

JK

7825

1876

A68



Class

JH 7825

Book

1876

Copyright N^o

A 68

COPYRIGHT DEPOSIT.

Colorado Constitution
/

CONSTITUTION

OF THE

744

695

STATE OF COLORADO

Edited and Indexed by
FRANK H. H. ROBERTS, A. M., Ph. D.

ADOPTED MARCH 14, 1876, AND RATIFIED JULY 1, 1876,
WITH AMENDMENTS.

COPYRIGHT, 1910
HERRICK BOOK & STATIONERY CO.

JK7 825
1876
A68

ACKNOWLEDGEMENT

The editor is under great obligation to Wm. H. Gabbert, Justice of the Supreme Court, and to Thomas F. Dillon, Deputy Secretary of State, for valuable aid in preparing this book.

NOTE

In preparing this edition of the Constitution, the editor was unable to find a correctly printed copy of the Constitution of Colorado, hence the original copies of the Constitution and amendments thereto were used in preparing the copy. The punctuation has been faithfully followed and where the original was underscored boldface type has been used. The editor has inserted at the beginning of each section a note printed in boldface type.

CONSTITUTION

OF THE

STATE OF COLORADO

PREAMBLE.

We, the People of Colorado, with profound reverence for the **Supreme Ruler** of the **Universe**, in order to form a more independent and perfect government; establish justice, insure tranquility; provide for the common defense; promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this **Constitution** for
THE "STATE OF COLORADO."

ARTICLE I.

Boundaries.

The boundaries of the **State of Colorado**, shall be as follows: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence along said parallel, west, to the thirty-second meridian of longitude west from Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude to the place of beginning.

ARTICLE II.

Bill of Rights.

In order to assert our rights, acknowledge our duties, and proclaim the principles upon which our government is founded, we declare:

Sec. 1. Political power and origin of government.—That all political power is vested in and derived from the people; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 2. The right to alter or abolish the government.—That the people of this **State** have the sole and exclusive right

of governing themselves, as a free, sovereign and independent **State**; and to alter and abolish their **Constitution** and form of government whenever they may deem it necessary to their safety and happiness; Provided, Such change be not repugnant to the **Constitution** of the **United States**.

Sec. 3. Inalienable rights.—That all persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 4. Religious freedom.—That the free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity, on account of his opinions concerning religion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the good order, peace or safety of the **State**. No person shall be required to attend or support any ministry or place of worship, religious sect, or denomination against his consent. Nor shall any preference be given by law to any religious denomination or mode of worship.

Sec. 5. Elections and suffrage.—That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Courts open to all.—That **Courts of Justice** shall be open to every person, and a speedy remedy afforded for every injury to person, property, or character; and that right and justice should be administered without sale, denial, or delay.

Sec. 7. Searches and seizures.—That the people shall be secure in their persons, papers, homes, and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.

Sec. 8. Criminal proceedings by indictment.—That, until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.

Sec. 9. Treason, bill of attainder, suicide.—That treason against the **State** can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony

of two witnesses to the same overt act, or on his confession in open **Court**; that no person can be attainted of treason or felony by the **General Assembly**; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.

Sec. 10. Freedom of speech and the press.—That no law shall be passed impairing the freedom of speech; that every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the **Court**, shall determine the law and the fact.

Sec. 11. Ex post facto laws.—That no **ex post facto** law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the **General Assembly**.

Sec. 12. Imprisonment for debt.—That no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort or where there is a strong presumption of fraud.

Sec. 13. Right to bear arms.—That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

Sec. 14. Eminent domain.—That private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes.

Sec. 15. Eminent domain.—That private property shall not be taken or damaged, for public or private use without just compensation. Such compensation shall be ascertained by a **Board of Commissioners**, of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into **court** for the owner, the property shall not be needlessly disturbed, or the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 16. Prosecutions, right of defendant.—That in criminal prosecutions the accused shall have the right to appear and

defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 17. Right of witnesses.—That no person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security, his deposition shall be taken by some **Judge** of the **Supreme, District or County Court**, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people, shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he have no counsel, the **Judge** shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before said **Judge**, but such deposition shall not be used if in the opinion of the **Court** the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.

Sec. 18. Rights of accused.—That no person shall be compelled to testify against himself in a criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

Sec. 19. Right to bail.—That all persons shall beailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption great.

Sec. 20. Excessive bail.—That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 21. Habeas corpus.—That the privilege of the writ of **habeas corpus** shall never be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 22. Military subordinate to civil power.—That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 23. Trial by jury.—The right of trial by jury shall remain inviolate in criminal cases; but a jury in civil cases in all **Courts**, or in criminal cases in **Courts** not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a **Grand Jury** shall consist of twelve men, any nine

of whom concurring may find an indictment: **Provided**, The **General Assembly** may change, regulate or abolish the **Grand Jury** system.

Sec. 24. Right of petition.—That the people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

Sec. 25. Due process of law.—That no person shall be deprived of life, liberty, or property, without due process of law.

Sec. 26. Slavery.—That there shall never be in this **State** either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Sec. 27. Property rights of Aliens.—Aliens, who are or who may hereafter become *bona fide* residents of this **State**, may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

Sec. 28. Rights reserved.—The enumeration in this **Constitution** of certain rights shall not be construed to deny, impair, or disparage, others retained by the people.

ARTICLE III.

Distribution of Powers.

The powers of the government of this **State** are divided into three distinct departments,—the **Legislative**, **Executive** and **Judicial**; and no person or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this **Constitution** expressly directed or permitted.

ARTICLE IV.

Executive Department.

Sec. 1. Elective executive officers.—The **Executive Department** shall consist of a **Governor**, **Lieutenant Governor**, **Secretary of State**, **Auditor of State**, **State Treasurer**, **Attorney General**, and **Superintendent of Public Instruction**, each of whom shall hold his office for the term of two years, beginning on the second **Tuesday** of **January** next after his election; **Provided**, That the terms of office of those chosen at the first election held under this **Constitution** shall begin on the day appointed for the first meeting of the **General Assembly**. The officers of the **Executive Department**, except the **Lieutenant Governor**, shall, during their term of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this **Constitution** or by law.

Sec. 2. The Governor.—The supreme executive power of the **State** shall be vested in the **Governor**, who shall take care that the laws be faithfully executed.

Sec. 3. Elections, vote canvassed.—The officers named in section one of this article, shall be chosen on the day of the general election, by the qualified electors of the **State**. The returns of every election for said officers shall be sealed up and transmitted to the **Secretary of State**, directed to the **Speaker of the House of Representatives**, who shall immediately, upon the organization of the **House**, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both **Houses** of the **General Assembly**, who shall for that purpose assemble in the **House of Representatives**. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two **Houses**, on joint ballot. Contested elections for said offices shall be determined by the two **Houses**, on joint ballot, in such manner as may be prescribed by law.

Sec. 4. Eligibility.—No person shall be eligible to the office of **Governor**, **Lieutenant Governor**, or **Superintendent of Public Instruction** unless he shall have attained the age of thirty years, nor to the office of **Auditor of State**, **Secretary of State**, or **State Treasurer**, unless he shall have attained the age of twenty-five years, nor to the office of **Attorney General** unless he shall have attained the age of twenty-five years, and be a licensed attorney of the **Supreme Court** of the **State**, or of the **Territory of Colorado**, in good standing. At the first election under this **Constitution**, any person being a qualified elector at the time of the adoption of this **Constitution**, and having the qualifications above herein prescribed for any one of said offices shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the **United States**, and have resided within the limits of the **State** two years next preceding his election.

Sec. 5. Commander-in-chief of militia.—The **Governor** shall be commander-in-chief of the military forces of the **State**, except when they shall be called into actual service of the **United States**. He shall have power to call out the militia to execute the laws, suppress insurrection or repel invasion.

Sec. 6. Appointment of officers—Vacancies.—The **Governor** shall nominate, and by and with the consent of the **Senate**, appoint all officers whose offices are established by this **Constitution**, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty or malfeasance in office. If during the recess of the **Senate** a vacancy occur in any such office, the **Governor** shall appoint some fit

person to discharge the duties thereof until the next meeting of the **Senate**, when he shall nominate some person to fill such office. If the office of **Auditor of State, State Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction** shall be vacated by death, resignation or otherwise, it shall be the duty of the **Governor** to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The **Senate** in deliberating upon executive nominations may sit with closed doors, but in acting upon nominations they shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

Sec. 7. Reprieves, commutations and pardons.—The **Governor** shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case where he may exercise this power, send to the **General Assembly**, at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

Sec. 8. Governor's messages.—The **Governor** may require information in writing from the officers of the **Executive** department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. The **Governor** shall, at the commencement of each session, and from time to time, by message, give to the **General Assembly** information of the condition of the **State**, and shall recommend such measures as he shall deem expedient. He shall also send to the **General Assembly** a statement, with vouchers, of the expenditures of all moneys belonging to the **State** and paid out by him. He shall, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the **State**.

Sec. 9. Extraordinary sessions of General Assembly and Senate.—The **Governor** may, on extraordinary occasions convene the **General Assembly**, by proclamation, stating therein the purpose for which it is to assemble; but at such special session no business shall be transacted other than that specially named in the proclamation. He may by proclamation, convene the **Senate** in extraordinary session for the transaction of **Executive** business.

Sec. 10. Governor may prorogue the General Assembly.—The **Governor**, in case of a disagreement between the two **Houses** as to the time of adjournment, may upon the same being certified to him, by the **House** last moving adjournment,

adjourn the **General Assembly** to a day not later than the first day of the next regular session.

Sec. 11. Legislative power of Governor.—Every bill passed by the **General Assembly** shall, before it becomes a law, be presented to the **Governor**. If he approve, he shall sign it, and thereupon it shall become a law, but if he do not approve, he shall return it, with his objections, to the **House** in which it originated, which **House** shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other **House**, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that **House**, it shall become a law, notwithstanding the objections of the **Governor**. In all such cases the vote of each **House** shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the **Governor** within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the **General Assembly** shall by their adjournment prevent its return, in which case it shall be filed with his objections, in the office of the **Secretary of State**, within thirty days after such adjournment, or else become a law.

Sec. 12. Appropriation bills, veto by items.—The **Governor** shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the **General Assembly** be in session, he shall transmit to the **House** in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the Executive veto.

Lieutenant Governor.

Sec. 13. Succession to office of Governor.—In case of the death, impeachment, or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the **State**, or other disability of the **Governor**, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the **Lieutenant Governor**.

Sec. 14. Legislative duty.—The **Lieutenant Governor** shall be **President** of the **Senate**, and shall vote only when the **Senate** is equally divided. In case of the absence, impeachment, or disqualification from any cause of the **Lieutenant Governor**, or when he shall hold the office of **Governor**, then the **President pro tempore** of the **Senate** shall perform the duties of the **Lieutenant Governor**, until the vacancy is filled or the disability removed.

Sec. 15. Who shall act as Governor.—In case of the failure to qualify in his office, death, resignation, absence from the **State**, impeachment, conviction of felony, or infamous misdemeanor, or disqualification from any cause, of both the **Governor** and **Lieutenant Governor**, the duties of the **Governor** shall devolve on the **President** of the **Senate pro tempore**, until such disqualification of either the **Governor** or **Lieutenant Governor** be removed, or the vacancy be filled; and if the **President** of the **Senate**, for any of the above named causes, shall become incapable of performing the duties of **Governor**, the same shall devolve upon the **Speaker** of the **House**.

Section 16. Report of receipts and expenditures of public institutions.—An account shall be kept by the officers of the **Executive Department** and of all public institutions of the **State**, of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the **Governor** under oath.

Sec. 17. Reports.—The officers of the **Executive Department**, and of all **Public Institutions** of the **State**, shall, at least twenty days preceeding each regular session of the **General Assembly**, make full and complete reports of their actions to the **Governor**, who shall transmit the same to the **General Assembly**.

Sec. 18. The seal.—There shall be a seal of the **State**, which shall be kept by the **Secretary of State**, and shall be called the "**Great Seal of the State of Colorado**." The seal of the **Territory of Colorado** as now used, shall be the seal of the **State**, until otherwise provided by law.

Sec. 19. Salaries and fees.—The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the **State Treasury**.

Sec. 20. State Librarian.—The **Superintendent of Public Instruction** shall be *ex officio* **State Librarian**.

Sec. 21. Ineligibility of Auditor and Treasurer.—Neither the **State Treasurer** nor **State Auditor** shall be eligible for re-election as his own immediate successor.

ARTICLE V.

Legislative Department.

Sec. 1. General Assembly.—The legislative power shall be vested in the **General Assembly**, which shall consist of a **Senate** and **House of Representatives**, both to be elected by the people.

Sec. 2. First elections—Vacancies.—An election for members of the **General Assembly** shall be held on the first **Tuesday** in **October**, in the years of our **Lord 1876 and 1878**, and in each alternate year thereafter, on such day, at such places in each county as now are or hereafter may be provided by law. The first election for members of the **General Assembly** under the **State** organization, shall be conducted in the manner prescribed by the laws of **Colorado Territory**, regulating elections for members of the **Legislative Assembly** thereof. When vacancies occur in either **House**, the **Governor**, or person exercising the powers of **Governor**, shall issue writ of election to fill such vacancies.

Sec. 3. Terms of members.—**Senators** shall be elected for the term of four years, except as hereinafter provided, and **Representatives** for the term of two years.

Sec. 4. Eligibility.—No person shall be a **Representative** or **Senator** who shall not have attained the age of twenty-five years, who shall not be a citizen of the **United States**, who shall not for at least twelve months next preceeding his election have resided within the territory included in the limits of the county or district in which he shall be chosen; **Provided**, That any person who, at the time of the adoption of this **Constitution**, was qualified elector under the **Territorial laws**, shall be eligible to the first **General Assembly**.

Sec. 5. Classification of senators.—The **Senators**, at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that **Senators** elected in each of the districts having more than one **Senator** shall be equally divided between the two classes. The **Senators** of on class shall hold for two years; those of the other class shall hold for four years, to be decided by lot between the two classes, so that one-half of the **Senators**, as near as practicable, may be biennially chosen forever thereafter.

[Section 6 originally read: "Each member of the **First General Assembly**, as a compensation for his services, shall receive four dollars for each day's attendance, and fifteen cents for each mile necessarily traveled in going to and returning from the seat of government; and shall receive no other compensation, perquisite or allowance whatever. No session of the **General Assembly**, after the first, shall exceed forty days. After the first session, the compensation of the members of the **General Assembly**, shall be as provided by law; **Provided**, That no **General Assembly** shall fix its own compensation."]

But November 4, 1884, it was amended to read as follows:

Sec. 6. Compensation of members.—Each member of the **General Assembly**, until otherwise provided by law, shall

receive as compensation for his services, seven dollars (\$7.00) for each day's attendance and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite, or allowance whatsoever. No session of the **General Assembly** shall exceed ninety days. No **General Assembly** shall fix its own compensation.

Sec. 7. Time of meeting, beginning of term of office has been changed by statutes to first Wednesday in December.—The **General Assembly** shall meet at 12 o'clock, noon, on the first **Wednesday** in **November**, A. D. 1876; and at 12 o'clock, noon, on the first **Wednesday** in **January**, A. D. 1879, and at 12 o'clock, noon, on the first **Wednesday** in **January**, of each alternate year forever thereafter, and at other times when convened by the **Governor**. The term of service of the members thereof shall begin on the first **Wednesday** of **November** next after their election, until otherwise provided by law.

Sec. 8. Who disqualified.—No **Senator** or **Representative** shall, during the time for which he shall have been elected, be appointed to any civil office under this **State**; and no member of **Congress**, or other person holding any office (except of attorney-at-law, notary public, or in the militia) under the **United States** or this **State**, shall be a member of either **House** during his continuance in office.

Sec. 9. Increase of salary forbidden.—No member of either **House** shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

Sec. 10. President pro tem of the senate, speaker of the house.—The **Senate** shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members **President pro tempore**. The **House of Representatives** shall elect one of its members as **Speaker**. Each **House** shall choose its other officers, and shall judge of the election and qualification of its members.

Sec. 11. A quorum.—A majority of each **House** shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 12. Who makes the rules.—Each **House** shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its members against violence, or offers of bribes, or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the **Legislature** of a free **State**. A member expelled for corruption shall not thereafter be eligible to either **House** of the same **General Assembly**, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 13. The journal.—Each **House** shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the desire of any two members, be entered on the journal.

Sec. 14. Open sessions.—The sessions of each **House**, and of the committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

Sec. 15. Adjournment for more than three days.—Neither **House** shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two **Houses** shall be sitting.

Sec. 16. Special immunities.—The members of the **General Assembly** shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective **Houses**, and in going to and returning from the same; and for any speech or debate in either **House** they shall not be questioned in any other place.

Sec. 17. Method of legislating.—No law shall be passed except by bill, and no bills shall be so altered or amended on its passage through either **House** as to change its original purpose.

Sec. 18. The enacting clause.—The style of the laws of this State shall be: "Be it enacted by the **General Assembly** of the State of Colorado."

[Section 19 originally read: "No act of the **General Assembly** shall take effect until ninety days after its passage, unless in case of emergency, (which shall be expressed in the preamble or body of the Act), the **General Assembly** shall, by a vote of two-thirds of all the members elected to each **House**, otherwise direct. No bill except the general appropriation for the expenses of the government only introduced in either **House** of the **General Assembly** after the first twenty-five days of the session shall become a law."]

But November 4, 1884, it was amended to read as follows:

Sec. 19. When act takes effect—Bills must be introduced during first thirty days—Exception.—No act of the **General Assembly** shall take effect until ninety days after its passage (except in cases of emergency, which shall be expressed in the act), unless the **General Assembly** shall, by a vote of two-thirds of all the members elected to each **House**, otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either **House** of the **General Assembly** after the first thirty days of the session, shall become a law.

Sec. 20. All bills must be referred to a committee.—No bill

shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 21. A bill may contain one subject only—Exception.—No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

[Section 22 originally read: "Every bill shall be read at length, on three different days in each **House**; all substantial amendments made thereof shall be printed for the use of the members, before the final vote is taken on the bill; and no bill shall become a law, except by vote of a majority of all the members elected to each **House**, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal."]

But November 4, 1884, this section was amended to read as follows:

Sec. 22. Readings, amendments and passage of bills.—Every bill shall be read by title when introduced, and at length on two different days in each **House**; all substantial amendments made thereto, shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each **House**, nor unless on its final passage, the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

Sec. 23. Vote on amendment.—No amendment to any bill by one **House** shall be concurred in by the other, nor shall the report of any **Committee of Conference** be adopted in either **House** except by a vote of a majority of the members elected thereto, taken by ayes and noes, and the names of those voting recorded upon the journal thereof.

Sec. 24. Method of reviving, amending and extending laws.—No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.

Sec. 25. Special legislation that is prohibited.—The **General Assembly** shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace,

police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale of mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

Section 25a was added to the Constitution Nov. 4, 1902.

Sec. 25a. Eight hour employment.—The General Assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the General Assembly may consider injurious or dangerous to health, life or limb.

Sec. 26. Presiding officers must sign bills.—The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles shall have been publicly read, immediately before signing; and the fact of the signing shall be entered on the journal.

Sec. 27. Employees.—The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House; and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 28. Extra compensation.—No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

Sec. 29. Contracts.—All stationery, printing, paper and fuel used in the legislative and other departments of government shall

be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the **General Assembly** and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the **Governor** and **State Treasurer**.

[Section 30 originally read: "Except as otherwise provided in this **Constitution**, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment; **Provided**, This shall not be construed to forbid the **General Assembly** to fix the salary or emoluments of those first elected or appointed under this **Constitution**."]

But November 7, 1882, section 30 was amended to read as follows:

Sec. 30.—Except as otherwise provided in this Constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment; **Provided**, That on and after the first day of March, A. D. 1881, the salaries of the following designated public officers, including those thereof who may then be incumbents of such offices, shall be as herein provided, viz: The **Governor** shall receive an annual salary of five thousand dollars, and the further sum of fifteen hundred dollars for the payment of a private secretary. The judges of the Supreme Court shall each receive an annual salary of five thousand dollars. The judges of the district courts shall each receive an annual salary of four thousand dollars.

Sec. 31. Legislative initiative.—All bills for raising revenue shall originate in the **House of Representatives**; but the **Senate** may propose amendments, as in case of other bills.

Sec. 32. Appropriation bills.—The **General Appropriation Bill** shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the **State**, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 33. How money is paid out of treasury.—No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Sec. 34. Limit on appropriations for charity, education, etc.—No appropriation shall be made for charitable, industrial,

educational or benevolent purposes, to any person, corporation, or community not under the absolute control of the **State**, nor to any denominational or sectarian institution or association.

Sec. 35. Cases in which legislative power may not be delegated.—The **General Assembly** shall not delegate to any special commission, private corporation, or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

Sec. 36. Trust funds.—No act of the **General Assembly** shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation.

Sec. 37. Change of venue.—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such a manner as shall be prescribed by law.

Sec. 38. Release, transfer or any impairment of liability forbidden.—No obligation or liability of any person, association or corporation, held or owned by the **State**, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished, by the **General Assembly**, nor shall such liability or obligation be extinguished except by payment thereof into the proper **Treasury**.

Sec. 39. Governor's legislative power.—Every order, resolution or vote to which the concurrence of both **Houses** may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two **Houses**, shall be presented to the **Governor**, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both **Houses**, according to the rules and limitations prescribed in case of a bill.

Sec. 40. Bribery and punishment.—If any person elected to either **House** of the **General Assembly** shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the **General Assembly**, in consideration or upon condition that any other person elected to the same **General Assembly** will give, or will promise, or assent to give his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced in such **General Assembly**, the person making such offer or promise, shall be deemed guilty of solicitation of bribery. If any member of the **General Assembly** shall give his vote or influence for or against any measure or proposition pending in such **General Assembly**, or offer, promise or assent so to do, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such **General Assembly** or in consid-

eration that any other member hath given his vote or influence for or against any other measure or proposition in such **General Assembly**, he shall be deemed guilty of bribery, and any member of the **General Assembly**, or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same **General Assembly**; and, on conviction thereof in the civil courts, shall be liable to such further penalties as may be prescribed by law.

Sec. 41. Bribery.—Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the **General Assembly**, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 42. Corrupt solicitation.—The offense of corrupt solicitation of members of the **General Assembly**, or of public officers of the **State**, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 43. Personal or private interest of members.—A member who has a personal or private interest in any measure or bill proposed or pending before the **General Assembly**, shall disclose the fact to the **House** of which he is a member, and shall not vote thereon.

Congressional and Legislative Apportionments.

Since 1893 Colorado has had population enough to entitle her to more than one representative. Section 44 is superseded by statute.

Sec. 44. One Representative in the Congress of the United States shall be elected from the **State** at large, at the first election under this **Constitution**, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by **Congress**, the **General Assembly** shall divide the **State** into **Congressional** districts accordingly.

Sec. 45. State enumeration.—The **General Assembly** shall provide by law for an enumeration of the inhabitants of the **State** in the year of our Lord one thousand, eight hundred and eighty-five, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the **United States**, shall revise and adjust the apportionment for **Senators** and **Representatives**, on the basis of such enumeration, according to ratios to be fixed by law.

Sec. 46. Size of Senate and House.—The **Senate** shall consist of twenty-six, and the **House of Representatives** of forty-

nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the **General Assembly** may increase the number of **Senators** and **Representatives**, preserving as near as may be the present proportion as to the number in each **House**; **Provided**, That the aggregate number of **Senators** and **Representatives** shall never exceed one hundred.

By Statute there are now thirty-five **Senators** and sixty-five **Representatives**.

Sec. 47. Districts.—**Senatorial** and **Representative** districts may be altered from time to time, as public convenience may require. When a **Senatorial** or **Representative** district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a **Senatorial** or **Representative** district.

Sections 48 and 49 have been superseded by Statute.

Sec. 48. Until the **State** shall be divided into **Senatorial** districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The county of **Weld** shall constitute the **first** district, and be entitled to one **Senator**.

The county of **Larimer** shall constitute the **second** district, and be entitled to one **Senator**.

The county of **Boulder** shall constitute the **third** district, and be entitled to two **Senators**.

The county of **Gilpin** shall constitute the **fourth** district, and be entitled to one **Senator**.

The counties of **Gilpin**, **Summit** and **Grand** shall constitute the **fifth** district, and be entitled to one **Senator**.

The county of **Clear Creek** shall constitute the **sixth** district, and be entitled to two **Senators**.

The county of **Jefferson** shall constitute the **seventh** district, and be entitled to one **Senator**.

The county of **Arapahoe** shall constitute the **eighth** district, and be entitled to four **Senators**.

The counties of **Elbert** and **Bent** shall constitute the **ninth** district, and be entitled to one **Senator**.

The county of **El Paso** shall constitute the **tenth** district, and be entitled to one **Senator**.

The county of **Douglas** shall constitute the **eleventh** district, and be entitled to one **Senator**.

The county of **Park** shall constitute the **twelfth** district, and be entitled to one **Senator**.

The counties of **Lake** and **Saguache** shall constitute the **thirteenth** district, and be entitled to one **Senator**.

The county of **Freemont** shall constitute the **fourteenth** district, and be entitled to one **Senator**.

The county of **Pueblo** shall constitute the **fifteenth** district, and be entitled to one **Senator**.

The county of **Huerfano** shall constitute the **sixteenth** district, and be entitled to one **Senator**.

The county of **Las Animas** shall constitute the **seventeenth** district, and be entitled to two **Senators**.

The county of **Costilla** shall constitute the **eighteenth** district, and be entitled to one **Senator**.

The county of **Conejos** shall constitute the **nineteenth** district, and be entitled to one **Senator**.

The counties of **Rio Grande, Hinsdale, La Platta** and **San Juan** shall constitute the **twentieth** district, and be entitled to one **Senator**.

Sec. 49. Until an apportionment of **Representatives** be made in accordance with the provisions of this article, they shall be divided among the several counties of the **State** in the following manner: The county of **Arapahoe** shall have **seven**; the counties of **Boulder** and **Clear Creek**, each, **four**; the counties of **Gilpin** and **Las Animas**, each, **three**; the counties of **El Paso, Fremont, Huerfano, Jefferson, Pueblo** and **Weld**, each, **two**; the counties of **Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La Platta, Lake, Park, Rio Grande, Summit, Saguache** and **San Juan**, each **one**; and the counties of **Costilla** and **Conejos**, jointly, **one**.

ARTICLE VI.

Judicial Department.

[Section 1 originally read: "The judicial power of the **State**, as to matters of law and equity, except as in the **Constitution** otherwise provided, shall be vested in a **Supreme Court, District Courts, County Courts, Justices of the Peace**, and such other **Courts** as may be created by law for cities and incorporated towns."]

But November 2, 1886, section 1, was changed to read as follows:

Sec. 1. The judicial power of the **State** as to matters of law and equity, except as in this **Constitution** otherwise provided, shall be vested in a **Supreme Court, District Courts, County Courts, Justices of the Peace**, and such other courts as may be provided by law.

Supreme Court.

Sec. 2. Appellate jurisdiction.—The **Supreme Court**, except as otherwise provided in this **Constitution**, shall have appellate jurisdiction only, which shall be co-extensive with the **State**, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

[Section 3 originally read: "It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same."]

But November 2, 1886, Section 3 was changed to read as follows:

Sec. 3. Original jurisdiction.—It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs with authority to hear and determine the same; and each judge of the **Supreme Court** shall have like power and authority as to writs of habeas corpus. The **Supreme Court** shall give its opinion upon important questions upon solemn occasions when required by the **Governor**, the **Senate**, or the **House of Representatives**; and all such opinions shall be published in connection with the reported decisions of said court.

Sec. 4. Terms.—At least two terms of the **Supreme Court** shall be held each year, at the seat of government.

[Section 5 originally read: "The **Supreme Court** shall consist of three **Judges**, a majority of whom shall be necessary to form a quorum or pronounce a decision."]

But Section 5 was amended November, 1888, to read as follows:

Sec. 5. Personnel of court—Departments.—The **Supreme Court** shall consist of seven judges, who may sit en banc or in two or more departments as the court may, from time to time, determine. In case said court shall sit in departments each of said departments shall have the full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may make, but no decision of any department shall become the judgment of the court unless concurred in by at least three judges, and no case involving a construction of the constitution of this **State** or of the **United States**, shall be decided except by the court en banc.

(Section 6 originally read: "The **Judges** of the **Supreme Court** shall be elected by the electors of the State, at large, as hereinafter provided.")

But was amended November 8, 1904, to read as follows:

Sec. 6. Election of judges.—The **Judges** of the **Supreme Court**, except as herein provided, shall be elected by the electors of the **State** at large.

[Section 7 originally read: "The term of office of the **Judges of the Supreme Court**, except as in this article otherwise provided, shall be nine years."]

But was amended November 8, 1904, to read as follows:

Sec. 7. Term of office.—The term of office of the **Judges of the Supreme Court**, hereafter elected, except as in this article otherwise provided, shall be ten years.

[Section 8 originally read: "The **Judges of the Supreme Court** shall, immediately after the first election under this **Constitution**, be classified by lot, so that one shall hold his office for the term of three years, one for the term of six years, and one for the term of nine years. The lot shall be drawn by the **Judges**, who shall for that purpose assemble at the seat of government; and they shall cause the result thereof to be certified to the **Secretary of the Territory**, and filed in his office. The **Judge** having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the **Chief Justice**, and shall preside at all terms of the **Supreme Court**, and in case of his absence, the **Judge** having in like manner the next shortest term to serve shall preside in his stead.]

But November 8, 1904, was amended to read as follows:

Sec. 8. Appointment and election of judges.—No successor of the judges of the Court of Appeals whose term expires in April, 1905, shall be appointed.

On the first Wednesday in April, 1905, the **Court of Appeals** shall cease to exist, and the **Judges of said Court** whose regular terms shall not then have expired shall become **Judges of the Supreme Court**. All causes pending before the **Court of Appeals** shall then stand transferred to, and be pending in the **Supreme Court**, and no bond or obligation given in any of said causes shall be affected by said transfer.

The term of office of that **Judge of the Supreme Court** whose term expires on the second Tuesday in January, 1907, shall so expire; the term of office of that **Judge** transferred from the **Court of Appeals**, whose term shall expire in April, 1907, shall expire on the second Tuesday in January, 1907; and the term of office of that **Judge of the Supreme Court** whose term expires in January, 1910, is hereby extended to the second Tuesday in January, 1911; and the term of office of that **Judge** or the **Judges** transferred from the **Court of Appeals**, whose term would expire in April, 1909, shall expire on the second Tuesday in January, 1909; and the term of office of the **Judge of the Supreme Court** whose term expires on the second Tuesday in January, 1913, shall so expire.

At the general election in the year 1906 and every tenth year thereafter, there shall be elected two **Judges of the Supreme Court**.

At the general election in the year 1908, there shall be elected three judges of the **Supreme Court**, one for the term of six years, and two for the term of ten years.

At the general election in the year 1910, and every tenth year thereafter, there shall be elected one **Judge of the Supreme Court**.

At the general election in the year 1912 and every tenth year thereafter, there shall be elected one **Judge of the Supreme Court**.

At the general election in the year 1914 and every tenth year thereafter, there shall be elected one **Judge of the Supreme Court**.

At the general election in the year 1918 and every tenth year thereafter, there shall be elected two **Judges of the Supreme Court**.

Provided, That if said **Court of Appeals** shall at the time of the going into effect of this amendment, by law consist of only three **Judges**, the **Governor** shall nominate and by and with the advice and consent of the **Senate** appoint two **Judges of the Supreme Court** whose term of office shall begin on the first Wednesday of April, 1905, and expire on the second Tuesday of January, 1909.

Provided also, That nothing herein contained shall be construed to prevent the **General Assembly** from changing the time of electing **Judges of the Supreme Court** and from extending or abridging their terms of office as provided in Article VI, Section 15, of the **Constitution of this State**.

The **Judge** having the shortest term to serve, not holding his office by appointment or election to fill vacancy, shall be the **Chief Justice**.

Of the two judges whose terms of office expire upon the same day, the younger in years of the two **Judges** shall be the **Chief Justice** during the next to the last year of his term of office and the elder of the two **Judges** shall be the **Chief Justice** during the last year of his term of office.

The **Chief Justice** shall preside at all sessions of the **Court en banc**, and, in case of his absence, then the **Judge** present who would next be entitled to become **Chief Justice** shall preside.

Until otherwise provided by law, the **Supreme Court** shall have power to review the judgments and proceedings of inferior **Courts**, in such instances and in such manner as was provided by law previous to the act establishing the **Court of Appeals**.

Sec. 9. Clerk of Supreme Court.—There shall be a **Clerk of the Supreme Court**, who shall be appointed by the **Judges** thereof, and shall hold his office during the pleasure of said **Judges**, and whose duties and emoluments shall be as prescribed by law and by the rules of the **Supreme Court**.

Sec. 10. Eligibility.—No person shall be eligible to the office of **Judge** of the **Supreme Court** unless he be learned in the law; be at least thirty years of age, and a citizen of the **United States**, nor unless he shall have resided in this **State** or **Territory** at least two years next preceding his election.

District Courts.

Sec. 11. Jurisdiction.—The **District Courts** shall have original jurisdiction of all causes both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph, or toll-road companies or corporations.

[Section 12 originally read: "The **State** shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one **Judge** of the **District Court** therein, whose term of office shall be six years. The **Judges** of the **District Courts** may hold **Courts** for each other, and shall do so when required by law."]

But November 2, 1886, Section 12 was changed to read as follows:

Sec. 12. Judicial districts and judges.—The **State** shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more **Judges** of the **District Court** therein, as may be provided by law, whose term of office shall be six years; the **Judges** of the **District Courts** may hold **Courts** for each other, and shall do so when required by law, and the **General Assembly** may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.

Section 13 has been superseded by Statute which divides the State into Thirteen Judicial Districts.

Sec. 13. Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz:

First District—The counties of **Boulder**, **Jefferson**, **Gilpin**, **Clear Creek**, **Summit** and **Grand**.

Second District—The counties of **Arapahoe**, **Douglas**, **Elbert**, **Weld** and **Larimer**.

Third District—The counties of **Park**, **El Paso**, **Fremont**, **Pueblo**, **Bent**, **Las Animas** and **Huerfano**.

Fourth District—The counties of **Costilla**, **Conejos**, **Rio Grande**, **San Juan**, **La Platta**, **Hinsdale**, **Saguache** and **Lake**.

[Section 14 originally read: "The **General Assembly** may, after the year eighteen hundred and eighty, (whenever two-thirds of the members of each **House** shall concur therein), but

not oftener than once in six years, increase the number of the **Judicial Districts** and the **Judges** thereof, such districts shall be formed of compact territory and bounded by county lines, but said increase or change in the boundaries of a district shall not work the removal of any **Judge** from his office during the term for which he shall have been elected or appointed.”]

But November 2, 1886, Section 14 was amended to read as follows:

Sec. 14. The **General Assembly** may (whenever two-thirds of the members of each **House** shall concur therein) increase or diminish the number of **Judges** for any district, or increase or diminish the number of judicial districts, and the **Judges** thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any **Judge** from his office during the term for which he shall have been elected or appointed.

Sec. 15. Election of Judges—Term.—The **Judges** of the **District Court** first elected shall be chosen at the first general election. The **General Assembly** may provide that after the year eighteen hundred and seventy-eight, the election of the **Judges** of the **Supreme Court, District, and County Courts**, and the **District Attorneys**, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all **Judges** of the **District Court**, elected in the several districts throughout the **State**, shall expire on the same day; and the terms of office of the **District Attorneys** elected in the several districts throughout the **State** shall, in like manner, expire on the same day.

Section 16. Persons eligible.—No person shall be eligible to the office of **District Judge** unless he be learned in the law, be at least thirty years old, and a citizen of the **United States**, nor unless he shall have resided in the **State or Territory** at least two years next preceding his election, nor unless he shall at the time of his election, be an elector within the **Judicial District** for which he is elected; **Provided**, That at the first election, any person of the requisite age and learning, and who is an elector of the **Territory of Colorado**, under the laws thereof, at the time of the adoption of this **Constitution**, shall be eligible to the office of **Judge** of the **District Court** of the **Judicial District** within which he is an elector.

Sec. 17. Terms of court.—The time of holding courts within the said districts shall be as provided by law, but at least one term of the **District Court** shall be held annually in each county, except in such counties as may be attached, for

judicial purposes, to another county wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.

Sec. 18. Salaries.—The Judges of the Supreme and District Courts shall each receive such salary as may be provided by law, and no such judge shall receive any other compensation, perquisite, or emolument for, or on account of his office, in any form whatever, nor act as Attorney or Counsellor-at-law.

Sec. 19. The Clerk.—There shall be a Clerk of the District Court in each county wherein a term is held, who shall be appointed by the Judge of the District, to hold his office during the pleasure of the Judge. His duties and compensation shall be as provided by law and regulated by the rules of the court.

Section 20 has been superseded by statute.

Sec. 20. Until the General Assembly shall provide by law for fixing the terms of the Courts aforesaid, the Judges of the Supreme and District Courts, respectively, shall fix the terms thereof.

District Attorneys.

[Section 21 originally read: "There shall be elected by the qualified electors of each Judicial District at each regular election for Judges of the Supreme Court, a District Attorney for such District, whose term of office shall be three years, and whose duties and compensations shall be as provided by law. No person shall be eligible to the office of District Attorney who shall not, at the time of his election, be at least twenty-five years of age, and possess all the other qualifications for Judges of District Courts, as prescribed in this article."]

But Section 21 was amended, November 4, 1902 to read as follows:

Sec. 21. Election—Term—Salary—Qualification.—There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such districts whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be provided by law. No person shall be eligible to the office of District Attorney who shall not, at the time of his election, be at least twenty-five years of age and possess all the qualifications of Judges of the District Courts, as provided in this Article. The term of office of the district attorneys serving in the several districts, at the time of the adoption of this amendment, is hereby extended to the second Tuesday of January, in the year, A. D., 1905.

County Courts.

[Section 22 originally read: "There shall be elected at the general election in each organized county, in the year eighteen hundred and seventy-seven, and every three years thereafter, except as otherwise provided in this article, a **County Judge**, who shall be **Judge** of the **County Court** of said county, whose term of office shall be three years, and whose compensation shall be as may be provided by law."]

But Section 22 was amended, November 4, 1902, to read as follows:

Sec. 22. Judges—Election—Term—Salary.—There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a **County Judge**, who shall be **Judge** of the **County Court** of said county, whose term of office shall be four years, and who shall be paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law. The term of office of the **County Judges** serving at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year, A. D., 1905.

Sec. 23. Jurisdiction—Appeals.—County Courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law. **Provided**, Such courts shall not have jurisdiction in any case where the debt, damage, or claim, or value of property involved, shall exceed two thousand dollars, except in cases relating to the estates of deceased persons. Appeals may be taken from **County** to **District Courts**, or to the **Supreme Court**, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the **Supreme Court** to every final judgment of the **County Court**. No appeal shall lie to the **District Court** from any judgment given upon an appeal from a **Justice of the Peace**.

Criminal Courts.

Sec. 24. The **General Assembly** shall have power to create and establish a **Criminal Court** in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the **District Courts** in all criminal cases not capital; the terms of such courts to be as provided by law.

Justices of the Peace.

Sec. 25. **Justices of the Peace** shall have such jurisdiction as may be conferred by law; but they shall not have juris-

diction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

Police Magistrates.

Sec. 26. The General Assembly shall have power to provide for creating such **Police Magistrates** for cities and towns as may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

Miscellaneous.

Sec. 27. Defects in law reported by judges.—The **Judges of Courts of Record**, inferior to the **Supreme Court** shall on or before the first day of July, in each year, report in writing to the **Judges of the Supreme Court** such defects and omissions in the laws as their knowledge and experience may suggest, and the **Judges of the Supreme Court** shall, on or before the first day of December, of each year, report in writing to the **Governor**, to be by him transmitted to the **General Assembly**, together with his message, such defects and omissions in the **Constitution** and laws as they may find to exist, together with appropriate bills for curing the same.

Sec. 28. Uniform laws.—All laws relating to courts shall be general and of uniform operation throughout the **State**; and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform.

[Section 29 originally read: "All officers provided for in this article, excepting **Judges of the Supreme Court**, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in elective offices shall be filled by election, but when the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of **Judges of the Supreme and District Courts** by the **Governor**; of **District Attorneys** by the **Judge of the Court** to which the office appertains, and of all other judicial officers by the **Board of County Commissioners** of the county where the vacancy occurs."]

There is no evidence that this amendment was ever voted upon, and the editor believes it should not be included in the constitution.

Sec. 29. Residence and vacancies.—All officers provided for in this article, excepting judges of the **Supreme Court**, shall respectively reside in the district, county, precinct, city or town

for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the **Supreme and District Courts**, by the **Governor**; of **District Attorneys**, by the **Judge of the Court** of the district for which such attorney was elected; and of all other judicial officers, by the **Board of County Commissioners** of the county wherein the vacancy occurs. Judges of the **Supreme, District and County Courts** appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.

Sec. 30. Style of process.—All process shall run in the name of "**The People of the State of Colorado**;" all prosecutions shall be carried on in the name and by the authority of "**The People of the State of Colorado**," and conclude, "**against the peace and dignity of the same**."

ARTICLE VII.

Suffrage and Elections.

[Section 1 originally read: "Every male person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections:

First—He shall be a citizen of the **United States**, or not being a citizen of the **United States**, he shall have declared his intention, according to law, to become such citizen, not less than four months before he offers to vote.

Second—He shall have resided in the **State** six months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law. **Provided**, That no person shall be denied the right to vote at any school district election, nor to hold any school district office, on account of sex."]

But was amended November 4, 1902, to read as follows:

Sec. 1. Qualification of electors.—Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections. He or she shall be a citizen of the **United States**, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

Sec. 2. Woman's suffrage permissible.—The **General Assembly** shall at the first session thereof, and may at any subsequent session enact laws to extend the right of suffrage to women of lawful age and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election; nor unless the same be approved by a majority of those voting thereon.

In 1893 the following law was referred by referendum to the people and was carried by a vote of 35,798 FOR and 29,457 AGAINST and has all the force of a Constitutional amendment:

"That every female person shall be entitled to vote at all elections in the same manner and the same respects as male persons are, or shall be to vote by the Constitution and Laws of this State, and the same qualifications as to age, citizenship, and time of residence in the State, City and County, Ward and Precincts, and other qualifications regained by law to entitle male persons to vote shall be required to entitle female persons to vote."

Sec. 3. Educational qualification of voters permissible.—The **General Assembly** may prescribe by law, an educational qualification for electors, but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety (1890), and no qualified elector shall be thereby disqualified.

Sec. 4. Residence does not change.—For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the **State**, or of the **United States**, nor while a student at any institution of learning, nor while kept at public expense in any poor-house or other asylum, nor while confined in public prison.

Sec. 5. Privilege of voters.—Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

Sec. 6. Voters only, eligible to hold office.—No person except a qualified elector shall be elected or appointed to any civil or military office in the **State**.

Section 7 has been superseded by statute.

Sec. 7. The general election shall be held on the first **Tuesday in October** in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.

[Section 8 originally read: "All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number be recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections, the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law."]

Section 8 was amended, November 6, 1906, to read as follows:

Sec. 8. Elections by ballot or voting machine.—All elections by the people shall be by ballot, and in case paper ballots are required to be used, every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections in which paper ballots are required to be used, the ballots cast may be counted and compared with the list of voters, and examined under such safeguards and regulations as may be provided by law. Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that secrecy in voting be preserved.

When the governing body of any county, city, city and county or town, including the city and county of Denver, and any city, city and county or town which may be governed by the provisions of special charter, shall adopt and purchase a voting machine, or voting machines, such governing body may provide for the payment therefor by the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon such city, city and county, or town; such bonds, certificates or other obligations may be made payable at such time or times, not exceeding ten years from date of issue as may be determined, but shall not be issued or sold at less than par.

Sec. 9. Witness in election trial.—In trials of contested elections, and for offenses arising under the election law, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

Sec. 10. Imprisonment and Suffrage.—No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship; except as otherwise provided in this Constitution.

Sec. 11. Purity of elections.—The General Assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

Sec. 12. Election contests.—The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for,

shall be tried, and regulate the manner of trial, and all matters incident thereto, but no such law shall apply to any contest arising out of an election held before its passage.

ARTICLE VIII.

State Institutions.

Sec. 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the **State**, in such manner as may be prescribed by law.

Sec. 2. Seat of government.—The **General Assembly** shall have no power to change or locate the seat of government of the **State**, but shall at its first session subsequent to the year of our Lord, one thousand eight hundred and eighty provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the **State**, at the general election then next ensuing, and a majority of all the votes upon said question cast at said election, shall be necessary to determine the location thereof. Said **General Assembly** shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the **State**, at the next general election; **Provided**, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the **City of Denver**.

Sec. 3. Seat of government may be changed.—When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the **State** voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the **General Assembly**.

Sec. 4. Capitol building.—The **General Assembly** shall make no appropriation or expenditure for capitol buildings or grounds, until the seat of government shall have been permanently located, as herein provided.

Sec. 5. Adoption of educational institutions.—The following **Territorial Institutions**, to-wit: The **University at Boulder**, the **Agricultural College at Fort Collins**, the **School of Mines at Golden**, the **Institute for the Education of Mutes at Colorado Springs**, shall, upon the adoption of this **Constitution**, become **Institutions of the State of Colorado**, and the management thereof subject to the control of the **State**, under such laws and regulations as the **General Assembly** shall provide, and the location of said **Institutions**, as well as all gifts, grants, and

appropriations of money and property, real and personal, heretofore made to said several **Institutions**, are hereby confirmed to the use and benefit of the same respectively; **Provided**, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said **Institution** by this **Constitution**, or by law.

ARTICLE IX.

Education.

Sec. 1. Board of education.—The general supervision of the public schools of the **State** shall be vested in a **Board of Education**, whose powers and duties shall be prescribed by law, the **Superintendent of Public Instruction**, the **Secretary of State** and **Attorney General** shall constitute the **Board**, of which the **Superintendent of Public Instruction** shall be **President**.

Sec. 2. Public schools.—The **General Assembly** shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the **State**, wherein all the residents of the **State**, between the ages of six and twenty-one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the **State**, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 3. Inviolability of school fund.—The public school fund of the **State**, shall forever remain inviolate and intact; the interest thereon, only, shall be expended in the maintenance of the schools of the **State**, and shall be distributed amongst the several counties and school districts of the **State**, in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used, or appropriated, except as herein provided. The **State Treasurer** shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The **State** shall supply all losses thereof that may in any manner occur.

Sec. 4. County and district school funds collected and disbursed.—Each **County Treasurer** shall collect all school funds belonging to his county, and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the **County Superintendent** or by the proper district authorities, as may be provided by law.

Sec. 5. State school funds.—The public school fund of the **State** shall consist of the proceeds of such lands as have heretofore been, or may hereafter, be granted to the **State** by the

General Government for educational purposes; all estates that may escheat to the State; also all other grants, gifts or devices that may be made to this **State** for educational purposes.

Sec. 6. County superintendent.—There shall be a **County Superintendent of Schools** in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be **ex officio Commissioner of Lands** within his county, and shall discharge the duties of said office under the direction of the **State Board of Land Commissioners**, as directed by law.

Sec. 7. Aid to private institutions forbidden.—Neither the **General Assembly**, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support, or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the **State** or any such public corporation, to any church, or for any sectarian purpose.

Sec. 8. Religious and color tests forbidden.—No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the **State**, either as teacher or student; and no teacher or student of any such institution shall ever be required to attend, or participate in any religious service whatever. No sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color.

Sec. 9. State board of land commissioners.—The **Governor, Superintendent of Public Instruction, Secretary of State and Attorney General** shall constitute the **State Board of Land Commissioners**, who shall have the direction, control and disposition of the public lands of the **State**, under such regulations as may be prescribed by law.

Sec. 10. Control of public lands.—It shall be the duty of the **State Board of Land Commissioners** to provide for the location, protection, sale or other disposition of all the lands heretofore, or which may hereafter be granted to the **State**, by the **General Government**, under such regulations as may be prescribed by law; and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the **General Assembly** granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the **General Government**, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The

General Assembly shall, at the earliest practicable period, provide by law that the several grants of land made by **Congress** to the **State** shall be judiciously located and carefully preserved and held in trust subject to disposal, for the use and benefit of the respective objects for which said grants of land were made, and the **General Assembly** shall provide for the sale of said lands from time to time; and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

Sec. 11. Compulsory education.—The **General Assembly** may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Sec. 12. Regents of the state university.—There shall be elected by the qualified electors of the **State**, at the first general election under this **Constitution**, six **Regents** of the **University**, who shall immediately after their election be so classified, by lot, that two shall hold their office for the term of two years, two for four years and two for six years; and every two years after the first election there shall be elected two **Regents** of the **University**, whose term of office shall be six years. The **Regents** thus elected, and their successors, shall constitute a body corporate, to be known by the name and style of "**The Regents of the University of Colorado.**"

Sec. 13. The president of the state university.—The **Regents** of the **University** shall, at their first meeting, or as soon thereafter as practicable, elect a president of the **University**, who shall hold his office until removed by the **Board of Regents** for cause; he shall be, *ex-officio*, a member of the **Board**, with the privilege of speaking, but not of voting, except in cases of a tie; he shall preside at the meetings of the **Board**, and be the principal executive officer of the **University**, and a member of the faculty thereof.

Sec. 14. Authority of the regents.—The **Board of Regents** shall have the general supervision of the **University**, and the exclusive control and direction of all funds of, and appropriations to the **University**.

Sec. 15. School districts.—The **General Assembly** shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a **Board of Education**, to consist of three or more directors, to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Sec. 16. Text-books.—Neither the **General Assembly** nor the **State Board of Education** shall have power to prescribe text-books to be used in the public schools.

ARTICLE X.

Revenue.

Sec. 1. Fiscal year.—The fiscal year shall commence on the first day of **October** in each year, unless otherwise provided by law.

Sec. 2. Taxation.—The **General Assembly** shall provide by law for an annual tax, sufficient, with other resources, to defray the estimated expenses of the **State Government** for each fiscal year.

[Section 3 originally read: "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; **Provided**, That mines and mining claims bearing gold, silver and other precious metals (except the net proceeds and surface improvements thereof), shall be exempt from taxation for the period of ten years from the date of the adoption of this constitution, and thereafter may be taxed as provided by law. Ditches, canals and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed, so long as they shall be owned and used exclusively for such purpose."]

But Section 3 was amended November 8, 1892 to read as follows:

✓ [Section 3: "All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal, **Provided**, That the household goods of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes; **And Provided, Further**, That the provisions of this section shall not effect such special assessments for benefits and municipal improvements as the corporate authorities of cities, towns or improvement districts may assess and collect under provisions to be prescribed by law."]

But was reamended November 8, 1904, to read as follows:

Sec. 3.—All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying

the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; **Provided**, That the personal property of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes.

Sec. 4. Property exempt from taxes.—The property, real and personal, of the **State**, counties, cities, towns and other municipal corporations, and public libraries, shall be exempt from taxation.

Sec. 5. Further exemption.—Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

Sec. 6. Further laws of exemption forbidden.—All laws exempting from taxation, property, other than that hereinbefore mentioned shall be void.

Sec. 7. Power to delegate authority to tax.—The **General Assembly** shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may by law, vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation.

Sec. 8. No release from taxation.—No county, city, town or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for **State** purposes.

Sec. 9. Corporations must be taxed.—The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

Sec. 10. Property of corporations subject to taxation.—All corporations in this **State**, or doing business therein, shall be subject to taxation for **State**, county, school, municipal and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

[Section 11 originally read: "The rate of taxation on property for **State** purposes, shall never exceed six mills on each dollar of valuation, and whenever the taxable property within the **State** shall amount to one hundred million dollars, the rate shall not exceed four mills on each dollar of valuation; and whenever the taxable property within the **State** shall amount to three hundred million dollars, the rate shall never thereafter exceed two mills on each dollar of valuation unless a propo-

sition to increase such rate, specifying the rate proposed, and the time during which the rate shall be levied, be first submitted to a vote of such of the qualified electors of the **State** as in the year next preceding such election, shall have paid a property tax assessed to them within the **State**, and a majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law."]

But Section 11 was amended November 8, 1892, to read as follows:

Sec. 11. The rate of taxation on property for State purposes, shall never exceed four mills on each dollar of valuation.

Sec. 12. State treasurer's report.—The **Treasurer** shall keep a separate account of each fund in his hands; and shall, at the end of each quarter of the fiscal year report to the **Governor** in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The **Governor** shall cause every such report to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the **General Assembly** may require. The **General Assembly** may provide by law further regulations for the safe keeping and management of the public funds in the hands of the **Treasurer**, but, notwithstanding any such regulation, the **Treasurer**, and his sureties shall in all cases be held responsible therefor.

Sec. 13. Making a profit on public money is a crime.—The making of profit, directly or indirectly, out of **State**, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

Sec. 14. Private property not liable for public debt.—Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 15. State board of equalization.—There shall be a **State Board of Equalization**, consisting of the **Governor**, **State Auditor**, **State Treasurer**, **Secretary of State**, and **Attorney General**; also, in each county of this **State**, a **County Board of Equalization**, consisting of the board of **County Commissioners** of said county. The duty of the **State Board of Equalization** shall be to adjust and equalize the valuation of real and personal property among the several counties of the **State**. The duty of the **County Board of Equalization** shall be to adjust and equalize the valuation of the real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

Sec. 16. Limit on appropriations.—No appropriation shall be made nor any expenditure authorized by the **General Assembly** whereby the expenditure of the **State** during any fiscal year, shall exceed the total tax then provided for by law and applicable for such appropriation or expenditure unless the **General Assembly** making such appropriation shall provide for levying a sufficient tax not exceeding the rates allowed in section eleven of this Article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the **State**, or assist in defending the **United States** in time of war.

ARTICLE XI.

Public Indebtedness.

Sec. 1. Pledging public credit forbidden.—Neither the **State** nor any county, city, town, township or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company or corporation, public or private, for any amount, or for any purpose whatever; or become responsible for any debt, contract or liability of any person, company or corporation, public or private, in or out of the **State**.

Sec. 2. Aid to private undertakings forbidden.—Neither the **State** nor any county, city, town, township or school district, shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the **State**, except as to such ownership as may accrue to the **State** by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the **State**, or to any county, city, town, township or school district, or to either or any of them, jointly with any person, company or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use,, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties, or forfeiture or recognizance, breach of condition of official bond, or of bond, to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 3. Public debt.—The **State** shall not contract any debt by loan in any form, except to provide for casual deficiencies of revenue, erect public buildings for use of the **State**, suppress insurrection, defend the **State**, or, in time of war, assist in defending the **United States**; and the amount of the debt contracted in any one year to provide for deficiencies of revenue shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the **State**, and the

aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation, and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in Section Five of this Article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt.

Sec. 4. Law creating debt.—In no case shall any debt above mentioned in this Article be created except by a law which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof, which in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than fifteen years, and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same, and when the debt thereby created shall be paid or discharged, such tax shall cease, and the balance, if any, to the credit of the fund shall immediately be placed to the credit of the general fund of the **State**.

Sec. 5. Debt for public buildings.—A debt for the purpose of erecting public buildings may be created by law, as provided for in Section four of this Article, not exceeding in the aggregate three mills on each dollar of said valuation, **Provided**, That before going into effect, such law shall be ratified by the vote of a majority of such qualified electors of the **State** as shall vote thereon at a general election under such regulations as the **General Assembly** may prescribe.

[Section 6 originally read: "No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges, and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof; And the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this **Constitution**, shall not at any time exceed twice the amount above herein limited, unless when in manner provided

by law, the question of incurring such debt shall, at a general election be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned. **Provided,** That this Section shall not apply to counties having a valuation of less than one million of dollars."]

But Section 6 was amended November 6, 1888, and reads as follows:

Sec. 6. County debts—Limits.—No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county, following, to-wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; Counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof; And the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this Constitution, shall not at any time exceed twice the amount above herein limited unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; **Provided,** That any county in this State which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D., 1886, or in the form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date, may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds. Such election shall be held in the manner prescribed by the laws of this State for the issuance of road, bridge and

public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.

Sec. 7. Debt for school buildings.—No debt by loan in any form shall be contracted by any school district for the purpose of erecting and furnishing school buildings, or purchasing grounds, unless the proposition to create such debts shall first be submitted to such qualified electors of the district as shall have paid a school tax therein, in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

Sec. 8. City indebtedness.—No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrevocable, until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve (12) mills on each dollar of valuation of taxable property within such city or town sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less than ten years from the creation thereof, and such tax when collected shall be applied only to the purposes in such ordinance specified, until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall at a regular election for councilmen, aldermen, or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall in the year next preceding have paid a property tax therein, and a majority of those voting on the question by ballot deposited in a separate ballot-box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this Section. The valuation in this Section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

Sec. 9. Restriction of this article not retroactive.—Nothing contained in this Article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town, or school district, in accordance with the laws of **Colorado Territory**, or prevent the contracting of any debt, or the issuing of bonds therefor in accordance with said laws upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town or school district, before the day on which this **Constitution** takes effect.

ARTICLE XII.

Officers.

Sec. 1. When offices expire.—Every person holding any civil office under the **State**, or any municipality therein, shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the **General Assembly**, nor to members of any **Board** or **Assembly**, two or more of whom are elected at the same time; the **General Assembly** may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

Sec. 2. Personal attention required.—No person shall hold any office or employment of trust or profit, under the laws of the **State**, or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

Sec. 3. Defaulting collector.—No person who is now or hereafter may become a collector or receiver of public money, or the deputy, or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this **State** under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

Sec. 4. Disqualifications for office.—No person hereafter convicted of embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation of perjury, shall be eligible to the **General Assembly**, or capable of holding any office of trust or profit in this **State**.

Sec. 5. Supervising power of the district court.—The **District Court** of each county shall, at each term thereof, specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the **County Treasurer**, and shall appoint a committee of such grand jury, or of other reputable persons, not exceeding five, to investigate the official accounts and affairs of the **Treasurer** of such county, and report to the **Court** the condition thereof. The **Judge** of the **District Court** may appoint a like committee in vacation at any time, but not oftener than once in every three months. The **District Court** of the County wherein the seat of government may be shall have the like power to appoint committees to investigate the official accounts and affairs of the **State Treasurer** and the **Auditor of State**.

Sec. 6. Bribery defined.—Any civil officer or member of the **General Assembly** who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote, official influence or action, or for withholding the

same, or with an understanding that his official influence or action shall be in any way influenced thereby, or who shall solicit or demand any such money or advantage, matter or thing aforesaid for another, as the consideration of his vote, official influence or action, or for withholding the same, or shall give or withhold his vote, official influence or action, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, or solicitation of bribery as the case may be, within the meaning of this Constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be prescribed by law.

Sec. 7. Oath of members of general assembly.—Every member of the **General Assembly** shall, before he enters upon his official duties, take an oath or affirmation to support the **Constitution** of the **United States** and of the **State of Colorado**, and to faithfully perform the duties of his office according to the best of his ability. This oath or affirmation shall be administered in the Hall of the House to which the member shall have been elected.

Sec. 8. Oath of civil officers.—Every civil officer, except members of the **General Assembly** and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the **Constitution** of the **United States** and of the **State of Colorado**, and to faithfully perform the duties of the office upon which he shall be about to enter.

Sec. 9. Where oaths must be filed.—Officers of the **Executive Department** and **Judges** of the **Supreme** and **District Courts**, and **District Attorneys**, shall file their oaths of office with the **Secretary of State**; every other officer shall file his oath of office with the **County Clerk** of the county wherein he shall have been elected.

Sec. 10. Vacancy.—If any person elected or appointed to any office shall refuse or neglect to qualify therein within the time prescribed by law, such office shall be deemed vacant.

Sec. 11. Term of officer elected to fill vacancy.—The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 12. Duel.—No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the **State** to fight a duel, shall hold any office in the **State**.

ARTICLE XIII.

Impeachments.

Sec. 1. The **House of Representatives** shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All

impeachments shall be tried by the **Senate**, and when sitting for that purpose, the **Senators** shall be upon oath or affirmation to do justice according to law and evidence. When the **Governor** or **Lieutenant Governor** is on trial, the **Chief Justice** of the **Supreme Court** shall preside. No person shall be convicted without a concurrence of two-thirds of the **Senators** elected.

Sec. 2. Who may be impeached.—The **Governor** and other **State** and **Judicial** officers, except **County Judges** and **Justices** of the **Peace**, shall be liable to impeachment for high crimes or misdemeanor, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the **State**. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Sec. 3. Other officers subject to removal.—All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE XIV.

Counties.

Sec. 1. The several counties of the **Territory of Colorado**, as they now exist, are hereby declared to be counties of the **State**.

Sec. 2. Removal of county seats.—The **General Assembly** shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law, and no county seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election precinct ninety days next preceding such election.

Sec. 3. Division of counties.—No part of the territory of any county shall be stricken off and added to an adjoining county, without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question, shall vote therefor.

Sec. 4. New counties.—In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities, of the county or counties from which such new county shall be formed.

Sec. 5. Debts.—When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

County Officers.

[Section 6 originally read: "In each county there shall be elected for the term of three years, three **County Commissioners**, who shall hold sessions for the transaction of county business as provided by law, any two of whom shall constitute a quorum for the transaction of business. One of said **Commissioners** shall be elected on the first Tuesday in **October**, eighteen hundred and seventy-six, and every year thereafter one such officer shall be elected in each county, at the general election, for the term of three years; **Provided**, That when the population of any county shall exceed ten thousand, the **Board of County Commissioners** may consist of five members, who shall be elected as provided by law, any three of whom shall constitute a quorum for the transaction of business."]

But Section 6 was amended November 4, 1902, to read as follows:

Sec. 6. County commissioners.—In each county having a population of less than seventy thousand there shall be elected, for a term of four years each, three county commissioners, who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; **Provided**, That when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years. The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January, A. D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expires in 1906 is hereby extended to the second Tuesday in January, 1907. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 7. Compensation.—The compensation of all county and precinct officers shall be as provided by law.

[Section 8 originally read: "There shall be elected in each county, on the first **Tuesday** in **October**, in the year eighteen hundred and seventy-seven, and every alternate year forever thereafter, one county clerk, who shall be **ex-officio Recorder of Deeds and Clerk of the Board of County Commissioners**; one **Sheriff**; one **Coroner**; one **Treasurer**, who shall be collector of taxes; one **County Superintendent of Schools**; one **County Surveyor**; and one **County Assessor**."]]

But Section 8 was amended November 4, 1902, to read as follows:

Sec. 8. Other county officers.—There shall be elected in each county, at the same time at which members of the **General Assembly** are elected, commencing in the year nineteen hundred and four, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of **County Commissioners**; one **Sheriff**; one **Coroner**; one **Treasurer**, who shall be collector of taxes; one **County Superintendent of Schools**; one **County Surveyor**; one **County Assessor**; one **County Attorney**, who may be elected, or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials that expire in January, 1904, is hereby extended to the second Tuesday in January, A. D., 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 9. Vacancy—How filled.—In case of a vacancy occurring in the office of **County Commissioner**, the **Governor** shall fill the same by appointment; and in case of a vacancy in any other county office, or in any precinct office, the board of **County Commissioners** shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy be filled by election according to law.

Sec. 10. Voter only eligible to office.—No person shall be eligible to any county office unless he shall be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

[Section 11 originally read: "There shall, at the first election at which county officers are chosen, and annually thereafter, be elected in each precinct, one **Justice of the Peace**, and one **Constable**, who shall each hold his office for the term of two years; **Provided**, That in precincts containing five thousand or more inhabitants, the number of **Justices** and **Constables** may be increased as provided by law."]]

But Section 11 was amended November 4, 1902, to read as follows:

Sec. 11. There shall be elected at the same time at which members of the **General Assembly** are elected, beginning with the year nineteen hundred and four, two **Justices of the Peace** and two **Constables** in each precinct in each county, who shall hold their office for a term of two years; **Provided, That,** in precincts containing fifty thousand (50,000) or more inhabitants, the number of **Jus.ices** and **Constables** may be increased as provided by law. The term of office of all **Justices of the Peace** that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.

Sec. 12. Other officers.—The **General Assembly** shall provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

Sec. 13. Classification of cities and towns.—The **General Assembly** shall provide by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

Sec. 14. Incorporation of cities.—The **General Assembly** shall also make provision, by general law, whereby any city, town, or village, incorporated by any special or local law, may elect to become subject to and be governed by the general law relating to such corporations.

Sec. 15. Classification of counties.—For the purpose of providing for and regulating the compensation of county and precinct officers, the **General Assembly**, shall, by law classify the several counties of the **State** according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them respectively and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites and emoluments above the amount of such salaries shall be paid into the county treasury.

ARTICLE XV.

Corporations.

Sec. 1. Unused charters void.—All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized and commenced

business in good faith at the time of the adoption of this **Constitution**, shall thereafter have no validity.

Sec. 2. Charters.—No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are or may be under the control of the **State**; but the **General Assembly** shall provide by general laws for the organization of corporations hereafter to be created.

Sec. 3. Power to revoke charters.—The **General Assembly** shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this **Constitution**, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of the **State**, in such manner, however, that no injustice shall be done to the corporators.

Sec. 4. All railroads are common carriers.—All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this **State**, and to connect at the **State** line with railroads of other **States** and **Territories**. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad.

Sec. 5. Consolidation of competing railroads forbidden.—No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

Sec. 6. Equal rights to transportation.—All individuals, associations and corporations shall have equal rights to have persons and property transported over any railroad in this **State**, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the **State**, and no railroad company, nor any lessee, manager or employe thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Sec. 7. Railroads required to accept constitution.—No railroad or other transportation company in existence at the time of the adoption of this **Constitution**, shall have the benefit of any future legislation, without first filing in the office of the **Secretary of State** an acceptance of the provisions of this **Constitution**, in binding form.

Sec. 8. Eminent domain.—The right of eminent domain shall never be abridged, nor so construed as to prevent the **General Assembly** from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the police power of the **State** shall never be abridged or so construed as to permit

corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the **State**.

Sec. 9. Fictitious stock forbidden.—No corporation shall issue stocks or bonds, except for labor done, service performed or money or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

Sec. 10. Foreign corporation must have agent.—No foreign corporation shall do any business in this **State** without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

Sec. 11. Street railways.—No street railroad shall be constructed within any city, town or incorporated village, without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Sec. 12. Retrospective laws forbidden.—The **General Assembly** shall pass no law for the benefit of a railroad or other corporation, or any individual, or association of individuals, retrospective in its operations, or which imposes on the people of any county or municipal subdivision of the **State**, a new liability in respect to transactions or considerations already past.

Sec. 13. Telegraph lines.—Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this **State**, and to connect the same with other lines, and the **General Assembly** shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Sec. 14. Courts' jurisdiction over railroad, etc.—If any railroad, telegraph, express or other corporation organized under any of the laws of this **State**, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation organized under any laws of any other **State** or **Territory**, or of the **United States**, the same shall not thereby become a foreign corporation, but the courts of this **State** shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters which may arise, as if said consolidation had not taken place.

Sec. 15. Employees cannot release liability.—It shall be unlawful for any person, company or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

ARTICLE XVI.

Mining and Irrigation.

Mining.

Sec. 1. Commissioner of mines.—There shall be established and maintained the office of **Commissioner of Mines**, the duties and salary of which shall be prescribed by law. When said office shall be established, the **Governor** shall, with the advice and consent of the **Senate**, appoint thereto a person known to be competent, whose term of office shall be four years.

Sec. 2. Ventilation of mines and child labor.—The **General Assembly** shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

Sec. 3. Drainage of mines.—The **General Assembly** may make such regulations, from time to time, as may be necessary for the proper equitable drainage of mines.

Sec. 4. Science of mining may be taught.—The **General Assembly** may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the **State**.

Irrigation.

Sec. 5. Water, public property.—The water of every natural stream, not heretofore appropriated, within the **State of Colorado**, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the **State**, subject to appropriation as hereinafter provided.

Sec. 6. Unappropriated water.—The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural

stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

Sec. 7. Right of way for ditches.—All persons and corporations shall have the right of way across public, private and corporate lands for the construction of ditches, canals and flumes, for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, and for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

Sec. 8. Who may fix rate of water.—The **General Assembly** shall provide by law that the **Board of County Commissioners**, in their respective counties, shall have power, when application is made to them by either party interested, to establish reasonable maximum rates to be charged for the use of water, whether furnished by individuals or corporations.

ARTICLE XVII.

Militia.

Sec. 1. Members of the militia.—The **Militia** of the **State** shall consist of all able-bodied male residents of the **State**, between the ages of eighteen and forty-five years; Except such persons as may be exempted by the laws of the **United States** or of the **State**.

Sec. 2. Original body of the militia.—The organization, equipment and discipline of the militia shall conform as nearly as practicable, to the regulations for the government of the armies of the **United States**.

Sec. 3. Officers.—The **Governor** shall appoint all **General Field and Staff Officers**, and commission them. Each company shall elect its own officers, who shall be commissioned by the **Governor**; but if any company shall fail to elect such officers within the time prescribed by law, they may be appointed by the **Governor**.

Sec. 4. Armories.—The **General Assembly** shall provide for the safe keeping of the public arms, military records, relics and banners of the **State**.

Sec. 5. Exemption from service in time of peace.—No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace; **Provided**, Such person shall pay an equivalent for such exemption.

Miscellaneous.

Sec. 1. Homestead laws.—The **General Assembly** shall pass liberal homestead and exemption laws.

Sec. 2. Lotteries forbidden.—The **General Assembly** shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this **State**.

Sec. 3. Arbitration laws.—It shall be the duty of the **General Assembly** to pass such laws as may be necessary and proper to decide difference by arbitrators, to be appointed by mutual agreement of the parties to any controversy, who may choose that mode of adjustment. The powers and duties of such arbitrators shall be as prescribed by law.

Sec. 4. Felony defined.—The term felony, wherever it may occur in this **Constitution**, or the laws of the **State**, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Sec. 5. Spurious and drugged liquors.—The **General Assembly** shall prohibit by law the importation into this **State**, for the purpose of sale, of any spurious, poisonous or drugged spirituous liquors, or spirituous liquors adulterated with any poisonous or deleterious substance, mixture, or compound; and shall prohibit the compounding or manufacture within this **State**, except for chemical or mechanical purposes, of any of said liquors, whether they be denominated spirituous, vinous, malt or otherwise; and shall also prohibit the sale of any such liquors to be used as a beverage, and any violation of either of said prohibitions shall be punished by fine and imprisonment. The **General Assembly** shall provide by law for the condemnation and destruction of all spurious, poisonous or drugged liquors herein prohibited.

Sec. 6. Preservation of forests.—The **General Assembly** shall enact laws in order to prevent the destruction of, and to keep in good preservation the forests upon the lands of the **State**, or upon the lands of the public domain, the control of which shall be conferred by **Congress** upon the **State**.

Sec. 7. Orchard lands may be exempt from taxation.—The **General Assembly** may provide that the increase in the value of private lands caused by the planting of hedges, orchards, and forests thereon, shall not, for a limited time to be fixed by law, be taken into account in assessing such lands for taxation.

Sec. 8. Promulgation of laws.—The **General Assembly** shall provide for the publication of the laws passed at each session thereof. And until the year 1900 they shall cause to be published in **Spanish** and **German** a sufficient number of copies of said **Laws** to supply that portion of the inhabitants of the **State** who speak those languages, and who may be unable to read and understand the **English** language.

ARTICLE XIX.

Amendments.

Sec. 1. How to amend the constitution by convention.—The **General Assembly** may at any time, by a vote of two-thirds of the members elected to each **House**, recommend to the electors of the **State**, to vote at the next general election for or against a convention to revise, alter, and amend this **Constitution**; and if a majority of those voting on the question shall declare in favor of such convention, the **General Assembly** shall, at its next session, provide for the calling thereof. The number of members of the **Convention** shall be twice that of the **Senate**, and they shall be elected in the same manner, at the same places, and in the same districts. The **General Assembly** shall, in the **Act** of calling the **Convention** designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the **Convention**. Before proceeding, the members shall take an oath to support the **Constitution** of the **United States**, and of the **State of Colorado**, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the **Senate**; and vacancies occurring shall be filled in the manner provided for filling vacancies in the **General Assembly**. Said **Convention** shall meet within three months after such election, and prepare such revisions, alterations, or amendments to the **Constitution** as may be deemed necessary; which shall be submitted to the electors for their ratification or rejection, at an election appointed by the **Convention** for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration, or amendment shall take effect.

[Section 2 originally read: "Any amendment or amendments to this **Constitution** may be proposed in either **House** of the **General Assembly**, and if the same shall be voted for by two-thirds of all the members elected to each **House**, such proposed amendments, together with the ayes and noes of each **House** thereon, shall be entered in full on their respective journals; and the **Secretary of State** shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members to the **General Assembly**; and at said election the said amendment or amendments shall be submitted to the qualified electors of the **State** for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this **Constitution**; but the **General Assembly** shall have no power to propose amendments to more than one **Article** of this **Constitution** at the same session."]

But Section 2 was amended November 6, 1900, to read as follows:

Sec. 2. Amendments may be submitted by the General Assembly.—Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each House, such proposed amendment or amendments, together with the ayes and noes of each House thereon, shall be entered in full on their respective journals; the proposed amendment or amendments shall be published with the laws of that session of the General Assembly, and the Secretary of State shall also cause the said amendment or amendments to be published in full in not more than one newspaper of general circulation in each county, for four successive weeks previous to the next general election for members to the General Assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the State for their approval or rejection, and such as are approved by a majority of those voting thereon shall become part of this Constitution.

Provided, That if more than one amendment be submitted at any general election, each of said amendments shall be voted upon separately and votes thereon cast shall be separately counted the same as though but one amendment was submitted. But the General Assembly shall have no power to propose amendments to more than six articles of this Constitution at the same session.

Article XX was added to the Constitution by amendment, November 4, 1902.

ARTICLE XX.

City and County of Denver. Incorporation.

Sec. 1. The municipal corporation known as the City of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the State of Colorado, included within the exterior boundaries of the said City of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by th name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of Denver and of said included municipal cor-

porations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefore, for the use of said city and county and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the City of Denver if it were not merged, as in this amendment provided, into the City and County of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the City and County of Denver, under any of the laws of this State, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the City and County of Denver, together with all property thereunto belonging.

The City and County of Denver shall alone always constitute one judicial district of the State.

Officers.

Sec. 2. The officers of the City and County of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the Constitution or by the general law, as far as applicable. If any officer of said City and

County of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments.

Transfer of Government.

Sec. 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the Governor of the State to issue his proclamation accordingly, and thereupon the City of Denver, and all municipal corporations and that part of the County of Arapahoe within the boundaries of said City, shall merge into the City and County of Denver, and the terms of office of all officers of the City of Denver and of all included municipalities and of the County of Arapahoe shall terminate; except that the then Mayor, Auditor, Engineer, Council (which shall perform the duties of a Board of County Commissioners), Police Magistrate, Chief of Police and Boards, of the City of Denver shall become, respectively, said officers of the City and County of Denver, and said Engineer shall be ex officio Surveyor and said Chief of Police shall be ex officio Sheriff of the City and County of Denver; and the then Clerk and ex officio Recorder, Treasurer, Assessor and Coroner of the County of Arapahoe, and the Justices of the Peace and Constables holding office within the City of Denver, shall become, respectively said officers of the City and County of Denver, and the District Attorney shall also be ex officio Attorney of the City and County of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then District Judge, County Judge and District Attorney shall serve their full terms, respectively, for which elected. The Police and Firemen of the City of Denver, except the Chief of Police as such, shall continue severally as the Police and Firemen of the City and County of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of Fire and Police, and the Department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

First Charter.

Sec. 4. The charter and ordinances of the City of Denver, as the same shall exist when this amendment takes effect, shall, for the time being only, as far as applicable, be the charter and ordinances of the City and County of Denver; but the people of the City and County of Denver are hereby vested with, and they shall always have the exclusive power in the making, altering, revising or amending their charter, and within ten days after the proclamation of the Governor announcing the adoption of this amendment, the Council of

the City and County of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said City and County of Denver, for the election of twenty-one taxpayers, who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention, to frame a charter for said City and County in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said City and County, who shall publish the same in full, with his official certification, in the official newspaper of said City and County, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said City and County shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against), duly certified by the said Clerk, shall, within ten days after such vote is taken, be filed with the Secretary of State, and shall thereupon become and be the charter of the City and County of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election, to be called as above in said City and County, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection), until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the Secretary of State as aforesaid, whereupon it shall become the charter of the said City and County of Denver, and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid to the officers and members thereof, allowing no compensation in case of non-attendance or tardy-attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the City and County of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the President and Secretary thereof. The expenses of elections for charter conventions and of

charter votes shall be paid out of the treasury, upon the order of the council.

No franchise, relating to any street, alley or public place of the said City and County shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The Council shall have power to fix the rate of taxation on property each year for City and County purposes.

New Charters, Amendments of Measures.

Sec. 5. The citizens of the City and County of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided:

It shall be competent for qualified electors, in number not less than five per cent. of the next preceding gubernatorial vote in said City and County, to petition the Council for any measure, or charter amendment, or for a charter convention. The Council shall submit the same to a vote of the qualified electors at the next general election, not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said City and County, with a request for a special election, the Council shall submit it at a special election, to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The Clerk of the City and County shall publish, with his official certification for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said Clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and

he shall file with the Secretary of State two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the Secretary of State, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference, under proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment, or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the General Assembly, or interfere in any wise with the collection of state taxes.

Cities of the First and Second Class.

Sec. 6. Cities of the first and second class in this State are hereby empowered to propose for submission to a vote of the qualified electors, proposals for charter conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as near as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment.

SCHOOL DISTRICTS CONSOLIDATED.

Sec. 7. The City and County of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a Board of Education consisting of such numbers, elected in such manner as the general school laws of the State shall provide, and until the first election under said laws of a full Board of Education, which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1 and the respective presidents of the School Boards of school districts Nos. 2, 7, 17 and 21 at the time this amendment takes effect, shall act as such Board of Education, and all districts or special charters now existing are hereby abolished.

The said Board of Education shall perform all the acts and duties required to be performed for said district by the general laws of the State. Except as inconsistent with this amendment,

the general school laws of the State shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1."

Upon the annexation of any contiguous municipality which shall include a school district or districts, or any part of a district, said school district or districts or part shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts.

Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owning the same by special tax, to be fixed and certified by the Board of Education to the council, which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts, such tax shall be equitably apportioned upon the several parts thereof.

Sec. 8. Anything in the Constitution of this State in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

INDEX

A

	ART.	SEC.
ACCUSED,		
cannot be made to testify against himself.....	2	18
not to be twice in jeopardy.....	2	18
right of, to bail.....	2	19
right to have counsel.....	2	17
rights of in criminal cases.....	2	16
ACTS —of legislature take effect in ninety days.....	5	19
ADJOURNMENT,		
of legislature by governor when.....	4	10
neither house adjourn for over three days.....	5	15
ALIENS,		
property rights of.....	2	27
AMENDMENTS,		
to bill, to be read.....	5	22
to constitution, how adopted.....	19	2
APPEALS,		
can be taken when.....	6	23
APPROPRIATION,		
all money drawn on.....	5	33
no claim paid without.....	5	28
not to exceed tax, except.....	10	16
to private institutions forbidden.....	5	34
APPROPRIATION BILLS,		
contain but one subject.....	5	32
general, shall embrace what.....	5	32
ARBITRATION,		
legislature to pass laws concerning.....	18	3
ARMS,		
right of people to bear.....	2	13
ASSEMBLE,		
right to, given to people.....	2	24

	ART.	SEC.
ATTAINDER,		
no bill of, shall be passed.....	2	9
ATTORNEY GENERAL,	4	
AUDITOR OF STATE,	4	3
B		
BALLOT,	7	8
C		
CANVASS,		
of votes for state officers.....	4	3
for members of legislature.....	5	2
CHIEF JUSTICE,		
who shall be	6	8
CITIES,		
how classified	14	13
incorporation of, provided for.....	14	14
levy their own tax	10	7
may hold charter conventions.....	20	6
not to be released from tax.....	10	8
police courts in	6	26
shall not pledge credit	11	1
water supply, debt for	11	8
COMMISSIONER OF MINES,	16	1
COMMON CARRIERS,		
railroads declared to be	15	4
CONSTITUTION,		
amendments to, how adopted.....	19	2
CONTESTED ELECTION,		
ballots may be examined in.....	7	8
for executive office, tried by legislature.....	4	3
where tried	7	12
witness at, must give testimony.....	7	9
COUNTIES,		
classified for fee purposes.....	14	15
debt of, how created	11	6
maximum	11	6
officers of	14	8

	ART.	SEC.
COUNTY COMMISSIONERS,		
compensation of	14	7
election of	14	6
qualifications of	14	10
term of	14	6
vacancies in, how filled	14	9
COUNTY SUPERINTENDENT OF SCHOOLS,		
qualifications and term of office.....	9	6
COUNTY SURVEYOR,	9	6
COUNTY TREASURER,		
collect and disburse school funds.....	9	4
investigation of affairs of office.....	12	5
COURTS, COUNTY,		
appeal from	6	23
vacancy in, how filled	14	9
jurisdiction of	6	23
DISTRICT,		
judges of, qualifications of.....	6	16
salary	5	30
term of	6	12
jurisdiction of	6	11
SUPREME,		
departments of	6	5
original jurisdiction of	6	3
personnel of	6	5
D		
DEBT,	11	
DISTRICT ATTORNEY,		
election and qualification of.....	6	21
term of office	6	21
vacancy filled by district judge.....	6	29
E		
ELECTION	7	
EXECUTIVE DEPARTMENT	4	
EX POST FACTO LAWS,		
not to be passed.....	2	11

G		ART.	SEC.
GENERAL ASSEMBLY,			
acts of, when take effect.....	5		19
cannot change seat of government.....	8		2
cannot grant irrevocable franchise.....	2		11
cannot pass ex post facto law.....	2		11
extra sessions	4		9
extreme length of sessions of.....	5		6
vacancies in, how filled.....	5		2
GOVERNOR,			
bills presented. to for signature.....	4		11
commander of militia	4		5
fill vacancies, in office.....	4		6
in case of vacancy who succeeds.....	4		15
lieutenant governor act as when.....	4		13
term of office	4		1
veto power of	4		11
H			
HABEAS CORPUS,			
writ of, not to be suspended, except.....	2		21
I			
IMPEACHMENT,			
who is liable to	13		7
who is not subject to.....	13		2
J			
JUSTICE OF THE PEACE,			
election of	14		11
jurisdiction of	6		25
L			
LIEUTENANT GOVERNOR,			
acts as governor when.....	4		13
chosen by the people.....	4		3
LOCAL LAWS,			
when forbidden	5		25
M			
MINES			
		16	
O			
OFFICERS,			
county enumeration of		14	8
of militia, how chosen		17	3
salaries of, how determined		4	19

Q

QUORUM,	ART.	SEC.
in board of county commissioners.....	14	4
in either house, a majority.....	5	11

R

RELIGIOUS,		
freedom insured	2	4
tests not required	9	3

RESIDENCE,

for eligibility to county office.....	14	10
for eligibility to state office.....	4	4
of voter, state, etc.	7	1
place of, how determined	7	4

S

SALARY,

not to be increased during term.....	4	19
of district judge	5	30
of governor	5	30
of officers, how established.....	4	19
of supreme justices	5	30

SCHOOL FUND,

state, of what to consist.....	9	5
state treasurer custodian of.....	9	3
to remain intact.....	9	3
county how disbursed	9	4

SECRETARY OF STATE	4	
---------------------------------	----------	--

SHERIFF,

when elected	14	8
--------------------	----	---

STATE INSTITUTIONS,

legislature makes laws for.....	8	5
may be established	8	1
territorial institutions become	8	5
under control of state	8	5

SUPERINTENDENT OF PUBLIC INSTRUCTION,

acts as state librarian.....	4	
chosen by the people.....	4	
member of state land board.....	9	
president, board of education.....	9	
qualifications of	4	
term of office	4	

T

TAXES,	ART.	SEC.
churches, etc., exempt from.....	10	16
cities and counties, levy their own.....	10	7
exemptions	10	3
maximum rate of	10	11
 TERMS OF OFFICE,		
not to be extended.....	5	30
of county commissioners	14	6
of county judges	6	22
of county officers	14	8
of district attorneys	6	21
of district judges	6	12
of executive officers	4	1
of justice of peace	4	11
of legislative officers	5	3
of supreme justices	6	7
 TREASON,		
defined	2	9
conviction of	2	9
legislature cannot attain for.....	2	9
 V		
VACANCIES,		
in, county commissioners ..	14	9
county judge	6	29
county officers	14	9
district attorney	6	29
district judge	6	29
executive department, how filled.....	4	6
governor	4	13
lieutenant governor	4	14
supreme justice	6	29
 W		
WATER,		
in streams, dedicated to public.....	16	5
priority of right	16	6
rate to be charged for.....	16	8
rights to use, not to be denied.....	16	6
 WOMEN,		
legislature may grant, right to vote.....	7	2
may hold school offices.....	7	1
 WOMAN SUFFRAGE	7	2

Constitution

of the

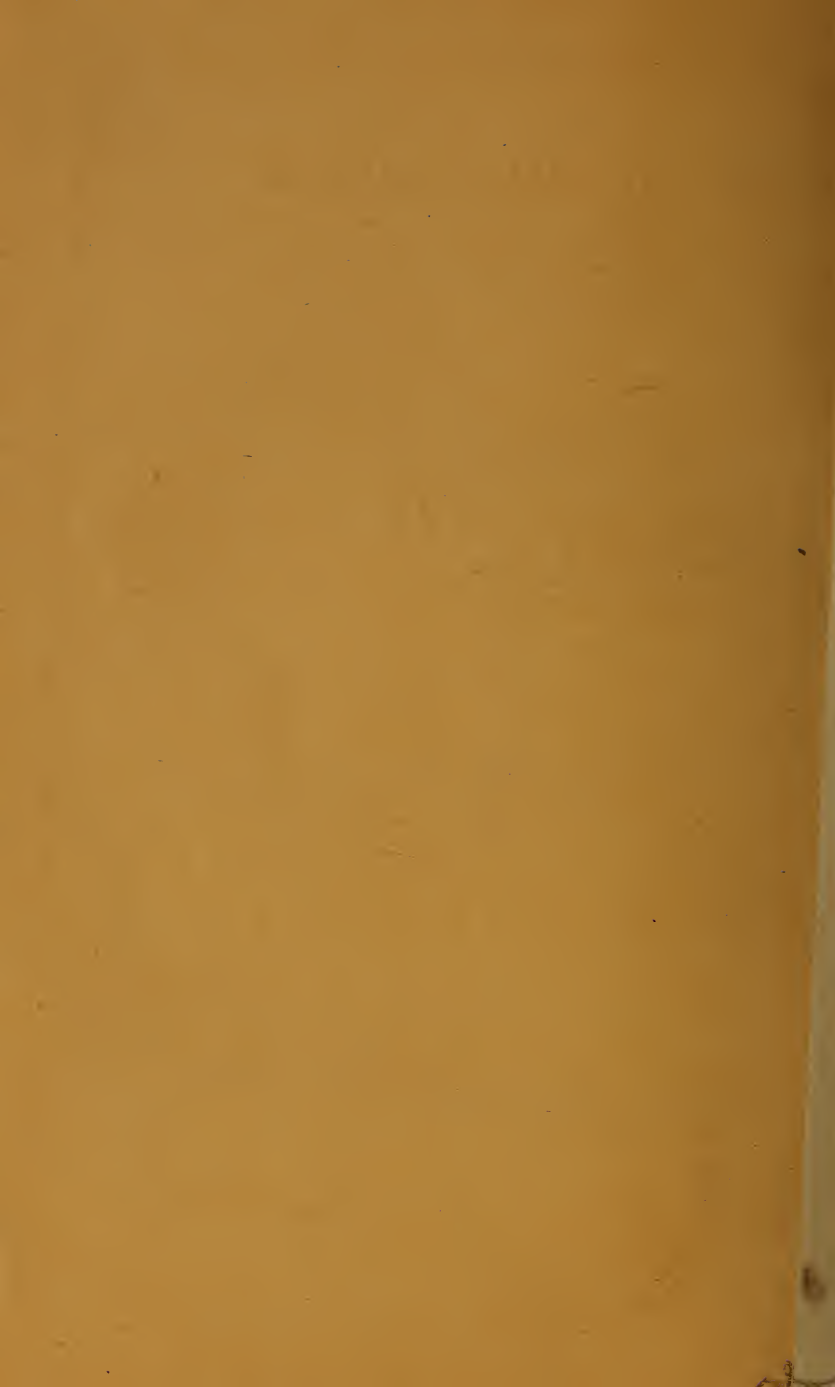
State of Colorado



Edited and Indexed by
Frank W. Roberts, A. M., Ph. D.



Adopted March 14, 1876, and Ratified July 1, 1876
with Amendments.



LIBRARY OF CONGRESS



0 021 051 312 7