enough.

(The Records of the Arizona Constitutional Convention of 1910, Pages 775-776)

[e945806] Mr. Chairman: All in favor of the amendment will say "aye;" opposed "no." The "nays" have it, and the motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945807] Subdivisions a...of section 5 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945809] Subdivisions a, b...of section 5 approved as read

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945811] Subdivisions a, b...of section 5 approved as read.

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945814] Mr. Chairman: [...] Any amendments to subdivision C?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945815] Mr. Ingraham: [...] The nomination paper referred to in section 5 is the standard nomination paper as set forth in the primary act; that states it must be filed at least forty days prior to the primary, but we have cut that down to fifteen days.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945819] Mr. Chairman: [...] If there is no objection, subdivision C will stand as approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945822] Mr. Chairman: [...] Any objections to subdivision D?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945824] Mr. Chairman: [...] Any to subdivision E?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945825] Mr. Chairman: [...] Any to subdivision E?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945827] Mr. Ingraham: The convention will notice this makes provision for a delegate to Congress, and covers all state officers. This is the general purpose.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945829] Mr. Chairman: Is there any objection to subdivision [F]?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945830] Mr. Chairman: Is there any objection to subdivision [F]?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945831] Mr. Osborn: Should not that be representative in Congress and not representative to Congress?

Mr. Ingraham: The legal term is representative to Congress.

Mr. Osborn: In the Enabling Act it is representative in Congress.

Mr. Ingraham: I was corrected once by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945832] Mr. Chairman: Are there any objections to subdivision G?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945833] Mr. Chairman: Are there any objections to subdivision G?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945836] Mr. Ingraham: The change from the provision which is now in the statute books of Arizona in this section was made necessary by the votes on candidates for state senators and state officers. The amendment is therefore necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945839] Mr. Chairman: Any amendments to subdivision H?

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945843] Mr. Chairman: Any amendments to subdivision H?

(The Records of the Arizona Constitutional Convention of 1910, Page 771)

[e945844] Mr. Winsor: I would like to ask Mr. Ingraham what is meant by the regular polling place. As I understand it, no precinct has a regular polling place; they are frequently changed.

Mr. Ingraham: I have followed the territorial primary law, and if the gentleman thinks it is incorrect, it will probably be amended. The primary act reads somewhat different from this. The reason we provided that the notice should be published in a daily paper where possible is on account of the brief time that precedes the primary, and we thought the notice would be more effectual in a daily paper and reach the public better if published once a day than if only once a week.

(The Records of the Arizona Constitutional Convention of 1910, Page 776)

[e945875] Mr. Winsor: I would like to propose an amendment to the effect that the words beginning with the word "starting" [sic]— the last word in line 23, page 5—and ending with the word "polling place" on line 24 be stricken out and the following inserted: "Designating the polling place at which the primary will be held. It will then read as follows: "The hours which the polls will be open, and designating the polling place at which the primary will be held in each precinct."

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 775-776)

[e945876] Mr. Ingraham: I will say, Mr. Chairman, that the amendment should be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945877] Mr. Chairman: You have heard the motion. All in favor will say "aye;" opposed "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945878] Mr. Chairman: [...] Any amendments to subdivision I?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945884] Mr. Chairman: [...] Any amendments to subdivision I?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945887] Mr. Chairman: [...] Any to subdivision J?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945889] Mr. Chairman: [...] Any to subdivision J?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945890] Mr. Chairman: [...] Any to Subdivision K?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945893] Mr. Chairman: [...] Any to Subdivision K?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945894] Mr. Chairman: [...] Any to subdivision L?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945896] Mr. Chairman: [...] Any to subdivision L?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945897] Mr. Chairman: [...] Any to subdivision M?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945899] Mr. Chairman: [...] Any to subdivision M?

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945900] Mr. Ingraham: Because of the peculiarities of our registration, our registration having been fixed by the Enabling Act, it will be the registration that has already taken place, with no additions. As I understand the Enabling Act, this measure seems fair and just. It did not seem to the committee that anybody should be allowed to vote in the primary that could not vote in the election.

Mr. Osborn: You left out the thirty day residence in the county and precinct.

Mr. Ingraham: The requirement is a great deal stronger than that. A man must be registered under this registration, under which we were elected, and he must have the qualifications provided for in the laws of 1901, but I cannot say

immediately whether the thirty day provision is in that chapter. I think it is, however.

Mr. Osborn: I know that up to 1907 we could vote in any place in the county in the general election, and we of Maricopa County are very much interested that both in the primary election and the general election a man must vote in the precinct in which he is registered, and must live in that precinct thirty days.

Mr. Lynch: The law reads, "reside in the county and precinct thirty days."

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945901] Mr. Chairman: After the figure "3" at the end of that section, place quotation marks.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945904] Mr. Chairman: After the figure "3" at the end of that section, place quotation marks.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945906] Mr. Chairman: [...] Hearing no motion to amend or change this subdivision we will proceed [sic] to subdivision N.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945911] Mr. Chairman: [...] Hearing no motion to amend or change this subdivision we will proceed [sic] to subdivision N.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945918] Mr. Winsor: I move an amendment to that section. In line 15, after the word "the" and before the "vote" insert the word "advisory."

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 777)

[e945921] Mr. Ingraham: This brings us to the next important departure from the present law we were compelled to make in drawing this primary act. We of the committee felt that to impose upon the Secretary of the Territory the entire duty of canvassing the entire vote for all state officers, including United States Senators and Representatives to Congress, would be not only to impose a great burden upon him but also to entrust him with a very great and important duty. All he had to perform under the primary act, as you will note from the reading, was to canvass the vote for Delegate to Congress. We of the committee thought it best to do what they did in Oklahoma, constitute a canvassing board, and have the president of the convention appoint two members to assist the Secretary of the Territory in what work, as will appear from the reading of the subdivision.

Mr. Cunningham: I would like to ask if it is not an unusual thing to name an individual instead of an office in a case like this. If the Honorable George W.P. Hunt should happen to die, there would be no one to take his place, and no provision would be made. It has been my observation that in matters of this kind some party who would be perpetuated by reason of holding some office should be named so that in case of disability in any manner, someone could

carry out the terms. It is needless to say I am not raising any objection to the gentleman named, by any means, but after the convention adjourns he will hold no office so far as this convention is concerned, and it seems [we] might leave this matter in an unsafe and unsatisfactory manner.

(Editorial, Pages 777-778)

[e945929] Mr. Ellinwood: I quite agree with the gentleman from Cochise, and there is nothing personal to what I have to offer by way of amendment. It seems to me unthinkable that any member appointed upon this canvassing board or anyone appointing anyone to serve on this board should be permitted to be a candidate at the primary election, and therefore I move you to add the following on line 6, page 8: "Provided, that any person serving upon such primary canvassing board or appointing any person to serve upon such primary canvassing board shall be ineligible for nomination at such primary election." (laughter)

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945930] Mr. Cunningham: [...] I do not regard it as an amusing incident at all. I think no man should be required to perform a duty who is interested therein, and it would simply be an embarrassing situation for a man who wants to do all things right. It is not criminal, and I do not insist upon it, but there is not a gentleman of this convention who would for one moment desire to sit on a board to canvass his own vote on a primary election. I feel confident of that.

Mr. Winsor: Unlike the gentleman from Cochise, I do regard this as humorous. It seems unthinkable, to use the words of the gentleman from Cochise, Mr. Ellinwood. Now, no matter who may be named in this election ordinance as having this appointive power, whether the present Governor or Attorney General or whoever he might be, it is not altogether unlikely that that person might be a candidate for office, and I do not see any reason why he should not be a candidate for office. There might be some reason for prohibiting a candidate for office from being a member of that board, but there is absolutely no reason why the man who appoints a canvassing board should not be a candidate.

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945934] Mr. Chairman: Are you ready for the question? All in favor will answer "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945939] [C]arried.

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945942] By unanimous consent line 4, page 8 was amended by inserting after the word "of" the word "any" and striking from the word "members" the letter "s".

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945943] By unanimous consent line 4, page 8 was amended by inserting after the word "of" the word "any" and striking from the word "members" the letter "s".

(The Minutes of the Arizona Constitutional Convention, Page 331)

[e945948] Mr. Chairman: [...] Are there any objections to subdivision O...

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945952] Mr. Chairman: [...] Are there any objections to subdivision O...

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945956] Mr. Chairman: [...] Are there any objections to subdivision O, we will pass to subdivision P.

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945959] Mr. Chairman: [...] Are there any objections to subdivision O, we will pass to subdivision P.

(The Records of the Arizona Constitutional Convention of 1910, Page 778)

[e945960] Mr. Ingraham: Mr. Chairman, I would like to say that in the very short time that we will have before the primary, before the tickets must be made up, that such prohibition would not be necessary in this election. You will notice at the bottom of page 3 and the top of page 4 that nomination papers described in the primary act must be filed not less than fifteen days prior to such primary; that the primary is to be held on the fifth Tuesday after the proclamation of the Governor and the nomination papers must be filed fifteen days before, so that leaves the candidates thirty days in which to circulate their petitions. With the time it will take to get started and close up the papers, it does not seem to me that any candidate can get all of the signers of his party.

Mr. Cunniff: Mr. Chairman, it seems to me that it is more important in this first election than in any other we shall have, and it is a thing over which we might spend a little thought. I have been accused of having ambitions for certain offices, which I deny, but I am interested in seeing that we do send the right kind of officers from Arizona to Washington. Now here is an opportunity, in the short time before this election, for the candidate with the biggest barrel to have a tremendous advantage over other candidates who might be better than he. This is one of those provisions forbidding a candidate circulating a petition from "hogging" all the voters of his party in precinct after precinct as the canvass is being made. It seems to me the thing is eminently wise, and though I have heard the primary act criticized because it had that maximum in there, still there is a question that should be met.

(The Records of the Arizona Constitutional Convention of 1910, Pages 778-779)

[e945965] Mr. Chairman: There being nothing before the committee we will proceed to section 5.

[Editor's Note: According to the both the Records and the Minutes, the Committee does not seem to have considered Subdivision Q.]

(The Records of the Arizona Constitutional Convention of 1910, Page 779)

[e945972] Mr. Cunningham: Mr. Chairman, I move to strike out section 5.

Mr. Lynch: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 779)

[e945977] Mr. Cunningham: The grounds for my motion are that the committee was appointed to draw up a special primary law for nomination of candidates to be voted for at the first election. That committee has failed to do so entirely. Instead of drawing up a proper ordinance for holding a primary election, it has simply referred to some other law of the territory. It has not adopted the primary law of the Territory of Arizona, but has endeavored to amend it, and I understand that this convention has not the authority to legislate but to draw up an ordinance. If this convention had the right to amend the primary law, it would have the right to amend any other laws in the statute books, but in doing so it would have to write out in full those things that would conflict with the law in existence. That this is a labor saving device is true, but it is not clear. No one can take this section 5 and go over the matter and have any idea whatever of what is necessary in the holding of a primary election. I have another objection. I see no provision for the payment of the expenses of holding a primary in this territory. I am in favor of a primary law governing the nominations of candidates to office, but as I read the Enabling Act, it provides that the election laws as set out in title 20 of the Revised States of Arizona, 1901, shall control in this election, and no such an act was in there, and as has been discussed here, this does not mean primary election, it seems that it is going too far for this convention to undertake in this piecemeal manner to set out a rule to be followed in the first election before this constitution goes into effect. I have heard a great deal of discussion upon the committee failing to report as was directed. I think this is an utter failure to report a system of primary election as the committee was instructed to do, and I move to strike it out, and to make section 5 conform.

Mr. Chairman: Mr. Cunningham, please let us have the motion in full.

Mr. Cunningham: My motion is to strike out all of section 5, including all subdivisions thereof.

Mr. Lynch: I second that motion.

Mr. Chairman: It has been moved and seconded that all of section 5 of this proposal be stricken out.

Mr. Ingraham: Mr. Chairman, I wish to make a few remarks. This question is the same question that was discussed for one-half day at the time the resolution was passed under which this committee was appointed, and in that discussion, as I remember it, the majority of the Democratic members stood in favor of a primary for this first election, and the other side opposed the proposition. We were appointed to provide a means by which the candidates for the first election might be chosen, and the convention decided that they should be chosen by the direct primary method. Now, the committee found this to be true, that the primary act was already upon the statute books and already in force, and by the terms of the Enabling Act was a part of the law. Now if we were to adopt a primary method for that election, the question that confronted the committee was, what is the best method to adopt? This primary act has

been in force since 1909. Several cities and towns have conducted their primary elections under that law, and one county, and the legal fraternity and those who are interested in politics are considerably familiar with this primary act. Therefore it seemed wise to the committee that we base the provisions for this election upon the primary act already upon the statute books, and as appeared by this ordinance only a few changes, comparatively few and insignificant, were necessary in that primary act, being mainly changes to provide for state officers and representatives to Congress, which officers the territory has not at all and therefore they were not provided for in the primary act of 1909.

Now, as to the power of this convention to enact this ordinance. The committee is of the opinion, and, as I stated, this matter was discussed thoroughly upon the floor of this convention, and it seems to be the opinion of this convention, that this ordinance or some such ordinance is within the power of this convention. Now turning to a similar ordinance adopted by the Constitutional Convention of the Territory of Oklahoma, before its first state election, I find this: "Nominations for all state, district, county and township officers may be made as provided for under the primary laws of the Territory of Oklahoma." It seems that Oklahoma had a primary act, probably more extensive than ours. We have a primary law, but it does not extend to state officers; therefore it is absolutely necessary, if this convention decides to adopt the primary act, that it be changed to include state officials.

Mr. Cunningham: Will the gentleman yield to a question? In the Oklahoma ordinance is there anything other than that you have read?

Mr. Ingraham: Not concerning the primary election.

Mr. Cunningham: In that primary law of Oklahoma, were state officers provided to be voted for in the primary in force prior to the adoption of the constitution?

Mr. Ingraham: Territorial officers.

Mr. Cunningham: Have not we the same territorial officers they had?

Mr. Ingraham: I am not familiar with the laws of Oklahoma.

Mr. Cunningham: Oklahoma was not a state until after they adopted the constitution.

Mr. Ingraham: I think not. Moreover, Mr. Chairman, I find that the constitutional convention, in its corresponding ordinance, appointed boards of election commissioners extending to every district, county, township and precinct in the whole of the Territory of Oklahoma and Indian Territory, and the provisions of that ordinance covering those elections officers extend from page 99 to page 164 in that ordinance. That was in regard to state elections. Now, the gentlemen by their questions seem to be inclined to be technical upon this point, and I suppose I shall have to descend to technicalities. This convention has imposed upon it by the Enabling Act the duty of providing for this election. One of the absolutely necessary elements in the election—in the provision for the election—is some method of choosing candidates to go upon the official ballot. We must have an official ballot. Not every Tom, Dick and Harry can get his name on that official ballot. How shall we provide for the names going on that ballot? It must either be by the laws of the Territory of Arizona as they are now, or it must be by some provision provided by this convention, or some modification of the laws of the Territory of Arizona. We have decided in this sub-committee to accept some slight modification of the laws already on the statute book. If we do not choose these candidates by primary then we must choose them by some

other method, and the power of this convention is just as much extended or strained to provide this other method as it is to provide the slight changes that are enacted in this ordinance governing the first primary. In short my argument is that it is absolutely necessary that candidates be chosen in some authorized way—that way might as well be a primary.

Mr. Ellinwood: Mr. Chairman, as I remember it, early in the session of this convention there was a committee of which the chairman was a member, Judge Baker and myself, to report to the convention, whether or not a committee could provide for a primary election, and we reported that it was held within the province of the convention to provide for a primary election. It seems to me that that was a unanimous report, and that the committee is acting entirely within its rights in having made this report, and has the power to prescribe a primary election law as contradistinguished to the election provided for in the Enabling Act. I think the committee is wholly within its rights. I am opposed to section 5, at the same time I think this committee has acted within its rights and within the instructions of this convention.

Mr. Crutchfield: Mr. Chairman, I believe if the gentleman from Cochise, Mr. Cunningham, had read section 6, and had read also the primary election law, of which this is a supplement, he would not have made his motion. I believe after paying attention to matters he will withdraw his motion. Section 6 says: "Except as in said Enabling Act otherwise provided, said election for state and other officers shall be held in accordance with the election laws of the Territory of Arizona, as supplemented by this ordinance." These amendments that have been made here are evidently within the rights of the committee and within the rights of this convention, and where it does amend, or even if it should abrogate some one section, it would not thereby cut itself out of the provisions of all the rest. For instance, section 19, chapter 24, which is an election law, says in respect to payment of expenses of ticket blanks and other supplies to be used, that all expenses incurred for conducting such primary shall be paid out of the treasury of the city or town as the case may be, so that every provision is taken care of, and these slight amendments which have been made are merely such as are necessary to carry out the provisions of the Enabling Act in providing for state government.

Mr. Lynch: Mr. Chairman, my reason for seconding the motion is this: If we put in the constitution the same things that the Territory of Arizona [sic, Oklahoma] put in her constitution with reference to primary elections, namely, that state and county officers named in this constitution may be nominated by the primary laws now existing in the Territory of Arizona, we have put an ample guide by which our primary election can be conducted, and we need nothing further. Oklahoma operated under it, nominated her state and county officers under such a provision, and there is no question as to the validity of her election. Putting a name on the official ballot is not a matter with which the election laws are concerned. It is a matter prior to this, and for that reason the same clause that Oklahoma used we could use, and avoid all this lengthy dissertation on this law. For that reason I seconded the motion and will support it.

[Exact location of the following remarks not absolutely certain but probably at about this point.] Mr. Ingraham: I take it that they did, but we cannot do the same here. Let me point out one difference between the Territory of Arizona and the Territory of Oklahoma in their first election. The constitutional convention of the Territory of Oklahoma had the power of naming the day on

which the election should be held, and therefore they could regulate the time of holding the primary to suit the date of the election, but under what condition do we find ourselves? We first hold a ratification election. We can fix the date of that election, but the time when this election that we are speaking about now shall be held is entirely indefinite. It depends upon the action of the President, upon the action of Congress, upon the action of the governor of the territory following that action, and he may call the election at any time within not less than sixty nor more than ninety days from the date of his proclamation, and his proclamation is made when the President shall announce to him that the territory is ready for admission and the constitution has been accepted. We cannot use the old primary law in this election without changing the date prescribed when nomination papers must be filed, when the ticket must be printed etc., because of the fact that the time within which the election is to be held is limited.

Mr. Jones (Maricopa): Mr. Chairman, the committee gave this whole subject a great deal of consideration, and attempted to do just what the gentleman from Graham advocated, except it has made the provision that the present laws are applicable to the conditions that arise in our first election I think everyone wants to make provision for the people to express a choice for United States Senator. The whole question was discussed in all its phases, and it will be observed that all of section 5 only partially pertains to such part of the law as it is necessary to change to conform to the conditions, change in time, dates and a few unimportant things. So far as the principle is concerned in making the law applicable to this election, I think the convention will make a mistake to strike any part of this out. It should have been revised or amended as we proceed with the different sections.

Mr. Cunningham: Mr. Chairman, I want to say but a word. The gentleman from Maricopa inferred that I had not read or did not know the application of section 6. He is very much mistaken about that. That has no reference to primary elections and nominations for office. I think the gentleman from Maricopa had better read section 6 again, but I do not want to withdraw my motion at all after reading this section for the tenth time.

Mr. Winsor: Mr. Chairman, there is a phase of this question that has not been touched upon which it seems to me ought to appeal to the members of this body, and particularly to the Democratic members, and that is one of policy. The Democratic members, and I believe in this particular the Republican members as well, were generally elected upon a declaration favoring a direct primary law. This has not been to any great extent in Arizona an issue because both parties have professed to believe in it, but it has been discussed for a great many years, and after numerous unsuccessful efforts it culminated in the placing of a direct primary law upon our statute books. It seems to me that to strike out this provision—this provision for a direct primary, would be in the nature of a repudiation not only of the primary law that we have upon our statute books but of our express declarations favoring that method of nominating public officers, and while I do not impute such motives to any member, it appears to me that it might be considered, upon the part of the public, that those members who fail to approve the nomination of our first officers by this specific direct primary method, as an evidence that they do not favor that method of nominating public officers. If there should ever be an election—speaking of the good to come to the State of Arizona—if there should ever be an election in which it will be important

that our officers be chosen by this method it appears to me that this first election is the most important of all, as paving the way for progressive reform in the election of our officers. It has been suggested that large sums of money may be used in the election of the first state officers. It cannot be denied that the improper use of money will be greatly circumscribed by adopting a specific, not merely a general, primary provision in our election ordinance. I believe this phase of the situation should be thoroughly considered by the members of this convention before they determine to strike out this section.

Mr. Lynch: Mr. Chairman, I would like to ask the gentleman if he knows that under our present primary law, regardless of the action of the primary, any man within the state, in case of state officers, or within the county, in case of county officer, can force his name to be put on the ticket regardless of the action of the primary.

Mr. Winsor: Mr. Chairman, I have grave doubts as to the form of the primary law that will be held without our election ordinance specifically providing for that form. [sic] You simply prescribe that there shall be a primary election law, and I submit that we have no idea what kind of a primary law the officers will be nominated under.

Mr. Cobb: Mr. Chairman, when this question first came up I devoted some little study to it and looked over the Oklahoma constitution, and it seems that they got in touch with the committees of the political parties and found what kind of primary election was going to be called, and they knew that before they adjourned. I judge that their primary election law must be different from ours. It must have provided that the territorial committee call the primary, and they did have a primary election in Oklahoma, and the convention knew they were going to have a primary election before they adjourned.

Mr. Ingraham: Mr. Chairman, in response to the suggestions of the gentleman from Cochise, Mr. Cunningham, and the gentleman from Graham, Mr. Lynch, I would say that the committee would have been very glad, indeed, to pursue the avenue pointed out by them. It would have been so much easier to say that the candidates for this election shall be chosen by the primary law of the State of Arizona. As it is, this committee has had a very hard task—one not of pleasure, but of great labor—for what we considered to be of benefit to the Territory of Arizona. Approaching by the easy avenue they point out, of referring to the fact that candidates shall be chosen according to the present primary law, let us see.

Mr. Cunniff: Mr. Chairman, I would like to ask the gentleman another question. Does the committee intend this convention to understand, as appears in section 4, which reads: "Candidates for said election, whose names are to be placed upon the official ballot therefore, shall be selected in accordance with chapter 24, Session Law of Arizona, 1909, approved March 10, 1909, (hereinafter named and designated the primary act) and the provisions of this Ordinance." Had they any idea of referring to the primary laws?

Mr. Ingraham: That is the primary law.

Mr. Cunningham: Then why did you place that in section 4 and undertake to change it in the following sections?

Mr. Ingraham: The section declares that the primary shall be held under the primary act and the provisions of this ordinance, and in the next section we proceed to change the provisions of the primary act to suit the conditions of this particular election. Approaching the easy avenue that is pointed out by

these gentlemen, what is the first obstruction? I find this in section 3 of the primary act: "The primary shall be held on the first Tuesday of September, 1910, and biennially thereafter." We would have a gay time holding the primary for this election according to this act on the first Tuesday of September, and all down through the act where we have made these changes we have considered them necessary. The next impossible provision in the act is that 90 days before the time of holding the primary the secretary of the territory shall publish a proclamation of election. Yet according to the terms of the Enabling Act, this election may be held as early as 60 days after the President shall certify the final approval to the Governor of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Pages 779-785)

[e945978] Mr. Crutchfield: Mr. Chairman, I move that the committee arise and report progress and ask leave to sit again.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e945981] Mr. Chairman: It has been moved and seconded that the committee arise and report progress and ask leave to sit again. Those in favor signify by saying "aye;" opposed "no." The "nays" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e945983] Mr. Chairman: [...] It has been moved and seconded that section 5 of Proposition Number 148 be stricken. The secretary will call the roll. All those in favor will answer "aye" as their names are called and those opposed will answer "no."

Roll call showed 14 "ayes["] and 34 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946018] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946020] Mr. Ingraham: Mr. Chairman, I move that the committee do now arise and report progress and ask leave to sit again.

Mr. Hunt: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

[e946021] The motion prevailed.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 785)

### 32.46 Wednesday, 30 November 1910, at 14:00 (s16260)

[e945040] Mr. Chairman: We will proceed with the consideration of section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e945042] Mr. Chairman: We will proceed with the consideration of section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e946060] Mr. Osborn: Mr. Chairman, before we pass section 5, I would like to move an amendment to it, and that is that subdivision M be stricken out.

Mr. Standage: I second the action.

(The Records of the Arizona Constitutional Convention of 1910, Page 786)

[e946063] Mr. Osborn: Mr. Chairman, the only thing that subdivision M does is to put out the 30-day residence required under the primary law passed two years ago and also under the amended law of 1905. In Maricopa County we insist that to vote in a primary election or to vote in a state election you should live in the precinct in which you cast your vote for thirty days, for if that be not the case it would leave the door wide open for fraud.

Mr. Colter: Mr. Chairman, I think that would make it too rigid. In many parts of the territory, especially in Apache County, it would not be practical for every voter to live in the precinct thirty days before voting. If that were the case not more than one-fifth of the voters could vote in that county.

Mr. Osborn: Mr. Chairman, it is my understanding that in the smaller counties, where the population is scattered, it has been the rule to let them cast their vote wherever they happened to be, not because on the Register you can find those men and there is not the opportunity to commit fraud that there is in the more populous districts. I think that the same thing would be done now, that they could vote wherever they happened to be, under an agreement in their own county, but we do not want it in Maricopa, or in Pima, or in the most populous districts of Cochise and Graham, that a man could live, say, in Phoenix and go out and vote ten or thirty miles from Phoenix.

Mr. Jones (Yavapai): Mr. Chairman, the Enabling Act most distinctly lays down the qualification of voters, which shall be as laid down in the laws of 1901.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
786-787)

[e946065] Mr. Chairman: It has been moved and seconded that subdivision M, of section 5 be stricken out. All in favor of striking out subdivision M will please rise; opposed will rise. The motion is lost. If there are no further amendments or alterations to section 5 we will proceed to section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 787)

[e946067] Mr. Cunniff: Mr. Chairman, just a moment. I would like to amend that subdivision O be stricken out.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 787)

[e946069] Mr. Cunniff: Mr. Chairman, I should like to say a few words on this. This is the section on which I was commenting this morning. The primary law says that each signer of nomination papers shall sign but one such paper for the same office and shall declare that he intends to support the candidate therein named, and he shall add to his signature his residence, etc. Now such nomination papers shall be signed for a delegate to Congress by at least one per cent of the voters of the party of such candidate in at least three counties in the territory, and in the aggregate by not less than one per cent nor more than ten per cent of the voters of the Territory; for a district office, by at least two per cent of the voters, by not less than two percent nor more than ten percent; for a county office, by at least three percent and not more than ten percent. If nomination papers are signed by two percent, and through enthusiasm the friends of a candidate who are getting these papers signed exceed that and get three or four or five percent, they are doing unnecessary work, since the two percent will get the name of the candidate on the ticket. The reason why a provision of this kind was put in other primary laws was to see that the first candidate who went out and made his campaign did not sweep the town, city, or state by, for example, holding political meetings, making speeches, and having everybody present sign a nomination paper for that candidate. The electors signing would then be prevented from signing any other nomination papers, and when the other candidates came around, they would be prevented from putting their names on the petition. Having a maximum works no injury whatever to a person who is a candidate, since all that is necessary is for the person to get the minimum percent.

Mr. Osborn: Mr. Chairman, let me ask a question. Who gets up this petition and presents it to the board? The board has to go over it and cut out all those names that are not bona fide electors. If he has the exact number of names, what is he going to do after the board has cut out those that are not qualified electors?

Mr. Cunniff: He does not bring in the exact minimum percentage. The exact minimum given is two percent. The candidate, or his party committee, has the margin all the way between two and ten percent, and there is no reason for having more than ten percent of the names. The point has been made that this primary law as enacted required just the exact percentage. It does not. It has the minimum of two percent and the maximum of ten percent, giving ample margin in between for any errors.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
787-788)

[e946071] Mr. Chairman: It has been moved and seconded that all of subdivision O in section 5 be stricken out. All in favor of the motion will say "aye;" opposed "no." The "ayes" have it. Any objection to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946072] Mr. Chairman: [...] Any objection to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946074] Mr. Chairman: [...] Any objection to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946076] Mr. Cunningham: Mr. Chairman, I would like to ask the chairman of the special committee in what particular this ordinance supplements the laws of the Territory of Arizona as referred to in the Enabling Act.

Mr. Ingraham: The supplemental matter, Mr. Chairman, occurs later on in the ordinance.

Mr. Cunningham: As I understand the Enabling Act, it provides the election shall be held in all respects as provided by Title 20 of the Revised Statutes of 1901.

Mr. Ingraham: The gentleman's understanding is incorrect.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946078] Mr. Chairman: There being no motion before the committee, we will proceed to section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946080] Mr. Chairman: There being no motion before the committee, we will proceed to section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946081] Mr. Chairman: [...] Are there any objections to this section? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946082] Mr. Chairman: [...] Are there any objections to the first paragraph of section 8?

[Editor's Note: The Committee considered each paragraph of section 8 in turn.]

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946085] Mr. Chairman: [...] Are there any objections to the first paragraph of section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page. 788)

[e946086] Mr. Chairman: [...] If not we will proceed. Are there any objections to the second paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946089] Mr. Chairman: [...] If not we will proceed. Are there any objections to the second paragraph?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946091] Mr. Chairman: [...] Hearing none, proceed. Any objections to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946092] Mr. Chairman: [...] Any objections to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946093] Mr. Chairman: [...] Any objections to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946104] Mr. Parsons: Before we proceed from section 9, on line 23, page 10, the word "commissioner" appears, and I think that was copied from Oklahoma, where they have an election commission, and I think the words "canvassing board" after the word "said" should be substituted. I move it as an amendment.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946105] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946108] Mr. Ingraham: Mr. Chairman, I move that after the word "equal" in line 11 [on page 11] the words "and highest" be inserted, making it read: "If any two or more candidates have an equal and highest number of votes for any office,"

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 788)

[e946110] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946114] [Editor's Note: Section 9 was approved as amended, and the Committee proceeded to Section 10.]

(Editorial)

[e946117] Mr. Chairman: Hearing no objection to section 10, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946120] Mr. Chairman: Hearing no objection to section 10, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946125] Mr. Chairman: [...] Any objections to section 11? What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946126] Mr. Chairman: [...] Any objections to section 11? What is your pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946133] Mr. Winsor: Mr. Chairman, I move you that when the committee arises it recommend that Election Ordinance Number 2, as contained in Proposition Number 148, as amended, do pass.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946134] Mr. Chairman: It has been moved and seconded that when this committee does arise that it recommend that Election Ordinance Number 2 as embodied in Proposition Number 148, do pass as amended. Those in favor will say "aye" as their names are called; those opposed "no." The secretary will call the roll.

Roll call showed 32 "ayes" and 16 "nays."

Mr. Chairman: The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946144] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946149] Mr. Winsor: Mr. Chairman, I move that the committee do now arise and report progress.

Mr. Parsons: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

[e946151] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 789)

### **32.47 Thursday, 01 December 1910, at 09:30 (s16270)**

[e945211] Mr. Chairman: The committee of the whole will please come to order. Gentlemen of the convention, we will take up Proposition Number 8. The clerk will read the report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 812-813)

[e945212] Mr. Chairman: The committee of the whole will please come to order. Gentlemen of the convention, we will take up Proposition Number 8. The clerk will read the report.

(The Records of the Arizona Constitutional Convention of 1910, Pages 812-813)

[e947481] Secretary (reading): "Report of Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 8, recommending that substitute proposition submitted do pass."

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945218] [Editor's Note: The proposition was referred to the Committee of the Whole alongside the committee's report.]

(Editorial)

[e945215] [Editor's Note: The proposition was referred to the Committee of the Whole alongside the committee's report.]

(Editorial)

[e945217] [Editor's Note: The editors have created a blank version of Substitute Proposition Number 8 in order to replicate the process of the Committee of the Whole considering the Proposition section by section.]

(Editorial)

[e945220] Mr. Chairman: Are there any corrections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945223] Mr. Kingan: Mr. Chairman, I wish to say that this schedule is one of the most technical parts of the constitution, and if I may speak for the committee in this matter, we invite the most careful attention to this schedule, being mindful of the fact that it is very easy that some important matters be overlooked.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945224] Mr. Chairman: If there are no objections, section 1 will be approved. Are there any amendments to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945225] Mr. Chairman: If there are no objections, section 1 will be approved. Are there any amendments to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945230] Mr. Cunniff: Mr. Chairman, I move that Proposition Number 8 be submitted in place of section 2 of the majority report.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945231] Mr. Cunniff: Mr. Chairman, Proposition Number 8 is an exact copy of the Utah constitution, except that the proviso at the end has been added to clear up matters. I know of no place in the constitution which the laws of the Territory of Arizona have been modified or changed by the Enabling Act, and it seems to me that this little phrase here, "modified or changed by the Enabling Act," is susceptible of varied interpretations. It seems to me this matter which was satisfactory to Utah, will be entirely satisfactory to Arizona, the statement being that "the laws of the territory now in force are not repugnant to the constitution," which seems to me to be the better phrase.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945233] Mr. Chairman: Are you ready for the question? You have heard the motion of the gentleman from Yavapai to substitute Proposition Number 8 for the second section of the committee substitute. All those in favor of the substitute say "aye;" contrary "no." The "ayes" have it, so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945238] Mr. Chairman: [...] Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945242] Mr. Chairman: [...] Any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945243] Mr. Chairman: [...] Hearing none, we will pass to section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945244] Mr. Chairman: [...] Hearing none, we will pass to section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945245] Mr. Cunniff: I move to amend line 15 by changing the word "choses" to the word "matters."

(The Records of the Arizona Constitutional Convention of 1910, Page 813)

[e945248] Mr. Cunningham: Mr. Chairman, when a word has acquired in law, regardless of what language it came from, a specific technical meaning, it is taking a great chance in writing the constitution to put in some other word there.

Mr. Cunniff: Mr. Chairman, I beg to point out that this constitution is not being made for the lawyers of Arizona, or for the courts of Arizona, but it is made for the lawyers and the courts and the people of Arizona.

Mr. Ingraham: Mr. Chairman, I believe the word "choses" is as familiar to lawyers as the word "pneumonia" is to doctors, and in text books it has a very definite meaning, and I think we ought to leave it in here.

Mr. Cunniff: I inquire if there is anything in the word that is not in the word "matters."

Mr. Ingraham: If we were considering a medical matter and the word "pneumonia" occurred, would you attempt to put in some other word?

Mr. Cunniff: I would not, if that is a word that is in common use and known to everybody. We need no technical matters in this constitution.

Mr. Ingraham: This has a certain definite meaning. This may sound new to the ordinary member, but to the lawyer it is just an old-fashioned expression.

Mr. Short: They have told us that it is essential to use this word and that it is a very common word, but I venture to say that half of the members here do not know what it means. Use a word that is shown in the dictionary.

Mr. Weinberger: I just wish to say a word or two. We are not establishing a training school for lawyers, and this is a question that the courts have decided

and it has a definite certain meaning. If we insert “matters” in here it will have anything but the meaning it has now.

Mr. Parsons: I desire to say that there are a great many matters in law that are not choses in action. Choses in action are simply the right of discovery, and there are a great many matters that are not even connected with the right of discovery.

Mr. Ingraham: What little French I have says that this word “choses” is usually translated “things.”

(The Records of the Arizona Constitutional Convention of 1910, Pages 813-814)

[e945249] Mr. Chairman: All those in favor of substituting the word “matters” for the word “choses” will please rise; those opposed please rise. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945250] Mr. Chairman: [...] Are there any other corrections to section 4? If not, it will be approved, and we will pass to section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945252] Mr. Chairman: [...] Are there any other corrections to section 4? If not, it will be approved, and we will pass to section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945256] Mr. Kingan: On line 24, page 2, the word “be” should be stricken out where it appears and should be added after the word “shall”

[Editor’s Note: An original copy of the Substitute Proposition 8 with the original line numbers does not survive. For this reason, the editors are unable to identify the text intended to be amended. A comparison of the text at this point in the proceedings and the final Constitution provides no clarity on the matter. Furthermore, though the Records describe this amendment as adopted, the Minutes do not describe it at all.]

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945257] Mr. Chairman: [...] If there is no objection that change will be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945258] Mr. Chairman: [...] If there are no objections we will pass to section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945259] Mr. Chairman: [...] If there are no other objections we will pass to section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945260] Mr. Chairman: [...] If not, we will pass to section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945261] Mr. Chairman: [...] If not, we will pass to section 7. Are there any objections to the first paragraph of section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945262] Mr. Chairman: [...] If not, we will pass to the second paragraph.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945263] Mr. Chairman: [...] If not, we will pass to the second paragraph. Any omissions or insertions?

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945264] Mr. Chairman: [...] If not, we will pass to the next paragraph. Any objections to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945265] Mr. Chairman: [...] If not, we will pass to the next paragraph. Any objections to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945266] Mr. Chairman: [...] If not, we will pass to section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945267] Mr. Chairman: [...] If not, we will pass to section 9.

(Editorial)

[e945268] Mr. Kingan: On line 9, page 5 of section 9 the word "court" should be inserted after the word "United States."

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945269] Mr. Chairman: If there is no objection, the change will be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945270] Mr. Parsons: Mr. Chairman, I desire to ask for information. There is a peculiar reading to line 4 of this section, page 5. "Whenever a quorum of the judges of the supreme court shall have been elected." This would indicate that we are going to elect the judges by piece-meal.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945271] Mr. Chairman: Pass to section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945272] Mr. Chairman: Pass to section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945273] Mr. Chairman: [...] If there are no changes we will pass to section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945274] Mr. Chairman: [...] If there are no changes we will pass to section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945275] Mr. Chairman: [...] Any changes to be made in section 11? If not we will pass to the next.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945277] Mr. Chairman: [...] Any changes to be made in section 11? If not we will pass to the next.

(The Records of the Arizona Constitutional Convention of 1910, Page 814)

[e945278] Mr. Parsons: It would seem to me in line 21 before the word "officers" the word "state" should appear.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945279] Mr. Winsor: Mr. Chairman, I would like to revert to section 11. It seems to me that there is a little bad construction there. "The provisions of the constitution shall be in force from the day on which the President of the United States shall issue his proclamation." I move it be made to read as follows: "shall be in force from the day the proclamation of the President of the United States shall declare the state admitted into the Union."

Mr. Kingan: That covers that.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945282] [Editor's Note: The amendment was not mentioned again.]

(Editorial)

[e945281] [Editor's Note: This amendment is not mentioned again in the journal and is not mentioned at all in the Minutes, though elements of the amendment do seem to appear in the final version of the corresponding section of Constitution.]

(Editorial)

[e945283] [Editor's Note: The Committee moved on to Section 13, indicating that Section 12 was considered agreed.]

(Editorial)

[e945285] Mr. Chairman: Any objections to section 13? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945286] Mr. Chairman: Any objections to section 13? If not, it will stand approved.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e947485] [Editor's Note: The Report from Committee on Schedule, Mode of Amending and Miscellaneous on Proposition Number 8 was referred to the Convention.]

(Editorial)

[e945291] [Editor's Note: Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945293] [Editor's Note: Substitute Proposition Number 8 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945294] [Editor's Note: Substitute Proposition Number 8 as Amended was referred to the Convention alongside the Committee's report.]

(Editorial)

[e945288] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945290] Mr. Parsons: I move the committee do now arise and report progress and recommend to the convention that Substitute Proposition Number 8 as amended by the committee of the whole do pass.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 815)

[e945296] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, page 815)

### **32.48 Thursday, 01 December 1910, at 14:00 (s16273)**

[e945339] Mr. Chairman: The committee will come to order. The clerk will read Proposition Number 150.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945340] Mr. Chairman: The committee will come to order. The clerk will read Proposition Number 150.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945341] Mr. Chairman: The committee will come to order. The clerk will read Proposition Number 150.

Secretary (reading): Report of special committee on Proposition Number 150.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945342] Mr. Chairman: The committee will come to order. The clerk will read Proposition Number 150.

Secretary (reading): Report of special committee on Proposition Number 150.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945344] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual sections of Proposition Number 150.]

(Editorial)

[e945348] Mr. Chairman: If there is no objection to the first section, it will pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945350] Mr. Chairman: If there is no objection to the first section, it will pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945351] Mr. Chairman: [...] Any objection to the section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945352] Mr. Chairman: [...] What is your further pleasure?

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945354] [Editor's Note: This blank document has been created in order to mimic the process of the Committee of the Whole proposing and considering individual recommendations relating to Proposition Number —.]

(Editorial)

[e945355] Mr. Jones (Yavapai): Mr. Chairman, I move you that when the committee arises it report to the convention and recommend that Proposition Number 150 as reported by the committee be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945363] Mr. Colter: Mr. Chairman, I would amend the motion by adding paragraph 3 to the proposition as follows: "Beneficial use shall be the basis, the measure and the limit of the right to the use of public water, and priority of appropriation for such use shall give the better right except that in times of scarcity a preference shall be given to the following purposes in the order named, viz: domestic, stock water, agricultural, mining and manufacturing purposes."

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945366] Mr. Short: Mr. Chairman, I move to substitute that the committee arise and recommend that this proposition be indefinitely postponed. We have tried to get something here that would suit everybody, but somebody brings in something that we do not want, and I think the best way to settle the matter is to indefinitely postpone.

Mr. Coker: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945368] Mr. Chairman: Those in favor of the motion of Mr. Short to indefinitely postpone will manifest by saying "aye;" negative "no." The secretary will call the roll.

Roll call showed 8 "ayes" and 37 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 827)

[e945369] Mr. Chairman: We will now consider the amendment of Mr. Colter. Clerks reads the amendment.

Mr. Jones (Yavapai): I think that this is a dangerous proposition to go into the constitution, for the simple reason that a man one hundred miles away from those farmers might claim that he had a little bunch of cattle or sheep, and stop all those farmers from using that water; therefore, I hope the motion will not prevail.

Mr. Cunniff: I hope this thing will be killed and killed quickly. This is the third time this matter has been before this convention, and it seems to me it is about time we knew our minds.

Mr. Colter: Mr. Chairman, I want to say that we have a good cause to continue along this line. This very amendment I introduced was voted on and carried almost unanimously, and it is certainly a very unharmed thing.

Mr. Chairman: Those in favor of the amendment of the gentleman from Apache, Mr. Colter, will manifest by saying "aye;" opposed "no." Call the roll.

Mr. Ingraham: Mr. Chairman, I want to explain my vote. The principles advocated in the Colter amendment are advocated by the most impartial and successful experts upon irrigation, including government experts, therefore, I vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Pages 827-828)

[e945372] Roll call showed 20 "ayes" and 23 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945376] Mr. Osborn: Mr. Chairman, I move that the committee do now arise and report is has examined Proposition Number 150 and recommended that it do pass.

Mr. Jones (Yavapai): I second the motion.

[Editor's Note: Because the proposition was not amended in the Committee, only one version of the document is referred back to the Convention. For this reason, the original version is referred, and the Committee version is dropped.]

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945383] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 828)

[e945379] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945381] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

## **32.49 Monday, 05 December 1910, at 19:30 (s16295)**

[e946384] Mr. Chairman: The committee of the whole will come to order. The question before the committee is the consideration of the Constitution of the State of Arizona which will be read by the secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946385] Mr. Chairman: The committee of the whole will come to order. The question before the committee is the consideration of the Constitution of the State of Arizona which will be read by the secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946470] Mr. Chairman: The committee of the whole will come to order. The question before the committee is the consideration of the Constitution of the State of Arizona which will be read by the secretary.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946473] Mr. Winsor: I move that it be read section by section and those sections to which there are no objections be considered adopted.

Mr. Short: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946474] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946475] [Editor's Note: The editors have created a blank version of the Draft Constitution in order to replicate the process of the Committee of the Whole considering the draft section by section.]

(Editorial)

[e946482] Mr. Chairman: Read the constitution, Mr. Secretary.  
Secretary (reading): Preamble.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946484] Mr. Chairman: If there are no objections the preamble of the constitution will be adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946486] Secretary (reading): "State Boundaries."

(The Records of the Arizona Constitutional Convention of 1910, Page 892)

[e946490] Mr. Chairman: Any objections? The boundaries of the State of Arizona are adopted. I would ask if that is not an error in the leaving out of the word "article" before each part of the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946488] Mr. Cunniff: It is an error and I move that the word "article" be inserted.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946489] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946492] Mr. Chairman: Any objections to Article I? Article I is adopted by the committee of the whole. Read the next

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946493] Secretary (reading): Article II. Declaration of Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946497] [Editor's Note: The Committee considered Article II, Section 1.]

(Editorial)

[e946499] Mr. Feeney: I move that the words "frequent recurrence" be changed to "constant adherence."

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946501] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946502] Mr. Chairman: No objections, section 1 is adopted. Read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946503] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946504] Mr. Ingraham: In the last line, I move to insert the word "common."

Mr. Feeney: I second that motion.

Mr. Ingraham: You will notice in the third and fourth lines below you speak of "common good."

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946506] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946507] [Editor's Note: Following the rejection of the Ingraham amendment, the Committee moved on to Section 3, indicating that Section 2 was considered adopted without amendment.]

(Editorial)

[e946508] Mr. Chairman: Read section 3.

Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946509] [Editor's Note: The Committee moved on to Section 4, indicating that Section 3 was considered adopted without amendment.]

(Editorial)

[e946510] Mr. Chairman: Read section 4.

Secretary (reading): Section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946511] Mr. Chairman: Any objections? It is passed. Read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946512] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946513] Mr. Ingraham: I move the word "common" be stricken out and the word "individual" be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946514] Mr. Chairman: There being no second the secretary will read the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946515] Mr. Chairman: There being no second the secretary will read the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946516] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946518] Mr. Chairman: Section 6 is passed. Read section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946519] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946522] Mr. Chairman: Section 7 is adopted. Read the next.

(Editorial)

[e946525] Secretary (reading): Section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946526] Mr. Chairman: Section 8 is passed. Read section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946527] Secretary (reading): Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946528] Mr. Chairman: Section 9 is adopted. Read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946530] Secretary (reading): Section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946531] Mr. Ellinwood: I suggest that this is in conflict with the Constitution of the United States.

Mr. Chairman: Do you desire to amend?

Mr. Ellinwood: I do not know how.

Mr. Chairman: If there are no amendments, this section will be adopted and the secretary will read section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 893)

[e946552] Mr. Kingan: I think this should be amended by inserting the word "to" and the word "the" be stricken out.

Mr. Ingraham: I second the motion.

[Editor's Note: In the absence of a surviving copy of the Constitution as drafted by the Committee on Style, the editors have compared the surviving versions of the text with the records of the amendments in order to identify what the text of the document was before the Committee of the Whole's amendments. In this instance, it is unclear what text Kingan's amendment intended to alter. However, it seems likely that his amendment intended to correct a typographical error.]

(The Records of the Arizona Constitutional Convention of 1910, Pages  
893-894)

[e946553] Mr. Cunniff: The gentleman is quite correct and I am in favor of the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
893-894)

[e946556] Mr. Chairman: It has been moved and seconded that the word "to" be stricken out. Are you ready for the question? All in favor answer "aye;" contrary-minded "no." The "ayes" have it, and it is so ordered. Read section 11.

[Editor's Note: As Kingan's amendment is noted in the records as striking out the word "the" rather than the word "to," it seems as though the Chairmen misspoke in describing the motion.]

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946557] [Editor's Note: The Committee moved on to Section 11, indicating that Section 10 was considered adopted.]

(Editorial)

[e946559] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946560] Mr. Chairman: If there are no objections or amendments to that section the secretary will read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946562] Secretary (reading): Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946563] Mr. Chairman: If there are no amendments or objections to that section, the secretary will read section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946565] Secretary (reading): Section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946566] Mr. Chairman: There being no amendments or objections, read section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946567] Secretary (reading): Section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946568] Mr. Chairman: There being no objections, read section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946570] Secretary (reading): Section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e946571] Mr. Chairman: If there are no amendments or objections, the secretary will read section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946572] Secretary (reading): Section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946573] Mr. Chairman: There being no amendments or objections, the secretary will read section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946574] Secretary (Reading): Section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 894)

[e946576] Mr. Cunningham: Mr. Chairman, on the second line of the fifth page, I move to strike out the word "judicial" and after the word "question" insert the words "of fact." These questions should be tried by jury and the fact established.

(The Records of the Arizona Constitutional Convention of 1910)

[e946577] Mr. Kingan: Mr. Chairman, I do not think that is the meaning of this section. It reads: "Whenever an attempt is made to take private property for a use alleged to be public, the question is whether the contemplated use be really public shall be a judicial question, and determined as to such without regard to any legislative assertion that the use is public," meaning that it shall be a question for the court and not a question for the legislature or the law-making body. I think that to be the meaning of the sentence, and that it is a judicial question if it is to be determined by the court, and a jury could be called as a matter of right. That is for the court to determine.

Mr. Baker: I am satisfied that the gentleman from Cochise is wrong in his interpretation of the matter, and the gentleman from Pima is right. This intends that the court shall determine the question, and that the legislature shall not prescribe what is or what is not a public use. A great many legislatures go ahead and prescribe that a certain thing is a public use. Now the intent is to say that it is a judicial question; that is, the court shall determine.

Mr. Crutchfield: I trust the amendment will not prevail. The language is of precedent; it has been tried for years, and passed upon, and it is the exact wording of the constitution of Washington bill of rights, and I trust it will stand just as it is.

(The Records of the Arizona Constitutional Convention of 1910, Pages 894-895)

[e946579] Mr. Chairman: All in favor of the amendment of the gentleman from Cochise will answer "aye;" contrary-minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 895)

[e946581] Mr. Roberts: About the middle of paragraph 17, page 4, the words "No right of way shall be appropriated to the use of any corporation other than municipal." I move that the words "other than municipal" be stricken out. I do not see why a municipal corporation should be allowed to take ground to widen an alley. It should not pay for the same.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 895)

[e946583] Mr. Crutchfield: While this is language of precedent, I believe it should be stricken out.

Mr. Ingraham: Mr. Chairman, this matter was all thrashed out on our going over it before, and we decided by a rather large majority not to make this amendment. Now I wish to call the attention of the committee to the fact that this does not say that private property may be taken by municipalities without compensation. It is simply a question of putting up the money first. Under our statutes as they are today, the city may take private property without putting up the money first. It may do it by putting up a bond with the court which shall secure the property holder that he will receive the money he is justly entitled to according to the decision of the court. Now this is simply retaining the present statutory provision as to municipal corporations, and making the law more favorable to the property holder as to all persons not municipal corporations. I cannot see why the law we have been living under many years, at least since 1901, which has not worked any injury sufficient to make a demand for its repeal, cannot be got along with.

Mr. Ellinwood: I think the gentleman from Yuma is quite right. In the case of private corporations, it is required that they deposit the money in the court because frequently the corporation may be in failing circumstances. A public corporation like a municipality is always with you, and can always be required to pay; and they are exempted by the provisions of this act from having to put up the money for the further reason, how is it going to pay? They have no apportion to be used for this purpose. There is no reason to require the city to do this any more than when the city wishes to take an appeal they are not required to give a bond. This does not exempt they [sic, them] from paying for it; it simply prevents their having to put up the money in advance.

[Remarks by Franklin of Maricopa not located.]

Mr. Chairman: Are you ready for the question? All in favor answer "aye;" contrary-minded "no." Call the roll.

(The Records of the Arizona Constitutional Convention of 1910, Page 895)

[e946586] Roll call showed 11 "ayes" and 32 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 895)

[e946587] Mr. Chairman: Are there any objections or amendments to section 17? If not, the secretary will read section 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 895)

[e946588] Secretary (reading): Section 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946589] Mr. Chairman: Are there any objections or amendments to section 18? If not, read section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946590] Secretary (reading): Section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946591] Mr. Chairman: Are there any amendments to section 19?

Mr. Weinberger: I want to ask as a matter of information, have we any laws against illegal rebating?

Mr. Jones (Maricopa): The corporation commission proposition makes it illegal to give or take rebates, and prescribes a penalty.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946592] Mr. Chairman: Any amendments or objections to section 19? If not, read section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946594] Secretary (reading): Section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946596] Mr. Chairman: If there are no objections or amendments, read section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946600] Secretary (reading): Section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946601] Mr. Chairman: If there are no objections or amendments, read section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946602] Secretary (reading): Section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946606] Mr. Chairman: If there are no objections or amendments, read section 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946608] Secretary (reading): Section 23.

(The Records of the Arizona Constitutional Convention of 1910, page 896)

[e946611] Mr. Ingraham: Mr. Chairman, there is an error in the last line on page 5. I think the word "any" should be stricken out, and "a" be inserted in lieu thereof, and the word "of" be stricken out. I would make a motion to that effect.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946614] The motion passed.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946615] Mr. Chairman: Are there any other objections to section 23? If not, read section 24.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946619] Secretary (reading): Section 24.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946625] Mr. Chairman: If there are no amendments or objections to section 24, read section 25.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946628] Secretary (reading): Section 25.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946639] Mr. Franklin: Mr. Chairman, on the second line of section 25, reading "law impairing the obligation of contracts," I would move to strike out the word "contracts" and insert "contract" and after the word "of" insert the word "a."

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946640] The motion prevailed.

(The Minutes of the Arizona Constitutional Convention, Page 387)

[e946641] Mr. Cunningham: Mr. Chairman, the last word in that paragraph, in order to make it conform to other changes that have been made by the revision committee, the word "passed" should be changed to "enacted."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946643] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 387)

[e946645] Mr. Chairman: Read section 26, if there are no objections or further amendments to section 25.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946648] Mr. Chairman: Read section 26, if there are no objections or further amendments to section 25.

(The Records of the Arizona Constitutional Convention of 1910, Page 896)

[e946649] Mr. Chairman: If there are no amendments to section 26, read section 27.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
896-897)

[e946651] Secretary (reading): Section 27.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946652] Mr. Cunningham: The word "soldiers" in line 2, section 27, should be "soldier." I move to strike out the letter "s."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946653] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946655] Mr. Chairman: Read section 28.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946658] Mr. Chairman: Read section 28.

Secretary (reading): Section 28.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946661] Mr. Chairman: If there are no amendments, read section 29.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946663] Secretary (reading): Section 29.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946664] Mr. Chairman: If there are no amendments, read section 30.

(Editorial, Page 897)

[e946686] Secretary (reading): Section 30.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946687] Mr. Chairman: If there are no amendments, read section 31.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946698] Mr. Chairman: If there are no amendments, read section 31.

Mr. Cunniff: Mr. Chairman, I move that the following proposition, being Proposition Number 50 as revised and adopted by the convention be inserted here as section 31. This is a matter of compilation, and it might as well be inserted. "No law shall be enacted by this state regulating the amount of damages for causing death or injury of a person."

Mr. Weinberger: I second the motion.

[Editor's Note: Though the Chairman instructs the Secretary to read Section 31, Cunniff makes an amendment to add a new section to the draft, to become the new Section 31. Furthermore, the Mr. Jones listed in the Minutes as seconding the motion is not specified.]

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946700] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946702] Mr. Cunniff: I move necessarily that section 31 in the printed copy be changed to section 32, and section 32 to section 33.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946703] Mr. Chairman: If there is no objection, it will be done without any other order. Read section 32 (section 31 of the printed copy.)

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946704] Secretary (reading): Section 32.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946706] Mr. Chairman: If there are no objections or amendments, the clerk will read section 33 (32 of the printed copy.)

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946707] Secretary (reading): Section 33.

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946708] Mr. Chairman: Gentlemen of the convention, Article II as amended has been read. Are there any objections or amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946709] Mr. Baker: I offer the following amendment to be inserted as section 34, as follows: "Every citizen of the State shall be free to obtain employment wherever possible and any person, corporation or agent thereof maliciously interfering or hindering in any way any citizen from obtaining or enjoying employment already obtained from any other corporation or person, shall be guilty of a misdemeanor."

(The Records of the Arizona Constitutional Convention of 1910, Page 897)

[e946710] Mr. Cunniff: I do not think that is necessary. This is one of those broad sweeping statements on which all kinds of court interpretation can be made, and all sorts of oppression carried on under the color of a proposition of this kind; though I should say as far as my own interpretation of it goes, it does not mean anything of that kind.

Mr. Webb: I second the motion of the gentleman from Maricopa.

Mr. Baker: I just want to say I heave heard a great deal about protection of labor and workmen in this convention. Here is a proposition that will aid you. It is from the constitution of North Dakota.

Mr. Feeney: I feel in the propositions already passed we have all the protection we need, and I oppose this.

Mr. Connelly: I would like to ask the gentleman from Maricopa if that would cut out picketing.

Mr. Baker: I am not able to answer that.

Mr. Connelly: I am not in favor of this proposition for the reason that it is nothing more or less than a strike against the workmen, because you can always prove a thing of this kind against the men, while you cannot prove it against a corporation. Mr. Cooper has given you the recipe for a "rabbit-pie," but you must first catch the rabbit. It would be impossible to "catch the rabbit" on the corporation.

Mr. Ingraham: Mr. Chairman, I hope this measure will not prevail. The labor delegates in this convention have asked that a number of measures be passed, and the convention has seen fit to refuse those requests in a majority of instances. I hope that when they come asking [for] bread, this convention will not give them a stone.

Mr. Cunniff: Mr. Chairman, I hope the convention will not throw the stone at them.

(The Records of the Arizona Constitutional Convention of 1910, Pages 897-898)

[e946711] Mr. Chairman: As many as are in favor of this amendment will answer "aye" as their names are called; contrary-minded answer "no." The secretary will call the roll.

Roll call showed 13 "ayes" and 28 "nays."

Mr. Chairman: The motion is lost. Are there any other objections or amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946778] Mr. Cunniff: I move that those two commas toward the end of the section [Article II, Section 22], one after "offenses," and one after "evident" be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946779] Mr. Chairman: If there are no objections, the two commas in section 22 will be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946780] Mr. Chairman: [...] Are there any other amendments to Article 2? If not, it will be considered adopted by the committee of the whole. The secretary will read Article III.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946781] Secretary (reading): Article III.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946782] Mr. Chairman: Are there any objections or amendments? If not, it will stand approved by the committee of the whole. Read Article IV, [Legislative Department. 1. Initiative and Referendum] Section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946783] Secretary (reading): Section 1, paragraph 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946784] Secretary (reading): Section 1, paragraph 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946785] Mr. Chairman: I would like to ask the chairman of the Committee on Style, Revision and Compilation if he intends to have this all one section.

Mr. Cunniff: Yes, that is all one section.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946786] Mr. Chairman: If there are no objections, read paragraph 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946787] Mr. Chairman: If there are no objections, read paragraph 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946788] Mr. Webb: I move that the word "in" be changed to "is."

(The Records of the Arizona Constitutional Convention of 1910, Page 898)

[e946789] Mr. Chairman: If there is no objection, the change will be made. Hearing no objections or amendments to paragraph 2, read paragraph 3.

(The Records of the Arizona Constitutional Convention of 1910, Pages 898-899)

[e946790] Mr. Chairman: If there is no objection, the change will be made. Hearing no objections or amendments to paragraph 2, read paragraph 3.

(The Records of the Arizona Constitutional Convention of 1910, Pages 898-899)

[e946791] Secretary (reading): Paragraph 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946792] Mr. Chairman: Are there any objections or amendments? If not, the secretary will read paragraph 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946793] Secretary (reading): Paragraph 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946794] Mr. Cunniff: Mr. Chairman, on the fifth line on page 9, before the word "appropriations" at the end of the line, I move that the words "to provide" be inserted.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946795] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946796] [Editor's note: The Committee moved on to consider Paragraph 5, indicating that Paragraph 4 was considered adopted.]

(Editorial)

[e946797] Mr. Chairman: Read paragraph 5.

Secretary (reading): Paragraph 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946798] Mr. Chairman: Any objections or amendments to paragraph 5? If not, read paragraph 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946799] Secretary (reading): Paragraph 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946800] Mr. Chairman: Any objections or amendments to paragraph 6? If not, read paragraph 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946801] Secretary (reading): Paragraph 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946802] Mr. Chairman: Any objections or amendments to paragraph 7? If not, read paragraph 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946803] Secretary (reading): Paragraph 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946804] Mr. Cunniff: Mr. Chairman, at the end of line 2, on page 11, I move that the word "order" be stricken out, and the word "propose" be inserted. That makes the attitude toward the referendum parallel with everything else in the measure. The committee inadvertently failed to change that.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946805] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946806] Mr. Chairman: Read paragraph 9.

Mr. Cassidy: Mr. Chairman, I made the amendment inserting that paragraph, and it was the intention to make that a portion of the preceding paragraph, and not a separate paragraph. It is very closely connected with the preceding paragraph, and I move it be made a part of the preceding paragraph.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946807] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946808] [Editor's Note: The Committee moved on to consider Paragraph 9, indicating that Paragraph 8 was considered agreed as amended.]

(Editorial)

[e946809] Mr. Chairman: Read paragraph 9.

Secretary (reading): Paragraph 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946810] Mr. Chairman: If there are no objections, read paragraph 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946811] Secretary (reading): Paragraph 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946812] Mr. Chairman: If there are no objections, read paragraph 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946813] Secretary (reading): Paragraph 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946814] Mr. Chairman: If there are no objections, read paragraph 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946815] Secretary (reading): Paragraph 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946816] Mr. Chairman: If there are no objections, read 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946817] Secretary (reading): Paragraph 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946818] Mr. Chairman: If there are no objections, the clerk will read paragraph 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946819] Secretary (reading): Paragraph 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 899)

[e946820] Mr. Chairman: If there are no objections, read paragraph 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946821] Secretary (reading): Paragraph 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946822] Mr. Chairman: If there are no objections, the clerk will read paragraph 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946823] Secretary (reading): Paragraph 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946824] [Editor's Note: The Chairman put the question on the entire Article IV, Section I, indicating that Paragraph 16 was considered adopted.]

(Editorial)

[e946825] Mr. Chairman: Are there any objections or amendments to [the preceding portion of] Article IV?

Mr. Cunningham: Mr. Chairman, I suggest, though this is more for the compilation committee, that these various paragraphs of this section 1 ought to be lettered so as to distinguish them in case of reference to them hereafter. This is such a long section it might be distinguished by the letters of the alphabet.

Mr. Cunniff: The style, revision committee will try to work out some such scheme. It can be lettered, but there was a purpose in having it all one section.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946826] Mr. Chairman: Are there any other amendments to [that part of] Article IV? If not, it will be approved by the committee of the whole. Read Article IV, 2. The Legislature.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946827] Secretary (reading): 2. The Legislature.

Mr. Chairman: Are there any objections or amendments?

[Editor's Note: Though the Chairman instructed the Secretary to read Article IV, Section 1, the Secretary read only Article IV, Section 1, Paragraph 1, indicating that the Committee took a section by section approach to this article from the start.]

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946828] [Editor's Note: The Committee took up Article IV, Section 2, Section 1.]

(Editorial)

[e946829] Mr. Webb: It seems to me this has been thrashed out by the convention. It seems illogical to place a restriction on future legislatures and say they shall do what in our wisdom we have not done. We have taken the vote cast. Now, for us to say future legislatures shall take the population is certainly illogical and ought not to be adopted. There is one thing I want to say and that is I admire the gentleman from Greenlee for his persistent efforts, and I hope a time will come when he will acknowledge he is mistaken.

Mr. Coker: I second the motion of the gentleman from Greenlee, and I question the word "wisdom" as used by the gentleman from Graham, Mr. Webb.

Mr. Chairman: You have heard the motion. Are you ready for the question?

Mr. Ingraham: Mr. Chairman, I would like to say that in the great growth and change of the territory of Arizona after the census had gotten about eight or nine years old it would not be a very good guide for an apportionment.

Mr. Cobb: That would be fortunate for Yuma County.

Mr. Ingraham: We will have to stand by the vote, I think. We will always have elections, and can determine from the elections what the probable population is, but we cannot tell from a census that is nine years old.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946830] Mr. Cobb: Mr. Chairman, I wish to offer the following amendment: "Provided that all future apportionment of representatives amongst the several counties shall be based on population as determined by the United States Census Office."

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946831] Mr. Webb: It seems to me this has been thrashed out by the convention. It seems illogical to place a restriction on future legislatures and say they shall do what in our wisdom we have not done. We have taken the vote cast. Now, for us to say future legislatures shall take the population is certainly illogical and ought not to be adopted. There is one thing I want to say and that is I admire the gentleman from Greenlee for his persistent efforts, and I hope a time will come when he will acknowledge he is mistaken.

Mr. Coker: I second the motion of the gentleman from Greenlee, and I question the word "wisdom" as used by the gentleman from Graham, Mr. Webb.

Mr. Chairman: You have heard the motion. Are you ready for the question?

Mr. Ingraham: Mr. Chairman, I would like to say that in the great growth and change of the territory of Arizona after the census had gotten about eight or nine years old it would not be a very good guide for an apportionment.

Mr. Cobb: That would be fortunate for Yuma County.

Mr. Ingraham: We will have to stand by the vote, I think. We will always have elections, and can determine from the elections what the probable population is, but we cannot tell from a census that is nine years old.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946832] Mr. Roberts: Mr. Chairman, I would like to offer an amendment to provide that aliens and wards should not be considered in the apportionment.

(The Records of the Arizona Constitutional Convention of 1910, Page 900)

[e946833] [Editor's Note: Roberts' amendment was not mentioned again.]

(Editorial)

[e946834] Mr. Chairman: The question is on the amendment offered by the gentleman from Greenlee, Mr. Cobb. Those in favor will answer "aye;" those opposed "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Pages 900-901)

[e946835] Mr. Coker: Mr. Chairman, I move that the figures "35" in line 2 of section 1 be changed to "39;" that the figure "6" in line 8 be changed to "7;" that the figure "2" in line 8 be changed to "3," and that the figure "1" in line 11 be changed to "2." Pinal County will read 1 and 2; Pima will read 2 and 4; Maricopa will read 2 and 7; Greenlee 1 and 3.

Mr. Chairman: Do I hear a second?

Mr. Cobb: I second it.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946836] Mr. Weinberger: Mr. Chairman, I move to amend that the section be approved as read.

Mr. Webb: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946837] Mr. Chairman: That motion is not in order.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946838] Mr. Chairman: That motion is not in order. If you vote this down you can bring up the other. All in favor of the motion of the gentleman from Pinal will say "aye;" contrary-minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946839] Mr. Osborn: Mr. Chairman, I have been trying to make an amendment here for some time. I do not imagine that there is any use of making this amendment, but I am going to move that in line 2 the figures "35" be changed to read "36," that in line 9 after the words "Maricopa County" the figure "6" be changed to "7."

Mr. Cobb: I second it.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946840] Mr. Osborn: Mr. Chairman, nearly every member of this committee has committed to me that Maricopa is entitled to seven representatives. I have gone over this matter with them individually, and I have said so on the floor and have given my reasons why Maricopa should have seven representatives, and I want to make the last appeal to each and every member of this convention to give Maricopa her just dues. The newspapers have been accusing the convention of throwing the hooks into Maricopa County time and time ago. Now prove to the territory that you are going to be fair and just, and give us an equitable apportionment, and I would ask for a roll call on this. (applause)

Mr. Chairman: You have heard the motion of the gentleman from Maricopa. Are you ready for the question?

Mr. Short: Mr. Chairman, I think it is a very inopportune time for the member from Maricopa to bring up this question, because there are three members from the Maricopa delegation not here, so the chances are he will not get six votes. I am very much pleased, however, to hear him say that this is his last appeal.

Mr. Weinberger: Mr. Chairman, I want to ask the gentleman from Maricopa what he means by "throwing the hooks" into Maricopa.

Mr. Osborn: I got that from the Arizona Republican.

Mr. Cobb: Mr. Chairman, it means just exactly what the legislative committee threw into Greenlee County.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946841] Mr. Chairman: Are you ready for the question? All those in favor of the motion will say "aye;" contrary-minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 901)

[e946842] Mr. Chairman: [...] If there are no other objections to section 1, it will be adopted. Read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946843] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946844] Mr. Chairman: Are there any objections to this section? Read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946845] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946847] Mr. Chairman: If there are no objections, read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946848] Secretary (reading): Section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946849] Mr. Chairman: If there are no objections, read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946850] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946851] Mr. Chairman: Are there any objections or any amendments? Read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946852] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946853] Mr. Chairman: Read section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946854] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946855] Mr. Chairman: Read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946856] Secretary (reading): Section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946857] Mr. Chairman: Read section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946858] Mr. Chairman: Read section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946859] Mr. Chairman: Read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946860] Secretary (reading): Section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946861] Mr. Chairman: Read section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946862] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946863] Mr. Chairman: Read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946864] Mr. Chairman: Read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946865] Mr. Cunniff: Mr. Chairman, I would like to say a little about section 12. Some matter was inserted in the proof as sent to the printer. I have the official matter here. This change should not have been made in that place but should have been offered here in the convention, but I have all the record here and the secretary can read it as it appeared in the engrossed copy. It read not by sections, but in full, and it seemed there was a misunderstanding about an amendment that had been offered. I make this explanation so that the convention may have a full understanding of the situation.

Mr. Chairman: Does the chair understand the chairman of the committee to say that the printed section as we now have it is not as the engrossed bill?

Mr. Cunniff: We made these changes in the copy that went to the printer.

Mr. Chairman: The secretary will read the section as it is engrossed.

Secretary (reading): Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946866] Mr. Cunniff: Mr. Chairman, I move that the matter as printed be adopted rather than as read in the engrossed copy.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 902)

[e946867] Mr. Chairman: Your motion is that the printed section be recommended by the committee of the whole. Before that motion is put the chair would like to ask for a little information. I notice that this reads here that every bill on its final passage shall be taken by ayes and nays. I do not think you mean that for that is not customary. It is customary in the legislature that a joint resolution shall not only be passed by a roll call but also go to the governor, for his signature, but the resolution the way you have it here does not require the signature of the governor.

Mr. Cunniff: That simply follows the copy of the bill as adopted by the convention.

Mr. Chairman: I know the custom in all legislative bodies is that ordinary resolutions do not require the governor's signature. It does not even have to have a roll call unless somebody demands it; but a joint resolution that requires the action of both houses is a different proposition and requires the governor's signature the same as a bill.

(The Records of the Arizona Constitutional Convention of 1910, Pages 902-903)

[e946868] Mr. Short: I move you that the word "joint" be inserted before "resolutions."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946869] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946870] Mr. Cunniff: I would ask if the question has been put to adopt the section with the insertion of the word "joint."

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946871] Mr. Ellinwood: Mr. Chairman, it occurs to me that the language of line 2 is susceptible of two constructions. "Every bill shall be read by sections on three different days unless in case of emergency two-thirds of either house deem it expedient to dispense with the rule."

Mr. Cunniff: Does the gentleman offer an amendment to insert "each" instead of "either?"

Mr. Ellinwood: Then it would have to be a concurrence. Certainly the vote of one house ought not to control the vote of the other.

Mr. Cunniff: I think the phrasing as it is covers the ground.

Mr. Franklin: Mr. Chairman, as I understand this phraseology, if a bill is before the house of representatives and they wish to dispense with the reading of the bill, under this provision it will require two-thirds of the house of representatives. If it applies to a bill in the senate it will require a vote of two-thirds of the senate.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946872] Mr. Chairman: It is moved and seconded that section 12 as amended be recommended for adoption. All in favor of this motion say "aye;" contrary-minded "no." The "ayes" have it, so ordered. Read section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946873] [Editor's Note: With the decision to adopt the section as amended, the motion to adopt the subsection as printed was made obsolete.]

(Editorial)

[e946874] Secretary (reading): Section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946875] Mr. Chairman: Read section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946876] Secretary (reading): Section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946877] Mr. Chairman: Is there any place in the constitution where it provides that the enacting clause shall be?

Mr. Cunniff: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946878] Mr. Chairman: Read section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946879] Secretary (reading): Section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946880] Mr. Chairman: Read section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946881] Secretary (reading): Section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 903)

[e946882] Mr. Chairman: This is all there is of the article as printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
903-904)

[e946883] Mr. Chairman: This is all there is of the article as printed.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
903-904)

[e946884] [Editor's Note: The Draft Constitution as amended in the Committee of the Whole was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946887] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e946888] Mr. Hunt: I move that the committee of the whole now arise and report progress and ask leave to sit again.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946889] Mr. Ingraham: Mr. Chairman, if you will pardon me just a moment. I would like to ask the extent to which section 14 goes. It says: "No act shall be revised or amended by mere reference to the title, but the act as amended shall be set forth and published at full length." Do I understand that if it was the desire of the legislature to amend a single word or a single line in a long act like the judiciary act, that they would then have to republish the entire act? It seems to me those are dangerous words.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

[e946890] Mr. Chairman: It is moved and seconded that the committee do now arise and report progress and ask leave to sit again. All those in favor of the motion say "aye;" contrary-minded "no." The "ayes" have it; so ordered.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 904)

## 32.50 Tuesday, 06 December 1910, at 09:30 (s16300)

[e946554] Mr. Chairman: The committee of the whole will come to order

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946555] Mr. Chairman: The committee of the whole will come to order and the secretary will read Proposition Number 152, which is now before the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946558] Secretary (reading): Proposition Number 152, relative to an election to provide for the ratification or rejection of the Constitution of the State of Arizona.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946561] Mr. Cunningham: There is an error in the date.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946564] Mr. Chairman: Gentlemen, you have heard the reading of the proposition. What is your pleasure in the matter? The error will be corrected by the secretary, if there are no objections. It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946569] Mr. Winsor: I move that when the committee arises it recommend that Proposition Number 152 do pass as amended, and that it further recommend the appointment by the president of a select committee to fill in the blank in Proposition number 152 for the date of the election.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946575] Mr. Cunniff: Mr. Chairman, as far as I could judge from the reading of that proposition, it is too long and I believe that if the committee on style and revision could get together, the proposition could be cut down and be just as accurate and cover the same grounds, or at least all the necessary ground it now covers.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946578] Mr. Chairman: Those in favor of the motion of Mr. Winsor, that when the committee arises it recommend the adoption of the proposition as amended, with the addition or insertion of authorization to the president, to appoint a select committee to fill in the blank date. Those in favor of the motion will say "aye;" those opposed "nay." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946582] [Editor's Note: Proposition Number 152 Election Ordinance Number 1 was referred to the Convention alongside the Committee's report.]

(Editorial)

[e946584] Mr. Hunt: I move that the committee now arise and report progress.

Mr. Weinberger: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

[e946585] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 908)

## **32.51 Tuesday, 06 December 1910, at 14:00 (s16308)**

[e946965] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946966] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946967] Mr. Chairman: [...] Gentlemen of the committee, we have before us the constitution as printed, and if there is no objection, the secretary will commence reading at the place we left off at the last session of this committee.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946968] [Editor's Note: The Committee's working version of the Constitution was referred back into the Committee for its consideration of the second part of the draft Constitution.]

(Editorial)

[e946969] [Editor's Note: The Committee took up the second part of Article IV.]

(Editorial)

[e946970] Secretary (reading): Section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946971] Mr. Chairman: If there is no objection, read section 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946972] Secretary (reading): Section 18

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946973] Mr. Chairman: If there is no objection that section will be passed. Read section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946974] Secretary (reading): Section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946975] Mr. Moeur: I understand from this the legislature cannot regulate the interest on money, and it will have to stay as it is.

Mr. Chairman: That says any special law. They can pass a general law changing the legal rate of interest whenever they desire.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946976] Mr. Chairman: [...] If there are no objections the section will be considered approved by the committee. Read section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946977] Secretary (reading): Section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946978] Mr. Chairman: If there are no amendments, read section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946979] Secretary (reading): Section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946980] Mr. Chairman: If there are no amendments, read section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946981] Secretary (reading): Section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946982] Mr. Chairman: If there are no objections, read section 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946983] Secretary (reading): Section 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946984] Mr. Cunniff: I move to insert the word "enact" in place of the word "pass" on the last line.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946985] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946986] [Editor's Note: The Committee moved onto Section 24, indicating that Section 23 was considered agreed as amended.]

(Editorial)

[e946987] Mr. Jones (Yavapai): I wish to submit an amendment to section 24. The secretary will read it.

Secretary (reading): Section 24. The enacting clause of every law shall be as follows: 'Be it enacted by the legislature of the State of Arizona;' or when the initiative is used, 'Be it enacted by the people of the State of Arizona.'

Mr. Winsor: I second the motion.

[Editor's Note: The Minutes clarify that this amendment was a proposal to add a Section 24, rather than amend an existing Section 24, as the Records suggest.]

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946988] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946989] Mr. Cunniff: I move that after the words "every law" in the first line, the words "enacted by the legislature," shall be added.

Mr. Hunt: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946990] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 910)

[e946991] Mr. Weinberger: I notice section 12 states, "The members of the first legislature shall hold office until January 1, 1913," and the other provision states until the first Monday in January. I think we ought to have these phrases consistent, and I move to strike out "January 1, 1913," and insert the words "the first Monday in January, 1913."

Mr. Cassidy: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 910-911)

[e946992] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946993] Mr. Cunniff: I move an amendment in section 19 by inserting the words "or the people under the initiative and referendum"...

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e947000] Mr. Cunniff: [...] and that the word "pass" be made "enact."

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946995] Mr. Winsor: Mr. Chairman, I move an amendment which I think perhaps the gentleman from Yavapai will accept, that the section be made to read as follows: "No local or special law shall be enacted in any of the following cases, that is to say:"

[Editor's Note: The wording of this amendment suggests that Winsor was offering an amendment to Cunniff's amendment. However, the way in which the Committee voted on the various amendments reveals that Winsor's amendment was thought of, rather, as a substitute for Cunniff's.]

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946996] Mr. Cunniff: I am a little doubt as this occurs in an article on the legislature, and I think it would be safe to follow the the phrase "The legislature or the people under the initiative and referendum." It seems to me that this is an important matter. I will amend to strike out from my motion the words "and referendum."

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946997] Mr. Cunniff: I am a little doubt as this occurs in an article on the legislature, and I think it would be safe to follow the the phrase "The legislature or the people under the initiative and referendum." It seems to me that this is an important matter. I will amend to strike out from my motion the words "and referendum."

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946998] Mr. Short: I fail to understand why we would restrict a majority of the people in the event a case should arise where it would be necessary to adopt a special law, by a majority of the people. It seems to me if we restrict the legislature it will be sufficient.

Mr. Jones (Yavapai): The people, to enact a special law, would only have to amend the constitution.

Mr. Cunniff: The argument of the gentleman from Yuma, Mr. Short, would apply equally well to the legislature in all the states which have this sort of provision regarding special laws, which should not be passed in a civilized or organized community. It would be unsafe, inform and unstable form of government if this were allowed.

The Chairman: All in favor will answer "aye;" contrary-minded "no." The secretary will call the roll.

Mr. Cunniff: I am sorry this was not attended to until the last minute. If the delegates had given more attention to it, they would have voted differently.

Mr. Chairman: I would suggest to the gentleman from Yavapai that the lamp is still burning.

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e946999] Roll call showed 17 "ayes" and 33 "nays."

Mr. Chairman: Gentleman, the motion is lost.

(Editorial)

[e947001] Mr. Chairman: [...] Now the question comes up on the motion of the gentleman from Yavapai, to strike out the word "pass" and insert "enact." Are you ready for the question? All in favor answer "aye;" contrary-minded "no." The "ayes" have it, and it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e947002] Mr. Winsor: Mr. Chairman, I move to amend section 19 to read as follows: "No local or special laws shall be enacted in any of the following cases:"

Mr. Osborn: I second the motion.

[Editor's Note: As Winsor moved this amendment before this vote on Cunniff's amendments, the editors have represented this moment as Winsor procedurally renewing a previously-made amendment rather than offering a new one.]

(The Records of the Arizona Constitutional Convention of 1910, Page 911)

[e947003] Mr. Short: I will submit that this is exactly the same proposition we voted upon just now, in different language, and the result would be exactly the same as though we had passed Mr. Cunniff's amendment.

Mr. Ellinwood: This seems a very necessary thing. As I understand it, constitutions are made for the protection of the minority, and whether it be by the initiative or by the legislature, there certainly ought to be restrictions by which special laws could not be made, for instance, in punishing crimes, or punishing misdemeanors. This seems very essential.

Mr. Short: I would like to ask the gentleman from Cochise if the constitution is not amendable by a majority vote, the same as is required to pass a law? I do not see where we are doing anything definite by saying the people cannot pass a law.

Mr. Ellinwood: I have no fear of the constitution ever being amended by a special law.

Mr. Cunniff: It seems to me that the gentleman from Yuma is laboring under a misapprehension, and the gentleman from Cochise has stated the matter fairly, clearly and intelligently.

Mr. Morgan: I am glad the gentleman from Cochise is a stickler for the minority, and I ask him to yield to a question. In the exemption of church property, where does the minority come in?

(The Records of the Arizona Constitutional Convention of 1910, Pages 911-912)

[e947004] Mr. Chairman: The question comes up on the amendment of the gentleman from Yuma. All in favor answer "aye;" contrary minded "no." The "ayes" have it, and it is so ordered. Are there any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 912)

[e947005] Mr. Cassidy: I wish to make an amendment to section 14. After the words "act" in the first line of section 14 insert the words "or section thereof," and after the word "act" in the second line insert the words "or section."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 912)

[e947006] Mr. Winsor: Mr. Chairman, I do not quite understand that motion. I do not believe sections of an act could be referred to by title. I believe this means just what it says, and I am in favor of leaving it just as it is.

Mr. Franklin: It seems to me the remarks of the gentleman from Yuma are correct. The very purpose of section 14 is to give you the law, and if there is any change in the law to give you the changes, so you see the intent of the changes. If we allow a section to be referred to only, we will have no idea what the law is, as it is to be amended. It seems to me this ought not to prevail.

Mr. Cassidy: It seems to me if this section is allowed to stand as now, it would cause a great deal of trouble. The legislature will no doubt in the future, as it has in the past, enact laws on certain subjects that will cover many, many pages, perhaps twenty, and if you want to change a single word in any section, then you have to reprint the whole act, which seems to me is entirely unnecessary. It would do no harm, but would do no good.

Mr. Ingraham: When the laws of 1901 were adopted, it was discovered that there were several typographical errors, and it became necessary for the next succeeding legislature to adopt an act in which the attempt was made to correct all of these typographical errors, and while they were very minute changes in the laws, they were very necessary changes. First let me say that this amendment was simply made by referring to the paragraph of the statutes of 1901 and stating that the word "should" we will say, in such and such a paragraph should be changed to "will" or something of that kind. Now if the

section under discussion had been in the Organic Act of Arizona at that time, it would have been necessary, for the legislature to republish every act in which there was a single word to be changed, and that act (which covered two or three pages in the Session Laws) would probably have been a volume as large as the Session Laws, if not larger. It is because this will [words missing] and is absolutely unnecessary, that it ought to be changed. If the section is to be changed by the striking out of a single word or the insertion of a word, it certainly ought to be sufficient if the legislature reprint the entire section with proper references. That is the purpose of this amendment as I understand it, and it seems to me necessary, as this section as it stands would work great evil and would not accomplish any good. It would simply make your statutes so cumbersome you would have a load of lumber to haul.

(The Records of the Arizona Constitutional Convention of 1910, Pages 912-913)

[e947007] Mr. Cassidy: I wish to make a little change in order to obviate the objections made by the gentleman from Yuma, by inserting after the word "title" in line 2, the words "of such act;" this would make the whole section read as follows: "No act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947008] Mr. Cassidy: I wish to make a little change in order to obviate the objections made by the gentleman from Yuma, by inserting after the word "title" in line 2, the words "of such act;" this would make the whole section read as follows: "No act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947009] Mr. Chairman: Gentlemen, you have heard the amendment of the gentleman from Maricopa. All in favor will answer "aye;" contrary-minded "no." The "ayes" seem to have it. All those in favor of the motion will please stand, and remain until counted. The motion is carried and the section so amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947010] Mr. Chairman: [...] Are there any other objections or amendments to be offered to the article? If not the article will be considered as adopted by the committee of the whole.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947011] Mr. Chairman: [...] The secretary will read the next article, being Article V, Executive Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947012] Secretary (reading): Section 1, Article V, Executive Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947013] Mr. Chairman: Are there any objections or amendments? If not, the secretary will read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947014] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947015] Mr. Chairman: Section 2. Are there any objections or amendments? If not, read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947016] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947017] Mr. Chairman: Section 3. If there are no objections or amendments, read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947018] Secretary (reading): Section 4

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947019] Mr. Chairman: If there are no objections, read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 913)

[e947020] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947021] Mr. Chairman: Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947022] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947023] Mr. Chairman: If there are no objections to section 6, read section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947024] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947025] Mr. Chairman: Section 7. Are there any objections or amendments.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947026] Mr. Winsor: I want to ask unanimous consent to refer back to section 15 of the legislative department, page 16. I move to amend section 15 on page 16, by adding at the end thereof the words "in open session."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947027] Mr. Chairman: I would like to call your attention to the word "passed" and "pass" in that same section.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947028] Mr. Winsor: And strike out the word "pass" and "passed" inserting therefor the words "enact" and "enacted."

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947029] Mr. Cunniff: I do not think it is necessary to make that change there.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947030] Mr. Winsor: No, inasmuch as it refers to a bill.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947031] Mr. Chairman: It is moved and seconded that in section 15 on page 16, the section be amended by adding the words "in open session." Those in favor of the motion say "aye;" contrary-mind "no." The "ayes" have it, so ordered. Read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947032] Mr. Ellinwood: Mr. Chairman, on page 21, the last paragraph, I do not understand it clearly. "If any bill be not returned within five days after it shall have been presented to the Governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the legislature by its final adjournment prevents is [sic] return," etc. This is conflicting in my mind.

Mr. Weinberger: I think this reference here refers to the ninety day clause.

Mr. Ellinwood: What becomes of a bill that is presented to the governor and he does not return it within ten days. Does it mean a veto or does it become law.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947033] Mr. Chairman: The secretary will read section 8.

Secretary (reading): Section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947034] Mr. Chairman: Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947035] Secretary (reading): Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947036] Mr. Chairman: If there is no objection, read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947037] Secretary (reading): Section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947038] Mr. Chairman: If there is no objection, read section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947039] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947040] Mr. Chairman: If there is no objection, read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947041] Secretary (reading): Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947042] Mr. Chairman: If there is no objection, read section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947043] Secretary (reading): Section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 914)

[e947044] [Editor's Note: The Chairman proceeded to put the question on the entire article, suggesting that Section 13 was agreed as read.]

(Editorial)

[e947045] Mr. Standage: Mr. Chairman, I would like to amend section 1, in the fourth line. Change the word "two" to "four," so that the officers will hold their term for four years instead of two.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947046] Mr. Standage: I think it would save expense to the state, and since we have adopted the recall it seems to me that we might as well, if a man is capable, let him serve for four years.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947047] Mr. Chairman: It has been moved and seconded that section 1 be amended to read "four" instead of "two." All in favor of this motion say "aye;" contrary-minded "no." The secretary will call the roll.

Roll call showed 15 "ayes" and 33 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947048] Mr. Chairman: The motion is lost. Are there any other objections or amendments to the article?

Mr. Cassidy: Mr. Chairman, I move that the figures "1913" be changed to "1915," " [sic] for the reason that the governor cannot possible be elected before the summer of 1912, and if this is left 1913 he would only have a few months to hold office.

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947049] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947050] Mr. Moeur: I would like to have the salary of the attorney general changed from twenty-five hundred to thirty-five hundred.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947051] Mr. Chairman: It has been moved and seconded that the salary of the attorney general be changed from twenty-five hundred dollars to thirty-five hundred dollars. The secretary [will] call the roll.

Mr. Crutchfield: Mr. Chairman, before I can vote intelligently, I would like some information as to the duties of the attorney general.

Mr. Moeur: I know if it should be like it was in Texas it would take him day and night for fifteen or twenty years to bring the railroads to time.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947052] Mr. Chairman: Call the bill [sic].

Roll call showed 18 "ayes" and 30 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947053] Mr. Ellinwood: If the members will turn to page 9, which is the first section of the initiative and referendum, to the second line on page 9, "No act passed by the legislature shall be operative for ninety days after the close of the session." Then on page 21 I move to insert after the word "law" the words "ninety days after the close of the session of the legislature as provided in this constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947054] Mr. Winsor: I am afraid that would prove conflicting. An act does not become a law at the end of ninety days in the event of the referendum and it was to cover such a case that this clause was inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947055] Mr. Ellinwood: I would change it to read this way: "Or become a law as provided in section 1 of article IV of this constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947056] Mr. Ellinwood: I would change it to read this way: "Or become a law as provided in section 1 of article IV of this constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947057] Mr. Cunniff: I think that is a sentence that it would be well not to tamper with, but I would be glad to hear from the gentleman from Cochise if he thinks it does not cover the ground.

Mr. Ellinwood: It seems impossible for me to tell whether it will become a law or not; whether it will become a law in five days, or whether it is to become a pocket veto.

Mr. Short: Mr. Chairman, this was thrashed out so thoroughly and discussed pro and con by the committee on the floor of the convention, I do not see how it could be construed in any other way than it would become a law if there was no referendum applied at the end of ninety days.

Mr. Jones (Yavapai): I know the committee on executive spent considerable time on that. That ten days has no effect on when that law shall become a law. It shall become a law as provided by this constitution. The ten days refers to the time the governor shall file it in the office of the secretary of state.

Mr. Ellinwood: I would like to ask the gentleman from Yavapai, for the purpose of getting it in the record. Is it the purpose of the legislative department that there should be no such thing as a pocket veto?

Mr. Cunniff: Yes sir.

(The Records of the Arizona Constitutional Convention of 1910, Pages 915-916)

[e947058] Mr. Ellinwood: I will withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947059] Mr. Chairman: Are there any other objections and amendments to be offered to Article V? If not it will be considered as recommended for adoption by the committee of the whole. The secretary will read Article VI, Judicial Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947060] Mr. Chairman: Are there any other objections and amendments to be offered to Article V? If not it will be considered as recommended for adoption by the committee of the whole. The secretary will read Article VI, Judicial Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 915)

[e947061] Secretary (reading): Section 1, Article VI, Judicial Department.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947062] Mr. Chairman: Read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947063] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947064] Mr. Chairman: Reading section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947065] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947066] Mr. Chairman: Are there any objections or amendments? If not, read section 4.

Mr. Jones (Yavapai): Mr. Chairman, it says here: "The judge having the shortest time to serve, and not holding his office appointment or by election to fill a vacancy." I do not know how a judge could be elected unless he was elected to fill a vacancy.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947067] Mr. Chairman: Are there any other objections to section 3? If not, read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947068] Secretary (reading): Section 4

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947069] Mr. Chairman: Are there any objections or amendments? If not, read Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947070] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947071] Mr. Chairman: If there are no objections or amendments, read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947072] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 916)

[e947073] Mr. Chairman: Are there any objections or amendments?

Mr. Ellinwood: I would like to ask some of the legal gentlemen if the amount "two hundred dollars" ought not to be "two hundred dollars exclusive of interests and costs?" That is the usual term, so that the sum may be a definite sum.

Mr. Chairman: Are there any other objections or amendments?

Mr. Cunningham: Mr. Chairman, section 6 provides: "The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court." The beginning of the next paragraph: "The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent children." Is it the intention to give the superior court original jurisdiction in matters of twenty or thirty dollars? Does not this do it?

Mr. Weinberger: I will say that the phraseology used here is word for word the phraseology of Washington.

Mr. Chairman: The chair hears no motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 916-917)

[e947074] Mr. Cassidy: Mr. Chairman, I move that after the words "two hundred dollars" in section 6 there be inserted the words "exclusive of interest and costs."

Mr. Ellinwood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947075] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947076] Mr. Chairman: The secretary will read Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947077] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947078] Mr. Chairman: If there are no objections, read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947079] Mr. Chairman: If there are no objections, read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947080] Mr. Weinberger: It is a question in my mind whether the phrase in section 6, "of all matters of probate" would include all matters over which the probate court now has jurisdiction—insane persons, minors, etc.

Mr. Short: I would like to ask the gentleman from Gila who would have jurisdiction where the business is taken over by the superior court?

[Remarks by Lynch of Graham not located.]

Mr. Weinberger: Mr. Chairman, I will say that by law we have a probate court, and we are attempting to abolish that probate court by this section. I do not see that we are doing it by the use of that phrase.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947081] Mr. Ellinwood: I move that after the word "probate" be added "or guardianship."

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947082] Mr. Lynch: That would not be comprehensive enough, because the probate court has jurisdiction over other matters that are not guardianship.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947083] Mr. Chairman: Do I hear a motion? The secretary will proceed with the reading of section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947084] Mr. Chairman: Do I hear a motion? The secretary will proceed with the reading of section 9.

(The Records of the Arizona Constitutional Convention of 1910)

[e947085] Secretary (reading): Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947086] Mr. Chairman: Any objections or amendments? If not, read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947087] Secretary (reading): Section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947088] Mr. Ellinwood moved, seconded by Mr. Lynch, to amend Section 10, page 31 in the tenth line thereof by striking out the word "five" and inserting the word "six".

(The Minutes of the Arizona Constitutional Convention, Page 396)

[e947090] Mr. Jones (Yavapai): Mr. Chairman, I move an amendment that the word "six" be stricken out and the word "four" be inserted.

Mr. Wood: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 917)

[e947091] Mr. Chairman: Gentlemen, the question is on the amendment to strike out the word "five" and insert the word "six" and the amendment to the amendment to strike out the word "six" and insert the word "four." Those in favor of the amendment to strike out the word "six" and insert "five" [sic] will say "aye;" those opposed "nay," as their names are called.

Roll call showed 10 "ayes" and 38 "nays."

Mr. Chairman: The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947092] Mr. Chairman: [...] Now the question comes up on the amendment to strike out the word "five" and insert "six." Those in favor will say "aye;" those opposed "nay," as the secretary calls the roll.

Roll call showed 17 "ayes" and 32 "nays."

Mr. Chairman: The motion is lost. If there are no other objections the section 10, is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947094] Mr. Tuthill: I move to amend by striking out the word "Greenlee" where it now appears and adding at the end of all the section "The superior judges in and for the county of Greenlee shall receive \ \$3500 per annum." Mr. Chairman, my reason for this is that in Greenlee county the living expenses are so high and the salary allowed here is quite sufficient for the judge of that county.

Mr. Cobb: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947095] Mr. Lynch: I desire to say that I am in favor of this change from the fact that three-fifths of the cases on the docket came from Greenlee County heretofore. I know that the expenses of court of much higher there than in Graham county and that the living expenses are also very high. I believe that Greenlee County is entitled to the higher salary.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947096] Mr. Chairman: The secretary will call the roll. Those in favor of the amendment will answer "aye;" those opposed "nay."

Roll call showed 25 "ayes" and 15 "nays."

Mr. Chairman: The motion is carried. The amendment is made.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947097] Mr. Chairman: [...] If there are no further objections, the secretary will read the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947098] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947099] Mr. Chairman: No objections to section 11. Read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947100] Secretary (reading): Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 912)

[e947101] Mr. Chairman: No amendments. Read section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947102] Secretary (reading): Section 13.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947103] Mr. Chairman: If there are no objections, read section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947104] Secretary (reading): Section 14.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947105] Mr. Chairman: No objections to that section. Read the next.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947106] Secretary (reading): Section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947107] Mr. Chairman: Are there no objections? Read the next section.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947108] Secretary (reading): Section 16.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947109] Mr. Chairman: Section 16 is passed. Read section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947110] Secretary (reading): Section 17.

(The Records of the Arizona Constitutional Convention of 1910, Page 918)

[e947111] Mr. Moeur: I do not believe in having these clerks appointed by the judges for I think that they should be elected by the taxpayers, and I move that they shall be elected by the qualified electors of the county.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
918-919)

[e947112] Mr. Lynch: I think that if the gentleman from Maricopa would study the matter over, he would withdraw his motion. If there is anyone who has the right to appoint such officers and who could do so judiciously, it is the judge. It is the judge who has the work of the clerk under his supervision and direction and I think he should have the right to appoint the clerks.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947113] Mr. Chairman: The motion of the gentleman from Maricopa is to make the clerks of the court elective rather than appointive. Those in favor of the motion will say "aye;" those opposed "nay." The "ayes" have it and it is so ordered. Read section 18.

[Editor's Note: That this amendment was adopted is clearly a mistake. The Minutes note the proposal as rejected, and the proffered wording does not appear in the final Constitution.]

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947114] Mr. Chairman: [...] Read section 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947115] Secretary (reading): Section 18.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947116] Mr. Weinberger: I notice that the term of office for these clerks is four years, while the term of office for other officers is only two years, and I move to amend by saying "The clerk of the court shall hold the office of clerk co-terminous with the judge of the court."

Mr. Franklin: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947117] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947118] Mr. Chairman: Read section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947119] Secretary (reading): Section 19.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947120] Mr. Chairman: If there are no objections, section 19 is passed. Read section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947121] Secretary (reading): Section 20.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947122] Mr. Chairman: No objections. Read section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947123] Secretary (reading): Section 21.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947124] Mr. Chairman: There seem to be no objections. Read section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947125] Secretary (reading): Section 22.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947126] Mr. Chairman: section 22 is passed. Read section 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947127] Secretary (reading): Section 23.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947128] Mr. Chairman: Read section 24.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947129] Secretary (reading): Section 24.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947130] [Editor's Note: The Chair proceeded to put the question on the entire article, indicating that Section 24 was considered adopted.]

(Editorial)

[e947131] By unanimous consent Section 23, page 34 was amended by the end thereof by adding the letter "s" to the word "law".

(The Minutes of the Arizona Constitutional Convention, Page 397)

[e947132] By unanimous consent Section 23, page 34 was amended by the end thereof by adding the letter "s" to the word "law".

(The Minutes of the Arizona Constitutional Convention, Page 397)

[e947133] Mr. Chairman: If there are no other amendments, the article entitled "Judicial Department" will be adopted by the committee of the whole. The secretary will now read the "Ordinance Article."

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947134] Mr. Cunniff: Mr. Chairman, the "Ordinance Article" will be number 20.

Secretary (reading): Article Number XX, Ordinance.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947135] Mr. Chairman: There being no objections to the article entitled "Ordinance," it will be now adopted by the committee of the whole. The secretary will now read the next article entitled, "Removal from Office, or Recall of Public Officers."

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947136] Secretary (reading): Section 1, of Article on Removal from Office, or Recall of Public Officials.”

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947137] [Editor’s Note: As the question was put not only on each section but also each subdivision in the article, the editors have created a working version of the first subdivision to allow the question to be put on the subdivision as a whole after each section is considered.]

(Editorial)

[e947138] Secretary (reading): Section 1, of Article on Removal from Office, or Recall of Public Officials.

(The Records of the Arizona Constitutional Convention of 1910, Page 919)

[e947139] Mr. Chairman: Are there any objections or amendments?

Mr. Cunniff: On page 39, second line, the words ”number of,” I move be inserted [sic] before the word ”votes,” in order to make it conform with the other parts of the constitution.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 920)

[e947140] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 920)

[e947141] Mr. Tuthill: I move to insert after the word ”appointment” the words ”excepting the judiciary.” I do this for two reasons: First, I do not believe you will have an impartial judge if you hold the club of recall over him. I think if you pass the recall, you make the judgeship a travesty. In that assertion, in the paper I just purchased from the boy, in the message of President Taft to Congress, he says: ”Nothing is so important to the preservation of our country and its beloved institutions as the maintenance of the independence of the judiciary, and next to life tenure an adequate salary is the most material contribution to the maintenance of independence on the part of our judges.” He is speaking to Congress of Federal judges, but I do not believe for a moment, with the judicial training of our President, Mr. Taft, whose feeling in the matter is shown by that message, that he will put his mark of approval on a constitution that provides for the recall of the judges.

[...]

Mr. Curtis: I second the motion of the gentleman from Greenlee.

(The Records of the Arizona Constitutional Convention of 1910, Page 920)

[e947142] Roll call showed 14 ”ayes” and 32 ”nays.”

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947143] Mr. Chairman: The motion is lost. Any other objections or amendments? If not, read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947144] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947145] Mr. Chairman: If there are no objections, read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947146] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947147] Mr. Cassidy: Mr. Chairman, I move that the first two words in the second line on page 40 "shall be," be changed to "shall have been."

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947148] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947149] Mr. Chairman: If there are no further amendments, the secretary will read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947150] Secretary (reading): Section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947151] Mr. Chairman: Section 4. Are there any objections or amendments? If not, it will stand approved as read. Read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947152] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947153] Mr. Chairman: Are there any objections or amendments? If not, the secretary will read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947154] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947155] Mr. Chairman: Are there any objections or amendments? Are there any objections or amendments to the article entitled "Removal from Office?" If not, the secretary will read the next subdivision.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947156] Mr. Chairman: Are there any objections or amendments? Are there any objections or amendments to the article entitled "Removal from Office?" If not, the secretary will read the next subdivision.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947157] Mr. Cunniff: This is Article VIII, Subdivision 1. The next will be Subdivision 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947158] Secretary (reading): Section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947159] Mr. Chairman: Are there any objections or amendments. If not, read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947160] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, page 921)

[e947161] Mr. Chairman: Are there any objections or amendments? If not, read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947162] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947163] Mr. Chairman: Are there any objections or amendments? Gentlemen, what will you do with subdivision 2 of Article VIII, entitled "Impeachment" [?]. Are there any objections, corrections or amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947164] Mr. Weinberger: Section 3 means to throw some doubt in the minds of some members, although not in mine, as to a possible conflict of impeachment and recall. I do not see that section 3 is necessary, and I, therefore, move to strike it out.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 921)

[e947165] Mr. Short: Mr. Chairman, what provision will we have for the removal of appointive officers?

Mr. Weinberger: The legislature will provide for that. We do not need this to give sanction to the legislature to pass such laws. If this casts any doubt as to matters of impeachment and removal from office, and recall, we might as well do away with this section.

Mr. Crutchfield: Mr. Chairman, it seems to me that there is one rather important point that has been omitted, and that is the power of the governor to control all executive officers. It seems to me we should have some means whereby the mayor, chief of police, or sheriff of the county could be removed if he did not perform his duties.

Mr. Standage: We have the recall.

Mr. Crutchfield: In some instances that might not be possible.

Mr. Cunniff: It seems to me there is no need to make a provision in the constitution for cases of that kind. The legislature will have the power to do that without authorization in the constitution, as the gentleman from Gila says.

(The Records of the Arizona Constitutional Convention of 1910, Pages 921-922)

[e947167] Mr. Ingraham: I amend the motion to this effect. That after the word "impeachment" we insert the word "or recall."

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947168] Mr. Chairman: The motion to strike out cannot be amended. The motion is out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947169] Mr. Chairman: [...] The question is on striking out section 3. All in favor will say "aye;" contrary-minded "no." The motion is carried. Section 3 is stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947170] [Editor's Note: The Chairman put the question on the entire subdivision, indicating that Section 3 was considered agreed as amended—i.e., stricken.]

(Editorial)

[e947171] Mr. Chairman: [...] Are there any other objections or amendments to subdivision 2 of Article VIII? If not, it will considered as recommended for adoption.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947172] Mr. Chairman: [...] Gentlemen, we have completed the printed part of the constitution.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947173] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e947174] Mr. Winsor: I move that the committee of the whole do now arise and report progress.

Mr. Connelly: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

[e947175] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 922)

### **32.52 Wednesday, 07 December 1910, at 09:30 (s16309)**

[e947209] Mr. President: Gentlemen, we have some other matter to come before the committee of the whole, and the convention will now resolve itself into the committee of the whole, with the gentleman from Yavapai, Mr. Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947211] Mr. President: Gentlemen, we have some other matter to come before the committee of the whole, and the convention will now resolve itself into the committee of the whole, with the gentleman from Yavapai, Mr. Goldwater, in the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947214] [Editor's Note: The Committee of the Whole resumed took up Part 3 of of the Draft Constitution.]

(Editorial)

[e947215] [Editor's Note: The Committee of the Whole resumed took up Part 3 of of the Draft Constitution.]

(Editorial)

[e947218] Mr. Chairman: Read Article VII, Suffrage and Election.

Secretary (reading): Article VII, Suffrage and Election.

[Editor's Note: Departing from its standard procedure, the Committee of the Whole considered Article VII as a whole, rather than by section.]

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947220] Mr. Chairman: That concludes Article VII. Are there any objections or amendments?

Mr. Winsor: I would like to refer back to section 13, and offer the following amendments. In the third line of section 13, strike out the words "or any" close to the end of the line, and insert the words "and of the," and at the end of the section add the words, "affected by such question."

Mr. Short: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947222] Mr. Crutchfield: Mr. Chairman, it seems to me that this is encumbering the constitution and that really the amendment should be "qualified electors of the subdivision affected by such question." We do not want to have a redundancy of words.

Mr. Winsor: The amendment is acceptable.

Mr. Parsons: Mr. Chairman, I desire to call the attention of the committee to the fact that the word "state" was added in a proposition here. There might be a question whether a state proposition could be submitted. I certainly think this word should remain in there.

Mr. Winsor: I think it would be best.

[Editor's Note: Though Crutchfield's suggestion reads like an amendment to Winsor's amendment, it was not incorporated into the text.]

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947224] Mr. Jones (Yavapai): Mr. Chairman, I move that section 13 be stricken out.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947225] Mr. Osborn: Mr. Chairman, I just want to call the attention of the committee to the fact that this is one of the questions that have been thoroughly thrashed out time and time again.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947226] Mr. Chairman: Those in favor of the motion to strike out section 13, as the roll is called will answer "aye;" contrary-minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947227] Mr. Chairman: [...] The question comes up on the adoption of the amendment offered by the gentleman from Yuma. Are you ready for the question? Those in favor will answer "aye;" contrary-minded "no." The "ayes" have it. The amendment is adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947228] Mr. Curtis: Mr. Chairman, I would like to offer an amendment to add the following at the end of section 2: "No person shall have the right to vote or be eligible to office under the Constitution of this state, who shall not be able to read the constitution in the English language and write his name: Provided, however, that the provisions of this law shall not apply to any person prevented by a physical disability from complying with its requisitions nor to any person who shall be sixty years of age or upward at the time this law shall take effect."

Mr. Wood: I second the motion

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947230] Mr. Curtis: This is simply an amendment to not disenfranchise voters already having the right to vote.

Mr. Webb: It is also in addition a proposition that has been voted down two or three times by this convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947231] Mr. Chairman: All in favor of this amendment will make it known by saying "aye;" contrary-minded "no." The gentleman insists upon a roll call. The chair is in doubt anyway. All those in avor of the proposition will rise and remain standing until counted. Contrary-minded will rise. The motion is lost 15 to 28.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947233] Mr. Chairman: [...] Are there any other objections or amendments to Article VII? If not it will be the sense of the committee of the whole to recommend it for adoption by the convention as amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947255] Mr. Chairman: [...] The secretary will read Article IX.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947256] Secretary (reading): Article IX, Section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947257] Mr. Chairman: If there are no objections, read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947259] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 930)

[e947260] Mr. Chairman: Are there any objections to section 2?

Mr. Osborn: Mr. Chairman, in section 2, line 5 after the words "Young Men's Christian Association," I move that the "Women's Christian Temperance Union" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947261] Mr. Moeur: Mr. Chairman, I would like to amend by striking out all of section 2, beginning with the word "parsonages" down to the word "cemeteries."

Mr. Morgan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947263] Mr. Chairman: The motion of the gentleman from Maricopa is that all of section 2 from the word "parsonages" to the word "cemeteries" be stricken out. Are you ready for the question? All those in favor of the motion will manifest by saying "aye;" contrary minded "no." The chair is in doubt. All those in favor of the motion will rise and remain standing until counted; contrary-minded will rise. The amendment is lost. Are there any other amendments to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947264] Mr. Osborn: I have an amendment, Mr. Chairman.

Mr. Chairman: I did not hear any second.

Mr. Osborn: It was seconded by two or three members.

Mr. Chairman: The gentleman from Maricopa offers an amendment that after the words "Young Men's Christian Association" the words "Women's Christian Temperance Union," be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 931)

[e947267] Mr. Jones (Maricopa): I would like to offer an amendment to the motion of the gentleman from Maricopa, and in explaining that I would like to say that we have attempted to do some legislation here and have done it badly. We have included certain institutions and have excluded some just as worthy and I believe the whole subject can be disposed of with a slight amendment, cutting out all after "property" in the second line down to and including "profit" on line 8 and inserting in lieu these words: "Property of educational, charitable, and religious associations and institutions not used or held for profit may be exempt from taxation by law." We do not know what conditions may arise in the future and I think the who question can be wisely left to the legislature.

Mr. Morgan: I second the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Pages 931-932)

[e947269] Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Maricopa, Mr. Jones, to the amendment made by Mr. Osborn.

Mr. Short: Mr. Chairman, I would like to inquire what bearing this will have upon fraternal organizations.

Mr. Chairman: It leaves the whole matter with the legislature.

Mr. Cunningham: Mr. Chairman, if that amendment is made, then the last sentence in that section will prevent the very thing the gentlemen are endeavoring to do.

Mr. Cunniff: I would suggest that that could be cured by putting in the phrase "by law" before the words "under this constitution."

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947270] Mr. Chairman: All in favor of adopting the amendment offered by the gentleman from Maricopa, Mr. Jones, will answer "aye;" contrary minded "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947272] Mr. Chairman: [...] The amendment offered by the gentleman from Maricopa is amended now, and those in favor of the adoption of the amendment will say "aye;" contrary-minded "no." The "ayes" seem to have it. The "ayes" have it; so ordered. The amendment is carried. Are there any other objections?

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947277] Mr. Cunniff: Mr. Chairman, I move an amendment that after the word "constitution" these words be inserted: "or exempted by law under the provisions of this section."

Mr. Jones (Maricopa): I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947279] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947280] Mr. Baker: I move an amendment to the whole affair—that section 2 stand as it is now printed in the bill.

Mr. Cunningham: I second that motion, because as it now stands there is no law in this constitution except the constitutional provision, and it takes out even one of the exemptions of these matters we have tried to work into it.

[Editor's Note: Baker's motion, in effect, is that all of the agreed amendments to the section be dropped.]

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947282] Mr. Chairman: The chair refuses to entertain the motion. The committee of the whole has amended this, and you are moving to take back all the amendments and say the thing shall stand after the committee of the whole has just voted to amend it.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947283] Mr. Morgan: It seems to me we have just decided this question here.

Mr. Chairman: If you want to, move to strike out.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947284] Mr. Baker: I move to strike out the whole section as amended, and substitute therefor section 2 as printed in the bill.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 932)

[e947287] Mr. Jones (Maricopa): We have chewed the rag over this proposition a number of times. For us to attempt to go into details as we have here, we will find later that we have not included some institutions that should have been included, and we will find ourselves in an awkward position. I think the matter should stand as it now stands.

Mr. Morgan: There is another consideration we ought to think of here. It will leave all those members who are afraid of the big vote of the Y.M.C.A. They can stand pat if the proposition is left as it is now.

Mr. Baker: You cannot pick out a constitution in all of the states but what they provide for the exemption of institutions of this character. Churches and their property are exempted in nearly every constitution.

Mr. Jones (Maricopa): If it is adopted in the form it is now, it will exclude the W.C.T.U., who have a building in this town, and who refuses to rent their rooms to young women who are earning respectable salaries, but retain them to rent to poor girls.

Mr. Colter: The Crittendon Home should also be exempt.

Mr. Morgan: Mr. Chairman, in answer to the gentleman from Maricopa, Judge Baker, who says that all states have exempted this kind of property, I will convince the gentleman by the evidence of another member from Maricopa County, Mr. Crutchfield, that this is not so. Mr. Crutchfield, in speaking here the other night, said that he had been a member of the organization, that is, the Young Men's Christian Association, for several years and was more familiar with the work in California, where such an exemption had never been sought. Now, Mr. Chairman, that speaks volumes. Anybody who knows the disposition of the Young Men's Christian Association knows that whenever they go after a dollar they never rest until they get it. The comparison of a coyote after a cottontail rabbit isn't in it. Now, where such an exemption has never been sought, why was it not sought? It was simply from the fact that it was so unreasonable that the people of California would not stand for it, and they knew it, but notwithstanding the fact that the gentleman has said that it never was sought he did not give it as a matter of his own knowledge. Now the members of this convention do not really know how the people feel about this. The members from Maricopa do not know how the business men of Phoenix feel about it. I could give you names but I won't do it, because the Young Men's Christian Association would boycott them. They would not even become a member of the country club. While I am on the subject let me say that I did not attack the [words unclear] the Arizona Democrat is not qualified to defend Him. (applause) Now there is one particular clause here that I object to. I am willing to let church property go, but I am not willing to let the Young Men's Christian Association be exempt. A representative of that association here from Maricopa County has admitted here that it never sought exemption in the great state of California. I consider that the Young Men's Christian Association and the officers thereof are not honest. There is a magnificent palace (points to leaflet showing cut of new Y.M.C.A. building in Phoenix). It says "It is up to you." If they were really honest they would put below here the cabin of a laborer, and they would say, "This magnificent palace is exempt from taxation, but this poor fellow who has been handling a pick and shovel, or who has been running an engine, or who has been switching cars—this little cabin of his—this man has to pay taxes on it, but this magnificent palace here is exempt from taxation." I want to console the blacksmith and everybody who labors with his hands (and I want to say that the only time I get the callouses out of my hands is when I am down here as a member of this convention or in the legislature). The carpenter and the blacksmith and others can console themselves with the thought that while they are swinging their hammers, the young men here are playing pool and billiards, enjoying their swimming tank and bowling alley and all that sort of thing. If

they are willing to give so many licks a day and give up so many minutes of their hard labor to exempt that kind of proposition I have nothing against it. Many of the Jewish rabbis in the United States, and the Baptists as denomination, have favored their own property taxed. This is also true of hundreds of the greatest preachers in the United States—not the little, one-horse preachers we have in Arizona (and I want to make one honorable exemption in that case, and that is the gentleman from Maricopa, Mr. Crutchfield—he has been with the majority of the labor committee from start to finish). The church has for two thousand years had the reputation of always being on the side of the oppressor and against the oppressed, on the side of the rich and against the poor, and I am glad to acknowledge that there is an exception in this constitutional convention. This property is all given to the church. This laborer has put in his time earning the few rooms he lives in, but this property has been given to the churches and to the Young Men's Christian Association. That ought to be enough. If anybody would give property to me or any other member of this convention, we would be perfectly willing to pay taxes on it, but after you give them a million dollars they want it exempted from taxation. I cannot come within a thousand miles of presenting this subject as it ought to be presented. Had I the eloquence of a Parsons, a Winsor or a Cunniff I could do it justice, but as it is I guess I will quit right where I am. (applause)

Mr. Chairman: The question is on the adoption of the amendment offered by the gentleman from Maricopa, Mr. Baker, to strike out section 2 as amended and reinsert section 2 as printed in the original copy.

Mr. Moeur: Mr. Chairman, I do not believe that it is right to exempt all this church property from taxation. As a member of this constitutional convention I am opposed to this bill. I will not sign the constitution if this goes in, and I will fight till I die but I will beat it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 932-934)

[e947288] Mr. Chairman: The question comes up on the adoption of the amendment. As many as are in favor of adopting the motion will say "aye;" contrary-minded "no." The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 934)

[e947289] Mr. Chairman: [...] Are there any other objections? If not, read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 934)

[e947292] Mr. Morgan: The question is left to the legislature at present, is it?  
Mr. Chairman: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 934)

[e947295] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e947296] Mr. Ingraham: I move that we arise and report progress and ask leave to sit again.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 934-935)

[e947297] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 934)

### **32.53 Wednesday, 07 December 1910, at 14:00 (s16313)**

[e947308] Mr. Chairman: The committee of the whole will come to order. Gentlemen of the committee, we are on Article IX, entitled Public Debt, Revenue and Taxation. If there are no objections the secretary will read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947310] Mr. Chairman: The committee of the whole will come to order. Gentlemen of the committee, we are on Article IX, entitled Public Debt, Revenue and Taxation. If there are no objections the secretary will read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947313] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947314] Mr. Chairman: If there are no objections, the secretary will read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947315] Secretary (reading): Section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947316] Mr. Chairman: No objections to section 4? Read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947318] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947321] Mr. Baker: I move that section 5 be amended by striking out \ \$200,000 and substituting therefor \ \$300,000.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947322] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947325] Mr. Chairman: I would like to ask the chairman of the revision committee if, on page 47, it is desired to use the word "created." Do you want to leave it in that way?

Mr. Cunniff: I ask unanimous consent to change that wording.

[Editor's Note: In the absence of intermediary copies of the Constitution text, it is not clear what this word was before Cunniff's amendment to replace it with "created."]

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947327] Mr. Chairman: No objections. You may do so. Read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947328] Mr. Chairman: No objections. You may do so. Read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947330] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947333] Mr. Chairman: Any objection to section 6? Hearing none, read section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947337] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947339] Mr. Chairman: If there are no objections to section 7, read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947341] Secretary (reading): Section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947343] Mr. Short: Would this be exclusive of any state debt?

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947346] Mr. Crutchfield: I would like to refer back to section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947347] Mr. Chairman: If there are no objections, we will refer back to section 7. You may refer back.

(The Records of the Arizona Constitutional Convention of 1910, Page 939)

[e947349] Mr. Crutchfield: I move an amendment by saying “ownership should accrue to the city, town, municipality or county.”

(Editorial, Page 939)

[e947351] Mr. Chairman: Any second to that amendment? Under the law the state does not own anything.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
939-940)

[e947352] Mr. Crutchfield: I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947355] [Editor’s Note: With the withdrawal of Crutchfield’s amendment, Section 7 was agreed.]

(Editorial)

[e947356] Mr. Chairman: Any objections to section 8? Read section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947357] Secretary (reading): Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947359] Mr. Chairman: Are there any objections to section 9? Read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947361] Secretary (reading): Section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947362] Mr. Chairman: Are there any objections to section 10? Read section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947363] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947364] Mr. Chairman: Are there any objections to section 11? I would like to ask the chairman of the Committee on Style, Revision and Compilation if it is desired that word “chairman” or words “chairman of the boards of supervisors” be read.

Mr. Parsons: “Boards” is plural, “chairmen” should be used.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947365] Mr. Chairman: That is correct. Read section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947366] Secretary (reading): Section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947368] Mr. Chairman: Any objections to section 12?

Mr. Cunniff: I would ask for unanimous consent to add a comma after the word “stamp” and strike off the “s” from the word “registration.”

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947369] Mr. Chairman: No objections to the correction. The correction may be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947371] [Editor’s Note: The Committee proceeded to reconsider Section 5, indicating that Section 12 was considered agreed as amended.]

(Editorial)

[e947373] Mr. Ingraham: I ask that section 5 be reverted to. I should like to make an amendment. Page 48, line 3, insert the word “money.” I think that it would be unwise to prevent the state from borrowing money for public improvement. Suppose that we want to build a new state capitol. There would be no provision for borrowing the money, and I think we should make provision for this.

Mr. Crutchfield: I second that motion.

[Editor’s Note: The text of the amendment comes from the Minutes.]

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947375] Mr. Cunniff: I think that the amendment provided by Judge Baker would be a much better method of correcting this error than the one offered by the gentleman from Yuma.

Mr. Moeur: I think that the sum herein provided for is a very small amount for the state’s use to say nothing of making improvements in addition. I think that we should by all means make provision for public improvements and our only means for doing so is by raising money by borrowing.

Mr. Crutchfield: I second the motion of the gentleman from Yuma.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947377] Mr. Winsor: I move to amend the amendment to the effect that the sum of “\$200,000” be changed to “\$350,000.”

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947379] Mr. Ingraham: I shall accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947381] Mr. Chairman: Gentlemen, it has been moved and seconded that section 5 be amended by striking out the figures “\ \$200,000” and inserting “\ \$350,000” in lieu thereof. Those in favor of the amendment will answer “aye;” those opposed “nay.” The “ayes” have it, and the figures “\ \$200,000” are stricken out and the figures “\ \$350,000” are inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 940)

[e947383] Any other objections to this article? If not, Article XI has been adopted by the committee of the whole. The secretary will read Article X, entitled State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Pages 940-941)

[e947386] Secretary (reading): Article X, State and School Lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947387] Mr. Chairman: Any objections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947388] Mr. Cunniff: I ask consent to insert the word “in” before the word “constitution.”

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947389] Mr. Chairman: If there are no objections the correction may be made. The correction is made.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947390] Mr. Chairman: [...] What do you mean by “natural deposits?”

Mr. Cunningham: It means what grows upon the lands.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947391] Mr. Chairman: Read section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947392] Secretary (reading): Section 2.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947393] Mr. Chairman: No objections? Read section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947394] Secretary (reading): Section 3.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947395] Mr. Chairman: Are there any objections to section 3? Read section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947396] Secretary (reading): Section 4.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947397] Mr. Chairman: Any objections? Read section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947398] Secretary (reading): Section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947399] Mr. Chairman: If there are no objections, read section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947400] Secretary (reading): Section 6.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947401] Mr. Chairman: Section 6 is passed. Read section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947402] Secretary (reading): Section 7.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947403] Mr. Chairman: If there are no objections to section 7, read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947405] Mr. Chairman: If there are no objections to section 7, read section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947407] [Editor's Note: As there were no objections or amendments to Section 8, the Committee took up the next section.]

(Editorial)

[e947409] Mr. Cunniff: I ask consent to revert to sections 2 and 3.

(The Records of the Arizona Constitutional Convention of 1910, page 941)

[e947411] Mr. Chairman: No objections? You may do so.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947414] Mr. Cunniff: I move that the word "that" be inserted after the word "then."

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947415] Mr. Chairman: If there are no objections, the amendment may be made. The amendment shall be made.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947417] Mr. Chairman: The word “therefrom” is misspelled.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947418] Mr. Chairman: [...] Secretary read section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947419] [Editor’s Note: It’s not clear why Cunniff moved to revert to Section 3, as he is not recorded as amending it.]

(Editorial)

[e947420] Secretary (reading): Section 9.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947421] Mr. Franklin: In line 8, I think it should be mandatory upon the legislature to make appraisalment and assessment, and I move that the word “may” be stricken out and the word “shall” be inserted.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947422] Mr. Parsons: I find the same word in line 5, section 9, and I call the attention of the gentleman to the fact.

Mr. Franklin: This leaves it to the legislature to use their own judgement and I think that it ought to be mandatory.

Mr. Chairman: Do I hear a second?

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947423] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947424] Mr. Jones (Yavapai): I would like to refer back to section 8.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947426] Mr. Winsor: Before passing this article, I suggest that we strike out the “th” after the word “20,” as that is the form adopted.

(The Records of the Arizona Constitutional Convention of 1910, Page 941)

[e947428] Mr. Chairman: If there are no objections the correction will be sustained. It is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947429] Mr. Chairman: [...] Any other objections to Article X? The committee of the whole recommends that Article X be adopted by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947432] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e947434] Mr. Hunt: I move that the committee now arise and report progress.  
Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947436] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

### **32.54 Wednesday, 07 December 1910, at 19:30 (s16317)**

[e947462] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947463] Mr. Chairman: The committee of the whole will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947480] Mr. Chairman: [...] Gentlemen of the committee, the matter before the committee is consideration of the constitution of Arizona in its printed form. The committee left off at section 10 of Article X. If there are no objections, the secretary will read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947482] Mr. Chairman: [...] Gentlemen of the committee, the matter before the committee is consideration of the constitution of Arizona in its printed form. The committee left off at section 10 of Article X. If there are no objections, the secretary will read section 10.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947483] [Editor's Note: Part 3 of the Draft Constitution was referred to the Committee of the Whole.]

(Editorial)

[e947484] [Editor's Note: Part 4 of the Draft Constitution was referred to the Committee of the Whole.]

(Editorial)

[e947490] Secretary (reading): Section 10, Article X.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947492] Mr. Chairman: Section 10. Gentlemen, I call your attention to the words in the second line of this section. It seems to me there is a mistake there. The words “or lease” are in the wrong place, I think.

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947493] Mr. Cunningham: Change it by putting a comma (,) after the word “sale.”

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947494] Mr. Chairman: “The legislature shall provide by proper laws for the sale of all state lands for terms not longer than five years.” I think it should be “for the sale of all state lands, or lease, for terms not longer than five years.” Put the “or lease” after the word “lands.”

(The Records of the Arizona Constitutional Convention of 1910, Page 944)

[e947495] Mr. Lynch: Mr. Chairman, the committee when taking that up, my recollection is, we decided the form was proper, “the sale, or lease, for periods not longer than five years.”

Mr. Chairman: Look at it again, Mr. Lynch, and see whether you think it reads right.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947496] Mr. Lynch: I would suggest, then, that it be transposed in this way: “The legislature shall provide by proper laws for the sale of all state lands, or the lease of such lands for terms not longer than five years.”

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947497] Mr. Chairman: You have heard the motion made by the gentleman from Graham County, that line 2 of section 10 be changed so as to read: “The legislature shall provide by proper laws for the sale of all state lands, or the lease of such lands for terms not longer than five years.”

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947499] [Editor’s Note: The passage of the LynchTuthill amendment made Cunningham’s amendment obsolete.]

(Editorial)

[e947501] [Editor’s Note: The passage of the LynchTuthill amendment made Goldwater’s amendment obsolete.]

(Editorial)

[e947502] Mr. Chairman: [...] Are there any objections to the amendment? If not, it will be considered as adopted. Read section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947503] Secretary (reading): Section 11.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947504] Mr. Chairman: Section 11. Are there any objections or amendments, gentlemen? That concludes Article X.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947505] Mr. Chairman: [...] That concludes Article X. Are there any objections or amendments to the Article? If not, it will be considered as adopted by the committee of the whole and recommended to the convention for its approval. Read Article XI. Title, "Education," section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947506] Mr. Chairman: [...] Read Article XI. Title, "Education," section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947507] Secretary (reading): Section 1, Article XI.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947508] Mr. Chairman: Section 1. Are there any objections or corrections to this section? After the word "kindergarten schools" insert the words "common schools." Are there any objections?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947510] Mr. Chairman: Section 1. Are there any objections or corrections to this section? After the word "kindergarten schools" insert the words "common schools." Are there any objections?

Mr. Chairman: Section 1. Are there any objections or corrections to this section? After the word "kindergarten schools" insert the words "common schools." Are there any objections?

[Editor's Note: Though a decision on this amendment is not recorded in the source material, the change does appear in the final constitution.]

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947511] Mr. Chairman: [...] Are there any objections? Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947512] Mr. Chairman: [...] Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Article XI,  
Section 2)

[e947514] Mr. Chairman: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947515] Mr. Chairman: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947517] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 495)

[e947518] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947519] Mr. Chairman: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910)

[e947520] Mr. Chairman: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947521] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947522] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947523] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947527] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947528] Sec. 7. No sectarian instruction shall be imparted in any school or state educational institution that may be established under this constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state, as teacher, student or pupil, but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947530] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947532] Mr. Ingraham: I beg to offer an amendment, Mr. Chairman. I move that in line 2 of section 8, after the word "sale," the words "or lease" be inserted, and that in line 2 of the second paragraph thereof there be inserted the following words: "and the rental derived from school lands."

[Editor's Note: The Minutes name Osborn as the seconder, though he seems to oppose the amendment in the Records.]

(The Records of the Arizona Constitutional Convention of 1910, Page 945)

[e947533] Mr. Ingraham: [...] I make that motion for the reason that the section as it now stands is in violation of the terms of the Enabling Act, and is also in violation of other provisions we have adopted. Now I wish to read a passage from the Enabling Act—the passage which expresses that the trust under which these lands are to be held by the State of Arizona, section 28, found on page 19: “That it is hereby declared that all lands hereby granted, including those which, having been heretofore granted to the said Territory, are hereby expressly transferred and confirmed to the said State, shall be by the said State held in trust, to be disposed of in whole or in part only in manner as herein provided and for the several objects specified in the respective granting and confirmatory provisions, and that the natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.”

That seems to be sufficient, but in the next paragraph they go even further and make the trust even more explicit. “Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than for which such particular lands, or the lands from which such money or thing of value shall have been derived, were granted or confirmed, or in any manner contrary to the provisions of this Act, shall be deemed a breach of trust.”

For the gist of the question here is whether the rental of the school lands may be expended directly for the maintenance of the schools or whether that money must first go into the school funds, the interest from which is to be expended for the maintenance of the schools. My contention is, and the purpose of my amendment is, to provide that the rental of these lands shall go into the school fund, and the expenditures for the maintenance of the schools must be made without taking that money—the rental money. That is, either a portion of the funds must be expended, or the income from the funds. I ask for a second.

Mr. Osborn: We had that very same question and the same thought suggested when this matter was threshed out before, and I took the stand at that time (and I see no reason to change my view now) that the income from the land itself holds exactly the same position that the interest from the sale of the land does—that we are perfectly justified in using the income from lease for the maintenance of schools, just as we use the interest from the sale of the lands, and that there is no possibility of considering it a breach of trust; that the purpose of the Enabling Act—the plain statement was that the interest of the income from the proceeds of these sales might be used for the maintenance, and therefore I see no reason to change our former attitude, but allow the lease money to go—make it positive that it should go for the maintenance of the schools. There is an ulterior purpose also in this; that is, that it provides the state with an opportunity of holding its school lands, if it does not wish to sell them, granting to it in the meantime a sufficient fund with which to keep up the schools, and giving it leisure in which to dispose of its school property. So I see no reason for the amendment.

Mr. Jones (Yavapai): I would say that I agree heartily with the gentleman from Maricopa, and would like to say that I believe that that provision in the Enabling Act does not mean that the principal of this land shall be held and nothing but the interest used, but it means that it cannot be used for any other object than the object for which it was granted, which is the support of the

schools of the state; therefore, I think the paragraph should remain as it is.

Mr. Ingraham: In answer, I wish to read again a phrase or two from this law. The gentleman from Maricopa, Mr. Crutchfield, has constructed a theory, but unfortunately the Enabling Act butts into that theory. This is the expression in the Enabling Act of which this section will be a direct violation. "Disposition of any of the said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than for which such particular lands, or the lands from which such money or thing of value shall have been derived, were granted or confirmed, or in any manner contrary to the provisions of this Act, shall be deemed a breach of trust." And it provides in the preceding paragraph that the money shall go into a fund. My contention is that that money from the lease must follow the same course that the money from the sale does. That does not mean that the money cannot be used, but it means that it must go into the fund.

Mr. Chairman: What are you going to do with the alfalfa? Are you going to put that into the fund?

Mr. Ingraham: I would say Mr. Chairman, that the alfalfa does not belong to the state unless the state raises it.

(The Records of the Arizona Constitutional Convention of 1910, Pages 945-947)

[e947534] Mr. Chairman: The Enabling Act says all the natural products of that land shall be put into that fund. Gentlemen, you have heard the motion. It is moved and seconded that section 8 be amended by inserting the words "or lease," on line 2, and striking out in the second paragraph the words, "and the rental derived from school lands." All in favor of the motion signify by saying "aye;" contrary-minded "no." The "nays" have it. The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947535] Mr. Chairman: [...] Any objections to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947536] Mr. Chairman: [...] Any objections to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947537] Mr. Chairman: [...] Any to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947539] Mr. Chairman: [...] Any to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947542] Mr. Jones (Yavapai): Mr. Chairman, I believe line 3 of this section was amended before the committee of the whole to make that read: "and the proceeds of the sale, and from the rental." I move that section be amended so there will be a comma (,) after "sale," and between the word "and" and "rental," insert the words "from the."

Mr. Crutchfield: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947543] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947545] Mr. Chairman: [...] Are there any amendments to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947546] Mr. Chairman: Are there any amendments to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947547] Mr. Chairman: [...] If not, any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947548] Mr. Chairman: Are there any amendments to section 11? If not, any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947549] Mr. Cunniff: I beg to point out that these last two sections consist of Proposition Number 51 and Proposition Number 139.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947550] Mr. Chairman: Are there any objections to section 12? Any amendments? Gentlemen we have concluded the reading of Article XI, entitled Education.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947551] Mr. Chairman: [...] Are there any objections or amendments to the article as read? If not, it will be considered recommended by the committee of the whole for adoption. Hearing none, it is so ordered. [...]

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947565] Mr. Chairman: [...] Article XII, Counties, Section 1.

(The Records of the Arizona Constitutional Convention of 1910, Page 947)

[e947566] Mr. Bolan: Mr. Chairman, I wish to make an amendment to this proposition relating to counties by adding a section to be known as section 13 [sic. "5"], as follows: "A county seat may be removed by a majority of the qualified electors of the county voting n the proposition in favor of such removal, and a majority of the votes cast on the proposition may relocate a county seat. Provided, that if at an election where a majority of the votes as above set forth, vote for a removal of the county seat, but [if] no place has a majority of the votes for a relocation of the county seat, a second election submitting the relocation of the county seat may be held, at which second election only the names of the places having received in the previous election the highest and second highest votes for relocation of the county seat shall be placed on the ballot and voted for. A proposition of removal shall not be submitted in the same county more than once in four years." Now then Mr. Chairman—

(The Records of the Arizona Constitutional Convention of 1910, Pages 947-948)

[e947571] Mr. Chairman: If you will excuse me for a minute. We have not got down to section 5, which you are offering to amend.

Mr. Bolan: I wish to make this amendment when the proper time comes.

Mr. Chairman: Let us read section 1.

(The Records of the Arizona Constitutional Convention of 1910, Pages 947-948)

[e947573] Mr. Lynch: That calls to my attention that sections 11 and 12 [of Article XI] just read might better be placed in the constitution under the head of "Miscellaneous" or under Bill of Rights than in this place, and I move that the committee on compilation be so instructed.

Mr. Standage: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947574] Mr. Crutchfield: That would be a natural first thought, but after consideration you will see that, at least indirectly, it was associated with education, and rather than have two small articles disarranged in the constitution, when this is a matter referring to reformatory institutions, and the confinement of children, minors, etc. If closely allied to the general system of education, I believe that by stretching a point we can let it stay there and have just one large article on education, and have this under it, rather than have a miscellaneous article with two small sections together.

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947575] Mr. Chairman: It is moved by the gentleman from Graham that sections 11 and 12 be placed in an article headed "Schedule and Miscellaneous." Are you ready for the question? All in favor of the motion say "aye;" contrary-minded "no." The amendment is carried. Are there any other objections or amendments to the article as read?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947578] Mr. Chairman: [...] If not, the clerk will read Article XII, entitled "Counties." Any objections to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947579] Mr. Chairman: [...] Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947581] Mr. Chairman: [...] Any to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947582] Mr. Ingraham: "Statutes" ought to be singular instead of plural here.

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947585] Mr. Lynch: Mr. Chairman, I move that the letter “s” be stricken from the word “statutes.”

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947587] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947588] Mr. Chairman: Are there any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947589] Mr. Chairman: Are there any objections to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 948)

[e947591] Mr. Winsor: Mr. Chairman, I move an amendment to section 3 as follows: In the third line strike out the words “for a term of two years,” and in the fifth line strike out the words “three supervisors,” and at the end of the paragraph—that is, after the word “surveyor,” add the following, “each of whom shall be elected for a term of two years, except that such officer elected at the first election for state and county officers shall serve until the first Monday in January, 1913; and three supervisors, whose terms of office shall be provided by law, except that at the first election for county officers the candidate for supervisor receiving the highest number of votes shall hold office until the first Monday in January, 1915, and the two candidates for supervisor respectively receiving the next highest number of votes shall hold office until the first Monday in January, 1913.” The object of this is to provide terms of office for the supervisors as they are now provided by law. Under the provision as it now stands, we have no arrangement for hold-over supervisors which is a very essential feature of our county form of government.

Mr. Ingraham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 948-949)

[e947592] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947593] Mr. Standage: Mr. Chairman, I would like to amend that amendment just made. In the fifth line change the word “two” to “four,” so that their term of office shall be four years instead of two.

Mr. Osborn: I second that motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947594] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947595] Mr. Chairman: Are there any objections or amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947596] Mr. Chairman: Are there any objections or amendments to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947597] Mr. Chairman: Are there any objections or amendments to section 4? If not, it will stand approved as read. The gentleman from Cochise, Mr. Bolan, has the floor.

(The Records of the Arizona Constitutional Convention of 1910, Page 949)

[e947599] Mr. Bolan: Mr. Chairman, I wish to offer an amendment to this article by inserting as section 5 the article entitled as section 3 in the committee's report, in regard to county seats which I read a few moments ago. In support of this amendment, I wish to state that in the first place, most of the constitutions in the United States have such a clause in them in regard to the location of county seats. The most of the legal gentlemen, and I should say most of all you gentlemen in this convention, are acquainted with the laws that are on our statutes at the present time in regard to county seat removals. You all know that it is almost impossible to move a county seat under our existing laws. I appeal to you, as gentlemen of this convention, to be fair in this proposition and give the counties a chance to move these county seats [when] where they are it is to the detriment of the county for the county seats to be located where they are at the present time. I will state a few of the conditions under which we are laboring in the county in which I live. We have our county seat located over in one end of the county where it is very sparsely settled. In the other districts where most of the people reside it would be a great deal more beneficial to them if the county seat was located in this end of the county. Under the existing laws, it is impossible for us to do anything in regard to this matter, This proposition requires a majority of the qualified electors of a county seat to remove a county seat. I think in most of the counties in the territory, outside of Cochise County, they are all probably satisfied with the location that they have now, but laboring under the condition that we are, with the extra cost of holding courts in this part of the county, I think it is no more than right that we should put a clause of this kind in our situation in regard to the removal of county seats.

(The Records of the Arizona Constitutional Convention of 1910, Pages 949-950)

[e947600] Mr. Osborn: Mr. Chairman, I appealed to the convention the other day, and especially to "dear old Cochise," to give us in Maricopa County something that we thought was right, and they threw a rock at me, but just the same, I think that Cochise members in their demand for their county are right, but I want to move an amendment to the motion, and that is where the word "majority" appears that it shall read "60 per cent." I think we are giving the voters too much latitude, and we might make a mistake, but if we require 60 per cent to change a county seat, we are perfectly safe.

(The Records of the Arizona Constitutional Convention of 1910, Page 950)

[e947601] Mr. Cunningham: Mr. Chairman, it seems to me we cannot get away from hobbies. We have been riding hobbies for two days. Every time the word "county" is named this same amendment is presented and has to be thrashed out again. Now, I hope we will not take up the time of this convention in discussing these matters one way or the other. It is embarrassing to me because it is not personally interesting to me to discuss this question. This body has been here in session all this time and we have been taking up the time in discussing various gentlemen's private ideas so much, and have always voted them down, and I hope this convention will vote as it has heretofore voted, and let us proceed with the work of the convention.

Mr. Chairman: The chair would suggest to the gentleman that what is a "hobby" in the daytime might be a "nightmare" at night.

Mr. Lynch: I would like to have that proposition read.

(The Records of the Arizona Constitutional Convention of 1910, Page 950)

[e947602] Mr. Chairman: The motion comes up on the amendment made by the gentleman from Maricopa that the word "majority" be changed to "60 per cent." As many as are in favor of the amendment being adopted say "aye;" contrary-minded "no." The "nays" seem to have it. A roll call is demanded. As many as are in favor of the adoption of the amendment offered by the gentleman from Maricopa that the word "majority" be stricken out in the original amendment and the words "60 per cent" be inserted will answer "aye" as their names are called; contrary-minded "no." Call the roll

Roll call showed 11 "ayes" and 34 "nays."

Mr. Chairman: The amendment is lost. The question now is on the original amendment by the gentleman from Cochise, Mr. Bolan, to section 5.

(The Records of the Arizona Constitutional Convention of 1910, Page 950)

[e947603] Mr. Baker: Mr. Chairman, I myself would very much like to vote for this provision if I consistently could do so as a member of the constitutional convention. Were I a member of the legislature I would gladly vote for it, but as a member of the constitutional convention I cannot consistently vote for a constitutional provision to suit the condition of one single county out of fourteen.

Mr. Sims: I would like to say that we are in the fix we are in now because it was left to the legislature.

Mr. Connelly: That is going to cause a county fight for us, and I would like to amend that by saying that when the county seat is moved in Cochise County it will be move to the city of Douglas.

(The Records of the Arizona Constitutional Convention of 1910, Pages 950-951)

[e947604] Mr. Chairman: The question comes up on the original motion offered by the gentleman from Cochise, Mr. Bolan, to add a new section as section 5. All in favor of the amendment will say "aye;" contrary-minded "no." The "nays" have it. The motion is lost. Are there any other objections to Article XII?

(The Records of the Arizona Constitutional Convention of 1910, Page 951)

[e947605] Mr. Winsor: Mr. Chairman, I would like to ask permission to revert to section 3 of Article XII. We just attached an amendment to that which was supposed to fix up this supervisor business and leave it just as it is at the present time, but I think there is still a discrepancy, and I move a further amendment as follows: that there be added to the end of the section the following words: "except that at the first election for county officers the candidate for supervisor receiving the highest number of votes shall be elected for a term of four years, and the two candidates receiving the [next] highest number of votes shall be elected for a term of two years." Inasmuch as the present hold-over member for the board of supervisors will be out of office at the time of the first county election, it appears that this is necessary.

(The Records of the Arizona Constitutional Convention of 1910, Page 951)

[e947606] Mr. Jones (Yavapai): Under the conditions of our present law, the hold-overs hold office until 1913, and you had better say so.

Mr. Winsor: It would be better to say that the hold-over members would hold their office that long if we wanted them, but I do not think we do. We will necessarily, it seems to me, elect three supervisors at the first county election. I think one should hold for four years and the other for two years, and then the old routine can be followed thereafter.

Mr. Chairman: I think the gentleman from Yuma does not understand himself.

Mr. Ingraham: Mr. Chairman, I would like to ask the gentleman from Yuma what would happen if the election should be in July.

Mr. Winsor: I would like to ask one of the gentlemen who does not think that covers the case to amend it so it will.

Mr. Lynch: After the first election it is but a short time until the legislature meets and it can then be adjusted. Therefore, I think it would be advisable to leave it just as it is.

Mr. Short: For how long are these supervisors to be elected?

Mr. Chairman: Does the gentleman from Yuma insist on his motion? There is no second to it.

Mr. Colter: I second the motion.

Mr. Chairman: Does the gentleman from Yuma insist on it being put?

Mr. Winsor: No, I do not, but I insist on someone making one that will cover the matter.

(The Records of the Arizona Constitutional Convention of 1910, Page 951)

[e947607] Mr. Chairman: Are there any objections to section 1 of Article XIII? We can refer back to this whenever the gentleman gets his idea worked out.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
951-952)

[e947608] Mr. Chairman: Are there any objections to section 1 of Article XIII? We can refer back to this whenever the gentleman gets his idea worked out.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
951-952)

[e947609] Mr. Chairman: Are there any objections to section 1 of Article XIII? We can refer back to this whenever the gentleman gets his idea worked out.

(The Records of the Arizona Constitutional Convention of 1910, Pages 951-952)

[e947610] Mr. Chairman: Are there any objections to section 1 of Article XIII? We can refer back to this whenever the gentleman gets his idea worked out.

(The Records of the Arizona Constitutional Convention of 1910, Pages 951-952)

[e947611] Mr. Chairman: [...] Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947612] Mr. Chairman: [...] Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947613] Mr. Cunningham: Before I forget it, I think I possibly have an idea. In the first line of section 1, after the word "corporations" should be inserted the words "other than counties," as a county is a municipal corporation under a former provision, and I move we insert that so as to cure any possible ambiguity that might exist.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947616] Mr. Chairman: How about school districts?

Mr. Cunningham: That would perhaps be another question.

Mr. Chairman: Did you make that as an amendment?

Mr. Cunningham: I made a motion.

Mr. Chairman: It is moved and seconded that in line 1, section 1, after the word "corporations" the words "other than counties" be inserted.

Mr. Baker: I think that would be a mistake. Whether or not a county is a municipal corporation is altogether owing to the matter in connection with which the word itself is used. It is very evident from this provision that the whole term would be confined to cities as well as municipalities purely, and I think if you would introduce an exception as to counties, you might have a great deal of trouble about municipal corporations being created by special law.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947617] Mr. Chairman: Are you ready for the question? All in favor of the amendment say "aye;" contrary-minded "no." The amendment is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947618] Mr. Chairman: [...] Any objection to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947619] Mr. Chairman: [...] Any objection to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947620] Mr. Chairman: [...] Any objection to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947621] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 942)

[e947622] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947623] Mr. Chairman: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947624] Mr. Chairman: [...] Any to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947625] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947626] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947627] Mr. Chairman: [...] If not, it will be approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947628] Mr. Chairman: [...] Are there any objections or amendments to be made to the article? If not, it will be considered as recommended by the committee of the whole for adoption.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947629] Mr. Chairman: [...] The secretary will read Article XIV, Corporations other than Municipal.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947630] Secretary: (reading) Section 1, Article XIV.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947631] Mr. Chairman: Are there any objections or amendments to Section 1? Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947632] Mr. Chairman: [...] Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947633] Mr. Chairman: [...] Any to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947634] Mr. Chairman: [...] Any to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947635] Mr. Chairman: [...] Any to Section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947636] Mr. Chairman: [...] Any to Section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947637] Mr. Franklin: Mr. Chairman, that section does not read to me like the section we amended here. I have a notation here on Proposition Number 22 that I made a motion to strike out line 18 of Proposition Number 22, from line 19 down to and including the word “contract.” Now Mr. Chairman, I move you that we strike out all of section 4.

Mr. Cunningham: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 952)

[e947638] Mr. Doe: I hope my colleague’s motion will not prevail. It is not proper that if under existing laws a corporation forfeits its charter that some laws should be passed by some legislature through corruption, fraud or wrong, at the insistence of that corporation, that they may be reinstated. This provision is to prevent that state of matters occurring. “But no general or special law shall be enacted for the benefit of such corporation,” etc. That is perfectly right. If you are going to give them the benefit of any law it should be distinctly stated that that corporation shall thereafter hold their charter subject to the provisions of this constitution. I think it is wise to keep this provision in there.

Mr. Ingraham: I am opposed to striking out that section. It appears in the printed form before us exactly as my motion upon Proposition Number 22 shows it to have been amended in committee of the whole.

Mr. Cunniff: I would like to ask a question. This is the second time that section has been under attack. This is a proposition that was brought in by the Committee on Private Corporations and Banks, of which Mr. Roberts was chairman, and Mr. Keegan, Mr. Goldwater, Mr. Ellinwood, Mr. Tuthill, Mr. Tovrea, Mr. Winsor, Mr. Curtis and Mr. Wells were members, and I have heard no explanation from any of these gentlemen as to why this paragraph was brought in.

(The Records of the Arizona Constitutional Convention of 1910, Pages 952-953)

[e947639] Mr. Franklin: Mr. Baker, we will have it just as I proposed it before if you will allow me to make a new motion. I will move that the section read as follows: “No law shall be enacted remitting the forfeiture of charter of any

corporation now existing, or altering or amending such charter.” Strike out these words on line 3, section 4, “and no general or special law shall be enacted for the benefit of such corporation.” Strike these words out, and leave the section to read: “or altering or amending such charters except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution,” striking out the words on line 3 in section 4, to-wit: “and no general or special law shall be enacted for the benefit of such corporation.”

(The Records of the Arizona Constitutional Convention of 1910, Page 953)

[e947640] Mr. Cunningham: I seconded that motion before, the original motion, but I should not like to second the motion as it now stands, but my permission of course would be granted to the gentleman. I would prefer to leave the words so the section would read: “and no general law shall be enacted for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to this Constitution,” striking out the words “or special law,” because those words conflict with item 13, section 9, of Article IV of this constitution, which reads, “No special law shall be enacted granting any special or exclusive privileges,” etc. and to strike out “or special law” would leave that section then reading that no general law should be passed unless the corporation will hold its franchise under the general law of this territory.

Mr. Chairman: You have heard the amendment offered by Mr. Franklin, that section 4 be amended as to read, “no law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter.” Are you ready for the question?

(The Records of the Arizona Constitutional Convention of 1910, Page 953)

[e947641] Mr. Baker: Just one word more. That immediately opens the door to the point that I would complain of; that is, that after a delinquent corporation had forfeited its charter, or it desired its charter to be altered or changed to its benefit by a corrupt legislature, they would do so then by saying, “we will hold our charter hereafter subject to the conditions of this constitution.” I would rather have the last part of the clause stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Pages 953-954)

[e947642] Mr. Franklin: I accept that.

(The Records of the Arizona Constitutional Convention of 1910, Page 954)

[e947643] Mr. Franklin: [...] When we had this matter up for consideration before, the section provided that the legislature shall not remit the forfeiture of the charter or any corporation now existing, or alter or amend the same, nor pass any general or special law for the benefit of any such corporation other than in the execution of a trust created by law or by contract. These were the two exceptions that the committee made in this section. Now if the constitution reads as it does now, those two exceptions are not only done away with, but the legislature can pass any law for the benefit of a corporation, provided that thereafter it complies with the laws of the territory. I do not wish to go into any more argument on this subject. It seems to be if we want to strike out the

two exceptions, we should not permit the legislature to pass any law for any corporation, only that they comply with the laws of this territory. I think it would be preferable to strike out all of it.

Mr. Cunniff: May I make a third request for light on this subject? The last time this was under discussion I asked that some gentlemen of the committee that brought that proposition in would explain why it was brought in and that clause was stricken out, "other than in the execution of a trust created by law or by contract." I do not see why the whole thing should be in here unless the committee had some idea in mind when they brought it in.

Mr. Franklin: I think the section reads now, "No law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter," although I do not think it is necessary.

Mr. Winsor: Mr. Chairman, as a member of the Committee on Corporations, which had this measure under consideration, I want to confess that I do not know what the clause in question means, and did not know at the time it was inserted, although numerous explanations were offered by members of the committee. I find upon reference to the five different corporation propositions that we had under consideration that this provision was in four of them, the exception being that of the gentleman from Maricopa, Mr. Baker. The author of the propositions cited numerous constitutions which contained this exact provision, and inasmuch as there was nothing in any of them that had not been copied from somewhere else, I think they were telling the truth. As the gentleman from Yavapai, Mr. Cunniff [requests], I would like to have some light, and I am sorry the authors of these propositions are not present, particularly the gentleman from Cochise, Mr. Ellinwood, and the gentleman from Yavapai, Mr. Wells, whose Proposition Number 105 I have before me.

Mr. Roberts: Mr. Chairman, I believe I was chairman of that committee and appointed Mr. Winsor chairman of a sub-committee, and I think when the thing was called up at the regular meeting of our committee that somebody suggested that Mr. Winsor brought out that proposition, and he was not there to explain it, and he never was there to explain it.

Mr. Winsor: And he is not here to explain it now.

(The Records of the Arizona Constitutional Convention of 1910, Page 954)

[e947644] Mr. Roberts: I would move an amendment that it be left to read as it is now.

(The Records of the Arizona Constitutional Convention of 1910, Page 955  
Motion to Adopt the Section as Read)

[e947645] Mr. Chairman: You have heard the amendment of the gentleman from Maricopa, to strike out all after the word "charter" on the third line, so that it shall read: "No law shall be enacted remitting the forfeiture of charter of any corporation now existing, or altering or amending such charter."

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947646] Mr. Winsor: I move to strike out the entire section.

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947647] Mr. Cunningham: Mr. Chairman, the evident intent of this section is that corporations organized under charters existing, or under the laws existing at the time of their organization, can continue to exist if they have not in some way forfeited their charter, and if they have performed some acts under the law that would justify that charter this would make it so that they might not be required to disband the corporation, if by doing so they would come under the law of the state as it exists at the time this arrangement was made, so if they can revise their charter, or avoid their forfeiture under a general law they would continue to exist, but they would have to exist under the corporation law of the state as it existed at that time, in my understanding of this proposition, but to pass a special law for their benefit I think would be objectionable.

Mr. Weinberger: I think this section ought to be stricken out for the reason it is in conflict with Section 19 of the Legislative proposition. This proposition states that no local or special laws shall be included in any of the special cases, and Section 13 is granting to no corporation, association or individual any special or exclusive privileges, immunities or franchises.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947648] Mr. Chairman: You have heard the motion that section 4 be stricken out. All in favor of that section say "aye;" contrary-minded "no." The "ayes" have it; so ordered. It could have been done fifteen minutes ago.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947649] [Editor's Note: The adoption of Winsor's motion to strike out the section made Franklin's motion obsolete.]

(Editorial)

[e947650] [Editor's Note: The adoption of Winsor's motion to strike out the section made Franklin's motion obsolete.]

(Editorial)

[e947651] [Editor's Note: The adoption of Winsor's motion to strike out the section made Roberts' motion obsolete.]

(Editorial)

[e947652] Mr. Chairman: [...] Any objections to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947653] Mr. Chairman: [...] Any objections to section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947654] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947655] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947656] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947657] Mr. Chairman: [...] Any to Section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947658] Mr. Chairman: [...] Any to Section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947659] Mr. Chairman: [...] Any to Section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947660] Mr. Chairman: [...] Any to Section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947661] Mr. Chairman: [...] Any to Section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947662] Mr. Chairman: [...] Any to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947663] Mr. Chairman: [...] Any to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947664] Mr. Chairman: [...] Any to Section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947665] Mr. Chairman: [...] Any to Section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947666] [Editor's Note: The Committee proceeded to Section 12.]

(Editorial)

[e947667] [Editor's Note: The Committee took up Section 12.]

(Editorial)

[e947668] Mr. Winsor: Mr. Chairman, I move to strike out the comma (,) after the word "covers" in the second line of section 12.

[Editor's Note: Because the editors lack intermediate copies of the text and as the word "covers" does not appear in the final text, it is unclear where this comma would have been within the section. For this reason and in order to represent that a correction was made to the section, the editors have created a blank amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947669] Mr. Chairman: If there are no objections, the clerk will be instructed to strike it out as it appears in the original copy.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947670] Mr. Baker: It seems to me that the Revision committee should take the last clause out of brackets. It looks odd to see that in brackets.

[Editor's Note: Because the editors lack intermediate copies of the text, it is unclear where exactly these brackets would have been. For this reason and in order to represent that a correction was made to the section, the editors have created a blank amendment.]

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947671] Mr. Chairman: It should not be in brackets, but one of the members of the committee wants it that way.

Mr. Cunniff: I second Judge Baker's motion to strike it out.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947672] Mr. Chairman: If there is no objection it will be so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 955)

[e947673] Mr. Chairman: [...] Are there any other objections to Section I2? Any to Section 13?

(The Records of the Arizona Constitutional Convention of 1910, Pages  
955-956)

[e947674] Mr. Chairman: [...] Are there any other objections to Section I2? Any to Section 13?

(The Records of the Arizona Constitutional Convention of 1910, Pages  
955-956)

[e947675] Mr. Chairman: [...] Any to Section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947676] Mr. Chairman: [...] Any to Section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947677] Mr. Chairman: [...] Any to Section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947678] Mr. Chairman: [...] Any to Section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947679] Mr. Chairman: [...] Any to Section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947680] Mr. Chairman: [...] Any to Section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947681] Mr. Chairman: [...] Any to Section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947682] Mr. Chairman: [...] Any to Section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947683] Mr. Chairman: [...] Any to Section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947684] Mr. Chairman: [...] Any to Section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947685] Mr. Cunniff: Mr. Chairman, I move that that be taken out of that article and incorporated after Section 4 in the article following.

Mr. Wood: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947687] Mr. Cunniff: Mr. Chairman, I move that that be taken out of that article and incorporated after Section 4 in the article following.

Mr. Wood: I second the motion.

[Editor's Note: As Article XV had not yet come up for consideration, Cunniff could not amend it in the Committee's working version. For this reason, Section 18 is proposed first as an amendment to strike out Section 18 to the working version of the document and second as an amendment to Part 2 of the Constitution in order to demonstrate the change to the order of consideration.]

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947689] Mr. Chairman: You have heard the motion that Section 18 be stricken from Article XIV and placed after section 14 [sic] in Article XV. All in favor say aye; contrary-minded no. The ayes have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947688] Mr. Chairman: You have heard the motion that Section 18 be stricken from Article XIV and placed after section 14 [sic] in Article XV. All in favor say aye; contrary-minded no. The ayes have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947690] Mr. Chairman: [...] Any objection to Section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947691] Mr. Chairman: [...] Any objection to Section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947713] Mr. Chairman: [...] Any objections to Section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947715] Mr. Chairman: [...] Any objections to Section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947717] Mr. Winsor: Mr. Chairman, I will ask unanimous consent to refer back to Article XII, that on Counties.

[Editor's Note: In the absence of any objections Section 20, Winsor moved to refer back to Article XII.]

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947703] Mr. Winsor: Mr. Chairman, I will ask unanimous consent to refer back to Article XII, that on Counties.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e947721] [Editor's Note: A comparison of Substitute Proposition 22 and Substitute Proposition Number 58, which comprise this article, with the final Constitution and the Records suggests that there were actually twenty-one sections in the article, rather than the twenty that were explicitly mentioned.]

(Editorial)

[e947724] Sec. 21. Suitable penalties shall be prescribed by law for the violation of any of the provisions of this Article.

(Editorial)

[e947727] Mr. Chairman: If there are no objections to Article XIV, it will be considered adopted by the committee of the whole, and recommended to the convention for passage.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947728] [Editor's Note: The Committee proceeded to consider an amendment to Article XII, Section 3.]

(Editorial)

[e947730] Mr. Winsor: The combined result of my previous effort and the idea that Mr. Jones of Yavapai had is as follows: to amend the second paragraph of section 3 to read: "Sherriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, County Superintendent of Roads and Surveyor, each of whom shall be elected for a term of two years, except that such officers elected at the first election for state and county offices shall serve until the first Monday in January 1913; and three supervisors, whose terms of office shall

be as provided by law, except that at the first election for county officers the candidate for Supervisor receiving the highest number of votes shall hold office until the first Monday in January, 1915, and the two candidates for Supervisor respectively receiving the next highest number of votes shall hold office until the first Monday in January, 1913.”

Mr. Jones (Yavapai): I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947733] Mr. Chairman: Are you ready for the question? All in favor of the motion will say eye; contrary-minded no. The ayes have it; so ordered. Are there any other amendments to Article XII?

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947735] [Editor’s Note: With the adoption of Winsor’s amendment, Article XII was agreed.]

(Editorial)

[e947736] Mr. Lynch: If you are going to take up the next article, I wish to state there is an important proposition, and there are some differences of opinion on some points. I notice we have a number of absentees at this time. If the committee desires to take these matters up at this time, I will ask for a call of the house. In order to obviate that, I will move that the committee do now arise and report progress.

Mr. Osborn: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 956)

[e947738] Mr. Winsor: Would it not be acceptable that we skip this and take up something else?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947739] Mr. Lynch: I withdraw my motion with that understanding.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947741] The consideration of Article No. XV, was postponed until December 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 412)

[e947743] The consideration of Article No. XV, was postponed until December 8, 1910.

(The Minutes of the Arizona Constitutional Convention, Page 412)

[e947744] Mr. Chairman: If there are no objections we will turn to Article XVI, entitled "Militia."

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947745] Mr. Chairman: [...] Are there any objections to Section 1?

(The Records of the Arizona Constitutional Convention of 1910, PAGE 957)

[e947747] Mr. Chairman: [...] If not, the same will stand approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947748] Mr. Chairman: [...] Any objections to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947754] Mr. Chairman: [...] Any objections to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947755] Mr. Chairman: [...] Any objections to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947756] Mr. Chairman: [...] If there are no objections to Section 3 of Article XVI entitled "Militia" it will be considered approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947757] Mr. Chairman: [...] If there are no objections to Section 3 of Article XVI entitled "Militia" it will be considered approved as read.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947759] Mr. Chairman: [...] We will now consider Article XVII, entitled Water Rights.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947762] Mr. Chairman: [...] Are there any amendments or corrections to Section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947765] Mr. Chairman: [...] Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947769] Mr. Chairman: [...] Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947771] Mr. Chairman: [...] Article XVII. Are there any amendments or objections?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947774] Mr. Chairman: [...] Article XVII. Are there any amendments or objections?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947792] [Editor's Note: The Committee took up Article XVIII.]

(Editorial)

[e947795] Mr. Cunniff: I suggest that Article XVIII be skipped and come up before a full house.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947796] Mr. Chairman: If there are no objections we will take up Article XIX, entitled Mines.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947806] Mr. Chairman: If there are no objections we will take up Article XIX, entitled Mines.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947821] Mr. Chairman: If there are no objections we will take up Article XIX, entitled Mines.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947814] Mr. Chairman: [...] The next is Article XXI, Mode of Amendment. Are there any objections or amendments to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947834] Mr. Chairman: [...] The next is Article XXI, Mode of Amendment. Are there any objections or amendments to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947838] Mr. Cassidy: Mr. Chairman, it seems to me that the word "proposed" should be inserted in two or three places. In paragraph 1, the third line from the bottom "shall submit such amendments;" it should be "such proposed amendment," and I move that the word "proposed" be inserted.

Mr. Cunniff: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947839] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947841] Mr. Cassidy moved, seconded by Mr. Crutchfield, to amend Article XXI, in section No. 1, by inserting before the word "amendment" in the 18th line thereof the word "proposed" and in the first line of page 81 before the word "amendment" insert the word "proposed" and in the 6th line thereof before the word "amendment" insert the word proposed.

(The Minutes of the Arizona Constitutional Convention, Page 413)

[e947844] Carried.

(The Minutes of the Arizona Constitutional Convention, Page 413)

[e947848] Mr. Cassidy: And in the fifth line on the next page, before the word "amendment" I move the word "proposed" be inserted.

Mr. Crutchfield: I second the motion.

[Editor's Note: In the absence of copies of the draft, the editors are unable to refer to the appropriate line numbers in order to make these changes. A comparison between Substitute Proposition Number 54, which comprises this article, and the final Constitution suggests a number of insertions at this point.]

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947868] Mr. Chairman: Without objection it is so ordered. Any other amendments?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947870] Mr. Chairman: [...] Any other objections or amendments to Section 1? Are there any objections to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947873] Mr. Chairman: [...] Are there any objections to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947874] Mr. Chairman: [...] Gentlemen, Article XXI, Mode of Amending. Are there any objections to the Article?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947875] Mr. Chairman: [...] Are there any objections to the Article? If not, it will be considered approved by the committee of the whole and recommended for adoption. Article XXII, Schedule.

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947877] Mr. Chairman: [...] Article XXII, Schedule. Any objections to Section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947880] Mr. Chairman: [...] Any objections to Section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947881] Mr. Chairman: [...] Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947883] Mr. Chairman: [...] Any to Section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947885] Mr. Chairman: [...] Any to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947888] Mr. Chairman: [...] Any to Section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947889] Mr. Chairman: [...] Any to Section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947891] Mr. Chairman: [...] Any to Section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947893] Mr. Chairman: [...] Any to Section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947894] Mr. Chairman: [...] Any to Section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947895] Mr. Chairman: [...] Any to Section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947897] Mr. Chairman: [...] Any to Section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947898] Mr. Chairman: [...] Any to Section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947899] Mr. Chairman: [...] Any to Section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947900] Mr. Chairman: [...] Any to Section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947902] Mr. Chairman: [...] Any to Section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947903] Mr. Chairman: [...] Any to Section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947906] Mr. Chairman: [...] Any to Section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947908] Mr. Chairman: [...] Any to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947909] Mr. Chairman: [...] Any to Section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947910] Mr. Chairman: [...] Any to Section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947911] Mr. Chairman: [...] Any to Section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947912] Mr. Chairman: [...] Any to Section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947915] Mr. Chairman: [...] Any to Section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947916] Mr. Chairman: [...] Any to Section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947921] Mr. Chairman: [...] Any to Section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947923] Mr. Chairman: [...] Any to Section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 957)

[e947924] Mr. Ingraham: Mr. Chairman, I have an amendment to offer that the number of the last section be changed and that Section 13, 14, and 15, and 16, be added as indicated on this paper. These are omissions I have found in looking over the general constitution. I will say that we have in many places in the constitution a provision like this: "No law shall be enacted," concerning a certain subject, but we already have laws upon the statute books when the legislature was forbidden by this constitution to enact such a law, and this clause declares that such a law shall be declared repealed.

Mr. Feeney: I second the motion.

[Editor's Note: The exact contents of Ingraham's amendment are unclear. Ingraham moved that the original section 13 be renumbered and placed elsewhere in the section, though the contents of the original section 13 are not mentioned. Similarly, the content of Ingraham's new sections are not included in the record, aside from a reading of section 15 in the Convention. In light of this gap in the record, the editors have proposed at this point the only sections of this article which are not accounted for later in the record.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 957-958)

[e947925] Mr. Weinberger: I would like a little time to think over that last section.

Mr. Hunt: You can amend it tomorrow when it comes up for third reading.

Mr. Ingraham: If the legislature is forbidden to enact a certain law the law now in force ought to be repealed by that clause.

Mr. Cassidy: I would like to hear read the first section of this amendment. It seems to me that it is already covered.

Mr. Ingraham: I will accept that suggestion and strike out that first section and change the numbers accordingly. It is covered in Section 4 at the top of page 83.

[Editor's Note: It is unclear what section Ingraham struck out here, as neither the Journal nor the Minutes records the original proposed amendment text.]

(The Records of the Arizona Constitutional Convention of 1910, Page 958)

[e947926] Mr. Chairman: You have heard the motion of the gentleman from Yuma, that three sections be added. All in favor of the motion, say aye; contrary-minded no. The ayes have it. So ordered.

(The Records of the Arizona Constitutional Convention of 1910, PAGE 958)

[e947927] Mr. Chairman: [...] Any other objections or amendments to Article XXII? If not, it will be considered by the committee as approved and recommended for adoption.

(The Records of the Arizona Constitutional Convention of 1910, Page 958)

[e947929] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e947779] Mr. Chairman: [...] Gentleman, this concludes the work of the committee of the whole for this evening. All in favor of the committee now arising and reporting progress and asking leave to sit again say aye; contrary-minded no.

(The Records of the Arizona Constitutional Convention of 1910, Page 958)

[e947786] Mr. Chairman: [...] The ayes have it, so ordered.

The president resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 958)

## 32.55 Thursday, 08 December 1910, at 09:30 (s16326)

[e947946] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947947] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947951] Mr. Chairman: [...] We have under consideration Article XV, Corporate Commission, page 69.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947952] [Editor's Note: Part 4 of the Draft Constitution was referred to the Committee.]

(Editorial)

[e948237] Mr. Chairman: [...] We have under consideration Article XV, Corporate Commission, page 69.

(The Records of the Arizona Constitutional Convention of 1910, Page 967)

[e947956] Mr. Chairman: [...] Any objection to section 1?

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947957] Mr. Chairman: [...] Section 2, if there are no objections.

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947958] Mr. Chairman: [...] Section 2, if there are no objections.

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947960] Mr. Ellinwood: Mr. Chairman, in the third line from the last: "All corporations other than municipal, operating as common carriers, or having or exercising the right of eminent domain, shall be considered public service corporations." If you will turn to Proposition Number 94, your Declaration of Rights, you will see that the right of eminent domain is given for flumes, bridges, sewerage, and very many other things. It is given to all private corporations, and if you fail to amend this it simply does what the convention has already decided not to do. I move to amend after the word "all" in the third line from the last: "All public service corporations, other than municipal," etc.

Mr. Tovrea: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947961] Mr. Lynch: I would like to amend the motion, for the reason that it does not seem to cover the difficulty. It says that all corporations having certain rights are public service corporations. Now, it does not add anything to the rich corporation to say public service corporation. If you define a [words missing]. Further than that, a saw mill using a flume is a corporation operating as a saw mill. A farm which was incorporated as, for instance, the Ostrich Farm, would be a public service corporation, and practically every corporation now existing under the terms of the statutes and terms of the constitution would, under this definition be [a] public service corporation. I am satisfied that such is not the intent of the convention; therefore, I move to strike from the paragraph the words "or having or exercising the right of eminent domain."

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947962] Mr. Ellinwood: It is only the substance of the matter I sought to have taken care of. I accept the amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 968)

[e947963] Mr. Chairman: The question is on the amendment offered by the gentleman from Cochise, seconded by the gentleman from Graham, to section 2, to strike out on the last two lines the words: "or having or exercising the right of eminent domain." Are you ready for the question?

Mr. Cunniff: Mr. Chairman, it seems to me that the points made by the gentleman from Cochise and the gentleman from Graham are well taken. There is a definite idea in mind in that paragraph, but I think they reach the point when they say the language is too sweeping; therefore, I am in favor of the amendment.

Mr. Ingraham: Mr. Chairman, I am not in favor of the amendment. The purpose of this amendment is to take the large corporations like the Copper Queen and other similar corporations out from under the jurisdiction of the Corporation Commission, and I think if there are any organizations in the state that should be under investigation it is these large corporations. Now, this provision in section 2 is not as sweeping as similar provisions in other states. I quote from Oklahoma. In establishing the Corporation Commission in Oklahoma this definition is used: "As used in this Article the term 'company' shall not include associations having no power not possessed by individuals, and include all corporations except municipal corporations and public institutions or institutions controlled by the state," practically including all corporations. Now I submit, Mr. Chairman, that the inclusion of a corporation under the powers of the Corporation Commission does not the ruin of that corporation. It does not imply any injury to that corporation. It simply implies regulation within law and investigation of business, such as they ought to be willing to submit to. They derive their powers from the state. They do business in the state. They exploit the wealth of the state. They use the labor of the state. They call upon the militia and police of the state for protection, and why should they not be subject to our laws just the same as any other corporation or any city? The reason why this definition is based upon the eminent domain clause is that the eminent domain clause is the extreme power that the state has. It is the power that the state possesses to go to every man's front gate and say, "Get off this property. This property is my property henceforth." Now that power of the state gives to every corporation that uses the eminent domain, and that corporation may go to the front gate of every man and say "Get off this property. I say to you in the name of the state give this property up to me," paying for it, of course. This extreme power is given corporations, and it is because of this that they are asked to submit to rules of law that are to be imposed by the Corporation Commission. There is nothing unreasonable about this request.

Mr. Lynch: Answering the gentleman from Yuma, let me see whether the provisions of section 3 and 4 are reasonable as applied to the question at issue. Under section 3 this commission will prescribe the form of contracts and the system of keeping accounts to be used by corporations in transacting such business, and make and enforce reasonable rules and regulations for the convenience,

comfort, safety and preservation of health of the employees and patrons of such corporations. Think of applying that to a mine that wanted a right-of-way for a road up to its mine. Think of applying it to a lumber milling company that wanted to build a flume! It then becomes a public service corporation. Section 4 says the Corporation Commission shall have power to inspect and investigate the books, papers and affairs of any public service corporation doing business within the state. The gentleman says that because the state steps in and gives to these corporations the right of eminent domain, the corporations should, in turn, turn around and allow its private affairs to be investigated. Let me ask you, is it not a fact that the state steps in and extends to the individual the right of eminent domain under certain circumstances? Why should not the individual submit to a commission appointed by the state to come in and investigate his private affairs? It seems to me the clause is too broad.

Mr. Short: Mr. Chairman, in reply to the gentleman, I beg to say that the reason this does not apply to individuals is because an individual cannot take our property or mine and appropriate it for his own use without due process of law. An individual has no right of eminent domain. We cannot have our property condemned to the extent that a corporation may. This matter as regards eminent domain was thoroughly thrashed out in the committee, and it was decided by the committee that it would do no harm to insert this; that it would probably cover something that we had omitted, possibly, to name specifically in this paragraph, and it was put in there in order that we might cover everything that might come under the jurisdiction of the Corporation Commission, and I am certainly opposed to having it eliminated at this late hour.

Mr. Ellinwood: Mr. Chairman, I wish to call the attention of the gentleman from Yuma, Mr. Short, who is generally so correct, to section 17 of the Declaration of Rights. He states we are in error, that private property may not be taken by an individual. "The rights of eminent domain is accorded," etc.

Mr. Cunniff: Mr. Chairman, I think that the several members of the committee who drew up this proposition understand this, and as one of the members I would explain that as far as I was myself concerned I favored putting in a proposition there to cover certain grounds. But as I have said before in this convention, when we are supplying remedies we should always be careful to see that the remedies do not go far beyond curing the disease, and it seems to me that in putting this provision in we did cover ground that was much wider than we intended to cover. It seems to me that the points made by the gentleman from Cochise, Mr. Ellinwood, and Mr. Lynch are well made, and that it does cover more ground than we in the committee intended it was to cover. Therefore, I am in favor of the amendment.

(The Records of the Arizona Constitutional Convention of 1910, pages  
968-970)

[e947964] Mr. Chairman: Are you ready for the question, gentlemen? The motion is to strike out on the last two lines of section 2, the words "or having or exercising the right of eminent domain." Those in favor of that motion will manifest by saying "aye;" contrary-minded "no." The "ayes" have it. The section is so amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 970)

[e947966] Mr. Chairman: [...] Are there any objections or amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 970)

[e947967] Mr. Chairman: [...] Are there any objections or amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 970)

[e947970] Mr. Cunniff: I would like to call attention to the amendment made by Mr. Goldwater in which the word "oil" was introduced after the word "gas" at the end of the second line. After that passed in the committee of the whole that evening, I called attention to the fact that that language was wider than was intended. Any corporation furnishing oil for light, fuel or power was thereby made a public service corporation. In spite of the fact that I should like to see the Standard Oil Company and Union Oil Company made public service corporations, or at all events brought under control of this commission, it seems to me any corporation furnishing oil may be a grocery store or a department store, or something of that kind, and the language used there is too sweeping.

Mr. Short: Mr. Chairman, I would say that the committee overlooked the oil proposition when we were getting this proposition, and we are indebted to the chairman for correcting us. Inasmuch as he used great effort to get this inserted I think we should appreciate that effort and allow it to remain, inasmuch as it seems to be a very good thing and tends to regulate the greatest monopoly and corporation in the United States.

Mr. Chairman: Are there any other amendments offered to section 2? If not, any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Pages 970-971)

[e947973] Mr. Chairman: [...] If not, any amendments to section 3? Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947974] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947977] Mr. Crutchfield: I move the amendment of section 4 by adding after "affairs," the words "or of any corporation offering stock for sale, or." The purpose of this amendment can be easily seen. It is to allow the Corporation Commission to have the inspection and supervision of every corporation that appeals to the public for the purchase of its stock. I do not believe in merely going into the investigation of partnerships, but why should they incorporate? The very purpose of their desire for incorporation is to allow them to form a corporation which does show up a business body, and does show up the basis for recovery of suits or debts, or any such thing, and if they propose to sell stock and ask the public to take an interest in their business, the public ought to be protected by giving the Corporation Commission the power to inspect their

books and see if their investments are safe. I do not know why this provision should provoke opposition. It seems to me it is the protection of the public, a guarantee also of the corporations themselves, and on the whole will tend to render stable the business of our state and territory, and guarantee to good and bona fide corporations a stability that they could not have otherwise, and allow the Corporation Commission to put out of business any wildcat corporations that propose to gather in the money of unsuspecting investors, or put them under such regulation that good corporations will not be disgraced by the actions of other corporations that are merely combinations for the purpose of getting all the easy money they can.

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947978] Mr. Ellinwood: Mr. Chairman, I would like to offer an amendment to the proposition, which I think the gentleman from Maricopa will accept in the spirit and substance of what he has said. As I understand, he has moved to insert after "affairs" the words: "or any corporation offering stock for sale, or." I move to add the words: "to the public." No corporation could be organized except if its stock is offered for sale. If the gentleman from Maricopa and myself and the chairman should organize a corporation, the very first thing we have got to offer our stock. If there are no stockholders, there is no corporation. I move to add these words "to the public."

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947979] Mr. Short: Mr. Chairman, this looks as if it might be a wise provision, but it does not mean anything. If I organize a company to sell stock, and wish to avoid this provision in the constitution, all that is necessary—

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947980] Mr. Cassidy: I rise to a point of order. Is there anything before the committee?

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947982] Mr. Chairman: The motion was made by the gentleman from Maricopa.

Mr. Cassidy: It was not seconded.

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947987] Mr. Chairman: Mr. Ingraham seconded it.

(The Records of the Arizona Constitutional Convention of 1910, Page 971)

[e947989] Mr. Short: All that company has to do is to put the stock in the hands of somebody else to sell. Then the corporation is not offering it for sale. They will have absolutely nothing to do with the sale of stock. They do not have any stock to sell to anybody. This individual can buy it and pay for it with a note, and then offer it for sale to whom he pleases, without any restriction. This would be a wise provision if it effected the purpose for which it was intended, but it does not do it.

(The Records of the Arizona Constitutional Convention of 1910, Page 971-972)

[e947991] Mr. Parsons: If that is the only objection the gentleman from Yuma has, I would suggest that the gentleman from Maricopa might change the wording of his amendment, have it read to this effect: "Of any corporation whose stock shall be offered for sale to the public."

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e947992] Mr. Crutchfield: I accept that amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e947993] Mr. Ellinwood: I withdraw my amendment.

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e947995] Mr. Moeur: I do not see how this commission is going to determine whether this stock is good or bad. It does not strike me that this constitution should try to protect all the fools in Arizona.

Mr. Colter: According to that, then, put in every one—the Copper Queen and all.

Mr. Cunniff: Mr. Chairman, Arizona has been held up before this nation by Collier's Weekly and other publications, because of the permission that it grants to wildcat companies to come here and fleece the public by selling their stock, and for a long time there has been an effort made, and I beg to say that the Democratic party of Arizona is on record as urging and forwarding any proposition that was a sound and wise one, that would succeed in removing this blot from the name of Arizona, and it seems to me this is the wisest solution of the problem before us that I have seen offered yet. This proposition will be one of the most valuable and important to put into the constitution, not only for the people of Arizona, but for the good faith and reputation of Arizona all over the country. (applause)

Mr. Ingraham: Mr. Chairman, I would say that this proposition of investigation of concerns putting out stock is right in line with the reforms advocated by two of the most recent Presidents of the United States—Roosevelt and Taft. They have both sought to put into the general law measures by which the sale of worthless stock could be prevented and all issuing of stock could be regulated. This is a mere step along that line. It authorized the Corporation Commission to investigate the financial condition of any such corporation. Certainly there cannot be any harm in that.

Mr. Chairman: The question is on the motion of the gentleman from Cochise, Mr. Parsons, to amend section 4 by inserting after the word "affairs" the words "of any corporation whose stock shall be offered for sale to the public, and"

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e947996] Mr. Crutchfield: I do not accept the amendment "to the public."

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e947999] Mr. Crutchfield: I do not accept the amendment "to the public."

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e948001] Mr. Ellinwood: Then I move a further amendment, that the words "to the public" be added.

(The Records of the Arizona Constitutional Convention of 1910, Page 972)

[e948002] Mr. Crutchfield: Is the question on the amendment?

Mr. Chairman: Yes.

Mr. Crutchfield: I should like to say that I do not like the looks of that last amendment. I believe there is a possibility of that entirely destroying the purpose that we intend. It might be interpreted to mean that when a certain legal procedure of advertising was gone through with in order to secure buyers, and I think it should be a corporation whose stock is offered for sale.

(The Records of the Arizona Constitutional Convention of 1910, Page 973)

[e948003] Mr. Franklin: Mr. Chairman, in looking over this section it is not intended to repeal the interstate commerce commission, is it?

Mr. Tuthill: Yes, this supersedes the Constitution of the United States.

(The Records of the Arizona Constitutional Convention of 1910, Page )

[e948006] Mr. Chairman: Those in favor will say "aye" as their names are called; contrary-minded will answer "no." The secretary will call the roll.

Roll call showed 24 "ayes" and 20 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 973)

[e948008] Mr. Chairman: The amendment is carried. The question now is on the amendment to section 4, offered by the gentleman from Maricopa, Mr. Crutchfield, as amended. Are you ready for the question? All in favor of the amendment will answer "aye;" contrary-minded "no." Call the roll.

Mr. Crutchfield: I will just say that while the amendment made is not according to my purpose at all, yet I feel that it is a good one the way it is. It reaches ninety percent of the corporations that the amendment intended to reach, and I trust that every one interested will vote for it. I believe it is a valuable adjunct to the supervisory power of our Corporation Commission, and if we are really sincere in our purpose and intention, we ought to vote for the amendment as it stands, even amended as it is.

Mr. Colter: Does it not apply to very nearly all the private corporations?

Mr. Crutchfield: I reply, it will apply to all corporations offering stock for sale.

Mr. Webb: Mr. Chairman, I desire to answer the question asked by Mr. Colter. It certainly does, and the closest our smallest corporation, if any stockholder, though he owned but one dollar of stock, if he offered that dollar for sale, would come under this provision. I submit, gentlemen, that this commission will have more than they can handle. You might just as well go back and insert what you struck out in section 2. Now you insert that any corporation whose stock shall be offered for sale to the public. If any stockholder offered twenty-five cents worth of stock for sale to the public, ...

Mr. Cunniff: Mr. Chairman, I should like to point out that the gentleman from Graham is absolutely mistaken; that it does not cover all corporations no matter how small. The amendment offered by the gentleman from Cochise, Mr. Ellinwood, cut out these close corporations, but the proposition now I agree with the gentleman from Maricopa, covers ninety percent of the ground that it was intended to cover, but it does not cover the close operations, who do not offer their stock to the public.

Mr. Colter: I would like to say that to the ditch companies, the reservoir companies—we want to get every encouragement that is possible for the opening up of these new companies, and they all have offered stock for sale.

Mr. Moeur: There is no man who wants protection from being “skinned” any more than I do, because I do not run a skin game. I believe this section will be a detriment to the prosperity of Arizona, and, therefore, I vote against it.

Mr. Cunniff: I would like to point out in answer to the gentleman that I am interested in a corporation that has spent one hundred and fifty thousand dollars and it is a close corporation. It has not offered any stock to the public and will not offer any stock to the public, and it does not come under this clause. Though I supported the proposition originally, I see no reason why it should not come under this provision.

Mr. Crutchfield: I am surprised at the opposition that this little amendment seems to provoke. I had always thought that the earnest desire of the people of Arizona was to wipe out the disgrace that has been attached to her name by the corporations that have made all honest corporations really a disgrace and almost the very name—almost—corporation to provoke opposition. The real key is right here. I see no reason why an honest corporation, for instance a company of gentlemen composed of my friend of Apache County, Mr. Colter, and a dozen of his neighbors, would get together to form a ditch company and bring water to irrigate their land. I see no reason, I say, why they should object to honest scrutiny by a corporation commission of the state in order that this state might clear her skirts of any taint that might have attached to her because of these corporations that have robbed the people of Arizona and enriched themselves and in some instances made this state a laughing stock in the eyes of the world. Furthermore, I see no reason why they should suffer in the slightest from the supervision of this commission. It is not expected that for the sake of carrying out the provisions of this section that the Corporation Commission shall go in a body once a year to every little community and examine every little company, but it is proposed that they shall have the power to so supervise the corporations of this territory that sense and [word unclear] may be known as qualities that belong to corporations. Now I have accepted the amendment of the gentleman from Cochise, Mr. Parsons, and I have also accepted the amendment of my friend, Mr. Ellinwood, and we have a proposition now that covers these corporations that we all feel are a disgrace. Why should the gentlemen oppose that? Why should they endeavor to take out from under the control of a board of men chosen for their honesty and integrity, just because possibly, of some slight inconvenience to them—the requirement of making a report once a year. Then I do not see why the company of country gentlemen should not also make a report once a year. I do not see that that would be anything to the detriment of your companies. I see no reason why you should not submit to the state Corporation Commission a report of your work and the standing of your company, and allow them to make public if necessary the situation of yours and

other corporations.

Mr. Colter: Mr. Chairman, Mr. Crutchfield's argument is all very good in theory but it certainly is not in practice. We all want to do that which keeps away disgrace, but we do not want to take a medicine where the cure will do more harm than the disease. You are giving us something here now that will cause a lot more harm than it will do good.

Mr. Ellinwood: Mr. Chairman, early in this session I introduced a proposition on corporations, Number 29. If all the provisions of the propositions were coupled together they would not be as drastic as this provision is, for which I am very grateful. This provision proposes a protection to the public. When I proposed that a stockholder should be liable for the amount of his stock subscribed and unpaid, it was voted down. This provision absolutely exhibits to the gaze of the public the affairs of corporations which are floating their stock to be sold to the public, and to be fleeced if they are a robbing corporation. It seems to me it is the proper thing. It is what I have been contending for. I did not dream that such a provision as this could ever be gotten through this convention, and I am glad indeed to hear the number of voices on this floor in its behalf; and to ease the conscience of the gentleman from Maricopa in voting for this proposition, I would state that the stock of the Copper Queen is offered for sale and it is on the stock board, and if this passes, the gentleman from Maricopa may know that its affairs may be looked into by the Corporation Commission. I hope it is an honest corporation. It has been my purpose to exhibit to the gaze of the public, their entire affairs so that the public may know what is going on, when its stock is offered for sale.

Mr. Cunniff: All I wish to add is that I am surprised that the gentleman from Apache should be endeavoring to kill something that is good.

Mr. Chairman: Are you ready for the question? As many as are in favor of the amendment will say "aye" as their names are called; contrary-minded "no." Mr. Secretary will call the roll.

Mr. Short: I would like to explain my vote. If this matter has been decided satisfactorily to the gentleman from Cochise and the gentleman from Yavapai, I desire to vote "aye."

(The Records of the Arizona Constitutional Convention of 1910, Pages 973-975)

[e948011] Roll call showed 25 "ayes" and 22 "nays." (applause)

Mr. Chairman: The amendment is carried. Are there any other objections to the section?

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

[e948012] Mr. Chairman: The amendment is carried. Are there any other objections to the section?

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

[e948015] Section 18 as it appears on page 68 of the printed copy of the Constitution was ordered inserted as Section 5 of Article XV and the subsequent numbers to Section ordered changed to correspond.

[Editor's Note: Section 18 of the Article XIV referred to in this excerpt from the Minutes was originally Section 19 of Article XIV, which is how it appears in this amendment.]

It is unclear when the Committee considered this section The Minutes describes it taking place sometime between the consideration of Sections 2 and 4, which is out of numerical order and a deviation from standard practice. However, the Records does not describe this moment at all. For clarity's sake, the editors have represented the consideration of the new Section 5 here.]

(Editorial)

[e948016] Section 18 as it appears on page 68 of the printed copy of the Constitution was ordered inserted as Section 5 of Article XV and the subsequent numbers to Section ordered changed to correspond.

[Editor's Note: Section 18 of the Article XIV referred to in this excerpt from the Minutes was originally Section 19 of Article XIV, which is how it appears in this amendment.]

It is unclear when the Committee considered this section The Minutes describes it taking place sometime between the consideration of Sections 2 and 4, which is out of numerical order and a deviation from standard practice. However, the Records does not describe this moment at all. For clarity's sake, the editors have represented the consideration of the new Section 5 here.]

(The Minutes of the Arizona Constitutional Convention, Page 419)

[e948017] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948020] Mr. Feeney: I move that the committee now arise and report progress and ask leave to sit again.

Mr. Parsons: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

[e948023] The motion prevailed.

The President resumed the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 975)

## **32.56 Thursday, 08 December 1910, at 14:00 (s16328)**

[e948040] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e948042] Mr. Chairman: The committee will come to order.

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e948046] Mr. Chairman: The committee will come to order. The subject under consideration is the constitution of Arizona, Article XV, Corporation Commission, section 5 as in the printed bill but section 6 as in the amended bill. Are there any objections to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e948047] Mr. Chairman: [...] Are there any objections to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Pages 976-977)

[e948048] Mr. Chairman: [...] Are there any objections to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948049] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948050] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948051] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948052] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948056] Mr. Short: Section 9 doesn't seem to be all of the section. I was under the impression there was more to that section.

Mr. Wills: The numbers are different.

Mr. Chairman: Yes, of course. If there are no objections to section 9, which is section 8 of the printed copy, we will consider section 9 of the printed copy which will be section 10 of the engrossed copy.

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948058] Mr. Chairman: Yes, of course. If there are no objections to section 9, which is section 8 of the printed copy, we will consider section 9 of the printed copy which will be section 10 of the engrossed copy.

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948060] Mr. Chairman: [...] Are there any objections or amendments to section 10?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948061] Mr. Chairman: [...] I would like to ask whether Pullman sleeping cars are included in this?

Mr. Parsons: It says "car companies."

Mr. Chairman: It might say sleeping cars.

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948062] Mr. Chairman: [...] Any objections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948063] Mr. Chairman: [...] Any objections to section 11?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948064] Mr. Chairman: [...] Any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948065] Mr. Chairman: [...] Any to section 12?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948067] Mr. Short: Mr. Chairman, if I remember right, it was the sense of the committee that that should read “an act of Congress approved February 11, 1887,” and I think it should be so amended. I move to strike out “of” on the third from the last line on page 23 and insert “approved.”

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948068] Mr. Cunniff: There may be no doubt as to whether the act was approved by the President on that date or not.

Mr. Short: We can determine that in a moment by looking up the interstate commerce act.

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948071] Mr. Chairman: Any objections to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948073] Mr. Chairman: Any objections to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948075] Mr. Ellinwood: Mr. Chairman, I move to strike out in the fourth line, after the words “Corporation Commission,” the remainder of the section. It will be recognized that a constitutional provision or a statute is valid or void, not by what is done under the statute or constitutional provision, but what may be done. The test is what may be done under this provision. This provides for the fixing of rates based upon the physical value of a railroad. You have already given the commission the rate making power, and I want to say that no railroad could run thirty days in this state or in any other state fixing rates on the physical value of the property. If you give a railroad simply an earning power of six or eight per cent on their physical value you must provide some means for meeting their payroll. You must provide some means for replacement if a road is washed out or if a limited train goes in a ditch and hundreds of people are killed and they are sued under the employer’s liability act. Where is the money to come from? I say no railroad could operate thirty days under this provision, and I move to strike it out.

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948076] Mr. Cunniff: Mr. Chairman, I beg to say that I do not see where the argument of the gentleman from Cochise applied to this at all.

Mr. Osborn: Mr. Chairman, I would like to ask the gentleman from Cochise if this is any more drastic than the amendment they voted for this morning?

(The Records of the Arizona Constitutional Convention of 1910, Page 977)

[e948077] Mr. Short: I rise to a point of order. I would like to know who seconded Mr. Ellinwood's motion?

(The Records of the Arizona Constitutional Convention of 1910, Pages  
977-978)

[e948078] Mr. Ellinwood: I have not heard any second. The other evening when I moved to strike this paragraph out, I do not think anybody had the nerve to second it.

(The Records of the Arizona Constitutional Convention of 1910, Page 978)

[e948080] Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 978)

[e948081] Mr. Short: I was looking for that, because we know very well that the railroad companies are afraid to allow the basis for making rates to be the same as that on which they pay taxes. Now this does not provide that this must be done at all. This provides that in case the commission desires to do so it may use the valuation returned to the board of equalization as a basis on which to make rates to be in force upon that line. I do not see that this absolutely provides for the physical valuation of the road as a basis on which to make rates, although it provides that it may be done if the railroad company is so disposed. If the company wants to return its property valuation at half, or one-third or one-fourth what it is actually worth, then why not allow the commission, if it so desires, to use that basis for making rates? To strike out that part of this paragraph will despoil the paragraph of what merit it might have in this respect.

Mr. Chairman: Are you ready for the question? The chair would like to say he thinks the thing is just turned around. I think the basis they fix for their rate should be the basis on which they should be taxed by the assessor. They have the cart before the horse in this proposition. All those in favor of the amendment of Mr. Ellinwood will answer "aye" as their names are called; contrary-minded "no." Call the roll.

Mr. Crutchfield: In explanation of my vote, I think there is an injustice done here somewhere, but I do not know how to remedy it, and I vote no.

(The Records of the Arizona Constitutional Convention of 1910, Page 978)

[e948082] Roll call showed 25 "ayes" and 21 "nays."

Mr. Chairman: The amendment is carried. Are there any other amendments to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 978)

[e948084] Mr. Parsons: Mr. Chairman, I desire to offer an amendment to line 1, section 13, which is section 12 of the printed copy. After the word “corporations” in the first line, to make this consistent with the amendment we adopted this morning, add the words “and all corporations whose stock shall be offered for sale to the public.”

Mr. Chairman: Does the chair hear a second to that motion?

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 978)

[e948085] Mr. Chairman: The question is on the amendment offered by the gentleman from Cochise, Mr. Parsons, that after the word “corporations” in line 1, of section 13, the words “and all corporations whose stock shall be offered for sale to the public” be added. As many as favor this amendment say “aye,” as their names are called; contrary-minded “no.”

Mr. Parsons: I desire simply to say that in section 4 we added the words. We gave the Corporation Commission the power to investigate the affairs of all such corporations. Now in section 13, where I desire the amendment placed, is simply requiring that same class of corporations to report to the commission, and it seems to me that it simply supplements what we did this morning, for the committee having the right to investigate them certainly ought to have the right to require reports from this class of corporations.

Mr. Cunniff: Mr. Chairman, it seems to me that is simply carrying out what we did this morning. It is the logical thing to put in there.

(The Records of the Arizona Constitutional Convention of 1910, Pages  
978-979)

[e948086] Mr. Chairman: The secretary will call the roll.

Roll call showed 25 “ayes” and 22 “nays.”

Mr. Chairman: The amendment is carried. Are there any other amendments to section 13?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948088] Mr. Chairman: [...] Any to section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948089] Mr. Chairman: [...] Any to section 14?

(The Records of the Arizona Constitutional Convention of 1910, Page 797)

[e948090] Mr. Chairman: [...] Any to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948091] Mr. Chairman: [...] Any to section 15?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948092] Mr. Chairman: [...] Any to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948093] Mr. Chairman: [...] Any to section 16?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948094] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948095] Mr. Chairman: [...] Any to section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948096] Mr. Chairman: [...] Any to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948097] Mr. Chairman: [...] Any to section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948098] Mr. Chairman: [...] Any to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948099] Mr. Chairman: [...] Any to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948101] Mr. Cunniff: Mr. Chairman, I ask permission to revert to section 12, and ask Mr. Jones if he looked up that act of Congress.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948103] Mr. Chairman: Are there any amendments or objections to section 19? If not, we will revert to section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948106] Mr. Chairman: Are there any amendments or objections to section 19? If not, we will revert to section 12.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948107] Mr. Jones (Maricopa): I have a copy of the interstate commerce law, and I know it was approved February 11, 1887, and has been subject to six or eight amendments. I therefore move that in section 12, the third line from the bottom, that the word "of" be stricken out and the word "approved" be substituted.

Mr. Jones (Yavapai): I second the motion.

[Editor's Note: Jones renewed Short's motion from earlier in the session after referring to the interstate commerce law.]

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948108] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948110] [Editor's Note: Because Short's amendment to Section 12 was never acted upon and because the same motion by Jones was adopted by the Committee, the editors have shown Short's motion as dropped here.]

(Editorial)

[e948111] Mr. Bolan: Mr. Chairman, I would like to add to Article XII the following: "The Corporation Commission shall have the power to put a fair valuation on all public service corporations and may base charges and rates thereon."

Mr. Feeney: I second it.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948113] Mr. Chairman: That is an amendment to section 12 as I understand it.

Mr. Parsons: Mr. Chairman, it seems to me that what is sought to be accomplished by that is provided for in section 14 of the act. "The Corporation Commission shall, to aid it in the proper discharge of its duties," etc.

Mr. Cunniff: Mr. Chairman, the gentleman who offers the amendment I think is a worthy man, and I think he knows that the work of fixing rates is the most complicated subject in the economic world. There are all sorts of things to be taken into consideration in fixing rates, and it would be much too hasty a movement on our part. The matter can be gotten at under the power given to the Corporation Commission, but it will take some time, and for a Corporation Commission in one year to fix the valuation for the public service corporations in the territory would be a big task. The amendment contemplates too much.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948115] Mr. Colter: Mr. Chairman, I would like to make a motion that Article XV be indefinitely postponed.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948116] Mr. Chairman: You are out of order.

(The Records of the Arizona Constitutional Convention of 1910, Page 979)

[e948117] Mr. Bolan: I will withdraw my motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 980)

[e948118] Mr. Crutchfield: I renew the amendment of the gentlemen from Cochise. While I do not exactly know the purpose of the word, I like the word "fair valuation." I have had some experience with the question of taxation that has led me to see that there is a very variable rate for taxation. I remember very well the first experience I had with it. I think it was in California. I think probably it involved some two or three thousand dollars. After a while

I was offered a little higher price for this property, and when the tax collector came around and asked me how much it was worth and I told him. I rendered him what I thought it was worth I discovered mighty soon that my neighbor was paying one-third of what I was paying. I went to the tax collector and I complained. He said, "You rendered that property at that price, didn't you?" I said, "yes." He said, "You said it was worth that, and you are to blame if it is too high." And I found out that for my honestly I was paying a great deal more taxes than other people who had the same amount of property. We all know the workings of that. Now there is one or two things that ought to be done. We ought to assess our property at its valuation—

Mr. Short: Will the gentleman yield to a question? Was this amendment for the purpose of fixing a new value for taxation, or making votes?

Mr. Crutchfield: The amendment is for the purpose of making votes but the question of taxation is so bound up with the question of making votes, because you confess to yourself dishonestly in the assessing of your property, or you force them to make a statement of their property at say one-third, which is the fair valuation for taxation, and they have to swear to that statement, and as the gentleman from Maricopa has already said, on the very same day, for the purpose of making rates that are just, legal, right, and in keeping with their valuation, they must swear to one thing, and for the purpose of making taxes that are to be just exactly as fair as the taxes of every other man in the community, they have to swear that property is not worth more than one-third as much. I believe it is wrong to force the railroads to swear to a taxation without favoring the people in the same way to swear to their valuation for taxation, and I approve of allowing this Corporation Commission the discretion of adjudging a fair valuation as far as they are privileged to do so, of the physical value of railroad properties, in order to assess the rates or to arrive at a reasonable conclusion concerning rates, from the very fact that a sworn statement must be made to the tax assessor. I like the words to enable the Corporation Commission to form rates upon a fair valuation.

Mr. Short: The idea is all right. Is there anything before the committee?

Mr. Chairman: There is nothing before the committee except the consideration of Article XV. Are there any other objections or amendments to Article XV?

Mr. Short: The gentleman from Maricopa has been before the committee for a while.

(The Records of the Arizona Constitutional Convention of 1910, Pages 980-981)

[e948119] Mr. Chairman: Are there any objections or amendments to Article XV? If not, it will be considered by committee of the whole as recommended for adoption by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948121] Mr. Colter: I make a motion to indefinitely postpone Article XV.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948122] Mr. Chairman: You are out of order. I just said if there were no objections, and declared it was recommended by the committee of the whole for

adoption, and you get up and make a motion that it be postponed. The chair will not entertain any such motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948123] Mr. Chairman: [...] The secretary will read Article XVIII, Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948238] Secretary: (reading) Section 1, Article XVIII, Labor.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948126] Mr. Chairman: Section one of Article XVIII.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948127] Mr. Feeney: I move that the word "work" be stricken out.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948128] Mr. Cunniff: Mr. Chairman, that sounds funny, but there is a really serious purpose behind it. Under provisions of this kind, it is possible under certain conditions to have this eight hours work, instead of one continuous streak, may even be spread over sixteen or twenty-four hours, and the proposition in the form proposed in the amendment, eight hours, is the proper way of phrasing it.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948130] Mr. Chairman: You have heard the motion that the word "work" be stricken out. All in favor of this amendment say "aye;" contrary-minded "no." The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948131] Mr. Chairman: [...] Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948133] Mr. Chairman: [...] Any objections to section 2?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948135] Mr. Chairman: [...] Any to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 381)

[e948136] Mr. Short: Mr. Chairman, I think it would be a good plan, and I move an amendment, that in the last line of section 2, between the last two words, insert the word "calendar." In these labor laws I notice it is almost universally used.

Mr. Weinberger: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948137] The motion failed to pass.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948138] Mr. Chairman: Are there any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948139] Mr. Chairman: Are there any amendments to section 3?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948140] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948142] Mr. Chairman: [...] Any to section 4?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948143] Mr. Chairman: [...] Any to Section 5?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948144] Mr. Chairman: [...] Any to Section 5?

(The Records of the Arizona Constitutional Convention of 1910, page 981)

[e948145] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948147] Mr. Chairman: [...] Any to section 6?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948148] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948149] Mr. Chairman: [...] Any to section 7?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948150] Mr. Cunniff: Mr. Chairman, "Employees" in the fourth line from the last should not be plural. I move that the letter "s" be stricken out.

Mr. Feeney: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948151] Mr. Chairman: That is on line 7?

Mr. Cunniff: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948152] Mr. Chairman: You have heard the motion that the letter "s" be stricken out from the word "employees." All in favor say "aye;" contrary-minded "no." The "ayes" have it.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948154] Mr. Chairman: [...] Any further objections for section 7? Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948156] Mr. Chairman: [...] Any to section 8?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948157] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948158] Mr. Chairman: [...] Any to section 9?

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948159] Mr. Feeney: Mr. Chairman, I move that the words "or of any information concerning such blacklist" be cut out of that section.

Mr. Bolan: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 981)

[e948160] Mr. Feeney: Mr. Chairman, I prefer that that be stricken out or the whole section be stricken out. It is absolutely of no value with that in there. How would we ever know there was a black list unless there was some information in regard to it?

(The Records of the Arizona Constitutional Convention of 1910, Pages 981-982)

[e948161] Mr. Chairman: You have heard the motion. Are you ready for the question? All in favor will say "aye;" contrary-minded "no." The "ayes" seem to have it; the "ayes" have it, so amended.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948163] Mr. Chairman: [...] Are there any other objections or amendments to Article XVII [sic], entitled "Labor?"

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948174] Mr. Chairman: [...] If not, it will be considered as approved by the committee of the whole and recommended for adoption by the convention. Hearing none, it is so ordered. Mr. Secretary, read the article entitled "Mines."

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948304] Mr. Cunniff: Mr. Chairman, I move that the title of Article XXII be changed from "Schedule" to "Schedule and Miscellaneous."

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948305] Mr. Chairman: All in favor say "aye;" contrary-minded "no." So ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948306] Mr. Cunniff: I ask now that the secretary read those articles we passed this morning before reading those three we have on this separate sheet.

Secretary (reading): Section 13.

Mr. Chairman: Read section 14.

Secretary (reading): Section 14.

Mr. Chairman: Read section 15.

Secretary (reading): Section 15.

Mr. Cunniff: That was stricken out this morning.

Mr. Chairman: Read what would be section 15.

Secretary (reading): Section 15.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948405] [Editor's Note: As Section 15 was stricken from the article in the Convention, it was also removed from Committee's working draft.]

(Editorial)

[e948407] [Editor's Note: As Section 15 was stricken from the article in the Convention, it was also removed from Committee's working draft.]

(Editorial)

[e948378] Mr. Chairman: Now, gentlemen, on this printed slip headed "Miscellaneous" will be section 17. the secretary will read it.

[Editor's Note: The Committee took up three additional sections to the article.]

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948381] Secretary (reading): Section 17.

Mr. Chairman: Are there any objections to Section 17?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948382] Mr. Webb: Mr. Chairman, I move to strike out the letter "a," the last letter in the second line, and insert "an incorporated." It is indefinite as it now reads as to what a city or town would be construed to be. If placed upon a salary it would have to be an extremely low one or it would be rather more expensive than the present moment.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948386] Mr. Jones (Maricopa): We have threshed this thing over about seven times now. This same question is brought up every time, and it is voted down, and I hope it will be voted down again.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948389] Mr. Chairman: It has been moved and seconded that the last letter in the second line be stricken out and the words "an incorporated" be inserted. Are you ready for the question? All in favor say "aye;" contrary "no." The "nays" have it. The motion is lost.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948390] Mr. Chairman: [...] Any objections to Section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948391] Mr. Chairman: [...] Any objections to Section 18?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948392] Mr. Chairman: [...] Any objections to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948409] Mr. Chairman: [...] Any objections to section 19?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948411] Mr. Chairman: [...] Any objections to section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948412] Mr. Chairman: [...] Any objections to section 20?

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948413] Are there any objections or amendments to Article XXII, entitled "Schedule and Miscellaneous?"

Mr. Short: Does that last section read, "The legislature shall pass the necessary laws?"

Mr. Chairman: Yes.

(The Records of the Arizona Constitutional Convention of 1910, Page 982)

[e948414] Mr. Short: I move that the word "pass" be stricken out and the word "enact" be inserted.

Mr. Winsor: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Pages 982-983)

[e948417] The motion prevailed.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948418] [Editor's Note: With the passage of the amendment, the section and the article were adopted.]

(Editorial)

[e948419] [Editor's Note: With the passage of the amendment, the section and the article were adopted.]

(Editorial)

[e948308] Mr. Parsons: Mr. Chairman, I just had my attention called to the fact that Proposition Number 48, according to the memorandum I have in my copy of the proposition and the notes made as amendments, were passed, but I have not seen no [sic] record of its being included in any of the articles.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948309] Mr. Chairman: What is it?

Mr. Parsons: It is relative to employees and public works.

Mr. Cunniff: I thank you for calling my attention to the error. Number 48 was compiled as section 10 of the article on labor, but in some way the copy did not get in the matter sent to the printer.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948310] Mr. Chairman: It will be numbered Section 10 of Article XVIII, Labor. Are there any objections or amendments to it?

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948307] Mr. Chairman: I will be numbered Section 10 of Article XVIII, Labor. Are there any objections or amendments to it?

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948311] Mr. Ellinwood: I move to strike out the section.

Mr. Colter: I second the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948312] Mr. Cunniff: I fought this question over several times, and each time it was carried, and I hope the convention will not go back on this proposition after having passed it twice.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948313] Mr. Ellinwood: I ask for a roll call.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948314] Mr. Ellinwood: I ask for a roll call.

(The Records of the Arizona Constitutional Convention of 1910, Page 983)

[e948315] Mr. Moeur: I hope every sane, thinking man, will vote against it.

Mr. Parsons: Mr. Chairman, as has been stated by the gentleman from Yavapai, we have had this matter before the convention and discussed it at length, and it was amended until it met the approval of those who objected on the ground that they were afraid those up in the northern part of the territory would not be allowed to give employment to the Indians, and the word "ward" was inserted. I believe the proposition is one of merit, and one that the labor element of the territory and of the new state will appreciate, and one can they can demand, and it was at their request and demand that it was introduced, and I certainly hope that the motion to strike it out will not prevail.

Mr. Connelly: Mr. Chairman, I am not so much in favor of it because the labor element demand it, but I think it is a governing provision that exists in other states and works satisfactorily and well, and it is a good piece of state policy.

Mr. Colter: I do not think it will be a good thing in the territory today. This is a new state...

Mr. Connelly: In answer to the gentleman from Apache, I think we need it more because it is a new state than because it is an old state, because the laboring man is the man who makes the state, and if you keep out that man, who will make citizens? You will not have much of a state.

Mr. Moeur: I claim that the man who pays the taxes is the man who makes the state.

Mr. Connelly: In answer to the gentleman from Maricopa, let me say it is the laboring man who pays the taxes, and if you do not have any laboring men you will not have any taxpayers. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Pages 983-984)

[e948316] Mr. Chairman: You have heard the motion. It is moved and seconded that section 10 be stricken out of Article XVIII. Roll call is asked for. As many as favor striking out section 10 will answer "aye" as their names are called; opposed "no."

Roll call showed 18 "ayes" and 29 "nays."

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948317] Mr. Chairman: The motion to strike out is lost. Are there any other objections or amendments to be made? If not, it will be considered approved by the committee of the whole, and recommended for adoption by the convention. Hearing none, it is so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948250] Mr. Chairman: [...] The chair was going to say, what are you going to do about that seal? Are you going to adopt one or not?

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948251] Mr. Ellinwod: Mr. Chairman, the committee has agreed to a design, and the artist, Mr. Motter, is working on it now. I supposed it would be here by this time.

Mr. Cunniff: I would suggest that the committee get together with Mr. Motter and prepare a brief of that seal to incorporate in this schedule article.

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948252] [Editor's Note: The Committee proceeded to discuss outstanding business and election ordinances.]

(Editorial)

[e948253] Mr. Cunniff: [...] So far as the revision committee is concerned, we have now incorporated everything that has been passed by the convention. Mr. Parsons pointed out the Number 48 had been overlooked, and I would like to inquire if anything else has been overlooked.

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948254] Mr. Weinberger: I would like to ask if the election ordinances have all been passed?

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948255] Mr. Winsor: These election ordinances have been acted upon by the committee of the whole. They have not been acted upon by the convention.

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948256] Mr. Crutchfield: Mr. Chairman, I have a motion to make, and wish to say a few words in explanation thereof.

Mr. Chairman: What is the motion, for the committee of the whole, or for the convention?

Mr. Crutchfield: It is for the committee of the whole. There are a number of members who have intimated the necessity of having some question to be submitted that would be voted on separately from the constitution, in order to awaken interest in it, and while I do not care to make any discussion on the subject, I have a motion that I should like to submit separately to be voted on at the same time the constitution is voted on, but separate therefrom. It is upon the well-known subject of prohibition. I think that would be a question that would provoke considerable interest in the territory. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 984)

[e948257] Mr. Chairman: Order, gentlemen. The chair would call the attention of the gentleman from Maricopa to the fact that this committee of the whole has under consideration the constitution of Arizona, and there is nothing in the constitution that I see or know of that permits of any such amendment as you are now offering being taken up by the committee of the whole. If you want to make that amendment when the convention proper is in session.

Mr. Crutchfield: Does the chair rule that that would not be a suitable amendment to the article on municipal corporations?

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948258] Mr. Chairman: The chair will rule that municipal corporations has been passed and already adopted by the convention. If you want to make an amendment to any of the articles that are under consideration and have not been adopted by this convention, the chair will entertain the motion.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948420] Mr. Crutchfield: Then I recommend that the article on schedule and miscellaneous be amended. I move to insert this as a section to be voted on separately, and if carried become a law.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948422] Mr. Chairman: The chair will rule that the committee of the whole has nothing to do with anything to be voted on separately. This committee of the whole has no ordinance for separate submission. We are just considering what has been sent back by the style and revision committee.

Mr. Crutchfield: I will bow to the will of the chair.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

[e948260] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948261] Mr. Tuthill moved, seconded by Mr. Cunningham that the Committee arise and report progress.

(The Minutes of the Arizona Constitutional Convention, Page 422)

[e948262] Mr. Chairman: All in favor of the committee arising say "aye;" contrary-minded "no."The "ayes" have it; so ordered.

(The Records of the Arizona Constitutional Convention of 1910, Page 985)

## Chapter 33

# Special Committee on Election Ordinance

### 33.1 Monday, 31 October 1910, at 14:00 (s15957)

*[e935883]* Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

*[e935884]* Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

*[e935885]* Mr. President: Convention will come to order. A quorum is present. Gentleman of the convention I will appoint the members of the special committee on election ordinance as follows: Mr. Ingraham, Mr. Parsons, and Mr. Jones of Maricopa. Reports of standing committees.

(The Records of the Arizona Constitutional Convention of 1910, Page 135)

*[e935886]* [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

*[e935887]* [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 33.2 Saturday, 26 November 1910, at 13:30 (s16237)

[e944245] The Special Committee on Election Ordinance made their report through Mr. Ingraham, their Chairman, which was referred to the Committee on Printing and Clerks and one hundred copies ordered printed.

[Editor's Note: Proposition Number 148, also referred to as Election Ordinance Number 2, was referred to the Convention.]

(The Minutes of the Arizona Constitutional Convention, Page 310)

[e944247] [Editor's Note: Proposition Number 148, also referred to as Election Ordinance Number 2, was referred to the Convention.]

(Editorial)

[e944248] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944250] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 33.3 Monday, 05 December 1910, at 19:30 (s16296)

[e946394] Mr. President: Is the chairman of the committee on election ordinance here? Mr. Ingraham, have you a report to make?

Mr. Ingraham: Yes, sir. I will hand it to the secretary.

Secretary (reading): "Report on Proposition Number 152, introduced by the Special Committee on Election Ordinance."

(The Records of the Arizona Constitutional Convention of 1910, Page 890)

[e946395] [Editor's Note: Proposition Number 152 Election Ordinance Number 1 was referred to the Convention.]

(Editorial)

[e946396] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946397] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 34

# Joint Committee on Railroads and Public Service Corporations

### 34.1 Saturday, 19 November 1910, at 09:30 (s16182)

[e941965] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941968] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941970] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941971] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941972] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941973] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941974] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941975] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941976] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941977] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941978] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941979] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941980] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e941982] [Editor's Note: Page 1274 of the Records reads, "Mr President: Your Committee on Railroads and Public Service Corporations other than Railroads, jointly begs leave to report it has examined Committee Substitute Proposition No. 113, and respectfully recommends that same be adopted." It is clear that a new committee was created for the purpose of considering this Proposition. Lacking further evidence, the editors have inferred that the committee was comprised of the members of the Committee on Railroads and the members of the Committee on Public Service Corporations.]

(Editorial)

[e942000] Phoenix, Arizona, Nov. 19, 1910

Mr. President: Your Committee on Railroads, and your Committee on Public Service Corporations Other than Railroads, jointly begs leave to report it has examined committee Substitute Proposition Number 113, and respectfully recommend that the same be adopted.

F. A. Jones, Chairman Railroad Committee.

Fred L. Ingraham, Chairman Committee on Public Service Corporations, other than Railroads.

Concurred in by the majority of Committee. We Concur: A. F. Parsons E. L. Short W. G. Cunniff

[Editor's Note: The records of the Convention do not state when the Report from the Committee on Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1274-1275)

[e941989] Phoenix, Arizona, Nov. 19, 1910

Mr. President: Your Committee on Railroads, and your Committee on Public Service Corporations Other than Railroads, jointly begs leave to report it has examined committee Substitute Proposition Number 113, and respectfully recommend that the same be adopted.

F. A. Jones, Chairman Railroad Committee.

Fred L. Ingraham, Chairman Committee on Public Service Corporations, other than Railroads.

Concurred in by the majority of Committee. We Concur: A. F. Parsons E. L. Short W. G. Cunniff

[Editor's Note: The records of the Convention do not state when Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(The Records of the Arizona Constitutional Convention of 1910, Pages 1274-1283)

[e942004] [Editor's Note: The records of the Convention do not state when the Report from the Committee on Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(Editorial)

[e942007] [Editor's Note: The records of the Convention do not state when Substitute Proposition Number 113 was reported to the Convention. The editors have chosen to refer it on the 19th, the date written on the report.]

(Editorial)

[e941984] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e941985] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 34.2 Thursday, 01 December 1910, at 09:30 (s16265)

[e945091] Mr. President: Here is a letter addressed to the convention.

Secretary (reading): Letter from Eugene S. Ives, of Tucson, Arizona, regarding section 9, Substitute Proposition Number 113.

Mr. Cunniff: I move you that the communication be referred to the Committee on Railroads and Public Service Corporations.

Mr. President: If there are no objections, the letter will be so referred.

(The Records of the Arizona Constitutional Convention of 1910, Page 802)

[e945092] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945093] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

### 34.3 Friday, 02 December 1910, at 09:30 (s16272)

[e945329] Mr. President: Reports of standing committees.

Mr. Jones (Maricopa): I have a report.

Secretary (reading): "Phoenix, Arizona, December 2, 1910. Mr. President: Your Sub-committee on Railroads and Public Service Corporations Other Than Railroads begs leave to report it has examined Mr. Ives' communication concerning Substitute Proposition Number 113 and respectfully submits that section number 9 does no injustice to telephone companies."

(The Records of the Arizona Constitutional Convention of 1910, Page 829)

[e945330] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e945331] [Editor's Note: Mr. Ives' letter was referred to the convention alongside the committee report.]

(Editorial)

[e945332] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e945334] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## Chapter 35

# Select Committee to Investigate and Report upon a Proposed Seal for the State of Arizona

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Special Committee on State Seal

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### 35.1 Friday, 25 November 1910, at 19:30 (s16209)

*[e943152]* The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

*[e943155]* The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

*[e943157]* The President announced his appointment of a Select Committee in [sic] investigate and report to the Convention upon a proposed seal for the State of Arizona, as follows:

Ellinwood, Baker, Wells.

(The Minutes of the Arizona Constitutional Convention, Page 295)

[e944747] Mr. Cunniff: Under the order of the day I should like to take up a little matter. I want to put before the convention a suggestion for a seal, which has been suggested by Mr. E.E. Motter of Phoenix. I have the report of the Committee on Style, Revision and Compilation concerning another design of seal submitted to us, with the recommendation that the design be accepted. On this matter it may be of interest if I read some data which has been furnished by the Arizona historian, Miss Hall:

(The Records of the Arizona Constitutional Convention of 1910, Pages 650-651)

[e944745] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944746] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 35.2 Thursday, 08 December 1910, at 19:30 (s16327)

[e947983] Secretary (reading): Phoenix Arizona, December 8 1910.

Mr. President: Your Committee on Seal begs leave to report and recommend the following section be added to Article XXII, as Section 20. E.E. Ellinwood, Chairman. I concur: Ed. W. Wells.

SEAL OF THE STATE Section 20. The seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing. To the left in the middle distance on a mountain side is a quartz mill in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be the motto "Ditat Deus." In a circular band surrounding the whole device shall be inscribed: "Great Seal of the State of Arizona," with the year of admission of the State into the Union.

(The Records of the Arizona Constitutional Convention of 1910, Pages 994-995)

[e947984] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948300] [Editor's Note: Once the Committee created its report, the information on the seal submitted by the state historian was no longer under consideration.]

(Editorial)

[e947988] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947990] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 36

# Special Committee on Water and Water Rights

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Committee created on November 29th to reconsider Proposition Number  
149 and propose new proposition on Water and Water Rights.

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### 36.1 Tuesday, 29 November 1910, at 14:00 (s16258)

[e944970] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e944973] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e944974] Mr. President: The chair will announce its selection of the Committee on Water and Water Rights: The gentleman from Yavapai, Mr. Wood, the gentleman from Maricopa, Mr. Standage, and the gentleman from Yuma, Mr. Ingraham.

(The Records of the Arizona Constitutional Convention of 1910, Page 772)

[e944977] [Editor's Note: The signature on the Committee's report indicates that Wood was chosen as the Committee's chairman.]

(Editorial)

[e947474] [Editor's Note: Although it is not stated, the Editors have inferred that Proposition Number 66 was referred to the Special Committee on Water and Water Rights.]

(Editorial)

[e947475] [Editor's Note: Although it is not stated, the Editors have inferred that the Report on Water and Water Rights was referred to the Special Committee on Water and Water Rights.]

(Editorial)

[e944986] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944989] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## 36.2 Wednesday, 30 November 1910, at 14:00 (s16259)

[e945005] Mr. Wood, Chairman of the Select Committee appointed by the President to report a proposition with reference to water rights, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Special Committee instructed to bring in a report to the effect that the common law doctrine of riparian water rights shall not be of any force or effect, and validating existing rights to the use of water, begs leave to report: and submit special committee Proposition No. 150, which it thinks covers the specific instructions to our committee, and respectfully recommends that it do pass.

H.R. WOOD, FRED L. INGRAHAM, OREN L. STANDAGE.

(The Minutes of the Arizona Constitutional Convention, Page 332)

[e944991] Mr. Wood, Chairman of the Select Committee appointed by the President to report a proposition with reference to water rights, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Special Committee instructed to bring in a report to the effect that the common law doctrine of riparian water rights shall not be of any force or effect, and validating existing rights to the use of water, begs leave to report:

and submit special committee Proposition No. 150, which it thinks covers the specific instructions to our committee, and respectfully recommends that it do pass.

H. R. Wood.

Fred L. Ingraham.

Oren L. Standage.

(The Minutes of the Arizona Constitutional Convention, Page 332)

[e945006] Mr. Wood, Chairman of the Select Committee appointed by the President to report a proposition with reference to water rights, made the following report:

Phoenix, Arizona, November 30, 1910.

Mr. President:

Your Special Committee instructed to bring in a report to the effect that the common law doctrine of riparian water rights shall not be of any force or effect, and validating existing rights to the use of water, begs leave to report: and submit special committee Proposition No. 150, which it thinks covers the specific instructions to our committee, and respectfully recommends that it do pass.

H.R. WOOD, FRED L. INGRAHAM, OREN L. STANDAGE.

(The Minutes of the Arizona Constitutional Convention, Page 332)

[e944993] [Editor's Note: Proposition Number 150 was referred to the Convention alongside the report from the Special Committee on Water and Water Rights.]

(Editorial)

[e944994] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e944995] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 37

# Connelly Committee

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Committee of One

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### 37.1 Monday, 05 December 1910, at 09:30 (s16289)

[e946168] [Editor's Note: A committee of one consisting of Mr. Connelly was appointed for the purpose of drafting a letter in response to Anne Fisher.]

(Editorial)

[e946171] The Chaplain: Mr. Chairman and gentlemen of the convention, if you will permit me to speak for a moment I will be glad to do so. You have accorded me the privileges of this house ever since I have been here. I have tried to conduct myself as a man ought to in my position and calling. I have never at any time felt that I wanted to rise to personal privilege, but I want to rise to personal privilege this morning. I have in my hand a communication postmarked at Brooklyn, New York, November 30, 1910, addressed to "Chaplain Crutchfield, Phoenix, Arizona" and I wish the secretary would read this communication to the convention.

Mr. President: Read the communication.

Secretary: Reads the letter from Anne Fisher, Brooklyn, New York.

[...]

Mr. President: If there are no objections it will be referred to Mr. Connelly with instructions to answer.

(Editorial)



## Chapter 38

# Select Committee on Proposition No. 152

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Dec. 6th, 1910: The President appointed as a select committee to fill the blank in Proposition No. 152 relative to the date of the election for the ratification of the Constitution the following persons: Mr. Winsor, of Yuma, Mr. Ellinwood of Cochise, Mr. Osborn, of Maricopa.

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### 38.1 Tuesday, 06 December 1910, at 09:30 (s16303)

*[e946673]* Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

*[e946675]* Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

*[e946676]* Mr. President: The chair will appoint the gentleman from Yuma, Mr. Winsor; the gentleman from Cochise, Mr. Ellinwood and the gentleman from Maricopa, Mr. Osborn, as the select committee to fill in the banks as to the date of the election provided for in Proposition Number 152.

(The Records of the Arizona Constitutional Convention of 1910, Page 909)

*[e946677]* [Editor's Note: The signature on the Committee's report on 8 December indicates that Winsor was chosen as the Committee's chairman.]

(Editorial)

[e946678] [Editor's Note: Proposition Number 152 Election Ordinance 1 was referred to the Committee so that the blanks could be filled in.]

(Editorial)

[e946680] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e946681] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **38.2 Thursday, 08 December 1910, at 09:30 (s16319)**

[e947710] On motion of Mr. Winsor, Proposition No. 152 was taken out of the hands of a select committee and referred to the Committee on Style, Revision and Compilation.

[Editor's Note: Mr. Winsor, in the Convention, moved to transfer Proposition Number 152, also called Election Ordinance Number 1, from the select committee to the Committee on Style.]

(The Minutes of the Arizona Constitutional Convention, Page 417)

[e947711] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947712] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

## **38.3 Thursday, 08 December 1910, at 19:30 (s16329)**

[e948100] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948102] [Editor's Note: The Committee's report was referred to the Convention.]

(Editorial)

[e948104] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e948105] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)



## Chapter 39

# Committee to Assist on Revision of the Verbatim Report

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[1910-12-08 14:00:00] Mr. President: Gentlemen of the convention, Resolution Number 21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the Democratic side the gentleman from Maricopa, Mr. Cassidy; and from the Republican side, the gentleman from Coconino, Mr. Hutchinson. (applause)

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### 39.1 Thursday, 08 December 1910, at 14:00 (s16323)

[e947773] Mr. President: Gentlemen of the convention, Resolution Number 21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the Democratic side the gentleman from Maricopa, Mr. Cassidy...

(The Records of the Arizona Constitutional Convention of 1910, Pag 976)

[e947775] Mr. President: Gentlemen of the convention, Resolution Number 21 that was adopted this morning authorizing the President to appoint the member from each party to assist the revision of the verbatim report. I will put on that committee from the Democratic side the gentleman from Maricopa, Mr. Cassidy; and from the Republican side, the gentleman from Coconino, Mr. Hutchinson. (applause)

(The Records of the Arizona Constitutional Convention of 1910, Page 976)

[e947776] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

[e947777] [Editor's Note: Standard practice at the Convention was for committees to end a session by voting to rise. Though there is no record of such a motion or vote, the editors assume that the Committee followed this practice.]

(Editorial)

**Part V**

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