

To the University of Arizona

Compliments of

John W. Franklin

— 1922 —

## EARLY HISTORY OF THE UNIVERSITY OF ARIZONA

An address delivered at the University of Arizona, by Selim M. Franklin, Esq., March 12, 1922, at the first celebration of "Founders Day".

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Mr. J. S. Mansfeld, a leading citizen and active republican of Tucson, who then was conducting the Pioneer Stationery Store, (I might state, in passing, that he was the father of our present esteemed citizens, Samuel J. Mansfeld and Monte Mansfeld) invited the representatives to meet him and a few other leading republicans to consider prospective matters of legislation, before we should leave for Prescott, the then capitol of the territory.

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It was suggested by someone that we should try to obtain the territorial prison, then located at Yuma. It was conceded that contracts for furnishing of supplies to the prison gave lucrative opportunities to local contractors. It was agreed, however, that neither the prison, nor an insane asylum, would add to our social attractions while an opportunity to obtain the capitol would only result in a continuance of the fight between the north and south which had been in progress for eight years.

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effort to have a territorial University established at Tucson, and give up, once and for all, the fight over the capitol and the removal of the territorial prison.

After consideration it was agreed by all of us that we would make no effort to obtain the capitol, the prison or an insane asylum, but would endeavor to establish a University in Tucson.

At this time, it must be remembered, the entire Territory of Arizona had a population of not over 40,000, exclusive of Indians. There were no high schools, and the grammar schools were few and scattered. The establishment of a University in a territory so primitive and sparsely settled, with no high schools, and no young people of college age, did not impress the average citizen as a matter to be considered at all. However, at our consultation, we agreed it was best to put an end to the fight for the capitol; and, as it was necessary to bring home something from the Legislature, as evidence of our political strength and prowess, we agreed to obtain the territorial University for Pima County.

Early in January we left for Prescott. The railroad from Maricopa to Phoenix had not yet been built. Our conveyance was by stage coach; a hard trip of thirty miles over dusty mesa roads and dustier river bottoms. In the evening we reached Phoenix, a little straggling village, with a population of perhaps 2500. The next day we went by coach and buckboard through the Black Cannon, to Prescott. The journey took all of the day and all of the night for we travelled continuously.

The Legislature was composed then, as now, of two houses: the Council with twelve members, and the Lower House with a membership of twenty-four. At the very beginning of the session seven members of the Council, a majority of that body, formed a combination, to prevent the passage of any laws on certain designated subjects. Thus, it was agreed there was to be no anti railroad legislation; no tinkering with fares and freights. This secured the allegiance of the Honorable C. C. Stephens of Tucson, member of the Council from the Southern District. It was agreed there was to be no removal of the territorial prison; this gained the allegiance of the Honorable J. W. Dorrington, member of the Council from Yuma County. There was to be no division of Cochise County; this gained the allegiance of the member of the Council from Cochise County and also from the County of Gila; there was to be no anti Mormon legislation; this gained the allegiance of the gentlemen from Apache, Mohave County. And above all there was to be no removal of the capitol from Prescott, and this gained the allegiance of the Honorable W. E. Stewart, Councilman from Yavapai County, and the Honorable F. J. Ainsworth, also of Prescott, the Councilman from the Northern District.

Now, it happened, after we legislators had left Tucson, imbued with the idea that all Pima County wanted was a University, that a mass meeting was called in Tucson to ascertain from the

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leading citizens just exactly what we did want. At this mass meeting it was determined, by an overwhelming vote, that what Tucson wanted, what Tucson must have, was not a University but the capitol. So earnest were the citizens at this meeting that they forthwith raised a fund, in those days it was called a sack, of \$4000.00, to smooth the way for the removal of the capitol to Tucson. This fund was entrusted to one of the most eminent citizens of the city, a wealthy cattleman, who afterwards was Mayor of the City, the Honorable Frederick Maish. With this sack, and with letters and resolutions, the Honorable Frederick Maish, in the latter part of January, 1885, came to Prescott, to organize the fight for the removal of the capitol, and to supply the ammunition necessary for such a campaign. The University was relegated to the shades and forgotten.

I remember very well the coming of Mr. Maish to Prescott. We Pima County representatives met the Honorable Gentleman shortly after his arrival. He received us in his bedroom, at what answered for a hotel. He occupied, in dignified state, the only chair in the room, while we Honorable members sat on his bed.

He told us our constituents wanted the capitol not a University: that he had come prepared with \$4000.00 as a convincing argument relative to the propriety of its removal to Tucson, and intimated if this amount did not carry conviction further funds could and would be raised, to persuade stubborn minds.

We explained to Mr. Maish that a combination had been formed in the Council, composed of seven members, a majority of that body, which had decreed that no bill removing the capitol from Prescott should pass that body. We further informed him that we were very reliably advised the Honorable member from Yavapai County stood ready to send to another land, better or worse than this, as the case might be, any member of the combination who dared break the promises upon which the combination was made.

With a wave of his large hand, Mr. Maish brushed aside all impediments and obstacles.

"Boys", said he, "there is another sack where this one comes from, and another one after that, if we need it. Tucson will get the capitol all right. I will attend to that. Here are some bills", and he gave to each of us \$20.00 in paper money, "Go out and treat the boys, and set the good work going. Don't worry, just get to work".

We took the money. We entertained our friends of the Lower House, according to the customs of the country in vogue before prohibition. We had a good time. We, and our associates enjoyed ourselves immensely.

So much good fellowship did we engender that we, of the lower house, called a truce on all battles and conflicts for a time sufficient to suspend the rules, and pass a bill moving the capitol back to Tucson.

This was easy. Not only on account of the temporary good

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fellowship, but because it was generally conceded, that members of the legislature should not be required to travel through the cold mud and slush of winter, on journeys of from two to five days, to reach so distant a point as Prescott. Mr. Maish was jubilant at our easy success. The bill then went to the Council. Mr. Maish was still jubilant and full of hope. But as day followed day, and week followed week, and the bill slept and continued to sleep in the committee of the Council to which it had been consigned, the deferred hope which maketh the heart sick, began to manifest itself in the huge and manly form of the Tucson envoy.

Toward the end of the session he gathered sufficient force in the Council, to bring the bill out of its committee, and have it placed upon its final passage. In this he was assisted by some of the members of the combination of seven, who fearful of treachery in their own ranks wanted a show down.

So, about a week before the end of the session, the bill was put to a vote. The combine stood true. The bill was defeated by seven voters, and of these one was the vote of the Hon. C. C. Stephens, councilman at large from the south, a resident and citizen of Tucson. He did not dare break the pledge he had given to his associates.

Mr. Maish left Prescott, his tail feathers drooping, as it were, in the sodden soil of the north, and trailed his sad and disappointed way back to his home.

Upon his return, mass meetings were held, resolutions were adopted thereaf, condemning the Hon. C. C. Stephens in the vivid, picturesque and forceful language of the frontier days.

Word of this reached us at Prescott. We, who knew the inside history which resulted in the defeat of the bill, sympathized with Mr. Stephens. He could not, in the circumstance, do other than he did. The citizens of Tucson were unjust.

We then determined to obtain from the legislature, the establishment of a University of Tucson, as originally planned.

The bill was introduced first in the Council by the Hon. C. C. Stephens himself, I think, on the very last day for the introduction of bills. His colleagues, who knew of his predicament on the capitol question, stood by him nobly. They suspended all rules and passed the bill on the day it was introduced. There was notime to read it in full, or to have it printed. It was taken on faith, passed, and sent to the lower house, two or three days before the end of the legislation session, for by Act of Congress, the session was limited to sixty days.

The burden of passing the bill through the house fell upon me. I was the youngest member in our delegation, being then twenty-five years of age, indeed I was the youngest member of the legislature.

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To gain votes by swaps, trades or combinations was now out of the question. The bills establishing the Insane Asylum at Phoenix, the normal school at Tempe, and to aid the building of a railroad from Phoenix south to the Southern Pacific road, had all been passed. Maricopa County had all she had asked.

The territorial prison, was left at Yuma; the bill to divide Cochise County had been defeated; Pinal County was given aid for a bridge near Florence; Yavapai was given aid for a railroad from Ashfork to Prescott. Nor had her representatives forgotten Pima's efforts to take from her the capitol.

If the bill was to be passed at all, it was by votes freely and voluntarily given, without expectation of any return. It had to be passed by the force of argument or persuasion; in other words, by the power of speech alone.

And I was to make that speech. The hour set was half past twelve, of the day before the last day of the session.

Mr. W. B. Horton, of Tucson, who had been territorial superintendent of public instruction, an ardent advocate of the bill and a personal friend of mine, filled the lobbies of the modest legislative hall, with school teachers, ministers and such citizens of Prescott as favored the bill.

The speaker of the House, Hon. H. G. Rollins of Pima County, a most courtly gentleman, had intimated to Mr. Horton, that he would not enforce the rule against applause.

Of these preliminaries I knew nothing. Though was it for me that upon my young and inexperienced shoulders laid the burden of convincing an indifferent and to some extent a hostile house, that our bill should pass. I say somewhat hostile house, for during the previous weeks of the session, I had made many a fight against bills other members had introduced. I had been a young, enthusiastic, free lance, controlled by no consideration of policy or expediency, fighting what I thought was wrong, and helping what I thought was right, leaving my pathway strewn with as many enemies as friends. For I was young, carefree, a knight for the first time on his charger, to right the wrong wherever he found it.

And when it was too late did I appreciate how grievously could others retaliate upon me.

The bill came up on motion to suspend the second and third reading, and place it upon its final passage. It never had been read, except by title.

Exactly what I said in that speech, other than to state the salient provisions of the bill, I do not recall, except this:

I told my associates it was conceded that the 13th Legislature was the most energetic, the most contentious and the

most corrupt legislature that Arizona had had. We were called the fighting thirteenth, the bloody thirteenth, the thieving thirteenth, and we deserved those names; and we all knew it.

We had employed so many clerks for our committees that each member had one and a half clerks. We had subsidized the local press with extravagant appropriations so that our shortcomings should not be published in their columns; we had voted ourselves additional pay in violation of the Act of Congress.

"But, gentlemen," I said, "here is an opportunity to wash away our sins. Let us establish an institution of learning; let us pass this bill creating a University, where for all time to come the youth of this land may have opportunities of education; where they may learn to be better citizens than we are; and all our shortcomings will be forgotten in a misty past, and we will be remembered only for this one great achievement."

Then there came to me the picture of commencement day at Berkeley, where three years before, as a member of the class of 1882, I had received my degree. I pictured to my associates the commencement days of our future University of Arizona, when the graceful maidens in white gowns, and the stalwart youth, seated amidst bowers of flowers facing great stretches of green lawns on which the people had assembled, would raise their voices in praise of the glorious Thirteenth Legislature, which had given them the great opportunity of their lives. "For your own salvation, gentlemen, you must vote for this bill."

Then there arose applause, such as we had not heard in the house before. The lobbies cheered and stamped and clapped their hands. The Speaker rapped for order so gently that no one heard him.

On a wave of enthusiasm the bill was passed, with only one dissenting vote, that of a member from Cochise County, a gentleman who afterwards was Secretary of the Territory. And he came and explained that he had vowed to vote against anything Pima County asked, in retaliation for Pima County's opposition to his bill to divide Cochise County.

On March 12, 1885, the Governor approved the bill and it became a law.

#### THE Early History of the University.

After the adjournment of the Legislature, a mass meeting was held at Tucson, whereat the Hon. C. C. Stephens was called to explain why he had voted against the bill to remove the Capitol to Tucson. He appeared. He narrated all the conditions existing when the bill came up for vote. He told the people that in getting the University, Tucson had something, which in time to come, would be infinitely more valuable than a dozen capitols.

But the people were not satisfied. They did not want a University in a territory which had not even one high school. More resolutions condemning the Hon. C. C. Stephens were passed, and the gift of a University was ignored.

The bill establishing the University contained a provision authorizing a loan of \$25,000.00, to be raised by the negotiation of territorial bonds, the money to be used for building and equipment, provided, however, that before the issuance of the bonds, or before any of the provisions of the act should be in force, a tract of not less than forty acres of unencumbered land at or near Tucson, had been conveyed to the territory for the use of the University.

Time went on. No one offered any forty acres to the Board of Regents. The people did not want a University, they wanted the capitol; and like a spoiled child would not accept what they could get.

Towards the end of the year 1886, when the appropriation was about to lapse, the Hon. Chas. M. Straus, then Territorial Superintendent of Public Instruction, a resident and citizen of Tucson, and ex officio a member of the Board of Regents, interested himself to save the situation.

Through his efforts, three of the leading gamblers of the City, the men who owned the big games, and were the leading citizens and dominant factors in its political affairs, purchased a tract of 160 acres, a mile or so to the northeast of the City limits, and donated 40 acres thereof to the University, in compliance with the conditions of the Act. The day was saved. It is upon the 40 acres so donated that the University stands today.

In 1887 the bonds were sold providing a fund of \$25,000.00, for the erection of a building. There was a controversy in the Board of Regents as to whether this building should be of one or two stories. Dr. J. C. Handy, Chancellor and a member of the Board, insisted it should be one story, following the modern idea for educational institutions as exemplified at Stanford. While other members of the board desired an edifice that would loom high from the surrounding mesa, as a monument to learning. This controversy delayed the adoption of plans for quite a time. At last it was settled by compromise; it should be one story and basement. This compromise explains the peculiar construction of the oldest building on the Campus.

In 1888 I was appointed on the Board of Regents, by the then Governor, Hon. C. Meyer Zulic. The new building was in course of construction; the contractor was in the hospital recovering from looking too intently upon the wine when it is red; the appropriation was about exhausted.

In 1889 we obtained further appropriations from the Legislature, and work went on the completion of the building.

While this work was in progress the Board of Regents sought to obtain the appropriation of \$15,000.00 per year, made by Congress, under the Act of March 2, 1887, relative to agricultural experiment stations. This Act amongst other things provides:

"There shall be established, under the direction of the college or colleges or agricultural departments of colleges in each state or territory established, or which may be established hereafter, in accordance with the provisions of act approved July 2, 1862, entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and mechanic arts', or any act supplemental to said act, a department to be known and designated as an agricultural experiment station."

To obtain this annual appropriation it was necessary for the Board of regents to establish an agricultural experiment station, also to place its college of agriculture on an operative basis, by having a professor and assistance, so as to satisfy the Department in Washington that the college was a going concern.

We had no money to employ a competent man, so we determined to elect one of the Board as Professor and Director, without salary, to act as such until we obtained the appropriation from the Federal Government. In canvassing the matter, it was ascertained that I was the only member of the Board who held a college degree; so I, a young lawyer practicing with more or less success in his profession in Tucson, was elected as the first professor of the University.

The minutes of the Board of Regents, under date of July 1, 1889, contain the following record of this event:

"WHEREAS, the law creating the University of Arizona provides for the Department of Agriculture, and the Board of Regents are desirous of establishing a College of Agriculture in compliance therewith.

"NOW, THEREFORE, BE IT RESOLVED, that there be established a College of Agriculture of the University of Arizona, with one Professor and the direction of our experiment stations that are now, or may hereafter be established by, or under the control of the University of Arizona. That there shall be such assistant Professor, instructors and employees as may be hereafter determined by the Board of Regents. On motion of Mr. Miller, seconded by Mr. Brown, S. M. Franklin was elected Professor of Agriculture and director of experiment stations."

In the following year the University received the \$15,000.00 from the Federal government. I then resigned my scholastic positions. On August 12th, 1890, F. A. Gully, Esq., was elected my successor, and work in the University really began.

From such small and humble beginning has arisen this great institution, with its more than 1600 students; its splendid faculty; its magnificent buildings and equipment; its beautiful campus; its high and noble ideals.

The Thirteenth Legislative Assembly of Arizona is now remembered for nothing but the one act of creating this institution. The frailties and shortcomings of its members are forgotten. More prophetic than I really knew, was the little speech I made some thirty seven years ago.

Tucson, Arizona, March 12, 1882, [1922]

John W. Franklin.

R. C. HUGHES, TUCSON, ARIZ.