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LAWS OF ARIZONA.

[BY AUTHORITY.]

OF THE FORMATION AND RIGHTS OF COUNTIES.

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

SECTION 1. This Territory shall be divided into four counties, to be bounded and named as hereinafter provided. First, the County of Pima, shall be bounded as follows: On the east by 109th meridian of longitude, on the line of the Territory of New Mexico, on the north by the middle of the main branch of the Gila river, on the west by the line of 113 degrees 20 minutes west longitude, and on the south by the Sonora line. The seat of justice whereof is hereby established at Tucson, and the County Commissioners are hereby empowered to establish precincts in said county. Second, the County of Yuma, shall be bounded as follows: On the east by the line of 113 degrees 20 minutes west longitude, on the north by the middle of the main stream of the Santa Maria to its junction with Williams' Fork, thence by the middle of the main channel of said stream to its junction with the Colorado, on the west by the main channel of the Colorado river, and on the south by the Sonora line. The seat of justice whereof is hereby established at La Paz, and the County Commissioners are hereby empowered to establish precincts in said county. Third, the County of Mohave, shall be bounded as follows: On the east by the line of 113 degrees 20 minutes west longitude, on the north by the parallel of 37 degrees north latitude, on the west by the line of the State of California and the middle of the main channel of the Colorado river, and on the south by Williams' Fork and the main channel of the Santa Maria river, above its junction with the latter stream. The seat of justice whereof is hereby established at Mohave City, and the County Commissioners are hereby empowered to establish precincts in said county. Fourth, the County of Yavapai, shall be bounded as follows: On the east by the line of the Territory of New Mexico, on the north by the parallel of 37 degrees north latitude, on the west by the line of 113 degrees 20 minutes west longitude, and on the south by the middle of the main channel of the Gila river. The seat of justice whereof is hereby established at Prescott, and the County Commissioners are hereby empowered to establish precincts in said county.

§ 2. All rights, powers, duties, privileges, and immunities attached to or belonging to the several counties shall remain until the same are altered by law.

§ 3. Each organized county shall be a body corporate and politic for the following purposes, that is to say: To sue and be sued; to purchase and hold real and personal estate for the use of the county; to borrow money for the purpose of erecting and repairing county buildings, and for the building of bridges; to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

§ 4. Each organized county shall, at its own proper expense, provide a suitable court house, and a suitable and sufficient jail, and fire-proof county offices, and all other necessary public buildings, and keep the same in good repair.

§ 5. The prison limits of each county shall extend to all places within the boundaries of the county.

§ 6. Unorganized counties, and other districts annexed, or hereafter to be annexed to any county for judicial purposes, shall for every purpose be deemed to be within the limits of the county to which they are or may be so annexed.

DIVISION OF COUNTIES, ETC.

§ 7. When a county seized of lands shall be

be divided into two or more counties, or shall be altered in its limits by annexing a part of its territory to any other county or counties, each county shall become seized to its own use of such part of said lands as shall be included within its limits as settled by such division or alteration.

§ 8. When a county possessed of or entitled to money, rights, credits, things in action, or personal property, shall be so divided or altered, or when any unorganized county or district annexed to any county for judicial purposes, shall be organized into a separate county, such money, rights, credits, things in action, or personal property shall be adjusted and apportioned and a settlement thereof made between the counties interested therein by the commissioners thereof, as to them, or a majority of them, shall appear to be just and equitable.

§ 9. The commissioners aforesaid shall meet for the purpose of such settlement at such time as shall be prescribed by the law, making such division or alteration, or if no time is prescribed by such law, at such time as the commissioners of either of the counties interested shall appoint at the office of the treasurer of the county retaining the original name of the county so divided or altered.

§ 10. Debts owing by a county so divided or altered shall be apportioned in the manner prescribed in section eight of this chapter, and each county shall thereafter be charged therewith according to such equitable apportionment.

§ 11. In case of the division or alteration of a county as aforesaid, if the commissioners cannot agree upon a settlement as provided in this chapter, the commissioners of either of the counties interested may apply to the District Court for any adjoining county for the appointment of three judicious men residing within a county not interested to be commissioners for the purpose of settling and determining the matters aforesaid between such counties; and upon such application such District Court shall appoint such commissioners for the purpose aforesaid.

§ 12. Such commissioners shall meet at such time as they may appoint, and after being duly sworn faithfully and impartially to perform their duties as such commissioners, shall proceed to examine into the merits of the matters aforesaid, and shall make such determination in relation thereto as to them, or a majority of them, shall appear to be just and equitable, which determination shall be entered at length by the Clerks of the Probate Courts of the respective counties so interested as aforesaid, upon the journals of the county commissioners thereof, and shall be final and conclusive between such parties.

OF LEGAL PROCEEDINGS IN FAVOR OF AND AGAINST COUNTIES.

§ 13. Whenever any controversy or cause of action shall exist between any of the counties of this Territory, or between any county and an individual or individuals, such proceedings shall be had either in law or equity, for the purpose of trying and finally settling such controversy, and the same shall be conducted in like manner, and the judgment or decree therein shall have the like effect, as in other suits or proceedings between individuals and corporations.

§ 14. In all such suits and proceedings the name in which the county shall sue or be sued shall be, "The County Commissioners" of the County of _____ (the name of the county,) except in cases where other county officers shall be authorized by law to sue in their name of office for the benefit of the county.

§ 15. In all legal proceedings against the county commissioners, the process shall be served on the chairman or clerk of the board, and whenever any suit or proceeding shall be commenced it shall be the duty of such chairman or clerk to notify the Attorney General thereof, and to lay before the county commissioners at their next meeting all the information he may have in regard to such suit or proceeding.

§ 16. On the trial of any action in which a county shall be interested, the electors and inhabitants of such county shall be competent witnesses and jurors.

§ 17. Any action in favor of a county, which if prosecuted by an individual could be prosecuted before a justice of the peace, may be prosecuted by such county in like manner, before any such justice.

§ 18. In all suits and proceedings prosecuted by or against counties, or by or against county officers in their name of office, costs shall be recoverable as in like cases against individuals.

§ 19. When judgment shall be recovered against the county commissioners, or against any county officer in an action prosecuted by or against him in his name of office, no execution

shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other county charges, and when so collected shall be paid by the county treasurer to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor.

§ 20. That the board of county commissioners of each and every county in this Territory now organized, or hereafter to be organized, be and they are hereby authorized and required to appoint, in writing, under their hands and seals, the county treasurer, or some other fit and proper person, to locate for the use of said county one quarter section of land, in accordance with an act of Congress, passed May twenty-sixth, one thousand eight hundred and twenty-four, entitled "An Act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same."

§ 21. That it shall be the duty of the county recorder, in each and every county, to record without fee the written appointment so made as aforesaid, whenever the same shall be for that purpose presented to him at his office, and that said written appointment, when so recorded as aforesaid, shall be a sufficient requisition upon the county treasurer for the person so appointed to demand and receive from the treasurer thereof a sum equal in amount to the minimum price for which one quarter section of public lands of the United States are sold.

§ 22. The county commissioners of each and every said county be and they are hereby authorized to loan, on the credit of their county, the sum of two hundred dollars for the purchase of lands agreeably to the provisions of section twenty-one of this chapter.

§ 23. In case of the escape of any prisoner or person committed on any civil process by reason of the insufficiency of the jail of any county, whereby the sheriff, or other officer performing the duties of sheriff, shall be made liable to any party at whose suit such prisoner or person was committed, the county shall reimburse and pay all sums of money received of the sheriff, or such other officer, by such party by reason of such escape. Provided, That the liability of such county shall not attach until the expiration of one year after this chapter shall take effect as a law; And provided further, That such liability shall not attach until the expiration of one year to any new county hereafter organized, and which shall not contain a jail within its limits at the time of such organization.

W. CLAUDE JONES,

Speaker of the House of Representatives.

COLES BASHFORD,

President of the Council.

Approved Nov. 9, 1864.

JOHN N. GOODWIN,

A true copy of the original on file in my office.

RICHARD C. McCORMICK,

Secretary of the Territory.

OF THE PROHIBITION OF GAMBLING.

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

SECTION 1. There shall be assessed and collected in the manner prescribed by law in the case of other licenses, a license tax of twenty-five dollars per month, to be collected monthly on each gaming table or apparatus of any kind whatever, such as faro, monte, pass faro, pass monte, roulette, twenty-one, dice, red and black, or rouge et noir, lazenquette, or any other banking game of whatever name, which license shall be issued in the manner provided by law in the case of other licenses.

§ 2. That if any proprietor, superintendent, clerk, agent, or servant, of any house or place where spirituous or malt liquors are sold, shall permit any unlicensed games to be played either with cards, dice, or with any device or substitute for the same, he shall be deemed guilty of misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than three hundred dollars, and be imprisoned in the county jail until the same is paid; Provided, such imprisonment shall not exceed ninety days.

§ 3. If any unlicensed person shall keep a gaming table or apparatus of any kind whatever, such as faro, monte, pass faro, pass monte, twenty-one, or any other banking game or device, or substitute for the same, by whatever name known, on conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred and fifty dollars with costs of prosecution.

§ 4. That any person playing or betting at any such unlicensed table, or on any of the unlicensed

ed games mentioned in the preceding section, upon conviction thereof shall be fined in any sum not less than ten nor more than fifty dollars, and under the provisions of the preceding section of this chapter it shall be sufficient proof that the accused did commit one or more of the acts therein mentioned, without being necessary to prove that money or any thing of value was lost or won by any person.

§ 5. If any person shall play with any minor under the age of twenty one years at any of the games mentioned in the preceding sections of this chapter, or permit such minor to play upon or with any gaming implements he may have in his possession or under his control, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, and imprisonment in the county jail not exceeding three months; and if any person by any such gaming or device shall win and receive from any such minor any money or anything of value, the Attorney General on being informed thereof shall immediately prosecute such person in the name of the Territory for the amount of such money, or the value of such thing, with all costs of suit, and the execution issued upon any such judgment shall authorize the imprisonment of the defendant for the period of ninety days in the county jail in case such judgment be not paid.

§ 6. If any public officer shall be convicted under the provisions of the second or fourth sections of this chapter, in addition to the penalty by said sections imposed, the court shall declare his office vacant, and the same shall be immediately filled agreeably to the provisions of law.

§ 7. All monies collected under the provisions of this chapter shall be immediately paid to the treasurer of the proper county.

W. CLAUDE JONES,

Speaker of the House of Representatives.

COLES BASHFORD,

President of the Council.

Approved November 9, 1864.

JOHN N. GOODWIN,

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RICHARD C. McCORMICK,

Secretary of the Territory.

OF JUDICIAL DISTRICTS, ASSIGNMENT OF JUDGES, AND TERMS OF COURT.

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

SECTION 1. The County of Pima shall constitute the First Judicial District, and the Honorable William T. Howell, Associate Justice of the Supreme Court for the Territory of Arizona, is hereby assigned to hold the courts therein.

§ 2. The counties of Yuma and Mohave shall constitute the Second Judicial District, and the Honorable Joseph P. Allyn, Associate Justice of the Supreme Court for the Territory of Arizona, is hereby assigned to hold the courts therein.

§ 3. The County of Yavapai shall constitute the Third Judicial District, and the Honorable William F. Turner, Chief Justice of the Supreme Court for the Territory of Arizona, is hereby assigned to hold the courts therein.

§ 4. There shall be two general terms of the District Court in each county excepting Mohave, and shall be holden therein at the times following—that is to say: After the first day of July next, in the County of Pima, on the second Monday in April and the first Monday in October. In the County of Yuma on the third Monday of May and the second Monday in November. In the County of Yavapai on the first Monday in June and the first Monday in December. In the County of Mohave the terms of court shall be appointed by the District Judge of the Second Judicial District, whenever the County Commissioners thereof shall notify him that the interest of their county requires such terms; and when so appointed shall have the same force and effect as if incorporated in this chapter.

§ 5. That previous to the first day of July next there shall be held the following terms of said courts, in lieu of the Courts appointed to be held by the proclamations of the Governor of this Territory, to-wit: In the County of Yuma on the first Monday of February next. In the County of Yavapai on the first Monday of March next. In the County of Pima on the second Monday of April next. And said Judges may hold such adjourned and special terms in their several districts as to them shall seem proper.

§ 6. All writs, processes, and other proceedings heretofore made returnable at any of the said District Courts, which have not been held or will not be held in consequence of this act, shall be

[CONCLUDED ON FOURTH PAGE.]