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:

Section 1. 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.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. 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, offences shall be prosecuted criminally by indictment or information.

Section 9. 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.

Section 10. 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.

Section 11. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 16. 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.

Section 17. 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.

Section 18. 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.

Section 19. That all persons shall be bailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption great.

Section 20. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 21. 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.

Section 22. 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.

Section 23. 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.

Section 24. 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.

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

Section 26. 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.

Section 27. 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.

Section 28. 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.

Section 1. 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.

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

Section 3. 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 the said offices shall be determined by the two Houses, on joint ballot, in such manner as may be prescribed by law.

Section 4. 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.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. 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, also, 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.

Section 9. 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.

Section 10. 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.

Section 11. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. 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. 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.

Section 17. The officers of the Executive Department and of all Public Institutions of the State, shall, at least twenty days preceding each regular session of the General Assembly, make full and complete report of their actions to the Governor, who shall transmit the same to the General Assembly.

Section 18. 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.

Section 19. 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.

Section 20. The Superintendent of Public Instruction shall be ex-officio State Librarian.

Section 21. Neither the State Treasurer nor State Auditor shall be eligible for re-election as his own immediate successor.

Article V.

Legislative Department

Section 1. 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.

Section 2. 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 writs of election to fill such vacancies.

Section 3. Senators shall be elected for the term of four years, except as hereinafter provided, and Representatives for the term of two years.

Section 4. 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 preceding 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 a qualified elector under the Territorial laws, shall be eligible to the first General Assembly.

Section 5. 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 one 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. Each member of the first General Assembly, as a compensation for his services, shall receive four dollars for each days 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 whatsoever. 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.

Section 7. 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.

Section 8. 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.

Section 9. 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.

Section 10. 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.

Section 11. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 16. 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.

Section 17. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

Section 18. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Colorado."

Section 19. 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.

Section 20. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

Section 21. 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. Every bill shall be read at length, on three 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.

Section 23. 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.

Section 24. 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.

Section 25. 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 or 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, per centage 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 26. 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 signing shall be entered on the journal.

Section 27. 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.

Section 28. 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.

Section 29. 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. 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.

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

Section 32. 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.

Section 33. 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.

Section 34. 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.

Section 35. 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.

Section 36. 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.

Section 37. 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 provided by law.

Section 38. 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.

Section 39. 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 repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Section 40. 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 consideration 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 penalty as may be prescribed by law.

Section 41. 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.

Section 42. 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.

Section 43. 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.

Section 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.

Section 45. 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.

Section 46. 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.

Section 47. 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.

Section 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 Fremont 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 Plata, and San Juan shall constitute the twentieth district, and be entitled to one Senator.

Section 19. 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 Plata, 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. 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 created by law for cities and incorporated towns.

Supreme Court.

Section 2. 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. 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.

Section 4. At least two terms of the Supreme Court shall be held each year, at the seat of government.

Section 5. The Supreme Court shall consist of three Judges, a majority of whom shall be necessary to form a quorum or pronounce a decision.

Section 6. The Judges of the Supreme Court shall be elected by the electors of the State, at large, as hereinafter provided.

Section 7. The term of office of the Judges of the Supreme Court, except as in this Article otherwise provided, shall be nine years.

Section 8. 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.

Section 9. 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.

Section 10. 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.

Section 11. 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. 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.

Section 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 Plata, Hinsdale, Saguache and Lake.

Section 14. 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 such 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.

Section 15. 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, 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 of 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. 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.

Section 17. 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.

Section 18. 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 Counselor-at-Law.

Section 19. 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. 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. 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 compensation 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.

County Courts.

Section 22. 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.

Section 23. 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 Court.

Section 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.

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

Section 26. The General Assembly shall have power to provide for creating such Police Mag-

istrates 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.

Section 27. The Judges of Courts of Record inferior to the Supreme Court shall on or before the first day in 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.

Section 28. 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. 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.

Section 30. 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. 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.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

Section 7. The general election shall be held on the first Tuesday of 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. 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 9. 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.

Section 10. 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.

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

Section 12. 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.

Section 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.

Section 2. The General Assembly shall have no power to change or to 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 1. 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.

Section 2. 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 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.

Section 3. 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.

Section 4. 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.

Section 5. 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 devises that may be made to this State for educational purpose.

Section 6. 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.

Section 7. 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.

Section 8. 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.

Section 9. 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.

Section 10. 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.

Section 11. 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.

Section 12. 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."

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 16. 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.

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

Section 2. 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. 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.

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

Section 5. 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.

Section 6. All laws exempting from taxation, property other than that hereinbefore mentioned shall be void.

Section 7. 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.

Section 8. 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.

Section 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

Section 10. 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. 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 proposition to increase such rate, specifying the rate proposed, and the time during which the same 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.

Section 12. 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.

Section 13. 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.

Section 14. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Section 15. 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 real and personal property within their respective Counties. Each Board shall also perform such other duties as may be prescribed by law.

Section 16. 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.

Section 1. 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.

Section 2. 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 of 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.

Section 3. 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 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.

Section 4. In no case shall any debt above mentioned in this article be created except by a law which shall be irrepealable, 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 deficiences 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.

Section 5. 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. 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.

Section 7. 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 debt 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.

Section 8. No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrepealable 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.

Section 9. 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.

Section 1. 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.

Section 2. 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.

Section 3. 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.

Section 4. No person hereafter convicted of embezzlement of public moneys, 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.

Section 5. 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.

Section 6. — 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. —

Section 7. — 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. —

Section 8. — 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. —

Section 9. — 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. —

Section 10. — 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. —

Section 11. — 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. —

Section 12. — 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.

Section 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. —

Section 2. — 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 misdemeanors, 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. —

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

Article XIV.

Counties.

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

Section 2. — 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. —

Section 3. — 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. —

Section 4. — 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. —

Section 5. — 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. — 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. —

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

Section 8. 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.

Section 9. 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.

Section 10. 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. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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

Section 15. 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.

Section 1. 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.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. 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 employé thereof, shall give any preference to individuals, associations or corporations in furnishing cars or motive power.

Section 7. 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.

Section 8. 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.

Section 9. 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 the majority of the stock, first obtained at a meeting held after at least thirty days notice given in pursuance of law.

Section 10. 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.

Section 11. 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.

Section 12. 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 operation, 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.

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 1. 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.

Section 2. 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.

Section 3. The General Assembly may make such regulations from time to time, as may be necessary for the proper and equitable drainage of mines.

Section 4. 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.

Section 5. 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.

Section 6. 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.

Section 7. 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

Section 8. 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.

Section 1. 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.

Section 2. 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.

Section 3. 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.

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

Section 5. 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.

Article XVIII.

Miscellaneous.

Section 1. The General Assembly shall pass liberal homestead and exemption laws.

Section 2. 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.

Section 3. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences 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.

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

Section 5. 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.

Section 6. 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 lands of the public domain, the control of which shall be conferred by Congress upon the State.

Section 7. 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.

Section 8. 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.

Section 1. 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 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 the 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. 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.

Schedule.

That no inconvenience may arise by reason of the change in the form of government, it is hereby ordained and declared:

Section 1. That all laws in force at the adoption of this Constitution shall, so far as not inconsistent therewith, remain of the same force as if this Constitution had not been adopted, until they expire by their own limitation or are altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the Territory of Colorado, counties, individuals or bodies corporate (not inconsistent therewith) shall continue as if the form of government had not been changed and this Constitution adopted.

Section 2. That all recognizances, obligations and all other instruments, entered into or executed before the admission of the State, to the Territory of Colorado, or to any county, school district or other municipality therein, or any officer thereof, and all fines, taxes, penalties and forfeitures due or owing to the Territory of Colorado or any such county, school district or municipality, or officer; and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the change of the form of government. All indictments which shall have been found, or may hereafter be found, and all informations which shall have been filed, or may hereafter be filed, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in the Constitution.

Section 3. That all property, real and personal, and all moneys, credits, claims and choses in action, belonging to the Territory of Colorado at the adoption of this Constitution, shall be vested in and become the property of the State of Colorado.

Section 4. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

Section 5. Whenever any two of the Judges of the Supreme Court of the State elected or appointed under the provisions of this Constitution shall have qualified in their office, the causes theretofore pending in the Supreme Court of the Territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State; and until so superceded, the Supreme Court of the Territory and the Judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted. Whenever the Judge of the District Court of any District elected or appointed under the provisions of this Constitution, shall have qualified in his office, the several causes theretofore pending in the District Court of the Territory, within any county in such district, and the records, papers and proceedings of said District Court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the District Court of the State, for such county, and until the District Courts of the Territory shall be superceded in manner aforesaid, the said District Courts and the Judges thereof shall continue with the same jurisdiction and powers to be exercised in the same Judicial Districts respectively as heretofore constituted under the laws of the Territory.

Section 6. The terms of office of the several Judges of the Supreme and District Courts and the District Attorneys of the several Judicial Districts first elected under this Constitution shall commence from the day of filing their respective oaths of office in the office of the Secretary of State.

Section 7. Until otherwise provided by law the seals now in use in the Supreme and District Courts of this Territory are hereby declared to be the seals of the Supreme and District Courts respectively of the State.

Section 8. Whenever this Constitution shall go into effect, the books, records, papers and proceedings of the Probate Court in each county, and all causes and matters of administration pending therein shall pass in to the jurisdiction and possession of the County Court of the same county, and the said County Court shall proceed to final decree or judgment, order or other determination, in the said several matters and causes as the said Probate Court might have done if this Constitution had not been adopted. And until the election of the County Judges provided for in this Constitution, the Probate Judges shall act as Judges of the County Courts within their respective Counties, and the seal of the Probate Court in each county shall be the seal of the County Court therein until the said court shall have procured a proper seal.

Section 9. The terms "Probate Court" or "Probate Judge", whenever occurring in the Statutes of Colorado Territory, shall, after the adoption of this Constitution, be held to apply to the County Court or County Judge, and all laws specially applicable to the Probate Court in any county, shall be construed to apply to and be in force as to the County Court in the same county, until repealed.

Section 10. All county and precinct officers, who may be in office at the time of the adoption of this Constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified in accordance with the provisions of this Constitution, and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted.

Section 11. All county offices that may become vacant during the year eighteen hundred and seventy-six by the expiration of the term of the persons elected to said offices, shall be filled at the general election on the first Tuesday in October in the year eighteen hundred and seventy-six, and, except County Commissioners, the persons so elected shall hold their respective offices for the term of one year.

Section 12. The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Colorado admitted into the Union; and the Governor, Secretary, Treasurer, Auditor and Superintendent of Public Instruction of the Territory of Colorado shall continue to discharge the duties of their respective offices after the admission of the State into the Union until the qualification of the officers elected or appointed under the State government; and said officers, for the time they may serve, shall receive the same compensation as the State officers shall by law be paid for like services.

Section 13. In case of a contest of election between candidates, at the first general election under this Constitution, for Judges of the Supreme, District or County Courts, or District Attorneys,

the evidence shall be taken in the manner prescribed by Territorial law; and the testimony so taken shall be certified to the Secretary of State, and said officer, together with the Governor and Attorney General, shall review the testimony, and determine who is entitled to the certificate of election.

Section 14. The votes at the first general election under this Constitution for the several officers provided for in this Constitution who are to be elected at the first election shall be canvassed in the manner prescribed by the Territorial law for canvassing votes for like officers. The votes cast for the Judges of the Supreme and District Courts and District Attorneys shall be canvassed by the County Canvassing Board in the manner prescribed by the Territorial law for canvassing the votes for members of the General Assembly; and the County Clerk shall transmit the abstracts of votes to the Secretary of the Territory acting as Secretary of State, under the same regulations as are prescribed by law for sending the abstracts of votes for Territorial officers; and the aforesaid acting Secretary of State, Auditor Treasurer, or any two of them, in the presence of the Governor, shall proceed to canvass the votes, under the regulations of Sections thirty-five and thirty-six of Chapter twenty-eight of the Revised Statutes of Colorado Territory.

Section 15. Senators and members of the House of Representatives shall be chosen by the qualified electors of the several Senatorial and Representative Districts as established in this Constitution until such Districts shall be changed by law; and thereafter by the qualified electors of the several Districts as the same shall be established by law.

Section 16. The votes cast for Representatives in Congress at the first election held under this Constitution shall be canvassed and the result determined in the manner provided by the laws of the Territory for the canvass of votes for Delegate in Congress.

Section 17. The provision of the Constitution that no Bill except the General Appropriation Bill introduced in either House after the first twenty-five days of the session shall become a law, shall not apply to the first session of the General Assembly; but no bill introduced in either House at the first session of the General Assembly after the first fifty days thereof, shall become a law.

Section 18. A copy of the abstracts of the votes cast at the first general election held under this Constitution shall by the County Clerks of the several counties be returned to the Secretary of the Territory immediately after the canvass of said votes in their several counties; and the Secretary, Auditor and Treasurer of the Territory, or any two of them, shall on the twenty-fifth day after the election, meet at the seat of government and proceed to canvass the votes cast for members of the General Assembly and determine the result thereof.

Section 19. The General Assembly shall, at their first session, immediately after the organization of the two Houses and after the canvass of the votes for officers of the Executive Department, and before proceeding to other business, provide by Act or Joint Resolution for the appointment by said General Assembly of electors in the Electoral College, and such Joint Resolution or the Bill for such enactment may be passed without being printed or referred to any Committee, or read on more than one day in either House, and shall take effect immediately after the concurrence of the two Houses therein, and the approval of the Governor thereto shall not be necessary.

Section 20. The General Assembly shall provide that after the year eighteen hundred and seventy-six the electors of the Electoral College shall be chosen by direct vote of the people.

Section 21. The General Assembly shall have power at their first session to provide for the payment of the expenses of this Convention if any there be then remaining unpaid.

Section 22. All recognizances, bail bonds, official bonds and other obligations or undertakings, which have been, or at any time before the admission of the State shall be made or entered into, and expressed to be payable to the People of the Territory of Colorado, shall continue in full force notwithstanding the change in the form of government, and any breach thereof, whenever occurring, may after the admission of the State be prosecuted, in the name of the People of the State.

Done in Convention at the City of Denver Colorado, this fourteenth day of March in the year of our Lord one thousand eight hundred and seventy-six; and of the independence of the United States the One Hundredth.

In Witness Whereof, we have hereunto subscribed our names.

J. Wilson
President

W. N. Byers
Casimiro Barela
Wm E. Beck
George Boyles
Byron L. Carr
Thos. McClurg
Williams M. Clark
A. D. Cooper
Henry R. Crosby
Robert Douglas
Frederick J. Ebert
Lewis E. Ellsworth
Clarence P. Eyer
Willard B. Felton
Jesus Ma. Garcia
Daniel Heard
Lafayette Head *

Alvin Marsh
S. J. Plumb
Geo. E. Pease
Robert A. Quilliam
Lewis G. Rockwell
Wilbur F. Stone
William C. Stover
Henry C. Thatcher
Agapito Vigil
W. W. Webster
George M. White
Ezekiel J. Wells
D. J. Wilcox
John S. Wheeler
M. Whitsitt
Abram Knox Yount

Wm H. James
William R. Kennedy
William Space

attest
W. W. Colson Secretary
Herbert Stanley First Assistant Secretary.
H. A. Dorsey 2d Asst. Secretary

* Signed in my presence, as per Resolution of Convention March 15th 1876:
Allen Toffe, Secretary

Be it remembered, that in the Convention of the Representatives of the People of the Territory of Colorado, chosen in pursuance of the Act of Congress of the United States, entitled "An Act to enable" "the People of Colorado to form a Constitution and State Government" "and for the admission of the said State into the Union on an equal" "footing with the original States", approved March 3d A.D. 1875, and assembled at the seat of government of said Territory in pursuance of said Act on the 20th day of December A.D. 1875; after the organization of said Convention and before proceeding to other business, it was on the 22d day of December A.D. 1875

Resolved:

"That in pursuance of the Enabling Act, and in"
"behalf of the People of Colorado, we in Convention assembled"
"do adopt the Constitution of the United States."

I hereby certify that the foregoing is a true copy of a Resolution passed on the 22d day of December A.D. 1875 by the Constitutional Convention of Colorado as the same is found of record in the Journal thereof for the day above mentioned.

J. Wilson
President

Attest:
W. M. Coulson Secretary
Herbert Stanley, 1st Assistant Secretary
H. A. Dorsey 2d Assistant Secretary

Ordinance

In conformity with the requirements of an Act of the Congress of the United States, entitled "An Act to enable the People of Colorado to form a Constitution" "and State Government, and for the admission of said State into the Union on an" "equal footing with the original States", approved March 3rd A.D. 1875, on behalf and by the authority of the People of the Territory of Colorado, this Convention assembled in pursuance of said Enabling Act at the City of Denver, the capital of said Territory, on the twentieth day of December A.D. 1875, does ordain and declare:

First — That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Second — That the people inhabiting the Territory of Colorado, by their representatives in said convention assembled, do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States: that the lands belonging to citizens of the United States residing without said State, shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

Third — That this Ordinance shall be irrevocable without the consent of the United States and the people of the State of Colorado.

I hereby certify that the foregoing is a true copy of an Ordinance adopted on the 3rd day of February A.D. 1876 by the Constitutional Convention of Colorado, as the same is now of record in the Journal thereof for the day above mentioned

J. C. Wilson
President

Attest

W. M. Goudy — Secretary
Herbert Stanley — 1st Assistant Secretary
H. A. Dorsey — 2d Assistant Secretary

Election Ordinance

In conformity with the requirements of an Act of the Congress of the United States, entitled "An Act to enable the People of Colorado to form a Constitution and State Government, and for the Admission of said State into the Union on an equal footing with the Original States" approved March 3d A. D. 1875, on behalf and by the authority of the People of the Territory of Colorado, this Convention assembled in pursuance of said enabling Act at the City of Denver, the Capital of said Territory, on the twentieth day of December, A. D. 1875, does Ordain and Declare.

First. — That an Election shall be held throughout the Territory of Colorado, on the first day of July, in the Year Eighteen hundred and Seventy six, for the ratification or rejection of the Constitution framed and adopted by this Convention.

Second. — At said Election the Constitution framed and adopted by this Convention shall be submitted to the People of the Territory for their ratification or rejection, and all persons who are then qualified Electors under the Laws of the Territory, shall be qualified to vote upon the ratification or rejection thereof.

Third. — Said Election shall be held at the several places in the several Wards and Precincts throughout the Territory, appointed for the holding of Elections under the Laws of the

Territory, and shall be conducted in the manner prescribed by the Laws of said Territory regulating Elections. The Judges of Elections, appointed under the Laws of the Territory, in each of said wards and precincts, shall act as the Judges of said Election, and vacancies in the Board of Judges of any ward or precinct shall be filled, and clerks of Election shall be appointed in the manner prescribed by said Laws. —Provided— That no Law requiring a Registration of Voters shall apply to said Election, (and any qualified Elector may at said Election vote at any ward or precinct in the Territory)

—Whenever any person shall present himself to vote at said Election, and either of the Judges shall suspect that such person is not a qualified Elector of the Territory, or if his vote shall be challenged by any Elector who has previously voted at the said Election, then before the ballot of such person shall be received, he shall take and subscribe the following Oath or Affirmation: —"You do solemnly swear (or affirm) that you are a resident of _____ County, in the Territory of Colorado; that you have resided in this Territory six months immediately preceding this Election; that you have to the best of your knowledge and belief attained the age of twenty one years, and have not voted at this Election"!

—Fourth— Each Elector voting at said Election shall deposit in the Ballot box, a ticket, whereon shall be printed or written, the words "For the Constitution"; or the words, "Against the Constitution" or other Equivalent words.

—Fifth.— The acting Governor of the Territory, shall within thirty days after the Adjournment of this Convention, issue his Proclamation for said Election, to be held in conformity with the provisions of this Ordinance; and the Secretary of the Territory, shall, on or before the fifteenth day of May, A.D. 1876, make out and transmit to the Sheriff of each county a notice in writing of said Election, together with a copy of this Ordinance

—Sixth.— The votes cast at said Election for the adoption or rejection of the Constitution, shall be canvassed in the manner prescribed by the Laws of the Territory of Colorado, for canvassing the votes of General Elections; and the returns of said Election shall be made to the acting Governor of the Territory, who, with the Chief Justice and the United States Attorney of said Territory, or any two of them, shall canvass the same, and if a majority of the legal votes cast, shall be for the Constitution, the acting Governor shall certify the same to the President of the United States, together with a copy of said Constitution and the Ordinances adopted by this Convention.

I hereby Certify that the foregoing is a true Copy of an Ordinance adopted on the Tenth day of March, A.D. 1876 by the Constitutional Convention of Colorado as the same is now of record in the Journal thereof, for the day above mentioned.

J. Wilson
President

Attest
W. M. Coulson — Secretary
Herbert Stanley — 1st Assistant Secretary
H. A. Terpening — 2d Assistant Secretary.