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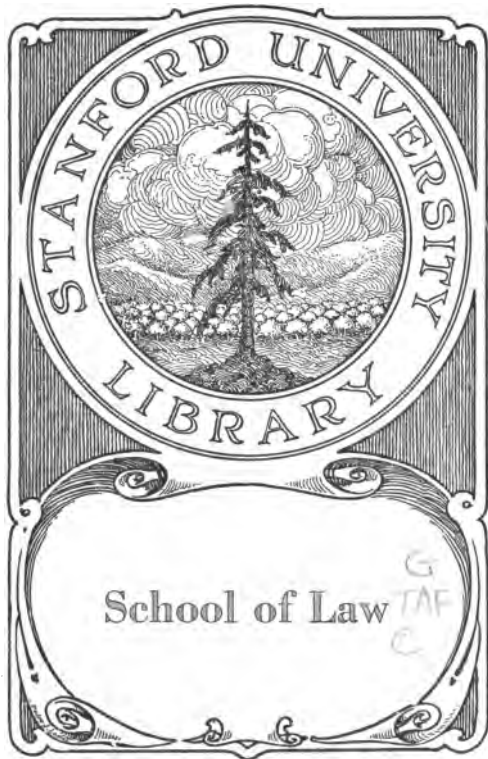
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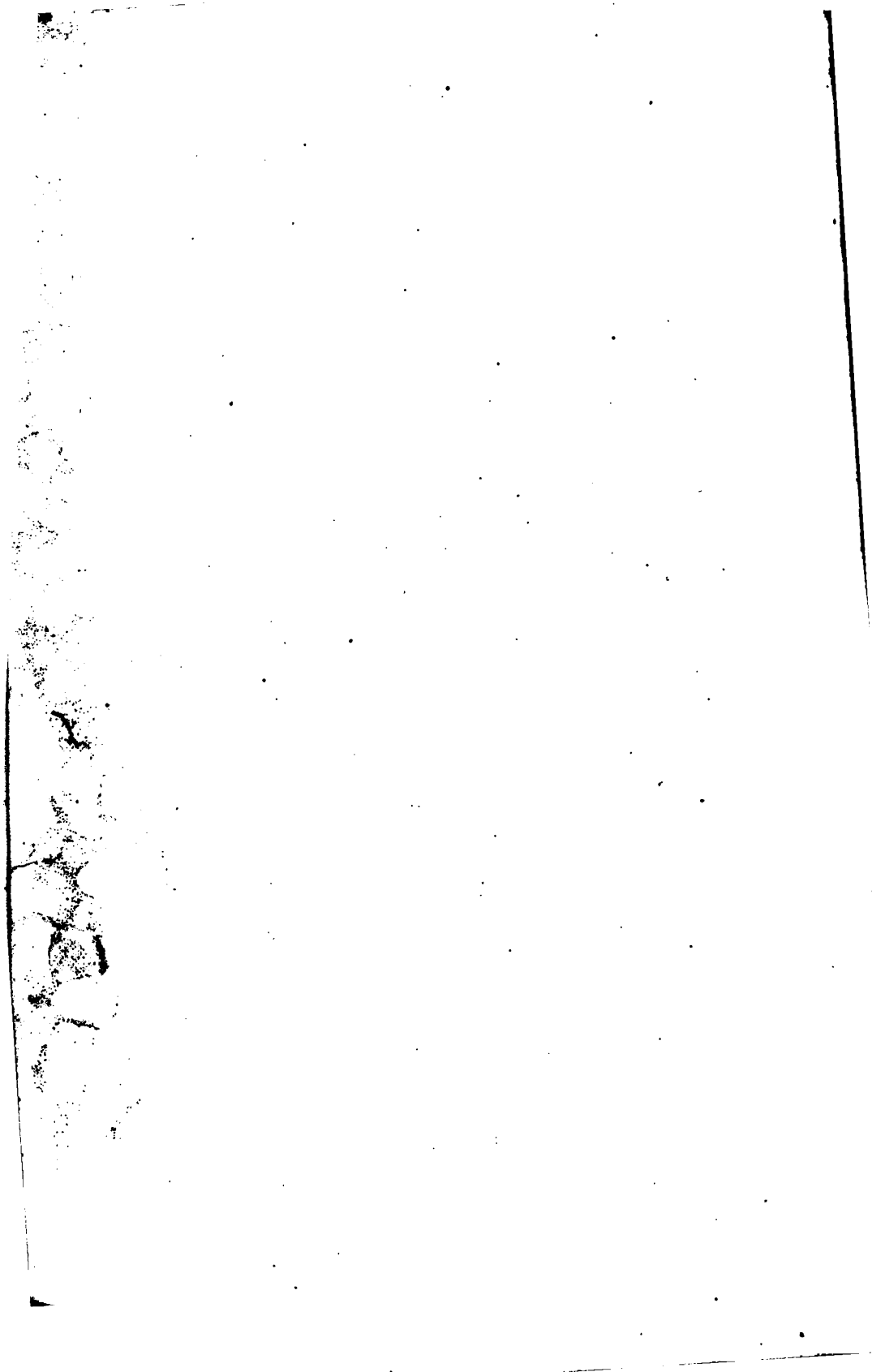
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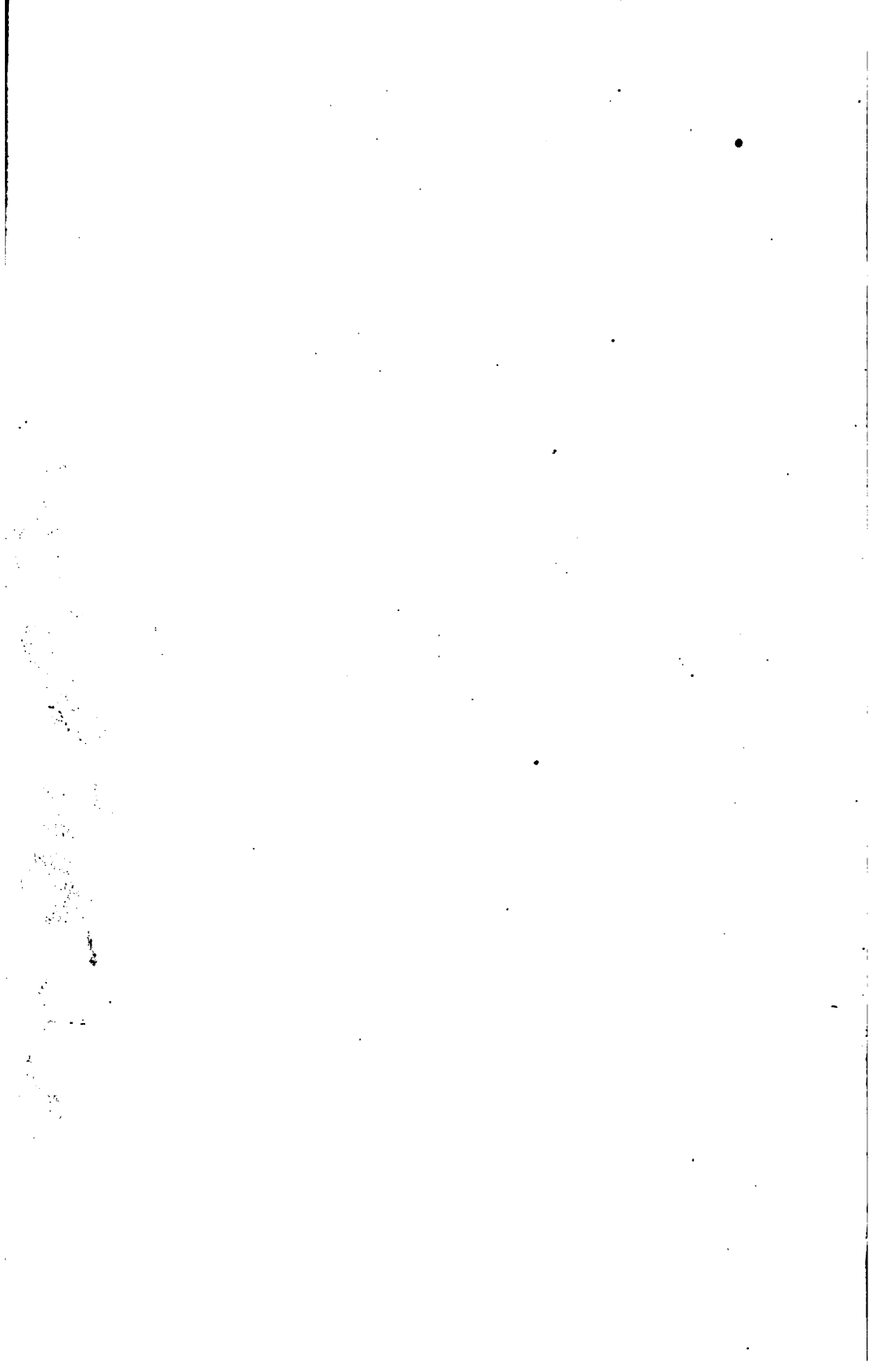
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1864





ACTS, RESOLUTIONS, AND MEMORIALS.



ACTS,
RESOLUTIONS AND MEMORIALS,

ADOPTED BY THE

First Legislative Assembly

OF THE

TERRITORY OF ARIZONA.

STANFORD LIBRARY

Session begun on the Twenty-sixth day of September,
and ended on the Tenth day of November, 1864, at Prescott.

PRESCOTT:
OFFICE OF THE ARIZONA MINER,
OFFICIAL PAPER OF THE TERRITORY.

1865.

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YRARELI OROVNAE

CERTIFICATE.

TERRITORY OF ARIZONA,
OFFICE OF THE SECRETARY.

I, RICHARD C. McCORMICK, Secretary of the Territory of Arizona, do hereby certify that the ACTS, RESOLUTIONS, and MEMORIALS, herein contained, are printed as passed by the first Legislative Assembly of the Territory, according to the enrolled copies upon file in my office.



WITNESS my hand and the Seal of the Territory, given at Prescott, this first day of December, A. D. eighteen hundred and sixty-four.

RICHARD C. McCORMICK,
Secretary of the Territory.



THE ORGANIC ACT.

AN ACT to provide a temporary government for the Territory of ARIZONA, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED: That all that part of the present Territory of New Mexico situate west of a line running due south from the point where the south-west corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary line of said Territory of New Mexico, be, and the same is hereby, erected into a temporary government by the name of the Territory of Arizona: Provided, that nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper: Provided, further, that said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

SEC. 2. And be it further enacted, that the government hereby authorized shall consist of an executive, legislative, and judicial power. The executive power shall be vested in a governor. The legislative power shall consist of a council of nine members, and a house of representatives of eighteen. The judicial power shall be vested in a supreme court, to consist of three judges, and such inferior courts as the Legislative Council may by law prescribe; there shall also be a secretary, a marshal, a district-attorney, and a surveyor-general for said Territory, who, together with the governor and judges of the supreme court, shall be appointed by the President, by and with the advice and consent of the Senate, and the term of office for each, the manner of their appointment, and the powers, duties, and the compensation of the governor, legislative assembly, judges of the supreme court, secretary, marshal, district attorney, and surveyor-general aforesaid, with their clerks, draughtsman, deputies, and sergeant-at-arms, shall be such as are conferred upon the same officers by the act organizing the Territorial government of New Mexico, which subordinate officers shall be appointed in the same manner, and not exceed in number those created by said act; and acts amendatory thereto, together with all legislative enactments of the Territory of New Mexico not inconsistent with the provisions of this act, are hereby extended to and continued in force in the said Territory of Arizona, until repealed or amended by future legislation: Provided, that no salary shall be due or paid the officers created by this act until they have entered upon the duties of their respective offices within the said Territory.

Sec. 3. And be it further enacted, that there shall neither be slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted; and all acts and parts of acts, either of Congress or of the Territory of New Mexico, establishing, regulating, or in any way recognizing the relation of master and slave in said Territory, are hereby repealed.

Approved February 24, 1863.

OFFICERS OF THE TERRITORY. 7

POSITION.	NAME.	WHERE FROM.	LOCATION.
Governor.....	John N. Goodwin.....	Maine	Prescott.
Secretary.....	Richard C. McCormick....	New York	"
Chief-Justice.....	William F. Turner.....	Iowa	"
Associate Justice....	William T. Howell.....	Michigan	Tucson.
" ".....	Joseph P. Allyn.....	Connecticut.....	La Paz.
District-Attorney....	Almon Gage.....	New York	Prescott.
Surveyor-General....	Levi Bashford.....	Wisconsin.....	Tucson.
Marshal.....	Milton B. Duffield.....	California	"
Supt. Indian Affairs..	Charles D. Poston.....	Kentucky	"

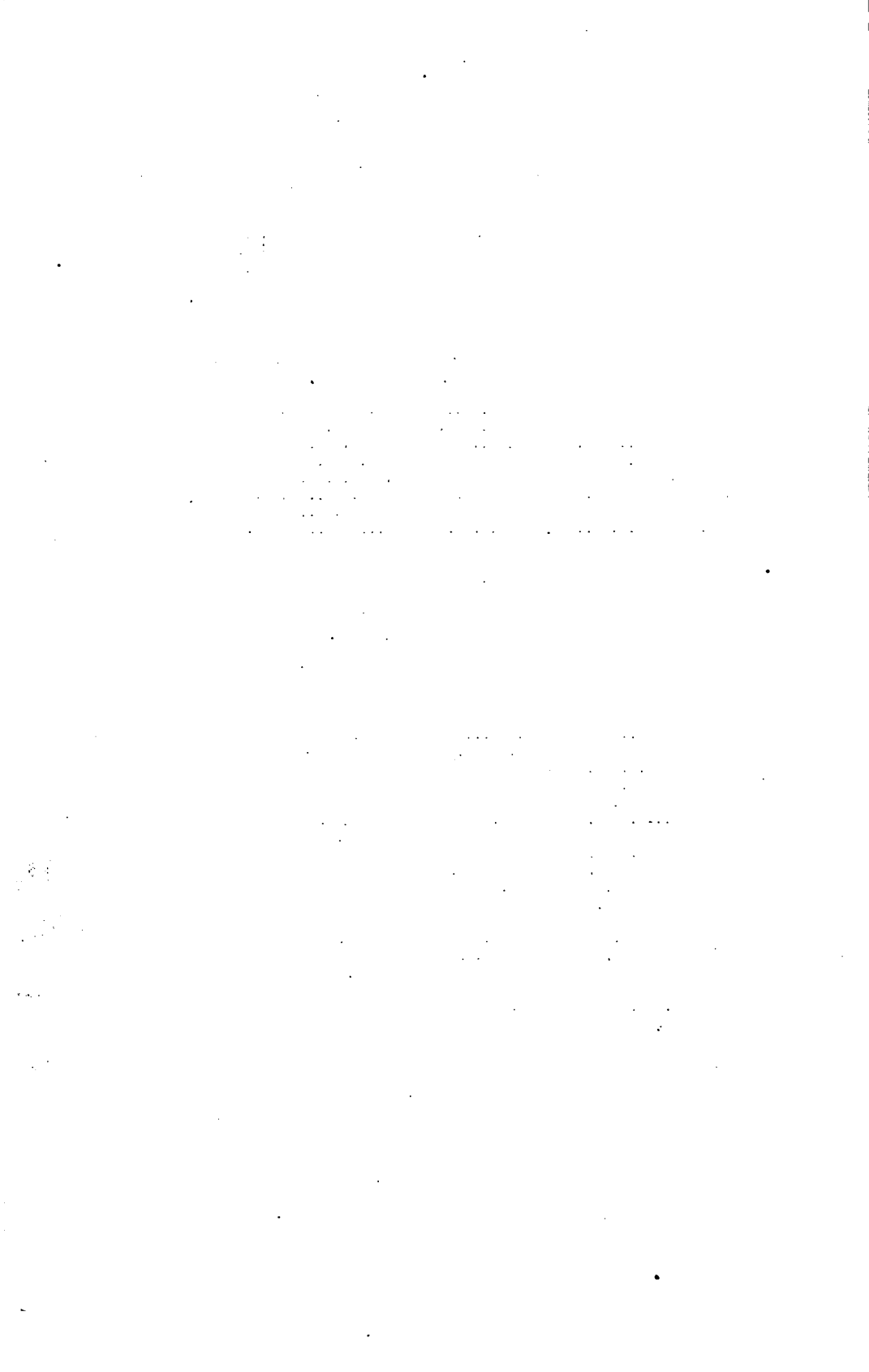
THE FIRST LEGISLATIVE ASSEMBLY.

COUNCIL.

NAME.	RESIDENCE.	OCCUPATION.	AGE.	WHERE BORN.
Coles Bashford.....	Tucson.....	Lawyer.....	.47..	New York.
Francisco S. Leon.....	".....	Farmer.....	.42..	Arizona.
Mark Aldrich.....	".....	Merchant.....	.62..	New York.
Patrick H. Dunne.....	".....	Printer.....	.40..	Maine.
George W. Leihy.....	La Paz.....	Miner.....	.47..	New York.
José M. Redondo.....	Arizona City.....	Ranchero.....	.40..	Mexico.
King S. Woolsey.....	Agua Frio Ranch.....	Farmer.....	.32..	Alabama.
Robert W. Groom.....	Groomdale.....	Miner.....	.40..	Kentucky.
Henry A. Bigelow.....	Weaver.....	Miner.....	.31..	Massachusetts.

HOUSE OF REPRESENTATIVES.

NAME.	RESIDENCE.	OCCUPATION.	AGE.	WHERE BORN.
W. Claude Jones.....	Tucson.....	Lawyer.....	.46..	Ohio.
John G. Capron.....	".....	Merchant.....	.35..	"
Daniel H. Stickney.....	Cababi.....	Miner.....	.62..	Massachusetts.
Gregory P. Harte.....	Tucson.....	Surveyor.....	.24..	Ohio.
Henry D. Jackson.....	".....	Wheelwright.....	.40..	New York.
Jesus M. Elias.....	".....	Ranchero.....	.35..	Arizona.
Nathan B. Appel.....	Tubac.....	Merchant.....	.36..	Germany.
Norman S. Higgins.....	Cerro Colorado.....	Mining Engineer.....	.28..	Ohio.
Gilbert W. Hopkins.....	Maricopa Mine.....	".....	.35..	New York.
Luis G. Bouchet.....	La Paz.....	Carpenter.....	.32..	California.
George M. Holaday.....	".....	Hotel-Keeper.....	.46..	Indiana.
Thomas J. Bidwell.....	Castle Dome.....	Miner.....	.31..	Missouri.
Edward D. Tuttle.....	Mohave City.....	".....	.28..	New York.
William Walter.....	".....	".....	.28..	Pennsylvania.
John M. Boggs.....	Prescott.....	".....	.32..	Missouri.
Jackson McCrackin.....	Lynx Creek.....	".....	.36..	South Carolina.
James Garvin.....	Prescott.....	Physician.....	.33..	Illinois.
James S. Giles.....	".....	Miner.....	.28..	Delaware.



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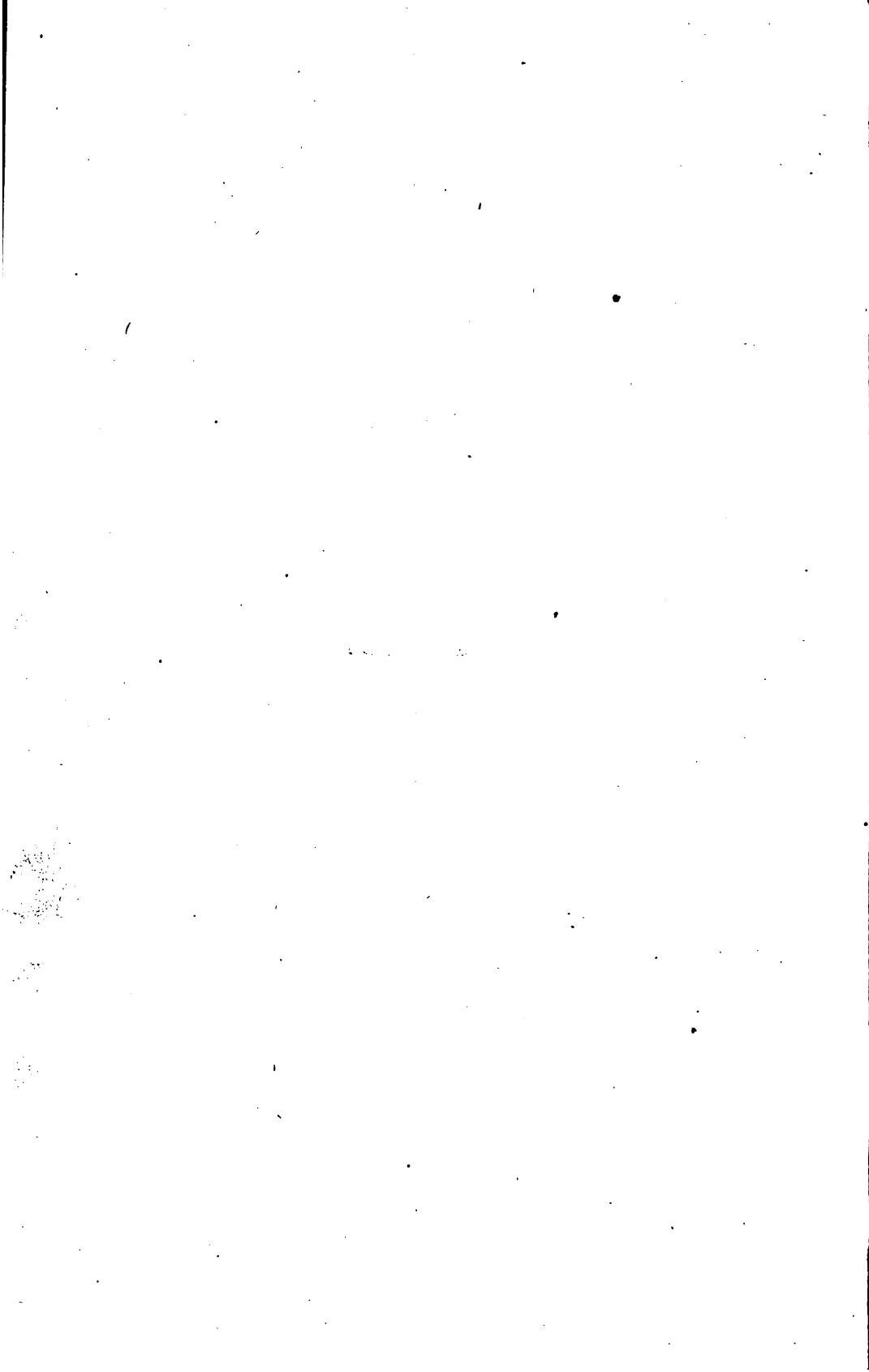
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ACTS.



ACTS.

AN ACT

Authorizing the Appointment of a Commissioner to report a Code of Laws.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the Governor of said Territory be and he hereby is authorized and empowered to appoint a commissioner to prepare and report a code of laws for the use and consideration of the Legislature of said Territory.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 1, 1864.

AN ACT

For the Benefit of John G. Capron.

Whereas, John G. Capron, of the first judicial district, in the year one thousand eight hundred and sixty, was induced by fraudulent concealment of criminal facts to legally marry one Sarah Rosser in the same district, and notwithstanding the strongest legal causes exist for annulling said marriage, there is no law of divorce existing in this Territory :—

Therefore, Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the bonds of matrimony heretofore contracted and existing between John G. Capron and Sarah Rosser be, and they are hereby declared annulled and absolutely dissolved, and that the said John G. Capron have the privilege of marrying again.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 13, 1864.

AN ACT

Declaring Certain Routes as a County Road in the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the road or route known as the Woolsey trail, beginning at the town of Prescott, thence continuing in a north-easterly direction a distance of twenty-five miles to the Agua Frio Ranch ; from thence continuing in a southerly course to Big Bug Creek ; from thence down said stream in a south-easterly course to Slate Creek ; thence southerly to Black Canon or the new mines ; thence continuing southerly to Bird Springs, and thence to Casa Blanca or Pima Villages—shall be declared by the passage of this act a *county road*, free for all intents and purposes therein required.

SEC. 2. And be it further enacted that said route or road shall not be subject to incorporation by any person or persons as a private toll-road for the period of one year from the passage of this bill.

APPROVED October 24, 1864.

AN ACT

For the Benefit of Elliott Coues.

Whereas, Elliott Coues, of the third judicial district, was legally married to one Sarah A. Richardson, and notwithstanding the strongest legal causes exist for annulling said marriage, there is no law of divorce existing in this Territory :—

Therefore, Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the bonds of matrimony heretofore contracted and existing between the said Elliott Coues and Sarah A. Richardson be, and they are hereby declared annulled and absolutely dissolved, and that the said Elliott Coues have the privilege of marrying again.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED October 24, 1864.

AN ACT

Empowering the Governor to Appoint a Commissioner to Draft a Map of the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the Governor is hereby authorized and empowered to appoint a suitable and competent person, and commission the same, to col-

lect all necessary reliable statistics for making a complete and correct map of the Territory of Arizona, showing county lines; said map to be lithographed and published in good style, of such dimensions as the Governor and Secretary may deem necessary; said map, when complete, to be the official map of the Territory.

SEC. 2. Said map to include all explorations made up to this time, giving the positions of all the mines and the geological formations in which they are situated, and all geological explorations made in the Territory up to this time.

SEC. 3. Said commissioner shall furnish the Governor with twenty copies of the map, and the Secretary is hereby directed to furnish each county in the Territory with one copy, and such other distribution as he may deem necessary.

SEC. 4. Such commissioner shall receive such compensation as the Governor and Secretary may deem proper.

SEC. 5. This act shall take effect and be in force from and after its passage.

APPROVED October 25, 1864.

AN ACT

To Incorporate the Arizona Central Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That L. C. Gray, Charles O. Cunningham, Joseph Tyson, and their associates, are hereby constituted and formed into a body politic and corporate, with the name and style of the Arizona Central Road Company; and with this name and under this style shall have perpetual succession, sue and be sued, plead and be impleaded; to have and to keep a common seal; acquire, enjoy, and transfer either real estate or personal property; and may make or adopt all rules and regulations necessary to carry into effect the objects of this incorporation not inconsistent with or repugnant to the laws of the United States or those of this Territory.

SEC. 2. That said company is authorized and allowed the privilege and power to construct and build a toll-road from such point in or near the town of La Paz as they may deem most convenient, by such route as they may consider most favorable, in the general direction of the Ehrenberg road so-called to Prescott, in said Territory, with the right to construct a branch toll-road from some convenient point in said road to the town of Weaver; to construct bridges, and grade said road if they think proper, and to dig wells at practicable points, and keep and maintain facilities for furnishing water to men and animals passing over said road, and to do all other things necessary to complete said road and make the same safe and passable at all times; and may construct and maintain one or more toll-gates; and may receive and collect toll or passage-money in sums not exceeding the following rates, to wit:

For each wagon drawn by two horses, mules, or horned cattle, four (4) cents per mile;

For each additional span of horses, mules, or horned cattle, one cent and a half ($1\frac{1}{2}$) per mile;

For each carriage or cart drawn by one horse, mule, or ox, three cents and one-half ($3\frac{1}{2}$) per mile;

For each horse or other animal and rider, two cents and one-half ($2\frac{1}{2}$) per mile;

For each pack animal, horse, mule, ass, or horned cattle, one cent and one half ($1\frac{1}{2}$) per mile;

For every sheep, goat, or hog, one-quarter of one cent ($\frac{1}{4}$) per mile; it being understood that no foot traveller shall pay toll; and that said company shall permit travellers with their animals to take from any wells dug by them on the line of said road, water sufficient for the use of said travellers and their animals, while passing over said road or making the usual and necessary stops thereon, without charge therefor: *Provided* that, after the expiration of ten years from and after the date of completion of said road, the Legislative Assembly of the Territory or State shall have the right to modify or change the rates of toll.

SEC. 3. That said company shall have the right of way over lands of private individuals, using therefor one track only fifty (50) feet wide; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him, setting forth the facts; and said company shall have the right to take, occupy, use, and improve, or in any legal way acquire title to not more than one hundred and sixty (160) acres of public lands at each station, unless a greater amount may be granted them by the Congress of the United States, to be selected by them in such quantities and at such points on the line of said road as they may deem available to enable said company to dig wells and to cultivate and maintain ranches for the accommodation of travellers: *Provided*, that the number of stations on said road shall not exceed twenty.

SEC. 4. That said company shall, within the period of three (3) years from the passage of this act, dig and maintain not less than four (4) wells of water, providing facilities for using the same at convenient intervals between La Paz and Date Creek, and shall make said road throughout safe and passable for wagons with their usual freights to the satisfaction of a disinterested commissioner acquainted with the construction of roads, to be appointed by the governor of this Territory, within said time, upon notice to him by said company, that said road is completed and ready for examination; that said commissioner shall examine said road and make report in writing to the governor what improvements said company have made on said road, and the cost of the same, and whether in his opinion said company have complied with the terms of this act; and if the governor and said commissioner shall agree in opinion that said road is safe and passable, and that said company have in good faith complied with the terms of this act, he shall give to said company a certificate of the fact, and authorize said company to collect tolls upon said road as aforesaid; and shall lay before the next Legislative Assembly that shall convene thereafter, copies of all said papers; and if said company shall not construct and complete said road and dig said wells as required by this act within the time prescribed as aforesaid, then it shall forfeit each and all the powers and privileges to it granted.

SEC. 5. That if any person shall neglect or refuse to pay the toll authorized by this act for any animals or teams owned or driven by him when demanded by any person authorized to receive the same, he shall be liable for three times the amount of toll legally due from him, to be collected on complaint in the name of said company, in any court of competent jurisdiction: and the animals owned by him or in his charge shall be liable to be taken to satisfy the judgment and execution for debt and costs thereon.

SEC. 6. That the capital stock of said company shall consist of one hundred thousand dollars (\$100,000), which may at any legal meeting be increased to two hundred thousand dollars (\$200,000), to be divided into shares of fifty dollars (\$50) each; and each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred in the manner and in such places as the stockholders or a majority of them may prescribe in their rules and regulations.

SEC. 7. That the officers of said company shall consist of a president, secretary, treasurer, and three directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one (1) year from and after their election, and until their successors shall be duly elected and qualified: and such officers may be removed from office whenever a majority of stockholders present at any legal meeting called for that purpose shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 8. The privileges conceded to said company are, and shall be and continue, for the term of thirty (30) years from the passage of this act: and at the expiration of said term said road shall be relinquished by them in good order, and shall always remain for the benefit of the Territory or State; but it is understood that the said company may sell or retain any real estate owned or possessed by them, and divide the proceeds of the same, in proportion to the shares held by them, among the stockholders after all debts of said company are paid: and said company shall keep said road in good repair and supplied with water, as required by this act, during the time for which this grant is made.

SEC. 9. The meeting to organize said company under this act shall be held at La Paz, on the first day of December next, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws and transact any other business that may be necessary to organize this corporation.

SEC. 10. That said company shall have the exclusive right to build and maintain such part of said toll-road as may be included between a point not less than five miles from the town of La Paz, and the point of the intersection of said road and Date Creek, for the space of ten miles on either side of said road, and from said point of intersection with Date Creek to a point not less than one mile from the town of Prescott; such exclusive rights shall extend for one mile on each side of said road. *Provided*, that in no case shall said exclusive rights interfere with any toll-roads that may be built between any other points in this Territory, or with any roads constructed by the people thereof other than toll-roads.

SEC. 11. Upon complaint being certified to before any justice of the

peace in any township or district through which the line of said road may pass, that any portion of said road is not in a safe and passable condition for wagons and vehicles, and that said unsafe condition ensues from neglect of said company to keep the road in repair, the said justice shall summon the said company or its agents to appear before him, at any time appointed by him not more than ten days from the day of complaint; and if it shall appear that said complaint is true, judgment shall be rendered against said company as defendants for the costs of proceedings, and no tolls shall thereafter be collected by said company or its agents until said road is again put in repair and rendered safe for the passage of wagons and vehicles.

SEC. 12. That the rates of toll contained in section two shall be plainly printed, and posted in a conspicuous place at each toll-gate on the road, and be maintained at all times in a legible condition.

SEC. 13. That all persons exhibiting a certificate from any commissioned officer of the Territory that they are in the militia service of the Territory, shall be exempt from the payment of tolls on said road.

SEC. 14. This act shall take effect and be in force from and after its passage.
APPROVED October 28, 1864.

AN ACT

Granting the Exclusive Right to Samuel Todd and his Associates and Successors, to maintain and keep a Ferry across the Colorado River at Mojave.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. The exclusive right to keep and operate a ferry across the waters of the Colorado River at any and every point between what is known as Mojave City, and a point five miles above, measured by the meanderings of the river, and five miles below Mojave City, in this Territory, is hereby granted to Samuel Todd and his associates and successors for the term of five years, with the privileges, and subject to the conditions prescribed by this act.

SEC. 2. So long, not exceeding five years, as the said Samuel Todd or his associates or successors shall maintain and operate a good, safe, and substantial ferry between the points aforesaid, they shall be authorized to charge, demand, and collect, the following rates of toll, namely:—For a wagon and two animals, three dollars and fifty cents; for every additional two, seventy-five cents; for every carriage with one animal, two dollars and seventy-five cents; for every beast of burden, seventy-five cents; for every horse or mule with its rider, one dollar; for every footman, thirty-seven and a half cents; for every head of loose cattle, horses, mules, or jacks, thirty-seven and a half cents; for every hog, sheep, or goat, twelve and a half cents.

SEC. 3. Upon and after the passage of this franchise, the said Samuel Todd and his associates and successors shall be held and obliged to keep

said ferry in a good, safe, and sufficient order and condition for use both day and night; he shall keep a competent ferryman, who shall transport travellers and stock across said Colorado River when requested to do so, at all hours of day or night, under penalty of forfeiture of not less than one hundred dollars for each refusal or neglect.

SEC. 4. Should the said Samuel Todd and his associates and successors neglect or refuse to keep said ferry in the condition prescribed by this act, complaint may be made before any court of competent jurisdiction in the precinct or county in which said ferry may be situated, by any person making affidavit to the same; when it shall be the duty of such judge or magistrate to summon said Samuel Todd, his associates and successors, or agent, to appear before him within five days after such complaint shall be made; and if it shall appear, after due investigation, that such neglect or refusal to comply with the provisions of this act is without good and sufficient cause, then said Samuel Todd and his associates and successors shall be liable for damages resulting therefrom, and forfeit all rights and privileges conferred by this act, until the provisions thereof are complied with.

SEC. 5. The Legislature of the Territory or State, as the case may be, reserves the right to repeal or change this act, and alter the rates of ferriage at any time after the passage of the same.

SEC. 6. That the rates of toll contained in section two shall be plainly printed and posted in a conspicuous place on each boat, and in each house or office belonging to the ferry company, and maintained at all times in a legible condition.

SEC. 7. That all persons exhibiting a certificate from any commissioned officer of the Territory that they are in the militia service of the Territory, shall be exempt from the payment of tolls on the said ferry.

SEC. 8. This act shall take effect and be in force from and after its passage.

APPROVED November 3, 1864.

AN ACT

Incorporating the Castle Dome Railroad Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SEC. 1. That Henry Sage, Royal H. Waller, E. C. McComb, C. C. Wallace, H. B. Martin, R. M. Martin, Richard Gird, and Thomas J. Bidwell, their associates and successors, are hereby constituted and formed into a body politic and corporate with the name and style of the "Castle Dome Railroad Company," and with this name and under this style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and keep a common seal, acquire, enjoy, and transfer either real estate or personal property, and may make or adopt all rules and regulations necessary to carry into effect the objects of this incorporation not inconsistent with or repugnant to the laws of the United States or those of this Territory.

SEC. 2. That said company are hereby authorized and empowered to construct and operate a railroad from the Colorado River, at or near Castle Dome city, along such route or line as the incorporators of said company shall deem most feasible, to Castle Dome mines or the vicinity thereof, with the right to dig wells, construct tanks, culverts, station-houses, and depots, and do all other things necessary to complete and operate said road in a safe and convenient manner; and may receive as passage and freight money, in sums not exceeding the following rates, to wit:

On each passenger over six years of age, ten cents per mile.

On each hundred pounds weight of freight, two and one-half cents per mile.

SEC. 3. That said company shall have the right of way over all lands of private individuals for the purpose of said road, and the erection thereon of all necessary tanks, station-houses, and depots; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him setting forth the facts; and the said company shall have the right to occupy, use and improve; or in any legal way acquire title to not more than ten acres at any point on said road, and not more than fifty acres at either terminus thereof—unless a greater amount may be granted them by the Congress of the United States, to enable said company to build and operate successfully.

SEC. 4. That said road shall be deemed real estate, and it, together with other real property and the personal property of said body corporate, shall be liable on execution, and may be seized or sold to satisfy any claims or demands adjudged against it.

SEC. 5. That the capital stock of said company shall be ten hundred thousand dollars, which may be increased at any legal meeting of the stockholders to fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each,—and each one of said shares shall be considered as personal property, and may be bought or sold, assigned or transferred, in the manner and in such places as the stockholders, or a majority of them, may prescribe in their rules and regulations.

SEC. 6. The officers of said company shall be a President, Secretary, Treasurer, and Board of Directors to consist of five members, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one year from and after their election, and until their successors shall be duly elected and qualified; and such officers may be removed from office whenever a majority of the stockholders present at any legal meeting called for that purpose shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 7. The privileges and rights conceded to said company by this act are, and shall continue, for the term of fifty years from and after the passage of the same, and that no other railroad shall be constructed between the same termini within one mile on either side of this road.

SEC. 8. The Directors shall have full power to make and prescribe such by-laws, rules, and regulations as they may deem needful and proper, for the disposition and management of the stock, property, estate and effects of the company, not contrary to the charter or the laws of the United States and this Territory.

SEC. 9. That said company shall have at all times the free and uninterrupted use of their roadway, and if any person or persons shall wilfully and unnecessarily obstruct or impede the passage on or over said railroad, or any part thereof, or shall injure or destroy the cars, depots, stations, wells, culverts, tanks, or any property belonging to said railroad company, the person or persons so offending shall forfeit and pay for every such offence the sum of fifty dollars to said company, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act as aforesaid, and suit may be brought therefor in any court of competent jurisdiction, at any time within ninety days after such liability shall accrue.

SEC. 10. That the meeting to organize said company under this act shall be held at Castle Dome, on or before the second Monday of March, A. D. 1865, and a majority of the incorporators named herein present, or represented by attorney or proxy, shall constitute a quorum to do any business necessary to organize the corporation.

SEC. 11. Said company shall, after the first meeting of the incorporators, and the organization of the corporation, keep and maintain an office at some point at or near the said road, within this Territory, for the transaction of the business of said company.

SEC. 12. The said company shall complete said road, provide stock and machinery for the operation of the same, within the period of five years from the passage of this act; and if said road shall not be constructed and put in operation within the time specified in this section, then this act shall be null and of no force and effect.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED November 3, 1864.

AN ACT

To Incorporate the Tucson, Poso Verde, and Libertad Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That W. M. B. Hartley, M. O. Davidson, S. F. Butterworth, Juan A. Robinson, Norman S. Higgins, Mark Aldrich, John G. Capron, D. H. Stickney, and W. Claude Jones, and their associates, are hereby constituted and formed into a body politic and corporate, with the name and title of the Tucson, Poso Verde, and Libertad Road Company, and by that name and style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and to keep a common seal, acquire, enjoy and transfer either real estate or personal property, and may make or draft all rules and regulations necessary to carry into effect the objects of this incorporation, not inconsistent with or repugnant to the laws of the United States or the laws of this Territory.

SEC. 2. Said company is authorized and allowed the exclusive privilege and power to construct and build a toll-road from the town of Tucson to

the nearest and most convenient point in the direction of the port of Libertad on the Sonora line, and also a branch toll-road from Tucson, Cababi, and Fresnal, to intersect the line of said main road at a point most desirable; and also from the San Antonio, Mowry Silver Mine, and the Esperanza Mine, *viâ* Tubac, to Sopori on the line of said main road; to construct bridges and grade said road, if they think proper, and to dig wells at practicable points, and to keep and maintain facilities for furnishing water to men and animals passing on said roads, and to do all other things necessary to complete said roads and make the same safe and passable at all times; and may construct and maintain one or more toll-gates, and may receive and collect toll or passage money in sums not exceeding the following rates, to-wit: For each wagon drawn by two horses, mules, or horned cattle, four cents per mile. For each additional span of horses or horned cattle, one cent per mile. For each carriage or cart drawn by one horse, mule, or ox, three cents per mile. For each horse or other animal and rider, two cents per mile. For each pack-animal, horse, mule, or ass, or horned cattle, one and one-half cents per mile. For every goat, sheep, hog, or loose stock in droves, one-quarter of a cent per mile; it being understood that no foot traveller shall pay toll, and that said company shall permit travellers to take water from any wells dug by them on the line of said road, sufficient for the use of said travellers and their animals while passing over said road or making the usual necessary stops thereon, without charge therefor. The above rates of toll shall only be collected over such roads as the company shall find it necessary to construct; and when wells are dug on the old portions of said roads, and which it shall not be necessary for the company to construct anew, they shall have the right to collect three cents per head for the use of all animals using the same on said roads.

SEC. 3. That said company shall have the right of way over lands of private individuals, using one track only fifty feet wide, and if the compensation and damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county of Pima upon complaint therein setting forth the facts; and said company shall have the right to take, occupy, use, improve, or in any legal way acquire title to not more than one hundred and sixty acres of public land at each station, unless a greater amount be granted them by the Congress of the United States, to be selected by them in such quantities and at such points on the line of said roads as they may deem advisable to enable said company to dig wells and to cultivate and maintain ranches for the accommodation of travellers: *Provided*, that the number of stations shall not exceed twenty-five for each of said roads.

SEC. 4. That said company shall, within the period of three years from the passage of this act, dig and maintain not less than three wells on each of said roads, as follows: One on the Cababi branch, between Tucson and the Ojo de Coyote; one between the Ojo de Coyote and Fresnal; and one between Fresnal and the Poso Verde, near the Sonora line; and one on the Tucson branch, near the Sahuarita and Canoa; and one between Sopori and Cerro Colorado; and they shall provide facilities for using the same, with all necessary means for the convenience of travellers, and shall make said roads safe throughout and passable for wagons to the satisfaction of a disinterested commissioner acquainted with the construction of roads, to be appointed by the governor of this Territory, within said county of Pima, upon notice to him by said company that said roads are completed and ready for examination.

SEC. 5. That said commissioner shall examine said roads, and make report in writing to the governor what improvements said company have made in said roads, and the cost of the same, and whether in his opinion said company have complied with the terms of this act; and if the governor and said commissioner shall agree in opinion that one or either of said roads is safe and passable, and that said company in good faith have complied with the terms of this act, he shall give the said company a certificate of the fact, and authorize said company to collect tolls upon said road or roads as aforesaid, and shall lay before the next Legislative Assembly copies of all such papers; and if said company shall not construct and complete said road and dig said wells, as required by this act, within the time prescribed as aforesaid, then they shall forfeit all the powers and privileges hereby granted.

SEC. 6. That if any person shall neglect or refuse to pay the toll authorized by this act, for any animals or teams owned or drawn by him, when demanded by any person authorized to receive the same, he shall be liable for three times the amount of toll legally due from him, to be collected on complaint in the name of said company, in any court of competent jurisdiction, and the animals owned by him or in his charge shall be liable to be taken to satisfy the judgment and execution for the debt and the costs thereon.

SEC. 7. That the capital stock of said company shall consist of two hundred thousand dollars, which may at any legal meeting be increased to five hundred thousand, to be divided into shares of one hundred dollars; each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred, in the manner and in such places as the stockholders or a majority of them may prescribe in their rules and regulations.

SEC. 8. That the officers of said corporation shall consist of a president, secretary, treasurer, and three directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them, legally assembled, and shall hold their offices for one year from and after their election, and until their successors are duly elected and qualified; and said officers may be removed from office whenever a majority of said stockholders present at any legal meeting, called for that purpose, shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 9. The privileges conceded to said company shall be and continue for the term of thirty years from the passage of this act, and at the expiration of said term said roads shall be relinquished by them in good order, and shall always remain for the benefit of the Territory or State; but it is understood that the said company may sell or retain any real estate owned or possessed by them, and divide all proceeds of the same, in proportion to the shares held by them, among the stockholders.

SEC. 10. The meeting to organize said company under this act shall be held at Cerro Colorado, on the 1st day of January next, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws and transact any other business that may be necessary to organize this corporation.

SEC. 11. That the rates of toll contained in section second shall be plainly

printed and posted in a conspicuous place at each toll-gate on the road, and be maintained at all times in a legible condition.

SEC. 12. That all persons exhibiting a certificate from any commissioned officer of the Territory that they are in the militia service of the Territory, shall be exempt from the payment of tolls on said road.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED November 3, 1864.

AN ACT

To Incorporate the Santa Maria Wagon Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That George Lount, Albert O. Noyes, and Hezekiah Brooks, and their associates, are hereby constituted and formed into a body politic and corporate, with the name and style of the Santa Maria Wagon Road Company, and with this name and under this style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and to keep a common seal, acquire, enjoy, and transfer either real estate or personal property, and may make or adopt all rules and regulations necessary to carry into effect the objects of this incorporation, not inconsistent with or repugnant to the laws of the United States or those of this Territory.

SEC. 2. That said company is authorized and allowed the privilege to construct and build a toll-road from such point on the Colorado River, near the mouth of Williams' Fork, as they may deem most convenient, by such route as they may find and consider most favorable, in the general direction of the Lount and Noyes road, so called, to the town of Prescott in said Territory, with the right to construct bridges and grade said road, if they think proper, and to keep and maintain facilities for furnishing water to men and animals passing over said road, and make the same safe and passable at all times, and may construct and maintain one or more toll-gates, and may receive and collect toll or passage money in sums not exceeding the following rates, to wit: For each wagon drawn by two horses, mules, or horned cattle, four cents per mile; for each additional span of horses, mules, or horned cattle, one and one-half cents per mile. For each carriage or cart drawn by one horse, mule, or ox, three and one-half cents per mile. For each jack, animal, horse, mule, or ass, or horned cattle, one and one-half cents per mile. For each horse or other animal and rider, two and one-half cents per mile. For every sheep, hog, or goat, one-eighth of one cent per mile. It being understood that no foot traveller shall pay toll, and that said company shall permit travellers with their animals to take from any wells or watering-places on the line of said road water sufficient for the use of said travellers and their animals while passing over said road, or making the usual and necessary stops or camps thereon, without charge therefor.

SEC. 3. That said company shall have the right of way over lands of private individuals, using therefor a space of ground fifty feet wide, and if

the damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him setting forth the facts; and said company shall have the right to take, occupy, use, and improve, or in any legal way acquire, title to not more than one hundred and sixty acres of public land at each station, unless a greater amount may be granted them by the Congress of the United States, to be selected by them in such quantities and at such points on the line of said road as they may deem available to cultivate and maintain ranches for the accommodation of travellers.

SEC. 4. That said company shall, within the period of two years from the passage of this act, make said road throughout safe and passable for wagons with their usual freight, to the satisfaction of a disinterested commissioner acquainted with the construction of roads, to be appointed by the Governor of this Territory, upon notice to him by said company that said road is completed and ready for examination; that said commissioner shall examine said road and make report in writing to the Governor what improvements said company have made on said road, and the costs of the same, and whether in his opinion said company have complied with the terms of this act; and if the Governor and said commissioner shall agree in opinion that said road is safe and passable, and that said company have in good faith complied with the terms of this act, he shall give to said company a certificate of the fact, and authorize said company to collect tolls upon said road as aforesaid, and shall lay before the next Legislative Assembly that shall convene thereafter, copies of all said papers; and if said company shall not construct and complete said road as required by this act, within the time prescribed as aforesaid, then it shall forfeit each and all the powers and privileges to it granted.

SEC. 5. That if any person shall neglect or refuse to pay the toll authorized by this act, for any animals or teams owned or driven by him, when demanded by any person authorized to receive the same, he shall be liable for the amount of toll and costs legally due from him, to be collected on complaint in the name of said company in any court of competent jurisdiction, and the animals owned by him or in his charge shall be liable to be taken to satisfy the judgment and execution for debt and costs thereon.

SEC. 6. That the capital stock of said company shall consist of one hundred thousand dollars, which may at any legal meeting be increased to two hundred thousand dollars, to be divided into shares of fifty dollars each, and each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred, in the manner and in such places as the stockholders or a majority of them may prescribe in their rules and regulations.

SEC. 7. That the officers of the company shall consist of a president, secretary, treasurer, and three directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one year from and after their election, and until their successors shall be duly elected and qualified; and such officers, or any or either of them, may be removed from office whenever a majority of stockholders present at any legal meeting called for that purpose shall determine that he or they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 8. The privileges conceded to said company are and shall be continued for the term of twenty years from the passage of this act, and at the expiration of said term said road shall be relinquished by them in good order; and shall always remain for the benefit of the Territory or the State; but it is understood that the said company may sell or retain any real estate owned or possessed by them, and divide the proceeds of the same, in proportion to the shares held by them, among the stockholders, after all debts of said company are paid; and said company shall keep said road in good repair, as required by this act, during the term for which this grant is made.

SEC. 9. The meeting to organize said company under this act shall be held at Prescott, on the first day of January, A. D. 1865, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws and transact any other business that may be necessary to organize this corporation.

SEC. 10. That said company shall have the exclusive right to build and maintain such part of said toll-road as may be included within the space of one mile on either side of the road; *Provided*, that in no case shall said exclusive right interfere with any toll-roads that may be built between any other points in this Territory, or with any roads constructed by the people thereof other than toll-roads.

SEC. 11. That it shall be the duty of said company, and they are hereby required, immediately upon the completion of said road, and before any tolls are collected by them, to cause to be put up in the most conspicuous manner, at each and every point upon said road where tolls are receivable or collected, a notice, whereon are legibly printed or written the rates of toll legalized and receivable under and by virtue of this act.

SEC. 12. The Legislature shall have the right to change or modify the rates of toll at any time after the expiration of five years from and after the completion of said road.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED November 8, 1864.

AN ACT

To Incorporate the Mojave and Prescott Toll-Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That Rufus E. Farrington, T. M. Alexander, and John C. Dunn, and their associates, are hereby constituted and formed into a body politic and corporate, with the name and title of the Mojave and Prescott Toll-Road Company, and, with this name and under this style, shall have perpetual succession, sue and be sued, plead and be impleaded, to have and to keep a common seal, acquire, enjoy, and transfer either real estate or personal property, and may make or adopt all rules and regulations necessary to carry into effect the objects of this incorporation not inconsistent with, or repugnant to, the laws of the United States or those of this Territory.

SEC. 2. That said company is authorized and allowed the exclusive privilege and power to construct and build a toll-road from such point, at or near Fort Mojave, as they may deem most practicable, and pursuing the most direct and practicable route from said point to the town of Prescott, or the immediate vicinity thereof, in said Territory; to construct bridges and grade said road; to dig wells at practicable points, and keep and maintain facilities for furnishing water to men and animals passing over said road; and to do all other things necessary to complete said road, and make the same safe and passable at all times, and may maintain toll-gates at necessary points, and may receive and collect toll or passage money in sums not exceeding the following rates, to wit:—

For each wagon drawn by two horses, mules, or horned cattle, one cent and a half per mile; and for each additional animal, three-quarters of one cent per mile.

For each carriage or cart, drawn by one horse, mule, or ox, three-quarters of one cent per mile.

For each horse or other animal and rider, three-quarters of one cent per mile.

For each pack-animal, one-half cent per mile.

For all horned cattle, horses, mules, or other loose stock, in droves, one-half of one cent per mile each.

For each sheep, goat, or hog, one-eighth of one cent per mile.

Provided, that after the expiration of two years from and after the completion of said road, the Legislature of this Territory shall have the right to modify or change the above rates of toll.

SEC. 3. That the company shall have the right of way over the public lands along the line of their road, and no person or persons or body corporate, shall build or maintain any toll-road at any point along the route of said road nearer than one mile to the same, on either side of the same; said company may occupy, purchase, and own such amounts of lands at different points on the line of said road, and at the termini of said road, as the legitimate business and purpose of maintaining said road shall require, not exceeding, in all, sixteen hundred acres; said company shall have the right of way over lands of private individuals, using therefor one track only, not more than fifty feet wide; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him setting forth the facts.

SEC. 4. That said company shall, within ninety days from and after the passage of this act, expend, in the construction of this road, at least three thousand dollars, and shall construct and fully complete said road through-out, in a manner safe and passable for wagons with their usual freights, within ten months from and after the passage of this act, and before any tolls shall be collected by the said company for travel thereon.

SEC. 5. No toll or charges shall be made by said company for travel on any part of said road, until said road shall have been examined by a commissioner to be appointed by the Governor of said Territory, who is hereby authorized to appoint a disinterested person for such purpose, on receipt of a petition from the company praying therefor, and who shall have reported in writing, to the Governor, what amount has been expended on said road by said company, and what improvements have been made thereon, and

whether said company have complied, in all respects, with the provisions of this act; and the Governor, if he agrees in opinion with said commissioner that said company has in all respects complied with the provisions of the act, shall have made a certificate of the fact to said company, and the Governor shall communicate all said papers to the Legislative Assembly at its next session thereafter.

SEC. 6. No tolls or charges shall be collected from any foot passenger for travel on said road, nor from any Indian or Indians, unless he or they be employed in driving or herding cattle, belonging to other persons, liable to pay toll; nor for any water or grass used by man or beast travelling thereon; and unless the requirements of section five of this act be complied with, this act shall become null, and all the rights and privileges herein granted shall be forfeited by said company.

SEC. 7. The privileges conceded to said company, as heretofore set forth and qualified, are, and shall be, and continue, for the term of ten years from and after the passage of this act, and, at the expiration of said term, said road shall be relinquished by the said company, in good order, to the Territory or State, as the case may be; said company retaining any houses, lands, or other improvements not necessarily required in actual passage over said road.

SEC. 8. If any person shall neglect or refuse to pay the toll authorized by this act, for any animals or teams owned or driven by him, when demanded by any person authorized to receive the same, he shall be liable for double the amount of toll legally due from him, to be collected on complaint, in the name of the company, in any court of competent jurisdiction, and the wagon or wagons, and the animal or animals, owned by him or in his charge, shall be liable to be taken on attachment or execution to satisfy the judgment which may be obtained.

SEC. 9. That the capital stock of said company shall consist of thirty thousand dollars (\$30,000), which may, at any legal meeting of the stockholders of said company, be increased to sixty thousand dollars (\$60,000), to be divided into shares of fifty dollars (\$50) each, and each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred, in the manner, and in such place as the stockholders, or a majority of them, may prescribe in their rules and regulations.

SEC. 10. That the officers of said company shall consist of a president, secretary, and treasurer, and three directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one year from and after their election, and until their successors shall be duly elected; and such officers may be removed from office whenever a majority of stockholders present at any legal meeting called for that purpose shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 11. The meeting to organize said company under this act shall be held at Prescott, on the first Monday of December next, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws and transact any other business that may be necessary to organize this corporation.

SEC. 12. That the rates of toll contained in section two, shall be plainly printed, and posted in a conspicuous place at each toll-gate on the road, and be maintained at all times in a legible condition.

SEC. 13. That all persons exhibiting a certificate from any commissioned officer of the Territory, that they are in the militia service of the Territory, shall be exempt from the payment of tolls on said road.

SEC. 14. This act shall take effect and be in force from and after its passage.

APPROVED November 3, 1864.

AN ACT

To Provide for Stay of Legal Proceedings on Foreign Indebtedness.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That no indebtedness or liability heretofore incurred, or contract or other instrument in writing heretofore made by any person, or judgment now or hereafter recovered on any such contract or indebtedness against any person prior to his or their arrival in this Territory, shall be binding or have any effect whatever, or be in any way enforced in any court or courts of law or equity in this Territory for the term of four years from the date of the passage of this act: *Provided*, that the provisions of this act shall in no wise affect any debts or contracts heretofore or hereafter made in this Territory, or the enforcement and collection of any claim or demand against the estate of any deceased person in this Territory.

SEC. 2. That in estimating the time within which any claim or demand would be barred by any statute of limitations in force in this Territory, the time for which the collection and enforcement of the same is suspended by the provisions of this act shall not be included.

SEC. 3. That the provisions of this act shall not apply to or affect any contract, liability, or indebtedness, which may exist or had existed in relation to or upon any purchase, sale, or bargain for goods or personal property bought, bargained for, or purchased for sale or trade, with the intention to bring or having brought such goods or property into this Territory for such sale, barter, or trade.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED November 6, 1864.

AN ACT

Granting the Exclusive Right to William D. Bradshaw and his Associates to maintain and keep a Ferry across the Colorado River at La Paz.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. The exclusive right to keep and operate a ferry across the waters of the Colorado River at any and every point between what is known as Mineral City and a point five miles above La Paz, in this Territory, is hereby granted to William D. Bradshaw and his associates and successors for the term of twenty years, with the privileges and subject to the conditions prescribed by this act.

SEC. 2. So long, not exceeding twenty years, as the said William D. Bradshaw, or his associates or successors, shall maintain and operate a good, safe, and sufficient ferry between the points aforesaid, they shall be authorized to charge, demand, and collect the following rates of toll, viz :

For a wagon and two animals, four dollars; for every additional two, one dollar;

For every carriage with one animal, three dollars;

For every beast of burden, one dollar;

For every horse or mule with its rider, one dollar;

For every footman, fifty cents;

For every head of loose cattle, horses, mules or jacks, fifty cents;

For every hog, sheep, or goat, twenty-five cents.

SEC. 3. Upon and after the passage of this act, the said William D. Bradshaw, and his associates and successors, shall be held and obliged to keep said ferry in a good, safe, and sufficient order and condition for use, both night and day; they shall keep a competent ferryman, who shall transport travellers and stock across said Colorado River promptly when thereunto requested, at all hours of day or night.

SEC. 4. Should the said William D. Bradshaw, and his associates and successors, neglect or refuse to keep said ferry in the condition prescribed by this act, complaint may be made before any court of competent jurisdiction in the precinct or county in which said ferry may be situated, by any person making affidavit to the same, when it shall be the duty of such judge or magistrate to summon said William D. Bradshaw, and his associates and successors, or agent, to appear before him within five days after such complaint shall be made; and if it shall appear after due investigation that such neglect or refusal to comply with the provisions of this act is without good and sufficient cause, then William D. Bradshaw, and his associates or successors, shall be liable for all damages resulting therefrom, and forfeit all rights and privileges conferred by this act, until the provisions thereof are complied with.

SEC. 5. The Legislature of the Territory or State, as the case may be, reserves the right to repeal or change this act, and alter the rates of ferriage granted thereby at any time after its passage.

SEC. 6. This act shall not be construed to affect the right of Pauline Weaver, to assert and prove his claim, if he have any, to the above-described ferry, at the next session of the Legislative Assembly of Arizona, or

to maintain an action for the same in any court of competent jurisdiction in this Territory.

SEC. 7. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

To Incorporate the Hualapai Mining, Smelting, and Assaying Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. John P. Bourke, E. J. Cook, B. T. Riggs, and such other persons who are, or may be, associated with them for that purpose, and their successors, are hereby incorporated a body politic and incorporate, by the name and style of "The Hualapai Mining, Smelting, and Assaying Company," and by that name shall, for the period of twenty-five years, have perpetual succession.

SEC. 2. The objects and business purposes of said company shall extend to the following objects, and to none other:

1. The mining and extracting from ledges and mines such precious metals, mineral deposits, and ores, as they may desire for crushing, smelting, refining, and assaying in their mills, furnaces, assaying, or other establishments. 2. The crushing or smelting such rock, ores, or mineral deposits as they may obtain from their own labors, by purchase, or for hire in any way, and refining, assaying, or otherwise preparing the results thereof for sale or barter. 3. The sale, transfer, or barter of the results of their said mills, furnaces, laboratory, or other refining establishments. The mills, furnaces, and other establishments owned or used by said company, for the purposes above described in subdivisions one and two, shall be located in the county of Mojave, and the office of said company shall be located at the town of Hardy's Landing.

SEC. 3. Said company may have, use, and alter at pleasure a common seal; sue, be sued, defend, plead, and be impleaded, in all courts in this Territory; make contracts; acquire by purchase or otherwise, possess, use, transfer, and dispose of, in like manner as an individual, such right, property, real, personal, and mixed, as the legitimate purposes of their business from time to time require; and may execute mortgages or liens on their houses, mills, or other establishments, engines and other machinery, to secure the original cost thereof only; appoint such officers and agents for the management, regulation, and conduct of their business at all times and places, fix their compensation and prescribe their duties, require of them necessary security for the proper discharge of their duties, and remove them, or any one of them, at such times as may be lawful; make such rules, regulations, and by-laws, not in violation of the laws of the United States or of this Territory, regarding the issuance, representation, transfer, and forced sale of stock, the collection of assessments, declaring and payment of dividends, and generally of all matters within the purview of their business purposes.

SEC. 4. Said company shall keep such book or books as are necessary, and do show, 1st. Their property, rights, claims, debts, and credits, as near as practicable; 2d. Showing the name and number of shares owned by each stockholder, with marginal notes referring briefly to any liens or hypothecations of the same, as may have been properly notified to the secretary of said company in writing; 3d. A brief record of all the orders made, officers elected or appointed, with duties to which they may be respectively assigned, or other agents, either at meetings of the stockholders or of the board of directors. The book or books required by subdivisions one and three of this section, shall be open on proper demand therefor to all stockholders, and the book or books required by subdivision two of this section, shall be open to all persons interested, on proper demand made therefor, at the office of said company.

SEC. 5. The capital stock of said company shall be two hundred thousand dollars, divided into shares of such sums as the company may elect, which capital stock may be increased to any amount not to exceed five hundred thousand dollars, by a two-third vote of the stock, at a meeting called for that purpose; said stock shall be divided into shares of such sums as the company may elect, and each share shall be entitled to one vote at all meetings of the stockholders, and may be represented and voted in the absence of the true owner by any one holding a written proxy from the party in whose name the stock stands on the books of the company, or who shall appear therefrom, or from other lawful authority, to be the legal representative of such owner.

SEC. 6. There shall be an annual meeting of the stockholders of said company for the election of a board of directors, and the transaction of such other business as may come properly before them; the first of which meetings shall be held at Prescott, in this Territory, after due notice thereof shall be given for the purpose in the Territorial paper, and at which a board of directors shall be elected, and the transaction of such other business as is necessary to organize and set in motion said company. Such other meetings may be had, and in such manner as the stockholders shall direct; provided always that ample and sufficient notice be given thereof.

SEC. 7. There shall be a board of directors elected by the stockholders of said company, to consist of three stockholders, one of whom shall be the president of said board, and shall be so designated by at least a plurality of the votes of said company, at such meeting as the election of the board shall be had; vacancies occurring in said board from any cause may be filled at call meetings of the stockholders. The members of said board shall hold their offices for one year, and until their successors are elected and qualified, unless removed from office for mismanagement or fraud. Said board shall exercise such powers, and perform such duties, as may be prescribed by the stockholders at their annual meetings.

SEC. 8. The officers of said company shall consist of a president, secretary, treasurer, superintendent, and such other and additional officers and agents as the business affairs of the company may from time to time require. The president shall be a stockholder and director, and may also be superintendent, and the offices of secretary and treasurer may be held by one and the same person.

SEC. 9. All notices of meetings of stockholders required by this act, shall

be given in the most public manner, due regard being had for the residences, if known, of stockholders.

SEC. 10. Nothing contained in this act shall be so construed as to authorize said company to issue notes or bills or evidence of debt, for circulation as money, of discounting bills, notes, or other evidence of debt.

SEC. 11. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

To Authorize the Secretary of the Territory to appoint an Assistant.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That the Secretary of the Territory be and he is hereby authorized to appoint an assistant, to be compensated by him, who shall take the usual oath of office, and who in the absence of the secretary shall have the powers and perform the duties of the secretary, and do all acts that he might legally do.

SEC. 2. The Secretary of the Territory shall make such appointment in writing, which, with the oath of office so taken by said assistant, he shall file in his office, and shall give notice of the appointment and qualification of such assistant to the Governor.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

Concerning Grants and Deeds for Lands.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. All grants or deeds for lands situated within the limits of the Territory of Arizona, hitherto ceded to individuals, corporations, or companies, either by the Mexican government or authorities, or by the government of the United States, shall be recorded in the office of the recorder of the proper county wherein such lands are situated, and the lands claimed under such grants or deeds so recorded shall be located and their boundaries defined on or before the first day of January, A. D. 1866.

SEC. 2. If any such grants or deeds for lands shall not be recorded and the lands located, and their boundaries defined as provided in the preceding section, such grants or deeds shall be, and they are hereby declared, null

and void, and they shall not be received as evidence of title or possession in any of the courts of law in this Territory.

SEC. 3. This act shall take effect and be in force from and after the first day of January, A. D. 1865.

APPROVED November 7, 1864.

AN ACT

To Authorize Probate Judges to appoint a Term of Court for Civil Business.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That the probate judges in this Territory shall have power to appoint a time for holding a term of court for the hearing of civil business between the passage of this act and the first day of January next.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

To Incorporate the Arizona Historical Society.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That Richard C. McCormick, W. Claude Jones, Allen L. Anderson, Gilbert W. Hopkins, King S. Woolsey, Henry A. Bigelow, A. M. White, Charles A. Curtis, James S. Giles, James Garvin, Richard Gird, T. J. Bidwell, Edward D. Tuttle, William Walter, and Samuel Todd, and all persons who are now or may hereafter become associated with them as members of said association, be and they are hereby made a body politic and corporate in law and in fact by the name, style, and title of the Arizona Historical Society, and by this name shall have perpetual succession, and sue and be sued, plead and be impleaded, in any court of law or equity; to hold and reserve to them and their successors, either by grant, bargain, sale, will, decree, or otherwise, any lands, tenements, hereditaments, or any personal or real estate, and at their pleasure to grant, bargain, or sell for the use of said association, and generally to do all and singular the things which it may be lawful for them to do for the welfare of said association.

SEC. 2. That the object of said society shall be the collection and preservation under their own care and direction of all historical facts, manuscripts, documents, records, and memoirs, relating to the history of this Territory, geological and mineralogical specimens, geographical maps and information, Indian curiosities and antiquities, and objects of natural history.

SEC. 3. That it shall be lawful for the Arizona Historical Society to provide itself with a seal, the device of which the same shall determine, and at its pleasure may alter, change, or renew as it may think proper, and have and exercise all the rights and privileges necessary for the corporation hereby constituted, as herein specified.

SEC. 4. That said society shall have power to form a constitution and adopt by-laws for its own government: *Provided*, they do not conflict with the second section of this act, or the constitution and laws of the United States or of this Territory.

SEC. 5. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

To appropriate Money for the Aid of Public Schools.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That there be and is hereby appropriated and donated to the mission school of and at San Xavier del Bac, for the purpose of purchasing books of instruction, stationery, and furniture, the sum of two hundred and fifty dollars; and such sum shall be paid into the hands of the person who shall be in pastoral charge of said mission,—he giving his receipt for such money to the board of county commissioners.

SEC. 2. There is hereby appropriated for the benefit of a public school in the towns of Prescott, La Paz, and Mojave, to each of said towns the sum of two hundred and fifty dollars; but said appropriation shall be void and of no effect unless said towns, by taxation, appropriation, or individual enterprise, furnish an equal sum for the aid of such school.

SEC. 3. There is hereby appropriated for the benefit of a public school in the town of Tucson, in which the English language shall form a part of the daily instruction, the sum of five hundred dollars; said appropriation to be void unless said town, by taxation, appropriation, or individual enterprise, furnish a like sum of five hundred dollars to the support of such school.

SEC. 4. The appropriations made by and in this act shall be paid to the board of county commissioners, to be paid out by them to such public schools and for their benefit, on the compliance with the provisions of this act.

SEC. 5. The treasurers of the different counties or the judicial districts are hereby authorized and directed to set aside and pay over to the order of the board of county commissioners all moneys in their hands that may have accrued from town licenses, and not otherwise appropriated. And said moneys shall be used by such county commissioners as a fund for the benefit of such public schools.

SEC. 6. The said board of county commissioners shall be trustees of pub-

lie schools, and may appoint a suitable person to examine the course of instruction, discipline, and attendance of said schools, and the qualifications of the teachers, and report the same to them at their stated quarterly meetings. Said county commissioners and inspector appointed by them shall not receive any fees or salary for any services done in the discharge of their duties under this act.

SEC. 7. This act shall take effect and be in force on and after the first day of January, A. D. 1865.

APPROVED November 7, 1864.

AN ACT

To Divorce Mary Catharine Mounce from the Bonds of Matrimony.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. Mary Catharine Mounce shall be, and hereby is, for ever released from the bonds of matrimony heretofore existing between her and Absalom Mounce, and is for ever absolved from all obligation by virtue of her marriage with said Mounce.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

Authorizing a Loan on the Faith and Credit of the Territory to Inaugurate and Pay the Expenses of a Campaign against the Apache Indians.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That by virtue of the power vested in the Legislature of this Territory, a loan not exceeding one hundred thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, to be paid at the expiration of twenty years from the date thereof, but payable at any time after five years from the date thereof, wholly or any part thereof, at the pleasure of the Territory; said loan not to be negotiated for less than eighty per cent. in gold, on the par value thereof, and bearing interest at the rate of ten per cent. per annum, payable annually at the capital of the Territory; both principal and interest to be paid in gold.

SEC. 2. The treasurer of the Territory is hereby authorized and required as soon as practicable to issue gold bonds of the Territory in sums of fifty, one hundred, two hundred and fifty, and one thousand dollars, payable on the first day of January, A. D. 1885, and not exceeding in the aggregate one hundred thousand dollars, in the following form, to wit:

INDIAN WAR LOAN.

Bond No.

\$.

day of

A. D. 186—

Twenty years after date the Territory of Arizona promises to pay to the order of the Governor of the Territory _____ Dollars, with interest at the rate of ten per cent. per annum from date, payable annually at the capital of the Territory, for value received, interest and principal payable in gold.

.....Treasurer.

.....Secretary of the Territory.

SEC. 3. All such bonds shall be signed by the treasurer with his proper name, affixing his official character thereunto, which shall bind the Territory for the said bond so signed under the provisions of this chapter. The said bonds shall be endorsed by the Governor of the Territory with his proper name and affixing his official character thereto; and the Secretary of the Territory shall countersign the same with his proper name, affixing his official character thereto; and said bonds shall be authenticated with the great seal of the Territory of Arizona. The coupons or certificates for the payment of the interest, shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, being severally numbered from one to twenty inclusive, each bearing the corresponding number of the bond to which they are attached, and shall be signed by the treasurer of the Territory. It shall be the duty of the secretary of the Territory, after so countersigning said bonds, to make a register of the same with the number and amount thereof, and deliver the same to the Territorial treasurer, charging him with the amount. The treasurer also shall keep a register of said bonds, and shall deliver the same, or such part of the same as he may deem expedient, to the board of Territorial commissioners for sale or negotiation, taking their receipt therefor. The amounts received for such bonds negotiated, and bonds returned by the board of Territorial commissioners, shall be placed to the credit of said board of Territorial commissioners, to be applied solely to Indian war purposes.

SEC. 4. It shall be the duty of the board of Territorial commissioners, on or before the fifteenth day of June, A. D. 1865, to make to the board of Territorial auditors a report in full of all the bonds sold or negotiated, the number of the same, to whom and for what amount sold; also the number and amounts of all bonds returned, if such there be, setting forth in full in said report each and every item that may be necessary for a final settlement between the board of Territorial auditors and said board of Territorial commissioners as regards the sale and negotiation of said bonds, and prior to the deposit of the proceeds of the same with the Territorial treasurer.

SEC. 5. It shall be lawful for the board of Territorial commissioners or any member of said board to draw upon the Territorial treasury at any time after the issue or negotiation of said bonds, drafts payable in gold coin for the payment of companies of rangers, upon the affidavits of the captains of said companies, stating the place or localities where their services have been rendered, the work performed, the kind, amount, and character of the success achieved, which affidavits shall be the vouchers of said

board of Territorial commissioners at their semi-annual settlement with the Territorial treasurer, to be made on the fifteenth day of June and the fifteenth day of January of each year.

SEC. 6. It shall be the duty of the Territorial commissioners and of each member of said board, on or before the times mentioned in the preceding section of this chapter, to make a semi-annual settlement with the Territorial treasurer for all drafts drawn in accordance with and for the purposes specified in this chapter, and produce and file with said treasurer all vouchers properly attested by some court of competent jurisdiction, upon which said drafts have been drawn, taking a receipt therefor from said treasurer. Such settlement may be made in person or by legally authorized agent of said commissioners, or in writing; provided, that this section be construed as in no manner releasing the said commissioners from their responsibility for the loss or destruction of their vouchers prior to filing the same with the Territorial treasurer.

SEC. 7. The board of Territorial commissioners, or any member of said board, may draw on the treasurer of the Territory, and from the Indian war fund, drafts for the payment of ranger corps not formed under the provisions of the act authorizing the raising of rangers, when in their sound discretion the exigencies of the times may have required the services of such body of men, and the affidavit of the leader of such party or corps may be taken as a voucher for the same, in the same manner as the affidavits of the captains of the regular ranger corps; *Provided*, that this section be not construed to compel such board, contrary to their convictions as to the justness and correctness of the same, to receive the affidavits of any and every leader of irregular parties engaged in the war against the Apache Indians.

SEC. 8. That the board of Territorial commissioners be and are hereby authorized, in the disbursement of the Indian war fund to the different ranger corps, to pay such amounts in gold as may in their sound discretion seem advisable and proper for the services rendered, making such provision for said disbursement, and for such class of services, as may in their opinion conduce to the greatest benefit of the Territory.

SEC. 9. Each commissioner appointed by this act shall enter into bonds to the Territory of Arizona, with three or more sufficient sureties, to be approved of by the judges of probate of the counties where they severally reside, in the penal sum of forty thousand dollars, for the faithful performance of their duties, and shall hold their office for the period of three years, unless sooner removed by death, resignation, or for malfeasance in office.

SEC. 10. The board of Territorial commissioners shall be allowed all the necessary expenses in printing and negotiating the sale of the bonds of the Indian war loan, on their accounts being approved and audited by the board of Territorial auditors, and a draft drawn on the Territorial treasurer for the payment of the same by said board of Territorial auditors; said sums so audited and allowed shall be paid out of the funds of said loan, and the amount so allowed shall not exceed one thousand dollars for each commissioner.

SEC. 11. John N. Goodwin, King S. Woolsey, and John G. Capron are hereby appointed a board of Territorial commissioners, to hold their office

for a period of three years from the passage of this act, or until their successors are elected by the Legislative Assembly of the Territory; that the terms of the commissioners mentioned in this section shall be divided into three periods of one, two, and three years, and after the adjournment of the present session of the Legislative Assembly they shall meet and elect by lot the term of service of each, so that the time of service of one shall expire in one year, another in two years, and the third in three years.

SEC. 12. The faith and credit of the Territory, and all the public lands which may be granted to the Territory by Congress, not heretofore otherwise appropriated, and all public moneys, and all Territorial mining claims, as provided for in section fifty-six of chapter fifty of the Code, entitled: "Of the Registry and Government of Mines and Mineral Deposits," are hereby pledged to pay the interest punctually and redeem the principal of said loan.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED November 7, 1864.

AN ACT

Authorizing the Raising of Rangers.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. The Governor of the Territory is hereby authorized to raise not more than six companies of rangers, and not exceeding in all six hundred men, to be employed in a campaign against the hostile Apaches.

SEC. 2. They shall be raised, organized, officered, and mustered into the service of the Territory by the Governor, who shall make all needful regulations for their discipline, and direct how and for what time they shall be employed.

SEC. 3. They shall be compensated by the commissioners appointed by the act, entitled "An Act to authorize a loan on the Faith and Credit of the Territory, to Inaugurate and pay the Expenses of a Campaign against the Apache Indians," from the funds thereby provided. Said commissioners shall be authorized to expend for the purpose of this act no greater sum than is realized from the sale of the bonds provided by the said act entitled as aforesaid.

SEC. 4. This act shall take effect and be in force from and after the first day of January, A. D. 1865.

APPROVED November 9, 1864.

AN ACT

Relating to Interest.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. When there is no express agreement fixing a different rate of interest, interest shall be allowed at the rate of ten per cent. per annum on all moneys after they become due on any bond, bill, promissory note, or other instrument of writing, or any judgment recovered before any court in this Territory, for money lent, for money due on the settlement of accounts from the day on which the balance is ascertained, and for money received for the use of another.

SEC. 2. Parties may agree in writing for the payment of any rate of interest whatever on money due or to become due on any contract; any judgment rendered on such contract shall conform thereto, and shall bear the interest agreed upon by the parties, and which shall be specified in the judgment.

SEC. 3. The parties may in any contract in writing, whereby any debt is secured to be paid, agree that if the interest on such debt is not punctually paid it shall become a part of the principal, and thereafter bear the same rate of interest as the principal debt.

SEC. 4. This act shall take effect and be in force from and after the first day of January, A. D. 1865.

APPROVED November 9, 1864.

AN ACT

*In regard to County Recorders.**

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the County Recorder shall be ex-officio clerk of the probate and county courts.

SEC. 2. The Governor of the Territory shall appoint recorders for the different counties, who shall be ex-officio clerks of the probate and county courts, and who shall serve until their successors are duly elected and qualified as provided by law.

SEC. 3. All acts or parts of acts conflicting with this act are hereby repealed and declared null and void.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

* There is an inconsistency in this act, as no county courts were created—*Sec. of Territory.*

AN ACT

Of Money of Account.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. The money of account of this Territory shall be the dollar, cent, and mill, and all accounts in the public offices and other public accounts, and all proceedings in courts, shall be kept and had in conformity to this regulation.

SEC. 2. Nothing contained in the preceding section shall vitiate or affect any account, charge, or entry originally made, or any note, bond, or other instrument expressed in any other money account, but the same shall be reduced to dollars, or parts of dollars, as hereinbefore directed, in any suit thereupon.

SEC. 3. This act shall take effect and be in force from and after the first day of January, A. D. 1865.

APPROVED November 9, 1864.

AN ACT

Authorizing Certain Officers to exercise the Powers of Notaries Public.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That the Attorney-General and the Secretary of the Territory be and they are hereby authorized to exercise, in any part of this Territory, all of the powers of notaries public in taking acknowledgments of deeds, powers of attorney, and other papers, and administering oaths.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

Concerning Possessory Rights in Public Lands.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That all persons who have settled upon, cultivated, or improved, or who shall hereafter settle upon, cultivate, or improve a tract of land in this Territory, with the view of availing themselves of the benefit of the preemption laws of the United States, shall be protected in the peaceable and quiet enjoyment of said tract of land, with all the improvements thereon, and all the wood, timber, soil, and materials growing or being thereon, to the extent of one hundred and sixty acres, or one-half mile square, if unsurveyed according to the cardinal points, and if surveyed by

the United States, then according to the lines of said surveys, so as to include such improvements.

SEC. 2. All the rights acquired by the above section may be sold and conveyed as interests in real estate.

SEC. 3. This act shall take effect and be in force from and after its passage.
APPROVED November 9, 1864.

AN ACT

In regard to Printing.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. The Secretary of the Territory shall be and he is hereby authorized to contract for the printing, in book form, with pamphlet binding, of two hundred copies of the Code of the Territory of Arizona, and such other printing as may be ordered during this session of the Legislative Assembly.

SEC. 2. He shall not pay for such printing over one dollar per folio, and if it shall be necessary to provide paper for such printing, he shall furnish such paper at a rate of not more than twenty per centum advance upon cost and charges at Prescott.

SEC. 3. The laws shall be published on or before the day they take effect, except such as take effect from the day of their passage, and such publication shall be paid for in such funds as the Territory shall provide.

SEC. 4. The Secretary of the Territory shall be and he is hereby authorized to employ some suitable person to supervise the publication of said laws, provided the compensation therefor shall not exceed the sum of two hundred and fifty dollars.

SEC. 5. This act shall take effect and be in force from and after its passage.
APPROVED November 9, 1864.

AN ACT

Allowing Persons in the Military Service to Vote at Elections.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. All legal voters, citizens of this Territory, who may be in the military service of the United States or this Territory, or who may be engaged in any campaign against hostile Indians, shall have the right to vote at all elections, and for all officers for whom they could legally vote in their respective precincts, as provided by chapter twenty-four of the civil Code

of this Territory, and shall not forfeit their residence by reason of any absence while engaged in such service or campaign.

SEC. 2. At nine o'clock in the forenoon on the day of any election aforesaid, the legal voters aforesaid shall proceed to elect judges and an inspector, who shall immediately give public notice of the hour of such day, and the place when and where they will open the polls, and they shall appoint two clerks, and shall receive, canvass, and record the votes, and conduct the election as nearly as may be in conformity with the provisions of the chapter aforesaid; and shall, in like manner, cause to be delivered, within ten days after such election, to the county recorders of the several counties in which such voters are legally entitled to vote (which name of county shall be either written or printed on each ballot), a tally list, which shall contain the names of each person voted for, and the office for which such person was voted for; and a tally of the number of votes received by each shall be made opposite their respective names, and the whole number of votes received by each person shall be expressed in writing and figures at the bottom of each tally list aforesaid, which shall be certified to be correct by the board, and with the votes cast for such county shall be transmitted under seal as aforesaid.

SEC. 3. The judges of election aforesaid shall have the power to cause the arrest of any person who may interfere, or in any way prevent any person legally entitled to vote, from casting such vote, or who may in any way interrupt the proceedings of such meeting, or who may commit any breach of the peace, and detain him in custody (but not depriving him of the right to vote if he be a legal voter) until complaint can be made against him before the proper officer, and cause him to be tried for the offence. Except as herein specified, the elections aforesaid shall be conducted as required by chapter twenty-four of the civil Code aforesaid.

SEC. 4. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

Allowing Persons in the Military Service of the United States and of this Territory to hold Mining Claims.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SEC. 1. All persons in the military service of the United States or this Territory shall be allowed to locate claims on mineral lodes or veins in the limits of this Territory, subject to the requirements of the mining laws of this Territory, and shall be protected in the possession of the same, and shall have the same rights in all respects, in regard to such claims as like persons not in the military service.

SEC. 2. All the laws of any mining district contrary to the spirit and provisions of this act, are declared to be null and void, and shall not be

evidence in any court having jurisdiction of mining suits in this Territory.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

Creating a Seal for the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. The seal of this Territory shall be of the size of two and one-quarter inches in diameter, and of the following design: A view of San Francisco mountain in the distance, with a deer, pine trees and columnar cactus in the fore-ground; the motto to be "Ditat Deus." The date on said seal to be 1863, the year of the organization of the Territory.

SEC. 2. The sum of one hundred dollars is hereby appropriated for the expense of engraving and transporting said seal; and the Secretary of the Territory is hereby authorized to entrust said seal to proper parties for engraving.

SEC. 3. The Secretary is hereby empowered to use the former seal in his official duties until the seal authorized in this act is prepared.

APPROVED November 9, 1864.

AN ACT

Relating to the Publication of Legal Notices.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That whenever, by the laws now existing in this Territory, it is provided that a notice, order, or other paper shall be published in a newspaper a certain number of weeks consecutively, or whenever, in pursuance of such law, any court of this Territory has granted an order that the same, or a notice of the contents thereof, be published for a certain number of weeks consecutively in a newspaper, it shall be deemed a full compliance with such law or order to publish such order, notice, or other paper in a newspaper in said Territory for the number of insertions mentioned in such order, notice, or paper, although such publication shall not be as often as once a week.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

To Provide for the Payment of Certain Expenses incurred in the late Indian Campaign under Lieut.-Colonel King S. Woolsey.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the Board of Territorial Auditors be authorized to audit the claims of Ammi M. White, Richard C. McCormick, P. McCannon, and Thomas Hodges, for money and supplies furnished for the late Indian campaign conducted by the citizens of this Territory, and to draw warrants on the Territorial treasury in favor of such persons, for such amounts as may be due them therefor, not exceeding in the aggregate fourteen hundred and eighty-seven dollars, and that the Territorial Treasurer be authorized to pay the same from the funds provided for the payment of the contingent expenses of the Territory.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

To Incorporate the Arizona Railway Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That John N. Goodwin, Richard C. McCormick, M. O. Davidson, Samuel F. Butterworth, Henry Sage, J. Henry Puleston, Rufus F. Andrews, Royal H. Waller, Robert Soutter, and their associates and successors, and the persons who may become the owners of the shares herein authorized to be issued, be and they are hereby made a body corporate, under the name and style of the Arizona Railway Company, in which name they may have perpetual succession, and may purchase, hold, and acquire, by any lawful means, estate real and personal, and the same may use, sell, lease, let, mortgage, transfer, and convey, and otherwise may dispose of, and may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and the same may change at pleasure and make all by-laws and regulations for the government of their affairs, and use all the rights, powers, and privileges which are or may be necessary for them to have and use as a company incorporated for the purposes herein stated.

SEC. 2. That the purpose of this act is to organize a company and to incorporate the same, with authority, which is hereby granted to said company, to construct and maintain railway and telegraph lines, commencing at such point or points on the southern boundary line as they may select and determine as the most suitable for connecting with a proposed railroad from Guayamas and other Pacific ports, and running northerly along the Santa Cruz valley to or by the town of Tubac to the town of Tucson, thence westerly on the main road, known as the "overland," to or near the Picacho, thence north-west over a route to be selected to the town of La Paz, or to a point that it may intersect with a road running east and west or across the Territory and hereinafter provided for in this act; and said company

shall have the exclusive right to determine, select, and locate a line of road, commencing at a point on the 109th meridian, the eastern boundary line of this Territory, and to extend westerly across the entire Territory, over such selected route to the Colorado or western boundary; and said company shall have the right to construct, use, and maintain side tracks, tram-roads, and branches to adjacent mines or towns, or to connect with other railways; and shall also have the power to connect their telegraph lines with any telegraph lines made or to be made in or through California, Nevada, Utah, New Mexico, or Mexico, or any adjoining State or Territory; and said company may unite and be consolidated with any other railroad companies now or hereafter established, for the purposes above named, in any of the States or Territories aforesaid, upon such terms as they may think just and proper.

SEC. 3. The capital stock of said company shall consist of shares of fifty dollars each, and of such amount as the company may determine, and shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws shall direct, and the persons named in the first section of this act, or a majority of them, or of the corporators named therein residing in this Territory, may open books of subscription to the capital stock, at such times and places as they may deem expedient, and when one thousand shares shall have been subscribed, and one per centum of the subscription paid thereon, the shareholders may proceed to organize said company, and may elect five or more directors, and the directors when chosen may, and they are hereby authorized and empowered, in the name, and in behalf of the said company, to have and exercise all the rights, powers, and privileges which are intended herein to be given; they may accept any grants of lands or other endowment, or aid given or granted them for the above purposes, by the United States or this Territory, or obtain the same in any other lawful way, and they may from time to time increase their resources by borrowing money, and may for that purpose mortgage or pledge any property, real or personal, which they may have, and issue bonds on the same in such sums and payable in such manner as they may think proper.

SEC. 4. The by-laws of said company shall prescribe the manner in which the officers and agents of the company shall be chosen, and designate their power and duties, and terms of service, and compensation, and may provide for the forfeiture of shares in case of default of payment therefor.

SEC. 5. That it shall be lawful for the said company to charge and receive such tolls and freights for the transportation of passengers and freight on said roads and branches, and for the transmission of messages by telegraph as shall be fixed by them, subject to revision by the Legislative Assembly.

SEC. 6. That the said company may, at any time after the passage of this act, locate their said roads, telegraph lines, and branches, and may take sufficient land for the same, and for such buildings and such uses and purposes as they may require to carry into effect the purposes of this act; and in case they cannot agree with the owner of any land, stone, earth, or other materials wanted for the construction of said roads, the said company may apply to the probate judge of the proper county, and the said judge shall direct the sheriff to summon a jury of six disinterested persons, who shall upon oath estimate the value of the earth, stone, land, or materials taken

under the provisions of this act, and upon payment of the sum estimated as aforesaid, the proper legal title to the land, earth, stone, or other materials thus estimated shall vest in said company.

SEC. 7. The said company shall have the same rights as individuals to all minerals discovered by the work of the company in levelling, tunnelling, etc., but shall be amenable in respect thereto to the mining laws of the Territory.

SEC. 8. The said company may build their said roads across any highway, county road, or toll road, and may bridge any stream or river in this Territory, or any part of which is in this Territory.

SEC. 9. That said company shall organize and commence operations within five years from and after the passage of this act, and upon failure to do so this charter shall be forfeited.

APPROVED November 9, 1864.

AN ACT

Incorporating the Prescott, Walnut Grove, and Pima Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That Robert W. Groom, James G. Sheldon, Richard Gird, Richard C. McCormick, Adnah French, Elijah M. Smith, A. C. Benedict, Henry A. Bigelow, A. O. Noyes, J. Alexander Mahon, J. T. Alsop, Almon Gage, John B. Allen, A. M. White, James S. Giles, Jackson McCrackin, Jack Swilling, King S. Woolsey, and their associates and successors, are hereby formed into a body politic and corporate with the name and title of the Prescott, Walnut Grove, and Pima Road Company, and with this name and under this style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and to keep a common seal, acquire, enjoy, and transfer either real estate or personal property, and may make and adopt all rules and regulations necessary to carry into effect all the objects of this incorporation, not inconsistent with or repugnant to the laws of the United States or those of this Territory.

SEC. 2. That said company is authorized and allowed the exclusive privilege and power to construct and build a toll-road from the town of Prescott in an easterly direction, *via* Groomdale to Turkey Creek, thence in a southerly direction to a point on the Hassayampa Creek, in the vicinity of Walnut Grove, and thence to the Pima villages, with a branch extending to the town of Weaver, to connect with the branch of the Arizona Central Road Company at that place, and a branch extending to the public road leading from Prescott, *via* Woolsey's Ranch, to the Pima villages, to construct bridges and grade said road, to dig wells at practicable points, and do all things necessary to make said road safe and passable at all times for wagons with their usual freights, and may receive and collect tolls in sums not exceeding the following rates, to wit :

1. For each wagon drawn by two horses, mules, or horned cattle, five cents per mile, and for each additional animal one cent per mile.

2. For each vehicle drawn by one animal, three cents per mile; and for each additional animal, one cent per mile.
3. For each horse, mule, or other animal and rider, two cents per mile.
4. For each pack animal, one cent per mile.
5. For each head of loose stock in droves, one-half of one cent per mile.
6. For each head of sheep, goats, or hogs, one-eighth of one cent per mile.
7. No tolls shall be collected from any foot passengers, or from Indians, unless they be employed in driving stock or teams for persons liable to pay tolls, as provided in the foregoing divisions of this section.

SEC. 3. That said company shall expend within one year from and after the passage of this act, one thousand dollars, and shall complete said road before the expiration of three years from the first day of January, A. D. 1865, and before any tolls shall be collected for travel thereon.

SEC. 4. That the company shall have the right of way over the public lands along the line of their road, and no person or persons, or body corporate, shall hold or maintain any toll-road at any point along the route of said road nearer than five miles to the same; said company may occupy, purchase, and own such amounts of lands at different points on the line of said road, and at the termini of said road, as the legitimate business and purpose of maintaining said road shall require, not exceeding in all sixteen hundred acres; said company shall have the right of way over lands of private individuals, using therefor one track only, not more than fifty feet wide; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him setting forth the facts.

SEC. 5. No tolls or charges shall be made or collected by said company for travel on said road, until said road shall have been examined by a commissioner, to be appointed by the governor of the Territory, who is hereby authorized to appoint a disinterested person for such purpose, on receipt from the company of a petition praying therefor, and who shall have reported in writing to the governor what amount has been expended, and what improvements have been made thereon, and whether said company have complied with the provisions of this act; and the governor, on receipt of a favorable report from said commissioner, shall have made a certificate of the fact to said company, authorizing the company to collect tolls on said road; and the governor shall communicate all said papers to the Legislative Assembly at its next session thereafter.

SEC. 6. The proceedings referred to in section five, may be had at any time when that portion of said road, between any two points mentioned, shall have been completed, and the company desire to open such portion of the road for travel.

SEC. 7. No tolls or charges shall be collected for any water or grass used by man or beast along the line of said road, from any person travelling thereon; and unless the requirements of section five of this act be complied with, this act shall become null, and all the rights and privileges herein granted shall be forfeited by said company.

SEC. 8. If any person shall neglect, or refuse, to pay the toll authorized by this act, when demanded by any person authorized to collect the same,

he shall be liable for double the amount of toll legally due from him, to be collected on complaint in the name of the company, in any court of competent jurisdiction; and the wagon or wagons, and the animal or animals, owned by him or in his charge, shall be liable to be taken on attachment, or execution, to satisfy the judgment which may be obtained.

SEC. 9. That the capital stock of said company shall consist of fifty thousand dollars (\$50,000), which, at any legal meeting of the stockholders, may be increased to one hundred thousand dollars (\$100,000), to be divided into shares of fifty (\$50) dollars each, and each of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred, in such manner and in such place as may be prescribed by the stockholders, or a majority of them, in their rules or regulations.

SEC. 10. That the officers of said company shall consist of a president, secretary and treasurer, and three directors, who shall be stockholders of said company, and shall be elected by the stockholders of said company, or by a majority of them legally assembled, and shall hold their offices for one year from and after their election, and until their successors shall be duly elected; and such officers may be removed from office whenever a majority of stockholders present at any legal meeting called for that purpose, shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 11. Each share of the capital stock of this company shall be entitled to one vote at all meetings of the stockholders, and may be represented and voted in the absence of the true owner, by any one holding a written proxy from the party in whose name the stock stands on the books of the company, or who shall appear to be the legal representative of such owner.

SEC. 12. The meeting to organize said company under this act, shall be held at Prescott, on or before the first Monday of January next, and a majority of the persons named therein shall constitute a quorum for the transaction of business, and they may make by-laws, and transact any other business necessary to organize this corporation.

SEC. 13. That said company may erect and maintain toll-gates at necessary points, and that the rates of toll contained in section two shall be plainly printed, and posted in a conspicuous place at each toll-gate on the road, and be maintained at all times in a legible condition.

SEC. 14. That all persons exhibiting a certificate from any commissioned officer of the Territory that they are in the militia service of the Territory, shall be exempt from the payment of tolls on the said road.

SEC. 15. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

To Provide for the Contingent Expenses of the Territorial Government.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That the bonds of the Territory are authorized to be issued by the treasurer thereof, to an amount not exceeding fifteen thousand dollars (\$15,000) payable in three years, with annual interest at ten per cent (10 pr. ct.) principal and interest payable in the gold coin of the United States; said bonds with coupons shall be made, issued, signed, and deposited with the treasurer of the Territory, as provided by the act, entitled "an act authorizing a loan on the faith and credit of the Territory, to inaugurate and pay the expenses of a campaign against the Apache Indians," except that where the words "Indian war loan" occur in the form of bond prescribed by that act, the words "Loan for contingent expenses" shall be substituted therefor, and the time of payment of said bonds and coupons shall conform to the provisions of this act.

SEC. 2. That the board of Territorial auditors audit all accounts and claims against the Territorial treasury, contracted under and by virtue of any existing law, and for the payment of which the Territory is legally liable, together with such claims as may arise under any appropriation made payable from the fund provided by this act, and the salaries of the officers of the Territory, which are made payable from the Territorial treasury, and in no other way, and the board of Territorial auditors shall give to such persons a warrant for the amount found due them, drawn on the Territorial treasurer, and specifying the claim for which it is given, that if there are no other funds of the Territory in his hands for the payment thereof, the amount due thereon shall be paid from the fund created by this act.

SEC. 3. The treasurer of the Territory, upon the receipt of such warrant, if there are not sufficient funds of the Territory in his hands to pay the same as aforesaid, shall issue to the holder of the same, so many of said bonds at par, with such money as he may have not otherwise appropriated, for the payment thereof, and said warrant, with the holder's receipt of payment thereon, specifying the number and amount of bonds so received by him, shall be a sufficient voucher for said treasurer in all settlements that he is required by law to make. The said bonds shall not be negotiated or paid out except as herein provided.

SEC. 4. The said bonds and the coupons, after such coupons become due, shall be taken in any payment for all taxes and licenses levied, assessed, or collected by the Territory of Arizona, or any county thereof.

SEC. 5. The said treasurer shall pay the said interest on said bonds when due, taking the coupons as his vouchers therefor, and he may retain in his hands for that purpose sufficient amount of money of the money of the Territory, and convert the same into gold at the current rates, but shall give the board of Territorial auditors notice in writing of the amount he retains for that purpose, specifying the time and place, when and where he proposes to convert the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

Amendatory to Chapter Fifty-seven of the Code, entitled "Of Fees of Officers."

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That the fees of the probate clerks, sheriffs, and constables, established and regulated in chapter fifty-seven of the Code, entitled "Of Fees of Officers," take effect and be in force from and after the passage of this act.

APPROVED November 9, 1864.

AN ACT

Declaring the time when Chapter Fifty-nine of the Code, entitled "Of the Prohibition of Gambling," shall take effect.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That chapter fifty-nine of the Code, entitled "Of the Prohibition of Gambling," shall take effect and be in force from and after the passage of this act.

APPROVED November 9, 1864.

AN ACT

To Incorporate the Prescott and Fort Wingate Road Company.

Be it enacted by the Legislative Assembly of the Territory of Arizona:—

SEC. 1. That Edmund W. Wells, King S. Woolsey, Charles W. Stanley, Almon Gage, and their associates, are hereby constituted and formed into a body politic and corporate, with the name and style of the Prescott and Fort Wingate Road Company, and by that name and style shall have perpetual succession, sue and be sued, plead and be impleaded, to have and keep a common seal, acquire and transfer either real estate or personal property, and may make or draft all rules and regulations necessary to carry into effect the objects of this incorporation, not inconsistent nor repugnant to the laws of the United States or the laws of this Territory.

SEC. 2. Said company is authorized and allowed the exclusive privilege and power to construct and build a toll-road from the town of Prescott to the nearest and most convenient point in the direction of Fort Wingate, on the one hundred and ninth meridian of longitude west from Greenwich, being the boundary of New Mexico and Arizona Territory; to construct bridges and grade said road; to open springs and dig wells at practicable points; and to keep and maintain facilities for furnishing water to men and animals passing over said road; and to do all other things neces-

sary to complete said road, and make the same safe and passable at all times; and may construct and maintain one or more toll-gates; and may receive and collect toll or passage-money in sums not exceeding the following rates, to wit:

For each wagon drawn by two horses, mules, or horned cattle, five cents per mile;

For each additional span of horses, mules, or horned cattle, two cents per mile; •

For each carriage, cart, or vehicle, drawn by one horse, mule, or ox, three cents per mile;

For each horse, or other animal and rider, two cents per mile;

For each pack animal, horse, mule, or ass, two cents per mile;

For every goat, sheep, or hog, one-fourth of one cent per mile; for other loose stock, one-half of one cent per mile.

SEC. 3. That said company shall have the right of way over the public lands along the line of their road, and no person or persons, or body corporate, shall build or maintain any toll-road at any point along the route of said road nearer than ten miles to the same, or either side of the same; said company may purchase, lease, or own such amount of land at different points on the line of said road as the legitimate business and purposes of maintaining the said road shall require, not exceeding in all two thousand acres; said company shall have the right of way over land of private individuals, using therefor one track not more than fifty feet wide; and if the compensation or damages to be paid therefor cannot be settled by agreement of the parties, the same shall be determined by the judge of probate of the county in which the land lies, upon complaint to him setting forth the facts.

SEC. 4. That said company shall, within six months from and after the passage of this act, expend in the survey, location, and construction of this road, at least one thousand dollars; and shall construct and fully complete said road throughout in a manner safe and passable for wagons with their usual freights, within three years from and after the passage of this act.

SEC. 5. No toll or charges shall be made by said company for travel on said road, until said road, or section thereof of not less than one-fourth of the whole distance, shall have been examined by a commissioner, to be appointed by the governor of said Territory, who is hereby authorized to appoint a disinterested person for such purpose, on a receipt of a petition from the company praying therefor; and who shall have reported in writing to the governor what amount has been expended on said road by said company, and what improvements have been made thereon, and whether said company has complied in all respects with the provisions of this act; and the governor, if he agrees in opinion with said commissioner that said company has in all respects complied with the provisions of this act, shall have made a certificate of the fact to said company authorizing them to collect tolls thereon; and the governor shall communicate all said papers to the Legislative Assembly at its next session thereafter.

SEC. 6. The privileges conceded to said company, as heretofore set forth and qualified, are, and shall be, and continue for the term of thirty years from and after the passage of this act; and at the expiration of said term, said road shall be relinquished by said company in good order, to the Territory

or State, as the case may be; said company retaining any houses, lands, or other property, not necessarily required in actual passage over said road.

SEC. 7. If any person shall neglect or refuse to pay the toll authorized by this act, for any animals or teams owned or driven by him when demanded by any person authorized to receive the same, he shall be liable for double the amount of toll legally due from him, to be collected on complaint in the name of the company, in any court of competent jurisdiction; and the wagon or wagons, and the animal or animals, owned by him or in his charge, shall be liable to be taken on attachment or execution, to satisfy the judgment which may be obtained.

SEC. 8. That the capital stock of said company shall consist of fifty thousand dollars (\$50,000), which may be increased at any legal meeting of the stockholders of said company, to one hundred thousand dollars (\$100,000), to be divided into shares of fifty dollars (\$50) each; and each one of said shares shall be considered as personal property, and may be bought and sold, assigned or transferred, in the same manner and in such place as the stockholders, or a majority of them, may prescribe in their rules and regulations.

SEC. 9. That the officers of said company shall consist of a president, secretary, treasurer, and three directors, who shall be stockholders of said company, and shall be elected by a majority of them legally assembled; and shall hold their offices for one year from and after their election, and until their successors shall be duly elected; and such officers may be removed from office whenever a majority of stockholders present at any legal meeting called for that purpose shall determine that they have been guilty of mismanagement or fraud in the discharge of their duties.

SEC. 10. The meeting to organize said company under this act shall be held at Prescott, on the first Monday in December next, and a majority of the persons named therein shall constitute a quorum for the transaction of business; and they may make by-laws and transact any other business that may be necessary to organize this corporation.

SEC. 11. That all persons exhibiting a certificate from any commissioned officer of this Territory that they are in the service of the Territory, shall be exempt from the payment of tolls on said road.

SEC. 12. The Legislature shall have the right to change or modify the above rates of toll at any time after the expiration of one year from and after the completion of said road.

SEC. 13. This act shall take effect and be in force from and after its passage.

APPROVED November 9, 1864.

AN ACT

To provide for the Civil Expenses of the Territorial Government.

Be it enacted by the Legislative Assembly of the Territory of Arizona :—

SEC. 1. That the following sums be and they are hereby appropriated for the objects hereinafter expressed, viz :

For the salary of the attorney-general for the past year and up to the tenth day of November, A.D. 1864, eleven hundred and sixty-six (\$1,166) dollars.

For the printing of the journals of the Legislature and other public printing, eleven hundred and twenty-one (\$1,121) dollars.

For the salary of the Territorial treasurer, fifteen hundred (\$1,500) dollars.

For the salary of the attorney-general for the next year, ending November tenth, 1865, two thousand (\$2,000) dollars.

For the salary of the adjutant-general, five hundred (\$500) dollars.

For the necessary appropriations for school purposes, fifteen hundred (\$1,500) dollars.

For printing the laws of the Territory, three thousand (\$3,000) dollars.

For reading the proof and superintending the printing of the Code, two hundred and fifty (\$250) dollars.

For enrolling the Code of the Legislature, one thousand (\$1,000) dollars.

For the contingent expenses of the Territorial Government for the year ending December thirty-first, 1865, fifteen hundred (\$1,500) dollars.

For the commissioner, the Honorable William T. Howell, for drafting a Code of Laws for the Territory, two thousand five hundred (\$2,500) dollars.

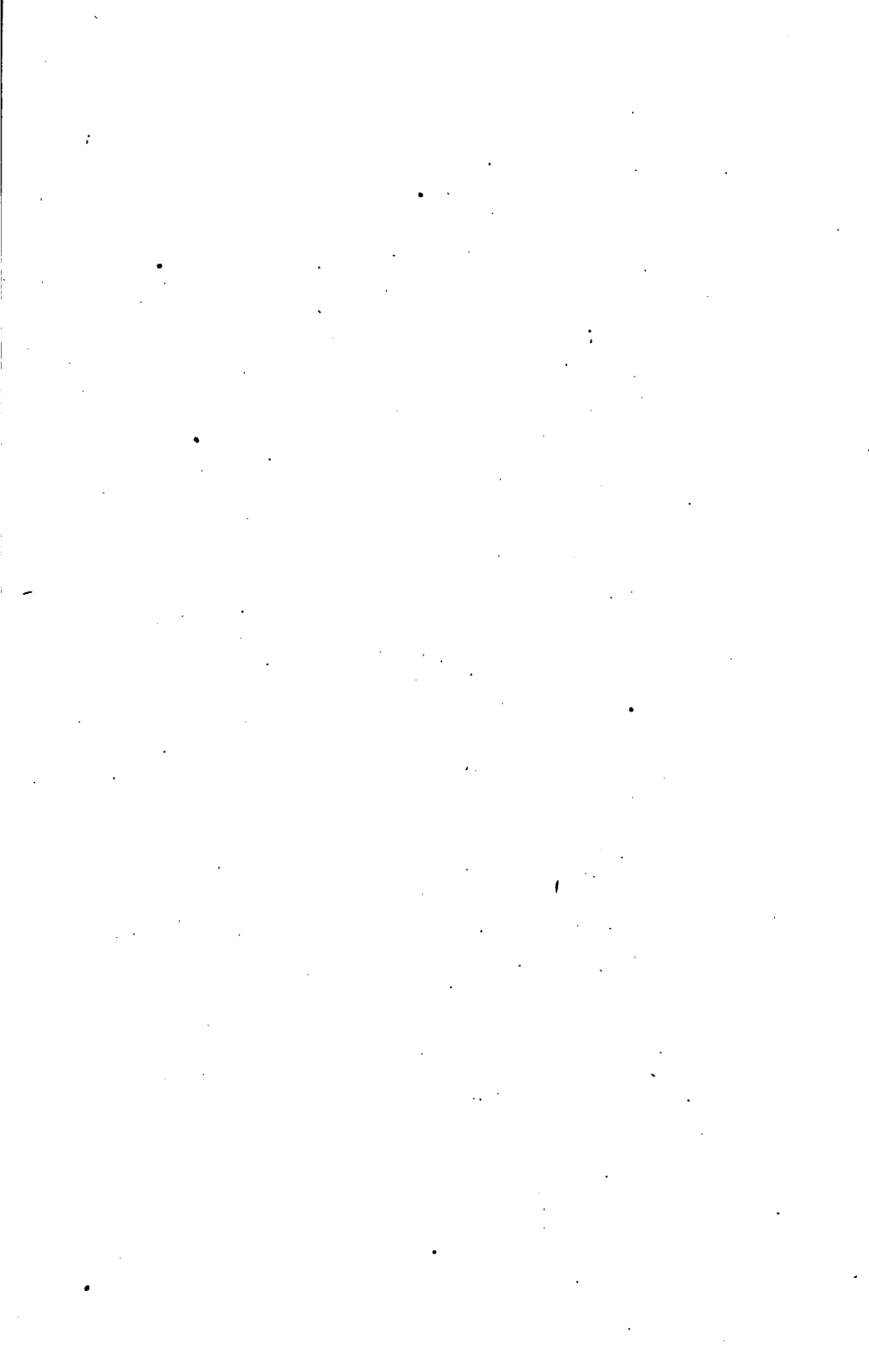
For Milton B. Hadley for translating the governor's message into the Spanish language, one hundred (\$100) dollars.

SEC. 2. That in case there shall not be sufficient money in the Territorial treasury, the treasurer is hereby authorized to pay such appropriation in bonds provided to be issued by an act entitled "An Act to provide for the Contingent Expenses of the Territorial Government," passed at the present session of the Legislature.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED November 10, 1864.

RESOLUTIONS.



RESOLUTIONS.

JOINT RESOLUTION

Providing Payment for Enrolling Bills.

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

1. That the several persons employed in enrolling bills in the Council and House of Representatives, shall receive for their services at the rate of twenty-five cents per folio of one hundred words.

2. That the President of the Council and the Speaker of the House be and they are hereby required to audit and allow the accounts of the several persons employed in enrolling bills, according to the rates above specified, and that they shall certify the same to the Secretary of the Territory, who shall pay the same and take their receipts therefor.

3. That the sum of one thousand dollars is hereby appropriated out of any fund belonging to this Territory, which is not otherwise appropriated, for the above object.

APPROVED October 24, 1864.

JOINT RESOLUTION

To Purchase Books for the Territorial Library.

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

1. That the books, maps, charts, and pamphlets, purchased by Honorable Richard C. McCormick, Secretary of the Territory, for the use of the Territorial Library, are hereby purchased and received as a part of the said library, at the prices and charges specified in his bills certified by him to the committee on public buildings, grounds, and Territorial library.

2. That the remainder of the congressional appropriation be expended for additional standard works, including the proportion of law books required by law, under the direction of the Territorial librarian, unless otherwise ordered by the Congress of the United States.

APPROVED November 3 1864.

JOINT RESOLUTION.

Instructions to the Honorable Charles D. Poston, concerning Arms and Mail Routes with Postal Service.

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

1. That the Hon. Charles D. Poston, our delegate to the Congress of the United States, be instructed and requested to use every effort in his power to procure for the general government five hundred stand of Springfield rifled muskets, calibre 58, of the latest improved quality, with their equipments and fixed ammunition, sufficient for the purpose of arming and equipping a battalion of Arizona rangers, for active service against the Apaches and other hostile Indian tribes in this Territory.

2. That he be instructed and requested to procure the establishment of the following mail routes, with weekly postal service on each:—1st. From Mesilla, *via* Tucson, Casa Blanca, and Agua Caliente, to La Paz, in coaches. 2d. From Tucson, *via* Tubac, to Patagonia Mines. 3d. From Tubac, *via* Cerro Colorado, Fresnal, and Bababi, to Tucson. 4th. From Casa Blanca, *via* Weaver, Walnut Grove, and Upper Hassayampa, to Prescott. 5th. From Prescott to La Paz, in coaches. 6th. From La Paz, *via* Williamsport, Castle Dome City, Laguna, and Arizona City, to Fort Yuma. 7th. From La Paz to Los Angeles, in coaches. 8th. From Prescott to Mohave City, in coaches. 9th. From Mohave City to Los Angeles, *via* San Bernardino, in coaches. 10th. From Mohave City, *via* Aubry, to La Paz. 11th. From Mohave City, *via* Santa Clara, to Fillmore City, in the Territory of Utah. 12. From Albuquerque, New Mexico, to Prescott, in coaches.

3. That a copy of these instructions be forwarded immediately to the Honorable Charles D. Poston, by the Secretary of the Territory.

APPROVED November 7, 1864.

JOINT RESOLUTION.

Instructing the Honorable Charles D. Poston to urge the Congress of the United States to appoint Commissioners to Survey and Establish the Boundary Line between Nevada, Utah, and Colorado Territories and Arizona.

Whereas, The settlements of Santa Clara and Saint George, on the Rio Virgen, contain a population of some five hundred inhabitants, and are now claimed and submit to the jurisdiction of the Territory of Utah; and, *whereas*, it is believed that said settlements are south of the 37th degree of north latitude, and within the Territory of Arizona; and, *whereas* the rapid settlement of this Territory, along and near its boundary lines, in connection with the known rich mineral and agricultural wealth, make the question of civil jurisdiction one of delicacy and vexation, only to be obviated by speedily locating and marking permanently such boundaries; therefore,

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

1. That the Honorable Charles D. Poston, our delegate in Congress, be and is hereby respectfully requested to urge the Congress of the United

States to appoint Commissioners to survey and fix the boundary lines between Nevada, Utah, and Colorado Territories, and the Territory of Arizona.

2. That a copy of these resolutions be forwarded by the Governor to the Honorable Charles D. Poston, our delegate in Congress.

APPROVED November 7, 1864.

JOINT RESOLUTION

Relative to the Territorial Arms and Ammunition.

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

That his Excellency, John N. Goodwin, Governor of the Territory, be requested to take immediate steps to procure the one hundred and twenty stand of arms, with their equipments, and eighteen thousand rounds of ball and buck cartridges belonging to this Territory, and which are not now in his possession; and if they cannot be procured in kind, then their equivalent in value.

APPROVED November 7, 1864.

JOINT RESOLUTION

Authorizing the Governor to sell the Territorial Arms.

Be it resolved by the Legislative Assembly of the Territory of Arizona:—

1. That his Excellency, John N. Goodwin, Governor of the Territory, is hereby authorized and directed to sell, in such market as he may deem best, all the ordnance and ordnance stores pertaining to this Territory, the same being of the old pattern and inferior quality, and totally unfit for the arming of the militia forces of this Territory.

2. All moneys derived from the sale of the ordnance mentioned in the preceding section, shall be expended, under the direction of the Governor, in the purchase of the latest improved arms, with ammunition for the same, and expenses attending the transportation of the same to this Territory.

3. All ordnance and ordnance stores now pertaining to this Territory, and which may hereafter come into possession thereof, either by purchase or from any other source, shall be under the control and direction of the Governor of the Territory, except as otherwise provided by law.

APPROVED November 7, 1864.

JOINT RESOLUTION

Providing Additional Compensation for the Secretary of the Council, Clerk of the House of Representatives, and their Assistants.

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

1. That, in addition to the compensation appropriated by the Congress of the United States, there is hereby allowed to the Secretary of the Council and the Clerk of the House of Representatives, the sum of five dollars per day each ; and to the Assistant-Secretary of the Council, and the Assistant-Clerk of the House of Representatives, the sum of two dollars per day each ; and to the Sergeant-at-Arms and Door-keeper of the Council, the Sergeant-at-arms and Door-keeper of the House, the sum of two dollars per day each ; and to the Watchman of the Council, and Watchman of the House, the sum of one dollar per day each.

2. That the Board of Territorial Auditors are hereby authorized to audit and allow the account of each of the above-named officers, certified by the presiding officer of each House respectively, which amount shall, when so audited, be paid by the Treasurer of the Territory out of any funds not otherwise appropriated.

APPROVED November 9, 1864.

JOINT RESOLUTION

Appointing a Translator and Interpreter, who shall act as a Commissioner to publish the Laws required to be published in the Spanish language.

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

1. That the Honorable W. Claude Jones be and he is hereby appointed Translator and Interpreter of the Legislative Assembly, under the provisions of the Act of Congress, approved March 3d, 1853, and his appointment to take effect from the 29th of September last.

2. That said translator and interpreter is also hereby authorized to act as commissioner to make a compendium of such portion of the laws of the Territory as are required to be translated into the Spanish language, and to translate and superintend the printing of the same.

APPROVED November 9, 1864.

JOINT RESOLUTION

To give effect to Chapter Twenty-three of the Code, entitled "Of Education."

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

That the last section of the House Bill, number seven, chapter twenty-three of the Code, entitled "Of Education," be amended, so as to read, "This act shall take effect and be in force from and after its passage."

APPROVED November 9, 1864.

JOINT RESOLUTION

Providing for Printing the Lectures of the Honorable W. Claude Jones, on the Resources of Arizona.

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

1. That (200) two hundred copies of the lectures delivered by the Honorable W. Claude Jones, Speaker of the House, in compliance with a concurrent resolution of the Legislative Assembly, on the Resources of Arizona, be printed, with a map illustrative thereof, under his superintendence, and that the expenses of the same be audited by the board of Territorial auditors, and paid out of any money belonging to the Territory, not otherwise appropriated.

2. That said lectures, when printed, shall be deposited with the Territorial librarian, who shall furnish a copy of the same to the Governor, Secretary of State, Treasurer, Judges of the Supreme Court, Attorney-General, members of the Council and House of Representatives, and one to each of the probate judges and recorders of the several counties.

APPROVED November 9, 1864.

JOINT RESOLUTION

Empowering the Governor of the Territory to make Necessary Corrections in the Phraseology and Wording of the Code of Laws.

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

That his Excellency, the Governor of the Territory, be requested, and is hereby empowered, to make such corrections in the phraseology and wording of the several chapters of the Code of laws as may be necessary to produce harmony of language in the same ; *Provided*, that no alterations shall affect the intent or substance of the law.

APPROVED November 9, 1864.

JOINT RESOLUTION

Relative to Publishing a Compendium of the Laws of the Territory in Spanish.

Be it resolved by the Legislative Assembly of the Territory of Arizona :—

That the translator and interpreter, acting as a commissioner, appointed by resolution of the present session of the Legislative Assembly, shall make a compendium, and translate into the Spanish language, at the earliest practicable period, the following laws and parts of laws and the Secretary of the Territory shall cause to be printed not less than one hundred (100) copies of the same :

1. All that part of the Code of civil practice which relates to the powers and jurisdiction of the courts, and the method of procedure in civil actions, and all that part of said civil practice relative to the powers and duties of justices of the peace.

2. A general compendium of the election law, including the qualification of voters, the appointment of officers, the mode of conducting elections, making returns, and contesting elections.

3. That portion of the criminal law defining crimes and their punishments, with a brief compendium of the mode of procedure in criminal causes.

4. The chapter relative to acequias, or irrigating canals, entire.

5. That portion of the mining laws relative to the location and registry of mines, and the jurisdiction of courts in mining cases.

6. The chapter on gaming.

7. The chapter relative to license tax.

8. That portion of the general taxation law relative to the assessment and collection of the revenue.

9. That portion of the Code relative to the probate courts, defining their jurisdiction and mode of procedure therein.

10. The act relative to grants of lands and registry of titles.

APPROVED November 10, 1864.

CONCURRENT RESOLUTION

Tendering Thanks to the Honorable Charles D. Poston, Superintendent of Indian Affairs.

Whereas, Arduous and difficult duties have been performed in an efficient and able manner by the Honorable Charles D. Poston, as Superintendent of Indian Affairs; and

Whereas, The Legislative Assembly has no more efficient and practicable mode of expressing the sense of obligation felt toward him for the same; therefore be it

Resolved by the House of Representatives, the Council concurring, That the thanks of the Legislative Assembly of the Territory of Arizona, are hereby tendered to the Honorable Charles D. Poston, for the honest, able, and efficient manner in which he has discharged the duties of United States Superintendent of Indian Affairs.

CONCURRENT RESOLUTION

Tendering Thanks to Lieutenant-Colonel Nelson H. Davis, Inspector-General of the Department of New Mexico.

Resolved by the House of Representatives, the Council concurring, That the thanks of the people of Arizona are hereby presented, through this Legislative Assembly, to the brave, active, and persevering Lieutenant-Colonel Nelson H. Davis, Inspector-General of the Department of New

Mexico, for his able, efficient, and valuable service while in Arizona, in the exploration of the country, and successful expeditions against the hostile Apaches.

2. That the Secretary of the Territory be requested to forward to Lieutenant-Colonel Davis a copy of these resolutions.

CONCURRENT RESOLUTION

Tendering Thanks to His Excellency John N. Goodwin, Governor of the Territory.

Resolved by the Council, the House of Representatives concurring, That the thanks of this Legislative Assembly are due and are hereby tendered to His Excellency John N. Goodwin, Governor of the Territory, for the valuable service he has rendered the various committees of both Houses, in the preparation of the laws, for his uniform and generous courtesy to the members, and for his active interest in all that pertains to the prosperity of the Territory.

Resolved by the Council, the House of Representatives concurring, — the Governor of this Territory be and is hereby authorized and empowered to change the following chapters of the Code in his hands, passed at the present session of the Legislature, so that they shall take effect and be in force from and after the 20th day of April next. Said bills are entitled as follows: Of Crimes and Punishments; Of Proceedings in Criminal Cases; Of Jails and Prisons, and Confinement Therein; Of the Title to real Property by Descent; Of the Distribution, Custody, and Application of Public Moneys; Of the Limitation of Actions; Of Fraudulent Conveyances and Contracts; Of Estates in Dower; Of Wills; Of Probate Courts; Of Marriages; Of Divorce; Of the Rights of Married Women; Of the Liability for causing Death by Wrongful Neglect or Default; Of Exemptions; Of Attorneys and Counsellors-at-law; Of Conveyances; Of Forcible Entry and Detainer; Of Corporations for Mining Purposes; Of Acequias or Irrigating Canals; ~~Of Poor Persons and Orphan Children of Indians; Of Commissions of Habes Corpus;~~

CONCURRENT RESOLUTION

Tendering Thanks to Lieutenant-Colonel King S. Woolsey and his Men.

Whereas, Since the settlement of this country, the people have suffered in the loss of the lives of some of our most respected citizens; also in loss of stock and other property, and from constant apprehension of attacks, owing to the frequent raids made by the hostile Indians; and

Whereas, Lieutenant-Colonel King S. Woolsey has, with great perseverance and personal sacrifice, raised and led against the Apaches, during the present year, three several expeditions, composed of citizen volunteers, who, like their commander, have spent their time and means, and up to this time have been entirely unrecompensed therefor; and

Whereas, These expeditions have been highly beneficial to the people, not only by taking the lives of numbers of Apaches, and destroying the property and crops in their country, but also by adding largely to the geographical, geological, and mineralogical knowledge of the country; therefore

Resolved by the Council, the House of Representatives concurring, That the thanks of the Legislative Assembly of the Territory of Arizona be, and are hereby presented to Lieutenant-Colonel King & Woolsey, and all of those who, under his guidance, have endured with him so many hardships, and have contributed so much to the safety, knowledge, and general welfare of the people. j

CONCURRENT RESOLUTION

Tendering Thanks to Captain T. T. Tidball, Fifth Infantry, California Volunteers.

Whereas, The able and valuable services of Captain T. T. Tidball, of the Fifth Infantry, California Volunteers, in his various successful expeditions against the barbarous Apaches, merit the highest expression of our approbation, and as the only mode of expressing the obligations that the people of Arizona owe to him; therefore

CONCURRENT RESOLUTION

Tendering Thanks to the Honorable Charles D. Poston, Superintendent of Indian Affairs.

Whereas, Arduous and difficult duties have been performed in an efficient and able manner by the Honorable Charles D. Poston, as Superintendent of Indian Affairs; and

Whereas, The Legislative Assembly has no more efficient and practicable mode of expressing the sense of obligation felt toward him for the same; therefore be it

Resolved by the House of Representatives, the Council concurring, That the thanks of the Legislative Assembly of the Territory of Arizona, are hereby tendered to the Honorable Charles D. Poston, for the honest, able, and efficient manner in which he has discharged the duties of ~~Lieutenant~~ ~~Syvester~~ ~~Mowry~~, claiming to be a resident of this Territory, and largely interested in the mines thereof, having returned thereto for the purpose of looking after his interests therein, was placed out of said Territory in pursuance of an order issued by General James H. Carleton, commanding the department of New Mexico, by the military forces under his command; therefore be it

Resolved by the Council, the House of Representatives concurring, That such action on the part of General Carleton was unnecessary, and that in our opinion the presence of said Mowry in this Territory was not dangerous to the peace thereof: that the courts of this Territory are competent judges of all violations of the laws of the United States, and of the Territory of Arizona, committed within their jurisdiction, and have all necessary power and authority to punish all violations thereof; and be it further

Resolved, That his Excellency, the Governor of the Territory, be requested to forward a copy of this resolution to General Carleton, with a request that he revoke said order, and in case of his refusal, that he then forward a copy of said resolution to the Secretary of War with a like request.

CONCURRENT RESOLUTION

Tendering Thanks to the Honorable William T. Howell, Associate Justice of the Supreme Court, and Commissioner to Report a Code of Laws ; also Providing that said Code shall, in respect to the Author thereof, be known as "The Howell Code."

Resolved by the Council, the House of Representatives concurring, That the thanks of the people of this Territory are due and are hereby tendered by their representatives in the Legislative Assembly, to the Honorable William T. Howell, Associate Justice of the Supreme Court of this Territory, and assigned to the first judicial district, by reason of his anticipating the wants of the Territory, by preparing his excellent and able Code of laws therefor; and in respect to the author thereof they shall be known as "The Howell Code."

Resolved, That his Excellency the Governor transmit to Judge Howell a copy of these resolutions.

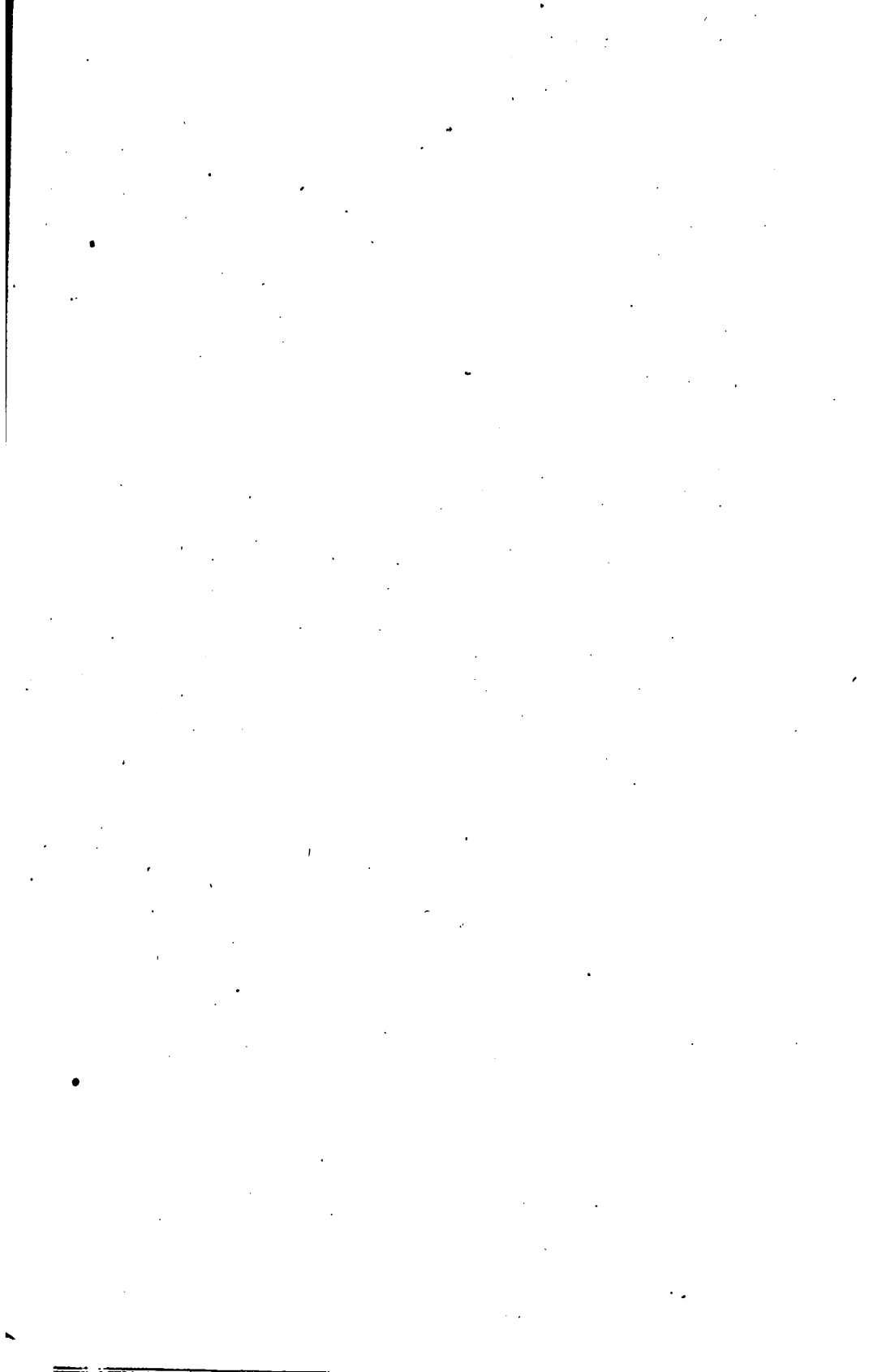
CONCURRENT RESOLUTION

Empowering the Governor of the Territory to change certain Bills.

Resolved by the Council, the House of Representatives concurring, That the Governor of this Territory be and is hereby authorized and empowered to change the following chapters of the Code in his hands, passed at the present session of the Legislature, so that they shall take effect and be in force from and after the 20th day of April next. Said bills are entitled as follows: Of Crimes and Punishments; Of Proceedings in Criminal Cases; Of Jails and Prisons, and Confinement Therein; Of the Title to real Property by Descent; Of the Distribution, Custody, and Application of Public Moneys; Of the Limitation of Actions; Of Fraudulent Conveyances and Contracts; Of Estates in Dower; Of Wills; Of Probate Courts; Of Marriages; Of Divorce; Of the Rights of Married Women; Of the Liability for causing Death by Wrongful Neglect or Default; Of Exemptions; Of Attorneys and Counsellors-at-law; Of Conveyances; Of Forcible Entry and Detainer; Of Corporations for Mining Purposes; Of Acequias or Irrigating Canals; Of the Support of Poor Persons and Orphan Children of Indians; Of Commissioners of Deeds in other States and Territories; Of *Habeas Corpus*; Of the Incorporation of Villages. The following shall be likewise added by the Governor to the last section of a chapter entitled Of Miscellaneous Provisions: *Provided*, nothing contained in this section shall be construed to repeal any laws heretofore in existence in this Territory, until the laws inconsistent therewith, passed at the present session of the Legislature, shall take effect and be in force, excepting, however, that all the provisions of this bill, and every part thereof, shall take effect and be in force from and after the twentieth day of April, 1865.



MEMORIALS.



MEMORIALS.

MEMORIAL

Asking that the Tract of Land in the Bend of the Colorado River opposite Fort Yuma be attached to the Territory of Arizona.

To the Senate and House of Representatives of the United States in Congress assembled :

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent that by the treaty of Guadalupe Hidalgo, between the United States and the Republic of Mexico, ratified in 1848, the boundary line between the two republics should consist of a straight line drawn from the middle of the Gila River, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league south of the southernmost point of the port of San Diego; that in pursuance of said treaty the boundary line was run by the commissioners appointed by the two republics for that purpose; that in running the line according to the said treaty, the said boundary line crossed the Rio Colorado twice through a northern bend of that tortuous river, by which means a tract of land consisting of about one hundred and fifty acres south of said bend was thrown into the limits of the United States, thus leaving a small portion of the territory of the United States beyond the Colorado river, which separated it from every other portion of their territory. That when California was admitted into the Union as a State, in eighteen hundred and fifty, it was admitted with the same boundary on the south, as declared in her constitution, that was specified in the said treaty of Guadalupe Hidalgo and run by the commissioners aforesaid, the River Colorado separating the small tract of land before specified from the remainder of the State. Your memorialists further represent, that the organic act of the Territory of Arizona, approved the twenty-fourth day of February, A.D. 1863, declared all that part of the Territory of New Mexico situated west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary line of the Territory of New Mexico, should be and was erected into a territorial government to be called Arizona; that the boundary of New Mexico on the west, by the organic act creating that Territory, approved September ninth, 1850, was the boundary line of the State of California from the thirty-seventh parallel of north latitude south to the point of the Colorado River where said boundary begins, which was the line run by the commis-

sioners between the two republics as aforesaid; that afterwards, by the Gadsden treaty of 1854, the southern portion of the Territory of Arizona was acquired from the Republic of Mexico, attached to New Mexico by an act of Congress of the United States, and the boundary run and fixed by a joint commission of the two republics at an initial point on the Colorado, twenty miles below the junction of the River Gila with the Colorado; by this means the western boundary of Arizona runs from the thirty-seventh degree of latitude the whole length of the California boundary on the south, and beyond the line of that State on the Colorado River; that said small tract of land lies just below the junction of the Gila River with the Colorado: that it is an important commercial point, and is the commercial landing-place and business point for the Territory of Arizona on the lower Colorado; that it is opposite Fort Yuma, and remote from any civil government organized in California; that there are no police and civil regulations there; that it is essential and important to Arizona to have said tract of land annexed to its territory, for the purpose of forming a landing-place and a commercial town; that it is of little importance to the State of California and of vast consequence to Arizona to possess it; that if annexed to Arizona the benefit of civil government would be immediately extended over it from Arizona City, which lies adjoining it on contiguous territory, separated from it by an imaginary line, while the Colorado flows between the said tract of land and the other portions of the territory of the State of California.

Wherefore, your memorialists pray your honorable body to pass an act by which the said tract of territory of the State of California, lying south of Fort Yuma and the Colorado River, and between the Colorado River and the line of Arizona, be annexed to said Territory of Arizona, providing that the State of California by an act of her State Legislature will relinquish all her right over said tract of land to the said Territory of Arizona.

Resolved, That our delegate in Congress is hereby requested to use all honorable means in his power to secure the passage of such act. That his Excellency the Governor of the Territory of Arizona is hereby requested to transmit a copy of this Memorial to our delegate in Congress; also a copy to the Governor of the State of California, with the request to forward such other information in his possession, in order that it may be laid before the Legislature of the State of California.

APPROVED November 3, 1864.

MEMORIAL

asking an Increase per diem for Members of the Legislative Assembly, and an Increase of the Salaries of the Territorial Officers.

To the Senate and House of Representatives of the United States in Congress assembled:—

Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent, that *whereas*, the organic act of the Territory, drawn up on the basis of the other Territories of the United States, provides that the pay *per diem* of the members of the first and subsequent Legislative Assemblies shall be three dollars during their attendance at the session thereof, and the officers of said Legislative Assemblies, together

MEMORIAL

Asking an Appropriation of One Hundred and Fifty Thousand Dollars for the Improvement of the Navigation of the Colorado River.

To the Senate and House of Representatives of the United States in Congress assembled:—

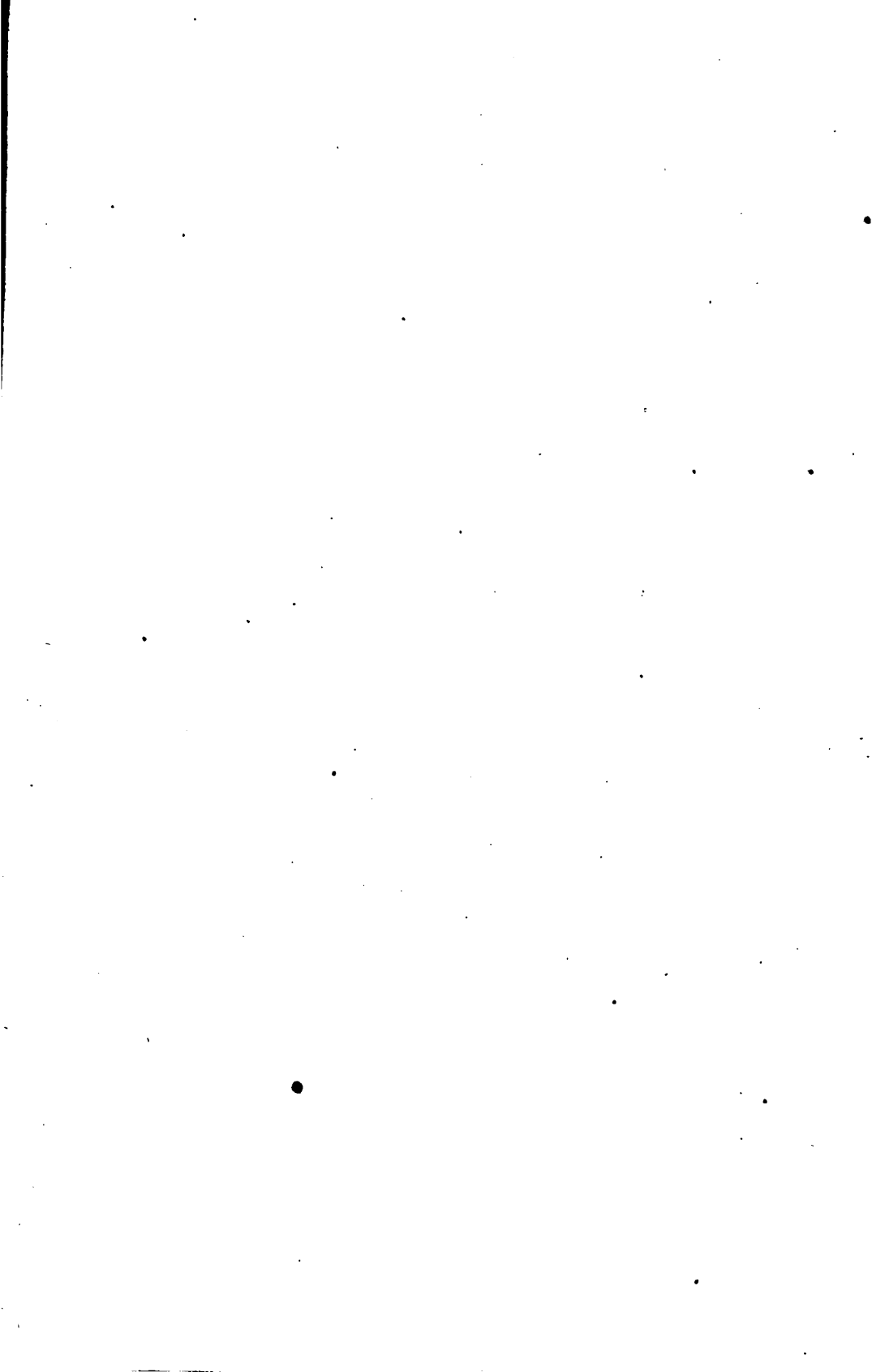
Your memorialists, the Legislative Assembly of the Territory of Arizona, respectfully represent, that the Colorado River is the only navigable water in this Territory, and is the channel through which nearly all our imports and exports must pass to supply and accommodate the middle and northern portions of the Territory; that it is navigable, in high stages of water, five hundred miles; that, by the expenditure of a small amount of money, it may be rendered navigable much higher up; that portion of the river between Fort Yuma and Fort Mojave has a changeable channel, and is obstructed by boulders that render the navigation of it difficult and dangerous; that the removal of said rocks would greatly facilitate the navigation of this part of the river; that the river above Fort Mojave is rendered difficult and dangerous by boulders and ledges or dykes that shoot out into and across the channel of the river; that, by the expenditure of a small amount of money, these obstacles may be removed and the river rendered navigable as far up as Virgin River, from which point there is a fine natural wagon road a distance of only three hundred and fifty miles to Salt Lake City; that by this route government as well as private transportation can be furnished in a much shorter time, and at less cost, than by any other route; that if the navigation of said river is improved, it will accommodate the general government, and greatly increase and hasten the development of the vast mineral and other resources of this Territory; therefore

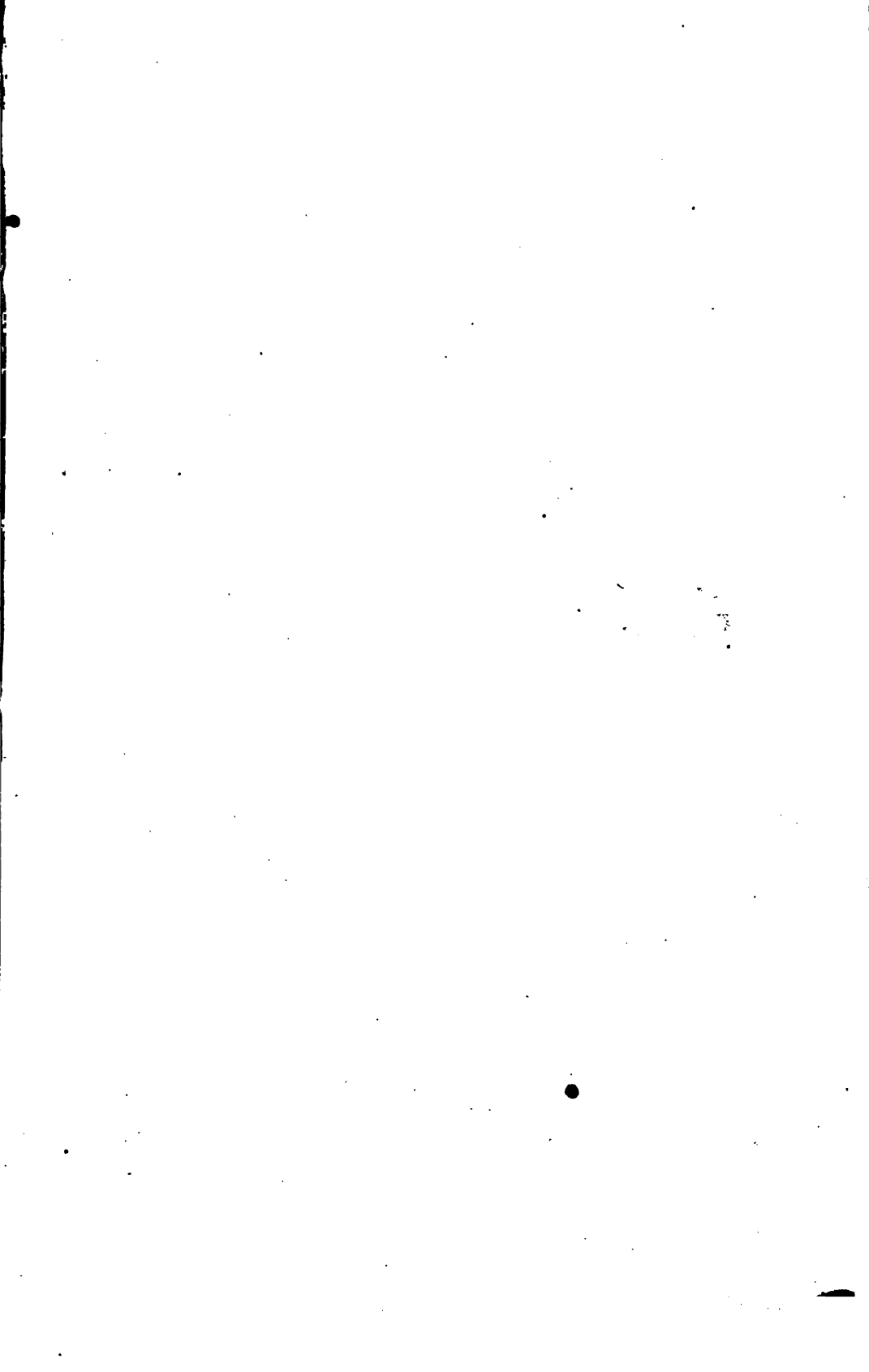
Your memorialists most respectfully ask, that your honorable body make an appropriation, for the purposes above specified, of one hundred and fifty thousand dollars, to be expended in the following manner, to wit: Fifty thousand dollars in the improvement of the river between Fort Yuma and Fort Mojave, and one hundred thousand dollars in improving the river about Fort Mojave; and that, to the furtherance of this our petition,

Resolved, by the Legislative Assembly of the Territory of Arizona, that our delegate in Congress, the Honorable Charles D. Poston, is requested to use all honorable means to secure the attention of Congress.

Resolved, That the Secretary of the Territory is hereby requested to forward a copy of this memorial to the Honorable Charles D. Poston.

APPROVED November 9, 1864.







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